

COMHAIRLE NAN EILEAN SIAR SCHEME OF ADMINISTRATION SEPTEMBER 2024

Contents

SCHEME OF ADMINISTRATION	2
COMHAIRLE NAN EILEAN SIAR	8
POLICY AND RESOURCES COMMITTEE.....	9
HUMAN RESOURCES SUB-COMMITTEE	14
WESTERN ISLES INTEGRATION JOINT BOARD	16
COMATAIDH NA GÀIDHLIG	20
BUDGET AND STRATEGY BOARD.....	21
INVESTMENT DELIVERY BOARD	22
AUDIT AND SCRUTINY COMMITTEE	24
EMERGENCY POWERS COMMITTEE.....	28
COMMUNITY SAFETY BOARD	29
CIVIC GOVERNMENT LICENSING PANEL	30
EDUCATION, SPORT AND CHILDREN’S SERVICES COMMITTEE	31
EDUCATION RESOURCES SUB-COMMITTEE	33
PLANNING APPLICATIONS BOARD	34
LOCAL REVIEW BODY	37
SUSTAINABLE DEVELOPMENT COMMITTEE	40
HOUSING SUB COMMITTEE	43
TRANSPORTATION AND INFRASTRUCTURE COMMITTEE.....	44
EDUCATION APPEALS COMMITTEE	47
EMPLOYEE JOINT CONSULTATIVE COMMITTEE.....	48
LOCAL NEGOTIATING COMMITTEE: TEACHING STAFF	50
SOCIAL WORK AND SOCIAL CARE BOARD	52

SCHEME OF ADMINISTRATION

Purpose of Scheme

- 1 This Scheme details the membership, quorum, purpose and functions of the Comhairle and its Committees, Sub-Committees, Panels and Joint Consultative Committees. It also regulates certain aspects of procedure.

Implementation and Amendments to Scheme

- 2 This Scheme shall come into effect on 17 May 2022. The Comhairle may amend or suspend any part of the Scheme at any time.

Interpretation

- 3 In this Scheme the words and expressions defined in Standing Order 1 of the Constitution shall have the meaning set out in that Standing Order. The following words and expressions used specifically in the Scheme shall have the meaning stated:

Delegated - Arrangements have been made for the discharge of a function by a committee or sub-committee or an officer for the purposes of Section 56 of the Local Government (Scotland) Act 1973.

Constitution- The Standing Orders; Contract and Financial, Regulations; Councillors Code of Conduct; Schemes of Administration, Appointment and Delegation; List of Politically Restricted and Statutory Posts and Conventions.

References in the Comhairle's Schemes, Regulations and Orders to functions, procedures, notices and certificates under previous legislation shall be taken to include references to similar, like or equivalent functions, procedures, notices and certificates under subsequent and amended legislation.

Committees

- 4 As stated in Standing Order 4, the Comhairle will appoint the following Committees:

- (1) Policy and Resources Committee.
- (2) Audit and Scrutiny Committee; and
- (3) the following Service Committees:
 - (a) Education Sport and Children's Services Committee.
 - (b) Sustainable Development Committee.
 - (c) Transportation and Infrastructure Committee.

- 5 The Comhairle and its committees shall have the membership; quorum, purpose and functions set out in this scheme. The committees may appoint sub-committees, panels and working groups to consider specific matters falling inside their remits.

- 6 The Comhairle may:

- (1) Appoint other committees with such membership, quorum, purpose and functions as it may decide.
- (2) Disestablish a committee.
- (3) Amalgamate the purpose and functions of two or more committees.

(4) Transfer functions between committees.

7 Subject to the provisions of the 1973 Act and any other statutes:

(1) Each committee shall give effect to any instructions of the Comhairle and for these purposes an instruction shall be taken to include a decision taken by the Comhairle against the recommendation of the committee.

(2) The Comhairle may deal with any matter included in the reference or delegation to a committee although no report from such a committee is before it.

(3) The Comhairle may vary, add or restrict any reference or delegation to any committee.

Membership

8 (1) The maximum number of councillors who can serve on a service committee is twenty including the Convener and Leader ex-officio.

(2) No member of the Comhairle shall be appointed to serve on more than two service committees, apart from the ex-officio membership of Convener and Leader. Membership of the Policy and Resources Committee or the Audit and Scrutiny Committee does not count towards this limit.

(3) No member of the Policy and Resources Committee or a Sub-Committee of the Policy and Resources Committee shall be eligible to serve on the Audit and Scrutiny Committee.

(4) Each service committee, Policy and Resources and Audit and Scrutiny Committees shall have at least one member from each electoral ward and will reflect the political balance of the Comhairle.

(5) The Comhairle may appoint co-opted members to any committee, sub-committee or panel, if it considers that it will be beneficial to do so. Co-opted members appointed under this paragraph shall have the right to speak at meetings of the committees they have been appointed to, but shall not vote. This paragraph does not affect the statutory rights of representatives of religious interests appointed to the Education Sport and Children's Services Committee to speak and vote on any matter before that committee.

Appointment of Members

9 (1) The Comhairle shall appoint all members of committees.

(2) Each committee shall appoint all the members of sub-committees, panels and working groups. A committee can appoint any member of the Comhairle to serve on its sub-committees, panels and working groups even if that member is not a member of the committee. At least three members of any sub-committee, panel or working group must be a member of its parent committee.

(3) The term of membership of committees shall be until the next ordinary election of Councillors, unless the law states otherwise or the member resigns from a particular committee. If a member resigns from a committee his or her membership of any sub-committees of that committee will cease.

(4) Any sub-committee, panel or working group other than those detailed in this Scheme shall be established for a time-limited period. This period of time and the remit will be set out at the time the sub-committee, panel or working group is created. If no period of time is specified at the time of establishment, it will be presumed that the period of appointment will be for six months.

- (5) A committee may appoint up to three substitute members to attend meetings of their sub-committees and working groups if substantive members are unable to attend. The Chief Executive will draw up procedures for the appointment of substitute members and setting out the circumstances in which a substitute can attend a meeting of the sub-committee or working group and issue said procedures to Members.

Casual Vacancies

- 10 Casual vacancies in the membership of any committee or sub-committee, however arising, shall be filled as soon as possible and the term of office of members appointed to fill casual vacancies shall be until the next ordinary election of Councillors. If a casual vacancy arises within six months immediately preceding the next ordinary election of Councillors, the Comhairle or committee, as appropriate, may decide that the vacancy shall remain unfilled for the remainder of that period.

Ex-officio Members

- 11 The Convener and Leader shall be members of the Policy and Resources Committee and all service committees, but not of the Audit and Scrutiny Committee. The Chair of a service committee shall be a member of any sub-committees of that committee.

Quorum

- 12 (1) The quorum for meetings of a committee shall be as stated in this Scheme. If co-opted members have been appointed to a committee, the number required for a quorum shall be adjusted to take into account the number of co-opted members.
- (2) The quorum for meetings of a sub-committee, panel or working party shall be three members of the sub-committee, panel or working group.

Referred Functions

- 13 (1) All functions included in the remit of any committee or sub-committee have been referred to that committee, unless specifically stated otherwise.
- (2) Each committee shall report to the Comhairle on the functions referred to it. The Comhairle shall consider and approve or amend the recommendations made as it sees fit.
- (3) The Comhairle may refer any function of a committee to another committee on a particular occasion if this will assist in the conduct of the Comhairle's business.
- (4) A committee may refer an item of business to another committee when it will help in the conduct of business generally. If a committee recommends that another committee should take particular action, the Comhairle will consider and may determine the recommendation in the first instance.

Delegated Functions

- 14 (1) A committee or sub-committee shall exercise any function delegated to it as if it were acting with the full powers of the Comhairle. A committee or sub-committee may decline to exercise delegation granted to it and elect to make a recommendation to the Comhairle on the matter concerned.

- (2) Any decision that needs to be determined by members under the terms of the safeguards in the Scheme of Delegation to Officers shall be considered by a committee or sub-committee, as judged appropriate by the Chief Executive.
- (3) All functions remitted to Appeals Panels, Short-Leeting Panels and Interview Panels shall be deemed to have been delegated to the relevant panel.

Delegation to Sub-Committees and Directors

- 15 A committee may delegate authority to a sub-committee or panel or to the Chief Executive or a Director to discharge any function delegated to that committee. Following consultation with the Chairs of the relevant committee and sub-committee, the Chief Executive may refer a matter delegated or referred to a sub-committee or panel direct to the relevant parent committee if he or she thinks that it will assist the effective administration of business.

Delegation – Exclusions

- 16 The following matters shall be excluded from the delegation to any committee, sub-committee, panel, working group or officer:
- (1) determining all matters relating to elections which are not the responsibility of the Returning Officer;
 - (2) the raising of money by Council Tax or any other form of legal rate, local taxation or loan;
 - (3) the incurring of any expenditure not provided for in the capital programme or budget of revenue expenditure of the Comhairle relating to matters referred to the committee unless and until such expenditure is reported to and approved by the Comhairle;
 - (4) the enactment, alteration or revocation of any schemes required by statutes, regulations or by-laws;
 - (5) a Report by the Monitoring Officer;
 - (6) any function referred or delegated to any other committee; and
 - (7) taking any other decisions, which cannot by law, be delegated to a Committee, Sub-Committee or officer.

Conditional Delegation

- 17 A committee may determine any item of business on behalf of the Comhairle when it considers that action needs to be taken as a matter of urgency to protect the Comhairle's interest or to meet a deadline imposed by statute or an external agency. Any decision to act on behalf of the Comhairle must be moved and seconded and agreed unanimously by the committee. The committee cannot exercise the conditional delegation conferred by this paragraph in the following circumstances:
- (1) If the matter is considered to be contentious.
 - (2) If the matter concerns anything that is excluded from the delegation to a committee by virtue of paragraph 16 above.

