

## SCHEDULE 1

Article 6(3)

### **Appointment of members of the Authority and period of office**

1.—(1) Subject to paragraph 2 below, each of the members first appointed as members of the Authority shall hold office from and after the appointed day until the first meeting of the authority which appointed that member after the next ordinary election of councillors of that authority.

(2) The members of the Authority other than the first members shall be appointed by each constituent local authority at the first meeting of that authority after the ordinary election of councillors of that authority.

(3) Subject to paragraph 2 below, the members of the Authority other than the first members shall hold office for the period from the date of their appointment until the first meeting of the constituent local authority appointing them after each ordinary election of councillors.

(4) The proceedings of the Authority shall not be invalidated by any vacancy or vacancies among its members or by any defects in the method of appointment of any of its members.

(5) Any member of the Authority may be represented at any meeting of the Authority by a substitute member appointed in accordance with sub-paragraph (6) below.

(6) A constituent local authority may, subject to sub-paragraph (8) below, appoint one of its members to be a substitute member for any member of the Authority who is also a member of that constituent local authority.

(7) A substitute member shall have the same powers at a meeting of the Authority as the member whom he is representing would have had at that meeting.

(8) A person may not be appointed as a substitute member of the Authority if he is a member of the Authority.

### **Cessation of membership of the Authority**

2.—(1) On any member of the Authority ceasing to be a member of the constituent local authority which appointed him he shall cease to be a member of the Authority.

(2) A member of the Authority may resign his membership at any time. Such resignation shall—

- (a) be in writing;
- (b) be intimated to the head of the paid service of the constituent local authority by which he was appointed and to the clerk to the Authority; and
- (c) take effect on the date on which the clerk to the Authority receives such intimation or on such later date as may be specified in that intimation.

(3) A member of the Authority who resigns his membership shall cease to be a member of the Authority on the date on which his resignation takes effect.

(4) A member of the Authority shall cease to be a member of the Authority if and when the constituent local authority by which he was appointed so decides.

(5) If any person ceases to be a member of the Authority, the constituent local authority which appointed him shall as soon as possible appoint a member in his place unless in the opinion of the constituent local authority the appointment should be deferred until the next appointment of members of the Authority.

### **Convener and vice-convener**

3.—(1) The convener of the Authority shall be—

- (a) for the period beginning with the appointed day and ending with 30th June 2003 selected by the Authority from the 4 members appointed by City of Edinburgh Council;
  - (b) for the period beginning with 1st July 2003 and ending with 30th June 2005 selected by the Authority from the 4 members appointed by Fife Council;
  - (c) on and after 1st July 2005 selected by the Authority on a rotational basis from the 4 members of City of Edinburgh Council followed by the 4 members of Fife Council and shall serve for a period of 2 years.
- (2) The vice-convener of the Authority shall be—
- (a) for the period beginning with the appointed day and ending with 30th June 2003 selected by the Authority from the 4 members appointed by Fife Council;
  - (b) for the period beginning with 1st July 2003 and ending with 30th June 2005 selected by the Authority from the 4 members appointed by City of Edinburgh Council;
  - (c) on and after 1st July 2005 selected by the Authority on a rotational basis from the 4 members of Fife Council followed by the 4 members of City of Edinburgh Council and shall serve for a period of 2 years.
- (3) If either the convener or vice-convener is unable for any reason to exercise their respective functions for a period in excess of 6 months the post will be regarded as vacant and the Authority shall appoint a replacement in accordance with sub-paragraphs (1) and (2) above.

#### **Officers of the Authority**

- 4.—(1) The Authority shall appoint a clerk and a treasurer.
- (2) The clerk and the treasurer shall hold and vacate office as such in accordance with the terms of the instruments by which they are respectively appointed and, notwithstanding the terms of the instrument of appointment, the Authority may terminate their appointment at any time.
- (3) The offices of clerk and treasurer shall not be held by the same person or by persons who stand in relation to one another as partners or as employer and employee.
- (4) For the period beginning with the appointed day until a clerk and treasurer have been appointed, the persons who are immediately before the appointed day clerk and treasurer of the existing board shall respectively be the clerk and the treasurer to the Authority.
- (5) The Authority may appoint such other staff as may be required for the discharge of the functions of the Authority under this order.
- (6) Where under an agreement with the Authority, any constituent local authority places its own staff at the disposal of the Authority, the Authority shall make annually such payments as may from time to time be agreed with that authority for the services of that staff.

- 5.—(1) The first meeting of the Authority shall be held no later than 5th April 2002.
- (2) The Authority shall hold such meetings as it shall consider necessary for the disposal of its business at such place or places as it may from time to time fix.
- (3) The clerk shall send copies of the minutes of meetings of the Authority to the constituent local authorities for their information.
- (4) The Authority shall have power to make or adopt standing orders regulating its procedures and business.
- (5) The quorum of the Authority shall be 4 members provided that the members present shall not all be members appointed by the same constituent local authority.
- (6) All questions coming or arising before the Authority shall be decided by a majority of the members of the Authority present and voting thereon at a meeting of the Authority.

(7) In the case of an equality of votes the person presiding at the meeting of the Authority shall have a second or casting vote except where the matter which is the subject of the vote relates to the appointment of a member of the Authority to