- (3) If the decision would require a supplementary budget to enable the proposed action to be implemented.
- (4) If implementing the decision would commit the Comhairle to expenditure in future financial years.
- (5) If the matter requires by statute to be considered by the Comhairle.

Officer Advice at Comhairle Meetings

- 18 In addition to the advisory duties of the Chief Executive at the Comhairle meeting and the statutory provisions relating to the Monitoring Officer, other Directors or his or her nominee may be invited to advise the Comhairle on any matter before it relating to their service and its functions. Where a report, oral or written (other than a committee decision report) has been submitted to the Comhairle for consideration, the relevant Director or his or her nominee shall present the report and answer questions in the normal way prior to any debate by members.

Member Attendance at Committee meetings

- 19 (1) All members may attend meetings of the Comhairle's committees although they are not members of the committee and may, with the consent of the Chair, speak, subject to their contribution being given prior to formal debate. No member may vote at a meeting of any committee of which he or she is not a member.
- (2) No member may attend any meeting of a short-leeting or appointments panel or appeals panel unless he or she is a member of that panel or is specifically invited to the meeting. This includes meetings of committees called for that purpose.
- (3) No member may attend any meeting of a sub-committee or working group, including meetings of a committee or sub-committee meeting as a working group, unless he or she is a member of the committee, sub-committee or working group or is specifically invited to attend the meeting.

Member Attendance at Meetings of Outside Bodies

- 20 (1) The Comhairle shall appoint or nominate, as appropriate, all members serving as its representatives on external bodies.
- (2) The Comhairle may identify a substitute to attend meetings of any body or bodies on which it is represented when the principal representative is unable to attend a meeting of that body.
- (3) If an identified substitute is unable to attend the Chair of the relevant committee or, in his or her absence, the Chief Executive, in consultation with the Convener and Leader, shall select a substitute, if possible from amongst the membership of the committee.

Agenda Circulation

- 21 The Chief Executive shall circulate the agendas of all committees (with the exception of short-leeting panels, appointments panels, appeals panels, Human Resources Sub-Committee and any agenda dealing with individual employee(s) of the Comhairle or quasi-judicial matters) to all members of the Comhairle whether or not they are members of the committee. The agenda of any short-leeting panel, appointments panel or appeals panel shall be circulated only to the members of the panel.

Hearings

- 22 All service committees shall have the right to make arrangements to hold and determine under delegated powers any necessary hearings arising from the remit of the committee in respect of a matter referred to that Committee. Any committee making such arrangements shall have regard to the terms of Standing Orders and this Scheme and to the requirements of natural justice and human rights law. Members who are not members of a committee exercising this power shall not be entitled to attend any meeting called for this purpose, except by specific invitation.

Corporate Strategy

- 23 In addition to the other specific functions set out in the Scheme of Administration each service committee's functions shall include work towards the achievement of the Comhairle's Corporate Strategy.

Committees Meeting Informally

- 24 The Comhairle and each committee and sub-committee may meet informally as a working group upon the issue of an agenda by the Chief Executive in consultation with the Convener and the Chair of the relevant committee or sub-committee, as appropriate. If a committee meets as a working group, members of the Comhairle who are not members of that committee shall not be entitled to attend the meeting, unless specifically invited.

Joint Committees

- 25 All members shall be eligible for appointment to the places available to the Comhairle on the Highland and Western Isles Valuation Joint Board.

Working Groups

- 26 All working groups appointed by the Comhairle or any committee shall operate in terms of the Rules of Procedure for Working Groups.

COMHAIRLE NAN EILEAN SIAR

Membership

All the twenty-nine members elected in accordance with the provisions of the 1973 Act and the Representation of the People Acts.

Quorum

Eight members of the Comhairle.

Purpose

To create vision, values and core strategy and to arbitrate on delegated functions.

Functions

- 1 To define the principal objectives of the Comhairle and to develop and maintain a Corporate Strategy
- 2 To adopt core corporate strategies which seek to maximise the resources available for services and to ensure value for money in the use of these resources.
- 3 To define the priorities for the utilisation of resources and their allocation between the various functions and activities of the Comhairle.
- 4 To set the revenue and capital budgets for services, including the allocation of resources between services. The Policy and Resources Committee will recommend the process for determining service budgets and the initial allocation of resources.
- 5 To set the Council Tax. The Policy and Resources Committee will recommend the appropriate level of Council Tax for consideration by the Comhairle.
- 6 To approve internal regulations and rules of procedure, taking account of statutory requirements and best practice. The Audit and Scrutiny Committee will keep these regulations and rules under review and recommend any changes for the Comhairle's consideration.
- 7 To consider and determine recommendations from committees regarding the functions referred to them and any other matter referred for decision by a committee.
- 8 To receive and consider Annual Reports from Curam is Slainte nan Eilean Siar (Western Isles Integration Joint Board).
- 9 To consider Reports from the Monitoring Officer.
- 10 To appoint members of committees and to nominate or appoint the Comhairle's representatives on external bodies.

POLICY AND RESOURCES COMMITTEE

Membership

Not more than fourteen members (unless a greater number is required to ensure representation from every ward) comprising:-

- The Convener ex officio;
- The Leader ex officio (who will be Chair of the committee);
- The Chairmen of the service committees;
- Nine other members appointed by the Comhairle on the basis that each ward shall have at least one representative on the Policy and Resources Committee.

No member of Policy and Resources Committee may also be a member of Audit and Scrutiny Committee.

Quorum

Four members of the committee.

Purpose

To plan, develop and allocate resources to implement plans.

Functions

- 1 Policy Planning
 - 1 Formulation and review of the Corporate Strategy for consideration by the Comhairle.
 - 2 Formulation of the policies and programmes necessary to implement the Comhairle's objectives including all matters relating to internal and external communication, representational and advocacy roles.
 - 3 Consideration of all matters of relevance to the Comhairle considered or to be considered by Outer Hebrides Community Planning Partnership.
- 2 Governance
 - 1 Scrutiny and interrogation of quarterly performance reports in relation to business plans of relevance to the Committee
 - 2 In the context of the Comhairle's duty to achieve best value and continuous improvement, the identification of a programme of budget efficiency projects and self-assessment.
 - 3 All matters which fall within the remit of more than one of the standing service committees or which fall within none of the remits and to consider recommendations from other committees to consider particular issues or to refer a matter to another committee for consideration.
 - 4 To determine all matters relating to the Comhairle's functions associated with elections and electoral arrangements.

- 5 The promotion of equalities and ensuring compliance with equalities legislation.
- 3 Community Empowerment
 - 1 Matters relating to the Comhairle's powers and duties under the Community Empowerment (Scotland) Act 2015 including consideration of such participation requests that are not delegated to officers under the Scheme of Delegation.
 - 2 The formulation of Comhairle's strategy for working with the voluntary sector and encouraging the work of volunteers in the community.
 - 3
 - (1) To prepare schemes for the establishment of Community Councils for approval by the Comhairle;
 - (2) To secure the provision of advice, guidance and facilities to Community Councils; and
 - (3) All matters concerned with the relationship between the Comhairle and Community Councils;
- 4 Human Resources
 - 1 Consideration of Reports from the Chief Executive in his/her capacity as Head of Paid Service in terms of Section 1 of the Local Government and Housing Act 1989 in relation to the structure of the Comhairle at departmental and service level.
 - 2 The formulation of the Comhairle's Policies and Strategies in all matters relating to the Comhairle employees following consultation with the Joint Consultative Committee: Local Government Employees and the Local Negotiating Committee: Teaching Staff as appropriate.
 - 3 Approval of the Comhairle's Pay Model and such terms and conditions of its employees as are not nationally determined.
- 5 Finance and Resources
 - 1 The provision of goods, services and works, including any materials required in connection with the various functions and activities of the Comhairle.
 - 2 Matters relating to the financing of the Comhairle's activities, including:-
 - (1) the systems of local taxation and revenues in general and the operation of the system by the Comhairle, arrangements for collection and the granting of rebates and relief.
 - (2) the policies to be adopted by the Comhairle on proposals for alternative forms of local taxation and revenues.
 - (3) any system of hypothecated central government revenue support grant and other systems of grants available generally or in respect of a range of services.
 - (4) the policies to be adopted by the Comhairle on charges levied for local authority services.
 - 3 Matters relating to the allocation of the financial resources of the Comhairle to the various services which the Comhairle is required or empowered to provide, including:-

- (1) arrangements for the preparation, consideration and approval by the Comhairle and its Committees of:
 - (a) annual revenue budgets; and
 - (b) capital expenditure plans covering a number of years.
 - (2) arrangements for consideration of programmes of capital expenditure including:-
 - (a) the general level of capital expenditure;
 - (b) the relationship between programmes of capital expenditure for individual services; and
 - (c) the allocation to individual services or projects of general consents.
- 4 Matters relating to the management of the financial resources of the Comhairle, including:-
- (1) arrangements for forecasting expenditure;
 - (2) arrangements for controlling expenditure within the limits of budgetary provision;
 - (3) arrangements for the receipt and payment of money by the Comhairle;
 - (4) arrangements for the borrowing and lending of funds including prudential borrowing;
 - (5) arrangements for the recording of income and expenditure and the preparation of statutory accounts and other financial statements; and
 - (6) arrangements for governing the supply of goods, services and works to the Comhairle.
 - (7) Consideration of Reports requesting that Comhairle grant an additional budget to the Western Isles Integration Joint Board (IJB) during a financial year prior to any such report being considered by IJB.
- 5 The control of expenditure within the limits of the Budgets, or within the Programmes of Capital Expenditure approved by the Comhairle.
- 6 The levels of Revenue Expenditure to be incurred by the Comhairle and the relationship between the Budgets for individual services.
- 7 The levels of Capital Expenditure to be incurred by the Comhairle and the relationship between the programmes of Capital Expenditure for individual services.
- 8 The use of the Comhairle's contingency funds and revenue balances.
- 9 Monitoring the Loans Fund and formulating and keeping under review policies for the management of the Fund.
- 10 Formulating and keeping under review policies for the maintenance of insurances in respect of the Comhairle's activities.
- 11 The provision of financial assistance in respect of applications made under schemes of assistance initiated by Central Government or other public bodies for the economic and social development of the area.
- 12 The provision of financial assistance to Community Councils, and Third Sector organisations.

- 13 Monitoring and reviewing policies in relation to the maximisation of resources to Na h-Eileanan an Iar via the Revenue Support and other Grants.
 - 14 Review and formulation of recommendations in connection with the Council tax system and in respect of all other local revenues.
 - 15 To receive reports on action taken by way of diligence in respect of arrears of Council Tax, Non-Domestic Rates, and sundry debts or otherwise.
 - 16 The administration under delegation of all aspects of the Comhairle's Housing Benefits function.
 - 17 Matters relating to strategic Risk Management.
- 6 Gaelic Development
- 1 Setting targets and monitoring progress towards meeting the requirements of the Comhairle's Mission Statement and List of Key Tasks so far as these relate to the Gaelic language.
 - 2 All aspects of the promotion of the Gaelic language with a view to co-ordinating the encouragement of the use of the Gaelic language in all aspects of the life of the Western Isles.
 - 3 All matters relating to the promotion of Gaelic-related jobs and economic development opportunities in Na h-Eileanan an Iar.
 - 4 All matters relating to the form of co-operation with international, national and local statutory bodies and voluntary and other organisations and persons involved in the promotion of the Gaelic language and culture.
 - 5 All matters relating to the form and level of support to be afforded by the Comhairle to voluntary and other organisations and persons engaged in activities connected with the promotion of the Gaelic language and culture.
 - 6 All matters relating to the development and promotion of the Gaelic language and culture including Gaelic broadcasting and the media.
 - 7 All matters relating to implementation of the Gaelic Language (Scotland) Act 2005.
- 7 Archiving/Public Records
- 1 The Comhairle's functions in maintaining its own archives and those of the demitting authorities and monitoring of compliance with duties under the Public Records (Scotland) Act 2011.
- 8 ICT
- 1 The formulation, monitoring, development, use and implementation of the Comhairle's Information Technology, Information Systems, Information Needs and Security policy and strategy.
- 9 Procurement
- 1 The formulation and implementation of the Comhairle's procurement policy and procedures including:-

- (1) Overseeing all matters relating to the formulation of policy and procedures addressing best value as it affect the Comhairle’s Procurement Strategy, Purchasing Policy, procedures and regulations.
- (2) Application of the Comhairle’s Contract Regulations and arrangements for the provision of goods, services, or the execution of works for the Comhairle including the arrangements for the invitation to tender, the arrangements for the selection of contractors, including where necessary consideration of detailed questions and the arrangements for the letting of contracts and contract periods.
- (3) Application of the Comhairle’s Contract Regulations and arrangements for the provision of services or the execution of works by the Comhairle and the arrangements necessary to meet statutory or regulatory requirements in relation to competition for such contracts including the estimating of costs, the submission of tenders and accounting arrangements.

10 External Funding

All matters in relation to work with partners and external agencies to achieve efficiency, innovation and access to such additional funding as is available to deliver the Comhairle's corporate aims for the benefit of its communities - both of geography and interest.

All matters in relation to Regional Policy at EU, UK and Scottish Government levels.

11 Fuel Poverty

Development and monitoring of the Outer Hebrides Fuel Poverty strategy and activities relating to the delivery of this strategy.

HUMAN RESOURCES SUB-COMMITTEE

Membership

Not more than seven members of the Comhairle comprising:

- Chair of the Policy and Resources Committee
- Vice Chair of the Policy and Resources Committee
- Five other members of the Comhairle appointed by the Policy and Resources Committee of whom at least one should be a member of the Policy and Resources Committee.

Quorum

Three members of the Sub-Committee

Purpose

To provide a mechanism

- (a) to determine matters, relating to individual employees including conditions of service;
- (b) to consider and approve structures at below Head of Service level; and
- (c) to consider matters in relation to the development of the organisation, including, approval of training plans, employee performance, monitoring of absence and overtime, and matters to employee feedback.

Functions

The following matters are delegated to the Sub-Committee

- 1 Establishment of Post/Conditions of Service
 - 1 To establish posts of employees at a grade determined by the Chief Executive in accordance with the Comhairle's agreed pay model on the recommendation of the Corporate Workforce Panel.
 - 2 The arrangements to be made for the recruitment of individual employees to the Comhairle, including:-
 - (1) advertising and other forms of attracting candidates; and
 - (2) the level and form of assistance to be offered to persons appointed.
 - 3 To determine requests for additional payments and allowances, relating to individual employees.
 - 4 To award honorarium to individual employees.
 - 5 To determine the application to employees of statutory provisions and schemes governing retirement and loss of office, including the payment of superannuation, compensation, allowances, and the making of appropriate determinations and recommendations to the superannuation authority.

- 6 To determine the application to individual employees of the Comhairle's conditions of service.
- 7 To approve training plans.
- 8 To ensure effective mechanisms are in place to monitor employee performance and development and monitor their implementation.
- 9 To scrutinise management information relating to employee absence, overtime and such other related matters as the Chief Executive shall determine and agree improvement actions where required.
- 10 To monitor implementations of actions plans in relation to employee surveys and other employee feedback.

WESTERN ISLES INTEGRATION JOINT BOARD

CURAM IS SLAINTE NAN EILEAN SIAR

Membership

The following members must be included:

- (a) Four voting members nominated by the Local Authority and the NHS Board. The Local Authority and NHS Board may choose in terms of the relevant Order to appoint substitute or proxy members and who would carry the voting rights of the substantive member. There is no legal requirement for each party to adopt the same approach;
- (b) The Chief Social Work Officer of the Local Authority;
- (c) The Chief Officer of the Integration Joint Board;
- (d) The Proper Officer of the Integration Joint Board appointed under Section 75 of the Local Government (Scotland) Act 1973 (the Chief Financial Officer);
- (e) A registered medical practitioner whose name is included on the list of primary medical services performers under Section 17P of the National Health Service (Scotland) Act 1978;
- (f) A registered nurse employed by the Health Board;
- (g) A registered medical practitioner employed by the Health Board but not providing primary medical services (as distinct from the practitioner detailed in (e) above);
- (h) A representative of staff of each of the Comhairle and NHS Board;
- (i) A representative of third sector bodies carrying our activities related to health and social care;
- (j) A representative of service users;
- (k) A representative of persons providing unpaid care; and
- (l) Such additional members as the IJB sees fit.

The Board Members appointed under (e)-(g) above require to be appointed by the NHS Board. Other than the four voting members (eight in total) all other members of the Board detailed above are in an advisory role and do not have voting rights.

Anyone appointed under category (l) above may not be a Councillor or non-executive Director of the Health Board but there is no other restriction. The Board will appoint from amongst its voting membership a Chair and Vice-Chair in September 2015 who will retire at the same time after two years. The office of Chair of the Committee will be held for alternative two year period by a member of NHS Western Isles and a member of Comhairle nan Eilean Siar. In the absence of the Chair, the Vice-Chair shall preside at meetings of the committee and if neither the Chair nor the Vice-Chair is present a Chair will be elected for the Meeting. The Chair will not have a casting vote.

The Chief Executives of Comhairle nan Eilean Siar and NHS Western Isles, while not members of the IJB, shall be entitled to attend all meetings.

Purpose

To ensure that the delivery of health and care services in the Western Isles can achieve the statutory National Health Wellbeing Outcomes in accordance with the IJBs Strategic Plan.

Functions

The Board shall be responsible for determining the strategic direction and funding of the following services which have been delegated to it by NHS Western Isles and Comhairle nan Eilean Siar “the parent bodies”:

1 NHS Western Isles

Provision for people over the age of 18

- 1 The following legislation requires that the functions are delegated to the extent that: (a)
the function is exercisable in relation to the persons of at least 18 years of age;

(b) the function is exercisable in relation to care or treatment provided by health professionals for the purpose of health care services listed at numbers 1 to 6 below; and

(c) the function is exercisable in relation to the following health services:
 - 2 Accident and Emergency services provided in a hospital.
 - 3 Inpatient hospital services relating to the following branches of medicine –
 - (a) general medicine;
 - (b) geriatric medicine;
 - (c) rehabilitation medicine;
 - (d) respiratory medicine; and
 - (e) psychiatry of learning disability
 - 4 Palliative care services provided in a hospital.
 - 5 Inpatient hospital services provided by General Medical Practitioners
 - 6 Services provided in a hospital in relation to an addiction or dependence on any substance.
 - 7 Mental health services provided in a hospital, except secure forensic mental health services.
 - 8 District nursing services.
 - 9 Services provided outwith a hospital in relation to an addiction or dependence on any substance.

- 10 Services provided by allied health professionals in an outpatient department, clinic, or outwith a hospital.
 - 11 The public dental service.
 - 12 Primary medical services provided under a general medical services contract, and arrangements for the provision of services made under section 17C of the National Health Service (Scotland) Act 1978, or an arrangement made in pursuance of section 2C(2) of the National Health Service (Scotland) Act 1978(23).
 - 13 General dental services provided under arrangements made in pursuance of section 25 of the National Health (Scotland) Act 1978(24).
 - 14 Ophthalmic services provided under arrangements made in pursuance of section 17AA or section 26 of the National Health Service (Scotland) Act 1978(25).
 - 15 Pharmaceutical services and additional pharmaceutical services provided under arrangements made in pursuance of sections 27 and 27A of the National Health Service (Scotland) Act 1978(26).
 - 16 Services providing primary medical services to patients during the out-of-hours period.
 - 17 Services provided outwith a hospital in relation to geriatric medicine.
 - 18 Palliative care services provided outwith a hospital.
 - 19 Community learning disability services.
 - 20 Mental health services provided outwith a hospital.
 - 21 Continence services provided outwith a hospital.
 - 22 Kidney dialysis services provided outwith a hospital.
 - 23 Services provided by health professionals that aim to promote public health.
- 2 Provision for People under the Age of 18 - Local Additions
- 1 NHS Western Isles has also chosen to delegate the following functions in relation to the following services:

These functions are also delegated to the extent that:
 - (a) the function is exercisable in relation to persons of less than 18 years of age; and
 - (b) the function is exercisable in relation to the following health services:
 - 2 Primary Medical Services and General Medical Services (including GP Pharmaceutical services)
 - 3 General Dental Services, Public Dental Services.
 - 4 General Ophthalmic Services
 - 5 General Pharmaceutical Services

- 6 Out of Hours Primary Medical Services
 - 7 Learning Disabilities
 - 8 Health Visiting
 - 9 School Nursing
- 3 Services Previously Provided by the Local Authority which are to be Integrated

1 The legislation requires that the following services be delegated:

- Social work services for adults and older people
- Services and support for adults with physical disabilities and learning disabilities
- Mental health services
- Drug and alcohol services
- Adult protection and domestic abuse
- Carers support services
- Community care assessment teams
- Support services
- Care home services
- Adult placement services
- Health improvement services
- Aspects of housing support, including aids and adaptations
- Day services
- Local area co-ordination
- Respite provision
- Occupational therapy services
- Re-ablement services, equipment and telecare

4 Local Additions

1 Comhairle nan Eilean Siar has also chosen to delegate the following service:

- Criminal Justice Social Work Services

2 Remit

- The IJB will set its budget for the following year not later than 31 March in any given year in accordance with the terms of the Integration Scheme approved by Scottish Government on 10 June 2015 (“the Scheme”).
- The Board will issue Directions to the parent bodies in accordance with the Scheme in relation to operational delivery of services.
- The Board will present an annual report on its activities to the parent bodies.

COMATAIDH NA GÀIDHLIG

Membership

Twelve members of Comhairle nan Eilean Siar.

Quorum

Three members of the Committee.

Purpose

To promote the Comhairle's interests in relation to Gaelic.

Functions

- 1 Liaison with Bòrd na Gàidhlig in relation to the Comhairle's Gaelic Language Plan for the Western Isles and all other matters in relation to the promotion of Gaelic within the Western Isles.
- 2 To monitor the implications of legislation in respect of the Gaelic Language and advise the Comhairle of its impact across the Western Isles.
- 3 To monitor implementation of and compliance with the Comhairle's Gaelic Plans and Policies.
- 4 To take such steps as it considers necessary (including lobbying) to promote Gaelic Language and Culture

BUDGET AND STRATEGY BOARD

Membership

- Chair of Policy and Resources Committee
- Vice Chair of Policy and Resources Committee
- Chair of Education, Sport and Children's Services Committee
- Chair of Sustainable Development Committee
- Chair of Transportation and Infrastructure Committee
- Chair of Audit and Scrutiny Committee
- Nine other members to be elected to ensure representation from each Ward and reflect political balance

If an appointed Member is unable to attend a meeting of the Board they may designate another Ward Member as a substitute.

Quorum

Five Members of the Board

Remit

Oversee the detail of the Comhairle's budget throughout the year and the implementation of the Comhairle's Budget Strategy.

Consideration of strategic policy matters, the development of corporate policy and strategy and to act as a political sounding board.

Purposes and Objectives

The Budget Board is not a decision-making body but allows Elected Members and Officers to consider and discuss the Comhairle's Budget and other Strategies in an informal setting with a view to informing Reports on budget choices, Budget Strategy and other policy issues.

INVESTMENT DELIVERY BOARD

Membership

Three members of Comhairle nan Eilean Siar comprising

- Leader
- Chair of Sustainable Development Committee
- Chair of Education, Sport and Children’s Services Committee
- Chair of Social Work and Social Care Board
- Three Members or Officers from Hebridean Housing Partnership

Substitute Members

- Depute Leader
- Vice-Chair of Sustainable Development Committee
- Vice-Chair of Education, Sport and Children’s Services Committee
- Chair of Transportation and Infrastructure Committee

Quorum

- Three members of the Board.

Remit

To oversee the delivery of key investment projects, determined by the Comhairle, as part of the Capital Programme 2023-28, including the Comhairle’s Strategic Housing Investment Plan, Islands Growth Deal, and Levelling Up Fund.

Purposes and Objectives

- 1 To provide strategic oversight of the management of construction-related health and safety and the development and implementation of a local Construction Safety Strategy.
- 2 To facilitate effective and efficient collaboration between the parent bodies comprising the Investment Delivery Board.
- 3 To provide a “sounding board” for the Chief Executives and Senior Officers of Comhairle nan Eilean Siar and the Hebridean Housing Partnership in their exercising of authority delegated to them under general provisions of the respective Schemes of Delegation or under subsequent decisions.
- 4 To scrutinise and determine the outcomes of project-specific options appraisals, ensuring the affordability of the preferred option in terms of whole-life cost.
- 5 To provide strategic oversight in the development and implementation of project delivery and procurement strategies.
- 6 To provide strategic oversight of the management of the processes and procedures to ensure the attainment of relevant quality standards.

- 7 To ensure the development and delivery of projects within the agreed scope, specifically in terms of progress relative to key actions, gateways, milestones and programmes; and of expenditure relative to budgets.
- 8 In the event of an issue being outwith the authority already delegated to the respective Chief Executives or Senior Officers, to escalate the matter to the respective parent bodies and their service committees for determination.
- 9 To ensure the effective and efficient management of project related risk including the monitoring of progress of agreed risk mitigation measures.

AUDIT AND SCRUTINY COMMITTEE

Membership

Up to fifteen members of the Comhairle excluding any member appointed to the Policy and Resources Committee.

Quorum

Four members of the Committee.

Purpose

- To provide an objective evaluation of performance for the Comhairle and an effective and fair appeals mechanism in relation to procedural matters.
- To encourage high standards of conduct by members.
- To monitor performance in relation to the review of best value and community planning in the Western Isles.
- Audit and Scrutiny Committee is a key component of Comhairle nan Eilean Siar's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.
- The purpose of Audit and Scrutiny Committee is to provide independent assurance to the Members of the adequacy of the risk management framework and the internal control environment. It provides independent review of Comhairle nan Eilean Siar's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

Functions

1 Accounts

- 1 To approve under delegation the Comhairle's unaudited and audited Annual Accounts.

2 Governance

- 1 To review the Comhairle's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.
- 2 To review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Comhairle's framework of governance, risk management and control.
- 3 To consider the Comhairle's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- 4 To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.

- 5 To review the assessment of fraud risks and potential harm to the Comhairle from fraud and corruption.
 - 6 To monitor the counter fraud strategy, actions and resources.
 - 7 To consider for the Comhairle's interests external inspection reports relating to Western Isles Integration Joint Board from its external auditors, scrutiny and inspection bodies.
- 3 Standards
- 1 To promote high standards of conduct by members and assist them to observe the code of conduct and guidance from the Standards Commission for Scotland, under the Guide to Ethical Standards in Public Life etc. (Scotland) Act 2000. This does not include conducting any investigation into the behaviour of members or the recommending of any sanctions against members who may appear to break the code of conduct and related guidance, such powers lie with the Standards Commission for Scotland.
- 4 Scrutiny and Review
- 1 Consideration of reports and recommendations from Accounts Commission including the co-ordinating role in respect of value for money studies, performance indicators, targets and commissioning and receipt of related studies.
 - 2 As instructed by the Comhairle, the formulation of common Comhairle policies, procedures and practices in relation to activities in the implementation of the various functions of the Comhairle including the review of the Constitutional Documents, for consideration by the Comhairle.
 - 3 Approval and monitoring of the Comhairle's programme of self-assessment under the Public Service Improvement Framework (PSIF).
 - 4 The constitution and function of all committees of the Comhairle and the reference or transfer of the functions and duties of the Comhairle to or between committees and all aspects of the Constitutional Documents including their review.
 - 5 Subject to the Scheme of Delegation, matters relating to Members' rights of access to information and determining conflicts over officer advice.
 - 6 Consider the effectiveness of the authority's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements.
 - 7 Seek assurances that action has been taken on risk related issues identified by auditors and inspectors.
 - 8 Be satisfied that the authority's assurance statements, including the statements, including the Statement on Internal Control, properly reflect the risk environment and any actions required to improve it.
- 5 Internal Audit
- 1 To approve the Internal Audit Charter
 - 2 To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.

- 3 To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
 - 4 To approve significant interim changes to the risk based internal audit plan and resource requirements.
 - 5 To make appropriate enquiries of both management and the Chief Internal Auditor to determine if there are any inappropriate scope or resource limitations.
 - 6 To consider reports from the Chief Internal Auditor on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:
 - (a) Updates on the work of internal audit including key findings, issue of concern and action in hand as a result on internal audit work.
 - (b) Regular Reports on the results of the Quality Assurance and Improvement Programme.
 - (c) Report on instances where the internal audit function does not conform to the Public Sector Internal Audit Standard and Local Government Application Note, considering whether the non-conformance is significant enough that it must be included in the Annual Governance Statement.
 - 7 To consider the Chief Internal Auditor's Annual Report
 - (a) The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the Quality Assurance and Improvement Programme that supports the statement – these will indicate the reliability of the conclusions of internal audit.
 - (b) The opinion on the overall adequacy and effectiveness of the Comhairle's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the Audit and Scrutiny Committee in reviewing the Annual Governance Statement.
 - 8 To consider summaries of specific internal audit reports as requested.
 - 9 To receive Reports outlining the action taken where the Chief Internal Auditor has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.
 - 10 To contribute to the Quality Assurance and Improvement Programme and in particular to the external quality assessment of internal audit that takes place at least once every five years.
 - 11 To consider a report on the effectiveness of internal audit to support the Annual Governance Statement, where required to do so by the Accounts and Audit Regulations
 - 12 To support the development of effective communication with the Chief Internal Auditor.
- 6 External Audit

- 1 To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.
 - 2 To consider specific reports as agreed with the external auditor.
 - 3 To comment on the scope and depth of external audit work and to ensure it gives value for money.
 - 4 To commission work from external and internal audit.
 - 5 To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.
- 7 Financial Reporting –The following two provisions are delegated to Audit and Scrutiny Committee
- 1 To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Comhairle.
 - 2 To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.
- 8 Appeals
- To appoint Appeal Panels to consider and determine under delegation the following:
- (1) all staff internal appeals in respect of relevant policies detailed in the Employee Handbook; and
 - (2) appeals against the determination of an officer of the Comhairle where the appeal is on the basis that the Comhairle's procedures have not been properly applied.

EMERGENCY POWERS COMMITTEE

Membership

Five members (more if a matter relates specifically to a particular ward or wards) comprising:-

- The Convener ex officio;
- The Leader ex officio;
- The Vice-Chair of the Policy and Resources Committee ex officio;
- The Chair of the appropriate service committee or if the matter lies within remit of the Policy and Resources Committee a member of that committee selected by the Chief Executive on a rota basis;
- The Vice-Chair of the appropriate service committee or if the matter lies within remit of the Policy and Resources Committee a second member of that committee selected by the Chief Executive on a rota basis; and
- A local member or members if the matter relates to a particular ward or wards, selected by the Chief Executive on a rota basis.

Quorum

Three members of the committee.

Functions

- 1 The Committee shall have delegated authority to authorise such action as is necessary on any matters of urgency other than those delegated to the Comhairle in terms of paragraph 16 hereof arising between meetings of the Comhairle provided that no expenditure is incurred beyond that within the budget (either capital or revenue) for the appropriate service committee.

COMMUNITY SAFETY BOARD

Membership

Not more than seventeen members comprising:-

- The Convener ex officio;
- The Leader ex officio; and
- not more than twelve other members of the Comhairle.

Quorum

Four members of the Board.

Functions

- 1 The necessary administrative arrangements for the exercise of the Comhairle's powers with respect to emergencies and disasters.
- 2 The promotion of environmental protection including the partnership, enabling and consumer advocacy role with other agencies in relation to environmental protection and water and sewerage services.
- 3 The promotion of community safety, including home safety, Health and Safety at Work and associated regulatory activities.
- 4 Civic Government and miscellaneous licensing.
- 5 The granting and suspension of licences for taxis and private hire cars and their drivers and the conditions to be attached to such licences.
- 6 Animal health and welfare including arrangements for the control of stray dogs.
- 7 Approval, monitoring and review of the Outer Hebrides Community Safety Strategy and action plan in conjunction with other community planning partner agencies including Police Scotland, including:
 - (1) allocation of funding received for the purpose, in furtherance of an in accordance with the principles and outcomes of the Community Safety Strategy; and
 - (2) the implementation of the Comhairle's duties under the Antisocial Behaviour etc (Scotland) Act 2004 and any related legislation.
- 8 Matters relating to public order and the consideration of police and fire services performance reports.
- 9 Promotion and protection of the interests of consumers including the enforcement of trading standards, and provision of a consumer advice and advocacy service to address, inter alia, issues detrimental to the interests of consumers living in or visiting the Western Isles, including matters capable of being actioned under the provisions of the Enterprise Act 2002.
- 10 Matters concerning food safety, environmental health and contaminated land.
- 11 Entrances and exits to public buildings and means of escape in case of fire.

CIVIC GOVERNMENT LICENSING PANEL

Membership

Not more than seven Members comprising of:

- Chairman of the Community Safety Board ex officio
- Six other members (at least two of whom are members of the Community Safety Board)

Quorum

Three Members of the Panel.

Purpose

To provide a mechanism to determine civic government licensing applications and the licences detailed below.

Functions

- 1 To deal with the determination and suspension of licences in terms of the Civic Government (Scotland) Act 1982 including but not limited to:

- Taxi and Private Hire Car Licences
- Public Entertainment Licences

Animal Licences

- Animal Boarding Establishments
- Pet Shops
- Breeding of Dogs
- Riding Establishments
- Dangerous Wild Animals
- Performing Animals
- Animal Dealers Licence
- Zoo Licence

Miscellaneous Licences and Registrations

- Venison Dealers
- Game Dealers
- Private Landlord Registration
- Petroleum
- Explosives and Fireworks
- Houses in Multiple Occupation

To deal with the determination of the conditions to be attached to a particular licence.

EDUCATION, SPORT AND CHILDREN'S SERVICES COMMITTEE

Membership

Not more than twenty four members comprising:-

- The Convener ex officio;
- The Leader ex officio;
- Not more than eighteen other members of the Comhairle; and
- Representatives of Religious Interests appointed by the Comhairle.

Quorum

Six members of the committee.

Functions

- 1 All matters relating to the Comhairle's functions as an Education authority.
- 2 All matters relating to the Comhairle's functions as a Social Work authority for Children's Services
- 3 Scrutiny and interrogation of quarterly performance reports in relation to business plans of relevance to the Committee.
- 4 The provision of school education, including the provision of Education for Children with additional support needs and provision of education at home or in hospitals for children unable to attend school.
- 5 Consideration of Annual Report of Chief Social Work Officer.
- 6 Early Years provision for children aged birth to five.
- 7 The preparation of schemes of school education and of any amendments to such schemes.
- 8 The provision of advice, guidance and assistance to further the interests of children received into the care of the Comhairle and the arrangements for the accommodation and maintenance of such children.
- 9 The Comhairle's powers and functions in relation to the assumption and exercise of parental rights and responsibilities for children as appropriate.
- 10 The provision of advice, guidance and assistance to children and their families referred to the Comhairle by the Reporter and the provision of social work services and other services to assist the Reporter and the Children's Panel in the discharge of their functions.
- 11 The provision, construction, improvement, maintenance and equipment of schools.
- 12 The provision of equipment and materials to pupils and students attending such schools.
- 13 The determination of the provision of meals in schools.
- 14 The provision of transport to enable pupils and students to attend schools.

- 15 The provision of financial assistance to pupils and their parents to enable them to take advantage of educational facilities.
- 16 The provision of facilities of medical and dental examination and treatment of pupils in schools.
- 17 The provision of services following the identification and assessment.
- 18 The provision and management of sports halls, gymnasiums, playing fields, park's, tracks and courts, swimming pools, outdoor centres, camps and other facilities for recreation, physical training, sporting and educational activities for people of all ages.
- 19 The provision of advice, assistance and facilities to youth clubs and organisations, community associations and other voluntary bodies providing facilities for social, cultural and recreational educational activities, physical education and training.
- 20 The level of charges for services and facilities in relation to the provision of social, cultural recreational and educational services and facilities provided by the Comhairle, insofar as they relate to Education services.
- 21 The form of co-operation with national and local statutory bodies and voluntary organisations on the provision of social, cultural, recreational and educational services and facilities, insofar as they relate to Education services.
- 22 The Comhairle's functions under the relevant arts, cultural, recreational, sports, educational and social legislation, insofar as they relate to Education Services.
- 23 To determine the form and level of support to be afforded by the Comhairle to voluntary and other organisations and other persons engaged in activities connected with the arts and the provision of cultural and educational services, insofar as they relate to Education services.
- 24 The discharge of the Comhairle's functions under the relevant legislation governing educational matters and children's welfare.
- 25 All matters relating to the Comhairle's functions as Education Authority in connection with the following:-
 - (1) all arrangements to secure the development and promotion of the Gaelic language;
 - (2) all matters relating to the form of co-operation with international, national and local statutory bodies and voluntary and other organisations and persons involved in the development and promotion of the Gaelic language; and
 - (3) all matters relating to the form and level of support to be afforded by the Comhairle to voluntary and other organisations and persons engaged in activities connected with the promotion of the Gaelic language.
- 26 Consideration of and recommendations in relation to the Minutes of the Local Negotiating Committee.

EDUCATION RESOURCES SUB-COMMITTEE

Membership

Not more than seven members of the Comhairle comprising:

- Chair of the Education, Sport and Children's Services Committee
- Vice Chair of the Education, Sport and Children's Services Committee (who shall be Chair)
- Five other members of the Comhairle appointed by the Education, Sport and Children's Services Committee.

Quorum

Three members of the sub-committee.

Functions

- 1 To consider and determine under delegation the following, except to the extent that the law requires any matter to be considered by the Education, Sport and Children's Services Committee:
 - (1) Appeals against decisions refusing applications for free or reduced-price school meals.
 - (2) Appeals in respect of determinations of financial assistance for school clothing.
 - (3) Appeals against decisions on applications for the provision of transport to enable pupils and students to attend schools.
 - (4) Appeals relating to Education Maintenance Allowances.

PLANNING APPLICATIONS BOARD

Membership

Not more than twelve members comprising of at least one member from each electoral ward (but not more than two from any one ward).

Quorum

Five members of the Board.

Functions

1 Applications

1 The Board shall determine all applications:

- for planning permission;
- for the variation, revocation and modification of planning permission and/or conditions attached thereto;
- for listed building consent;
- for conservation area consent;
- for hazardous substances consent;
- for advertisement consent;
- for a Certificate of Lawful Use or Development;
- for a High Hedge notice under the High Hedges (Scotland) Act 2013;
- for works to trees subject to a Tree Preservation Order;

which are not delegated to an Appointed Officer under the Scheme of Delegation (bar National and Major Developments as defined in the following paragraph) unless the Appointed Officer has referred the application to the Board for a decision.

2 Applications relating to National Developments (designated as such in the National Planning Framework pursuant to s3A(4)(b) of the Town and Country Planning (Scotland) Act 1997 as amended) and Major Developments (as defined within the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009) shall be determined by the Comhairle following a recommendation by the Board.

3 Notwithstanding the above, in cases where an application is considered by the Board to be sensitive or contentious (of which the Board is to be sole judge), the Board is authorised to refer the application to the Comhairle for a decision.

4 The Board shall be permitted to conduct a site visit committee meeting in line with the Comhairle's site visit protocol.

2 Enforcement

1 The Board shall be authorised to undertake all planning and listed building enforcement action (including under the High Hedges (Scotland) Act 2013) which is not delegated to an Appointed Officer under the Scheme of Delegation.

3 Requirements

- 1 Each member of the Board must have undertaken relevant training (as directed by the Director of Development) in the current Comhairle term before being permitted to take part in a meeting of the Board.

4 Time Out Protocol

- 1 When a member of the Board disagrees with the advice of the professional planning officer that member can raise a motion or amendment contrary to the recommendation contained in the relevant Report.

In these circumstances the following protocol will operate:

- The member proposing the motion or amendment will provide planning reasons for the decision. Such reasons should be clear, precise and based on material planning considerations, quoting Local Development Plan policies, Supplementary Guidance and Scottish Planning Policy, where relevant. The motion or amendment must be provided in writing when grant or refusal is moved and before the vote takes place;
- The Chief Executive or his/her nominee will read out the motion or amendment to allow the member to confirm accuracy and for the benefit of the Board;
- The Chairman will then call a “time out” period to allow the planning adviser to the Board to scrutinise the reasons and provide a view on whether these are competent. The “time out” period will allow the terms of the Development Plan and any other material planning considerations to be checked. Where necessary the views of other relevant officers present at the meeting will be sought;
- Once the planning adviser has given his/her views on whether the reasons are valid planning reasons and the Chairman decides that it is a competent motion or amendment the Board can proceed to vote on the application;
- In the event that the planning adviser concludes that the reasons are not valid planning reasons or where there are doubts, weaknesses, risks or uncertainty about the implications, the Board is permitted to defer the decision to a future meeting to enable more detailed advice to be provided in writing by the Director of Development.

A member putting forward a motion or amendment which is contrary to an officer’s recommendation should be prepared to attend any subsequent appeal hearing or inquiry or the Court of Session (as required) to explain and support the Board’s decision.

5 Appeals

- 1 In the event of an appeal to the Scottish Ministers against a decision of the Comhairle as Planning Authority taken by the Board against an officer’s recommendation, instructions shall be given as required to those representing the Comhairle by the Chairman and Vice Chairman of the Board, or in the event of the Chairman and or/Vice Chairman having not voted for that decision, by the mover and/or seconder of the successful motion.

6 Protocol for Pre-determination Hearings

1 Pre-determination Hearings shall be heard by the Board although only after all statutory processes up to that point had been completed to the satisfaction of the Director of Development. Pre-determination Hearings shall be in accordance with Section 38A of the Town and Country Planning (Scotland) Act 1997 as amended and Regulation 27 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and shall adhere to the following procedure:

- Presentation by the Comhairle's planning adviser;
- Presentation by up to three individuals who have made representations, as selected and agreed by all those making representations and advised to the Chief Executive three clear days prior to the meeting of the Board);
- Presentation by the applicant or his/her agent;
- Questions by members of the Board;
- Discussion and recommendation by members of the Board.

If both the applicant and those making representations do not wish to attend and participate in the Pre-determination Hearing a hearing will not be convened and the application will proceed to the Comhairle for a decision.

At the discretion of the Chairman, the numbers presenting may be increased where a complex proposal is the subject of a Pre-determination Hearing.

LOCAL REVIEW BODY

Membership

The members appointed to the Planning Applications Board.

The LRB shall appoint a permanent Chairman and Vice - Chairman who shall be invited to attend each meeting of the LRB.

Quorum

- (1) The LRB shall require four members to be quorate; and
- (2) There shall be consistency of membership of at least four members of the LRB throughout a case.

Meetings of the LRB will be advised by officers of the Comhairle as may be determined by the Chief Executive.

Functions

The LRB will conduct reviews in accordance with Section 43A(8) of the Town and Country Planning (Scotland) Act 1997 as amended ("the Act") where the Appointed Officer:

- (a) refuses an application for planning permission or for consent agreement or approval;
- (b) grants it subject to conditions; or
- (c) has not determined it within such a period as may be prescribed by regulations or a development order.

The LRB shall at all times conduct its affairs in accordance with the provisions of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 (the Regulations).

1 Training

- 1 Each member of the LRB must have undertaken both planning training and specific training on Local Review Bodies (as directed by the Depute Chief Executive) in the current Comhairle term before being permitted to participate in a meeting of the LRB.

2 Administrative Procedures of the LRB

- 1 An applicant may require the LRB to review a case by giving notice in writing within three months of the date of decision.
- 2 Not later than 14 days following receipt of a request for a review, the Chief Executive will send an acknowledgment of the notice of review to the applicant and give notice of the review to each interested party (being a party notified or consulted under the Act or a person who made (and did not subsequently withdraw) representations in connection with the application).
- 3 An interested party may make representations to the LRB within 14 days beginning on the date on which notice of the review is given.
- 4 The Chief Executive will send a copy of any such representations received to the applicant and shall provide the applicant with 14 days to make comment on the representations to the LRB.

- 5 The Chief Executive shall make copies of all documents submitted in relation to a review available for inspection and copying until such time as the review has been determined.
- 6 Where the LRB considers that the review documents before it provides sufficient information to enable it to determine the review, it may determine the review without further procedure.
- 7 Other than in circumstances where the LRB considers the review documents provide sufficient information to enable it to determine the review without further procedure, the LRB may consider the review by:
- means of written submissions;
 - holding one or more hearing sessions;
 - means of a site inspection; or
 - a combination of procedures.
- 8 In all circumstances, meetings of the LRB will be held in public.
- 9 The LRB may hold a pre-examination meeting to consider the manner in which the review is to be conducted.
- 10 The Chief Executive will give notice to the applicant and any interested parties who made (and did not subsequently withdraw) representations in connection with the application of the date, time and place fixed for such a meeting.
- 11 The LRB may at any time seek further representations or information from any party involved in the review. Any information received shall be copied to the applicant and other bodies or parties to the review.
- 12 The LRB may at any time make either an unaccompanied site visit or a site visit accompanied by the applicant and any interested party. Where it is intended to carry out an unaccompanied visit the Chief Executive will notify the applicant of the LRB's intention. Where the LRB intend to carry out an accompanied visit the Chief Executive will notify (and give a minimum of 5 days' notice to) the applicant and any interested party of its intention to do so.
- 13 Where having concluded its consideration of papers, having held hearings and/or having visited the site, the LRB proposes to take into consideration any new evidence that is material to the determination of the review, the Chief Executive will notify the applicant and any interested parties accordingly allowing them a further period of 14 days to make representations on such new evidence.
- 14 The Chief Executive will give notice of the decision of the LRB to the applicant and will notify every person who made representations in respect of the review that a decision has been made and where a copy of the decision notice may be inspected.
- 15 In most cases, where there are no complex issues, a review decision will be taken at the meeting of the LRB arranged to consider the review.

3 Proposed Conduct of LRB Hearings: Comhairle Nan Eilean Siar

- 1 Regulation 13 of the Regulations provides discretionary powers for the LRB to hold hearings to determine reviews submitted under Section 43A of the Act.

2 The following procedures will apply where the LRB decides to hold a hearing to consider a request for a review of a planning application determined by the Appointed Officer or an application where the Appointed Officer has failed to make a determination within the prescribed period:

- The Chief Executive, in consultation with the Chairman of the LRB, shall identify a suitable date for the hearing, which shall, where possible, be no longer than one week prior to the LRB meeting.
- The Chief Executive will give notice of the hearing to the applicant, any interested party who made representations in relation to the application and any other person or body from whom the LRB wishes to receive any further representations or further information on specified matters.
- Any party wishing to appear at the hearing must give written notice to the Comhairle's Chief Executive within 14 days from when the notice was issued.
- Any party wishing to appear at the hearing must, no later than 7 days prior to the hearing, send a Hearing Statement outlining their case and a copy of any documents they intend to refer to or rely on when presenting their case to the LRB, the applicant and to such other persons entitled to appear at the hearing session as the LRB may specify in the notice. The Hearing Statement must be available for inspection and copying until the review is determined.
- The Chief Executive in consultation with the Chairman of the LRB, having considered the submissions, the order in which the specified matters are to be considered, and the order in which those entitled to appear are heard will determine the number and order of people who will be heard. The LRB may refuse to permit the giving of evidence or the presentation of any matter that is considered to have no material relevance or is repetitious.
- Each person or body who is heard will be given a maximum of 5 minutes to present their case (subject to reasonable adjustment by the Chairman). Members of the LRB may ask questions of the persons making the submissions but cross-examination between parties shall not be permitted without the consent of the LRB.

SUSTAINABLE DEVELOPMENT COMMITTEE

Membership

Not more than twenty members comprising:-

- Convener ex officio;
- Leader ex officio; and
- not more than eighteen other members of the Comhairle.

Quorum

Five members of the committee.

Functions

- 1 The conservation and enhancement of the countryside and the provision of amenities and facilities within the countryside and the conservation of the fauna and flora of the area.
- 2 Scrutiny and interrogation of quarterly performance reports in relation to business plans of relevance to the Committee
- 3 Policies to secure employment within the area and to create additional employment opportunities by the development of manufacturing and service opportunities throughout the area through the provision of advice and guidance on sites and premises and other forms of assistance.
- 4 All matters relating to the preparation of the Development Plan and reviews thereof.
- 5 The provision of abattoir services.
- 6 The naming of roads and the numbering of property both within and outwith Comhairle developments.
- 7 The promotion of the general industrial, commercial, environmental, fishing and crofting development of the area.
- 8 To consider and approve applications from outside bodies for grants in relation to:-
 - (1) The development and other use of land in the area, including measures for the improvement of the physical environment and the management of traffic.
 - (2) The development of areas within the whole area with regard to the location and scale of employment, housing, shopping facilities, land reclamation and the provision of other services within such areas and the extent of the conservation of the character of these areas.
- 9 To undertake such actions as are necessary in connection with the furtherance of the Comhairle's economic development powers.
- 10 All aspects of the encouragement of tourism and the provision and promotion of tourist facilities and amenities throughout the area.
- 11 All matters relating to the provision and development of the archaeology service.

- 12 Matters relating to the Comhairle's functions in relation to the provision, both directly and as an enabler, of social, cultural, sporting and recreational activities, including the provision and management of:-
 - (1) museums and galleries for the display of antiquities, works of art and objects of educational and scientific interest.
 - (2) theatres, concert halls, arts and cultural centres or other premises for the provision of musical and dramatic performances, dances and film shows.
- 13 Arrangements for the preservation and development of the amenity of the area including the control of advertisements; the preservation of trees; the acquisition and restoration of derelict land and the conservation and preservation of buildings and areas of special architectural or historic interest and the provision of advice, guidance and assistance for the maintenance of such buildings.
- 14 The granting or refusal of applications for building warrants; the grant or refusal of applications for the relaxation of building standards and the control of building alterations carried out without a warrant or otherwise than in accordance with the relevant statutory provisions and the control of buildings in a dangerous condition.
- 15 The consideration of the following matters:
 - (1) Contentious applications for Building Warrants;
 - (2) Contentious applications for relaxation of the Building Standards;
 - (3) Applications for extensions of the duration of a Building Warrant in cases where the validity of such warrant has been extended already to four years; and
 - (4) Action to be taken by the Comhairle under Section 87(2) of the Civic Government (Scotland) Act 1982 In respect of a building for which a notice had been issued by the Director of Environmental Services under Section 87(1) of the said Act.
- 16 All matters relating to the Comhairle's functions as Buildings Authority including the exercise of the powers contained in Sections 87-89 and 94 of the Civic Government (Scotland) Act 1982.
- 17 Preparation, development, monitoring, and review of the Local Housing Strategy.
- 18 Scrutiny and interrogation of quarterly performance reports in relation to business plans of relevance to the Committee.
- 19 Delivery of the Comhairle's statutory obligations in terms of Homeless persons. The provision of advice, guidance and assistance and, where appropriate, accommodation for homeless persons or persons threatened with homelessness.
- 20 Management of Private Sector Housing Grant, including Care and Repair service level agreement.
- 21 The provision of advice and assistance to persons for the acquisition, construction, conversion and improvement of housing including the provision of plans or sites or financial assistance to other facilities and the terms and conditions of such assistance.

- 22 The allocation and monitoring of Allocation of Council Tax Income from Second Homes (ACTISH) funding to support the aims of the Local Housing Strategy.
- 23 The arrangements to be made with national or local bodies or other voluntary organisations including Registered Social Landlords on the provision of housing or advice and assistance to meet housing needs.
- 24 Matters relating to the partnership approach with Hebridean Housing Partnership.
- 25 The survey and review of the housing conditions of the area, the assessment of housing need and the formulation of policies and programmes to meet such needs including the special needs of the chronically sick and disabled and the elderly.
- 26 The formulation of policies in order to secure the meeting of the requirements of the tolerable standards for housing including:-
 - (1) the provision of advice and assistance to secure the repair and improvement of such housing through the Scheme of Assistance; and
 - (2) the prohibition of the use of housing below the tolerable standard by the closure and demolition of such housing.
- 27 Formulation and monitoring of the delivery of the Local Housing Strategy and the Strategic Housing Investment Programme.
- 28 Formulation and monitoring of the Affordable Housing Investment Programme, including strategic land acquisition.
- 29 Arrangements for the control of overcrowding of housing and the implementation of measures to alleviate overcrowding.
- 30 The preparation of schemes for the multiple occupancy of housing and the arrangements for securing the proper management of such housing.

HOUSING SUB COMMITTEE

Membership

Not more than seven Members comprising of:

- Chairman of the Sustainable Development Committee ex officio
- Six other members (at least two of whom are members of the Sustainable Development Committee)

Quorum

Three Members.

Purpose

To provide a mechanism to determine matters in relation to housing and homelessness.

Functions

- (1) The determination of contentious applications for financial assistance to persons for the repair or improvement of housing.
- (2) The determination of appeals against homeless persons determinations made under delegated authority.

TRANSPORTATION AND INFRASTRUCTURE COMMITTEE

Membership

Not more than twenty members comprising:-

- The Convener ex officio;
- The Leader ex officio; and
- Not more than eighteen other members of the Comhairle.

Quorum

Five members of the committee.

Functions

The following functions of the Comhairle shall stand referred to the committee:-

- 1 The survey and review of the transport needs of the area, the development of a transport strategy based on such need and the formulation of policies and programmes to implement such a strategy.
- 2 Scrutiny and interrogation of quarterly performance reports in relation to business plans of relevance to the Committee.
- 3 Matters relating to the Comhairle's functions as a Highways Authority including:-
 - (1) the provision, improvement and maintenance of roads on the Comhairle's list of public roads and the addition and deletion of roads from the list of public roads;
 - (2) the arrangements for securing the improvement and maintenance of private roads, the payment of contributions towards the cost of maintenance and improvement of such roads and the adoption of private roads on to the list of public roads;
 - (3) the provision, improvement and maintenance of bridges, tunnels, causeways, roundabouts and cattle grids;
 - (4) the provision, improvement and maintenance of foot-ways, footbridges, street refuges, fences, walls, rails and pedestrian crossings for the safety and protection of pedestrians;
 - (5) the provision, improvement and maintenance of protective works to safeguard roads against hazards of nature, including floods, weather and landslides;
 - (6) the arrangements for the regulation and management of traffic in the interests of road safety; traffic and pedestrian movement, including the provision of traffic management schemes; roads and direction signs; the provision of parking places; the restriction by Order of the weight and speed of traffic; the restriction and prohibition by Order of the use of roads by traffic and pedestrians; the control and regulation of public processions; the stopping up of dangerous or unnecessary roads;
 - (7) the provision and maintenance of lighting on public roads;

- (8) the arrangements to prevent snow and ice endangering the passage of pedestrians and vehicles on public roads;
 - (9) the promotion of road safety, including public education and accident prevention;
 - (10) the granting of consent for works or excavations of public roads the conditions attached to such consent, the control of the deposit of building materials and obstructions and dangers arising from Works; and
 - (11) the co-ordination as highway authority of all works undertaken under the New Road and Street Works Act 1991.
- 4 Matters relating to the Comhairle's functions as public transport authority including the provision of a co-ordinated and efficient system of public passenger transport by:-
- (1) the provision, management and maintenance of airports, ferry terminals and stations;
 - (2) the provision and operation of air, ferry and bus services;
 - (3) the arrangements made by national and local transport operators engaged in the provision of such services, including the form of co-operation with such operators; and
 - (4) the form and level of support to such operators and the making of representations to such operators.
- 5 The Comhairle's functions as a harbour authority, including:
- (1) the maintenance and improvement of harbour areas;
 - (2) the arrangements for the management and regulation of harbour areas; and
 - (3) the provision of moorings, buoys and berthing facilities and the arrangements to ensure and promote the safety of navigation within harbour areas.
- 6 The level of charges for services and facilities in relation to transport services provided by the Comhairle.
- 7 The form of co-operation with national and local statutory bodies and voluntary organisations engaged in activities connected with the provision of transport services and facilities.
- 8 The discharge of the Comhairle's functions under all relevant legislation relating to highways and transportation.
- 9 All matters relating to the determination of priorities of the provision of fishery piers and all other matters relating to fishery piers.
- 10 War memorials and other community memorials.
- 11 Provision of the burial ground service.
- 12 The provision, construction, security and maintenance of all land and buildings within the ownership of the Comhairle or required by the Comhairle for any purpose.

- 13 The formulation, monitoring and implementation of the Comhairle's policy and strategy in relation to land and buildings.
- 14 The responsibilities and role of Harbour Board for Comhairle piers and harbours
- 15 The provision of marine fuel services
- 16 The provision of public conveniences
- 17 The provision of Stornoway Abattoir.
- 18 Waste regulation authority functions.
- 19 To promote and approve strategies for waste minimisation, storage, collection, recycling, recovery operations, street cleansing treatment and disposal.
- 20 To approve the scale of charges for the collection and disposal for certain wastes.
- 21 Arrangements for the protection of the coast of the area against erosion and encroachment by the sea.
- 22 Matters relating to the Comhairle's functions as coast protection authority.
- 23 Arrangements for warning or prevention and mitigation of pollution of the coastline.
- 24 Flood prevention and flood warning generally and in particular the making of arrangements for the warning or prevention and mitigation of flooding of land within the area.

EDUCATION APPEALS COMMITTEE

Membership

The membership of the committee from whom the Chief Executive shall select the membership to conduct each Appeals Hearing shall comprise:-

- (1) six elected members appointed by the Comhairle; and
- (2) six further members appointed as follows:-
 - (a) five members, one appointed by each of the Parent Councils of The Nicolson Institute, Stornoway Primary School, Sir E. Scott School, Sgoil Lionacleit and Castlebay School; and
 - (b) one member nominated by the Comhairle, not being a member of the Comhairle or of its committees but who has an interest in education.

The membership of the committee conducting each Appeals Hearing shall comprise three elected members and two persons within either of categories (2) (a) or (2) (b) above as selected by the Chief Executive. The Chair of the Hearing shall be appointed from the membership at (2)(a) or (2)(b) above.

Quorum

The full membership of the committee appointed to conduct the particular Appeals Hearing.

Functions

- 1 The committee shall undertake the following functions:
 - (a) The consideration and determination of appeals lodged under the terms of Section 28C, 28E(6) and 28F(7) of the Education (Scotland) Act 1980 against any decision of the Education Authority to refuse a placing request submitted in accordance with Section 28A of that Act.
 - (b) The consideration and determination of appeals lodged under the terms of Section 28H of the Education (Scotland) Act 1980 against any decision of the Education Authority to exclude a pupil from school whether or on a temporary or a permanent basis.
 - (c) The consideration and determination of appeals lodged under the terms of paragraph 5 of Schedule 2 of the Education (Additional Support for Learning) (Scotland) Act 2004 in respect of children with additional support needs.

EMPLOYEE JOINT CONSULTATIVE COMMITTEE

Name of Committee

The committee will be known as the Employee Joint Consultative Committee

Scope

The committee will cover all Local Government employees in the Western Isles, other than Teaching staff.

Membership

- (1) The committee will have ten members. Five members will be appointed to represent the Comhairle side including the Chair of Policy and Resources Committee ex-officio and there will be five staff representatives appointed on such basis as the Comhairle's recognised trade unions shall agree.
- (2) If any of the above bodies do not appoint the number of their representatives provided for by the constitution, failure to appoint will not invalidate the decisions of the committee.
- (3) If a vacancy arises, a new member shall be appointed by the body that the previous member represented and will be a member until the end of the period for which the previous member was appointed.
- (4) Where any representative is unable to attend, a substitute may attend in place of that representative and shall exercise the same rights as the principal appointed representative. In the case of the staff side the representative substitute shall be appointed by the staff side under such arrangements as shall from time to time be approved by them and notified to the Chief Executive. In the case of the Comhairle side the substitute shall be selected by the Chief Executive as soon as practicable after he is notified that a member is unable to attend.

Quorum

Three from either side.

Functions

- 1 The Comhairle and Trade Unions shall plan to develop a fair and progressive employment agenda to support innovative quality service delivery. This principle will underpin all of the committee's agreements and activities.

The functions of the committee are as follows:

- (1) To support and develop a local framework which will contribute to the development of a highly skilled and motivated workforce.
- (2) To negotiate sustainable local collective agreements on employment related matters.
- (3) To promote the support of the application of such agreements for the Comhairle and its employees.
- (4) To promote co-operation between employers and recognised unions throughout the Comhairle.

- (5) To support the promotion of equality and the elimination of discriminatory practices in employment.
 - (6) To support the development and adoption of local codes of practice to cover the conduct and obligations of employees and employers.
 - (7) To support the development and implementation of training and development initiatives and to ensure their integration into broader employee development strategies.
 - (8) To provide a local conciliation service for the resolution of disputes.
 - (9) To undertake any activity incidental to the above.
- 2 The committee may invite any persons whose special knowledge would be of assistance to attend and speak at its meetings. Such persons will not have the power to vote.
- 1 Chair and Vice-Chair
 - (1) The Committee will appoint from amongst its membership a Chair and Vice-Chair who will retire at the same time after one year. The office of Chair of the committee will be held in alternative years by a member of the employer's side and a member of the employee's side.
 - (2) In the absence of the Chair, the Vice-Chair shall preside at meetings of the committee and if neither the Chair nor the Vice-Chair is present a Chair will be elected for the meeting. The Chair will not have a casting vote.
 - 2 Officers
 - (1) The Employer's Secretary to the committee shall be the Chief Executive. The Employees' Secretary will be appointed from amongst the staff representatives. Either side may arrange for the attendance in an advisory capacity, of an external officer at any meeting where it would be helpful to the business under discussion. Such attendances shall be notified to the Chief Executive and notified to the other side when Reports are exchanged.
 - 3 Meetings
 - (1) Meeting of the committee shall be held at least four times each year with additional ad hoc meetings as necessary. Meetings will be called by notice in writing not less than seven days before the date of the meeting and the notice shall include the Agenda of items to be discussed.
- 3 Items can only be placed on an Agenda if a draft of the Report has been submitted to the employees' representative, if originated by management, or the management side if originated by staff. The Chief Executive must receive the Report at least fifteen clear days before the date of the Meeting. This procedure applies for Reports originated by either employees or management. If those receiving the Report are unable to produce the Report in time for the Meeting or in time for the sending out of the Agenda, notification should be given the originator of the Report that it was impossible for the matter to go to that Meeting and the reasons given. An indication should be given of the date by which a response Report could go forward.

LOCAL NEGOTIATING COMMITTEE: TEACHING STAFF

Framework Local Recognition and Procedure Agreement between Comhairle nan Eilean Siar and the Educational Institute of Scotland and The Scottish Secondary Teachers' Association.

1. Comhairle nan Eilean Siar hereby recognises the Educational Institute of Scotland and The Scottish Secondary Teachers' Association as the sole representatives of the teaching staff, music instructors, educational psychologists, educational support officers and quality improvement officers employed by the Comhairle on all matters relating to conditions of service as defined in paragraph 3 of this recognition and procedure agreement and other matters not subject to national bargaining.
2. The Comhairle and the recognised unions jointly affirm their commitment to the maintenance of good industrial relations and accept that this Recognition and Procedure Agreement and any formal agreements which arise from it will be binding on the signatory parties.
3. All agreements, orders, settlements and determinations of the Scottish Negotiating Committee for Teaching Staff in School Education dealing with:
 - cover agreements;
 - appointment procedures;
 - particulars of employment;
 - expenses of candidates for appointment;
 - transfer of temporary teachers to permanent staff;
 - promotion procedures;
 - staff development arrangements;
 - specific duties and job remits;
 - arrangements for school based consultation;
 - other leave and absence arrangements;
 - housing;
 - indemnification procedures;
 - other allowances; and
 - discipline and grievance procedures shall be adopted as the base for negotiations under the procedures established by this Recognition and Procedure Agreement.
4. The purpose of this Recognition and Procedure Agreement is to establish bargaining machinery and a negotiating procedure between the Comhairle and the signatory unions whereby relevant conditions of service can be determined for all teaching staff, music instructors, educational psychologists, educational support officers and quality improvement officers.
5. The Comhairle hereby recognises the unions who are signatories to this Recognition and Procedure Agreement as the sole bargaining agents for the matters covered by this Recognition and Procedure Agreement.
6. The Comhairle will negotiate through a management side appointed by itself. The recognised unions will negotiate through a joint union side appointed by them collectively which will reflect, on a pro rata basis, the respective membership strengths of each organisation. The management side and the joint union side will each appoint a secretary for their respective sides (the Joint Secretaries).
7. Negotiations between the two sides shall be conducted within a Local Negotiating Committee for Teachers (LNCT). Meetings of the Committee shall be held as and when requested by either side with the proviso that there will be at least 3 meetings in each calendar year. One of the meetings shall be designated the Annual General Meeting for the purpose of approving the membership of the LNCT and reviewing any standing sub

committees. The Joint Secretaries shall be responsible for making the arrangements for meetings which shall be arranged within 14 days of a request being lodged, or otherwise by mutual agreement.

8. The composition of each side of the Committee shall be determined by the sides separately, but shall not exceed 7 members of each side. The Committee may, from time to time, appoint from among its own members a sub-committee or sub-committees to discharge functions of the Committee as the Committee may specify.
9. The quorum for a meeting of the Committee shall be 3 from the management side and 3 from the joint union side. In the case of a sub-committee, the Committee will determine the quorum when the sub-committee is first established.
10. Agreements reached by the Committee shall be binding on the Council and the signatory unions and each of the parties hereby confirm that they have the authority to bind the party on whose behalf they sign, in terms of this Recognition and Procedure Agreement.
11. Agreements reached between the two sides shall be set out in a text jointly approved by the two sides and the text will be subscribed by the Joint Secretaries. All local agreements will be reported to the SNCT.
12. The Joint Secretaries will be available to advise their respective sides on matters relating to agreements reached by the Committee. In formulating such advice the Joint Secretaries may consult with each other whenever they think it appropriate.
13. This Recognition and Procedure Agreement shall take effect as soon as it has been signed on behalf of the Council and on behalf of the teachers' side.
14. No variation to this Recognition and Procedure Agreement may be made except with the consent of the sides to this agreement.
15. The Comhairle hereby agrees to ensure that adequate paid time off work shall be granted to all union representatives on the Committee and that particular consideration shall be given to the amount of paid time off work required by the person appointed as union side joint secretary, as well as the necessary facilities covered by ACAS Code of Practice No. 3.
16. The signatory parties to this Recognition and Procedure Agreement acknowledge the importance of establishing and maintaining confidence in the negotiating arrangements established under this Agreement and recognise the need to negotiate in good faith.
17. In the event of any dispute being declared between the two sides or where there is a failure to agree at school level on any relevant matter, the Comhairle and the signatory unions should seek to resolve the matter, without delay through discussion in the Committee. The Comhairle further agrees not to implement any change that is the subject of dispute until the matter has been considered by the Committee. The signatory unions, likewise, further agree not to implement any form of industrial action unless and until the Committee has failed to achieve a resolution of the matter in dispute.
18. Where agreement between the two sides of the local negotiating committee is not possible, either side may refer the failure to agree to the Joint Chairs of the SNCT for conciliation. If the conciliation is unsuccessful the Joint Chairs of the SNCT may recommend further procedures for resolution of the difference, including external conciliation, mediation or binding arbitration.

SOCIAL WORK AND SOCIAL CARE BOARD

Membership

The Members appointed by the Comhairle as substantive and substitute members of the Eilean Siar Integration Joint Board are ex-officio members of the Social Work and Social Care Board and the Comhairle will appoint four further members to the Board.

Functions

- 1 Consideration of quarterly performance monitoring requests in relation to services delivered under a Direction issued by Western Isles Integration Joint Board in terms of the Public Bodies (Joint Working) (Scotland) Act 2014.
- 2 To support the Comhairle's relationship with the Eilean Siar Integration Joint Board.
- 3 To oversee the effective deployment of Comhairle resources to support the strategic priorities of the Eilean Siar Integration Joint Board.
- 4 To provide a sounding board for Comhairle input into the Eilean Siar Integration Joint Board.
- 5 To consider Health and Social Care Policy.
- 6 To consider the implications for the Comhairle in relation to a National Care Service.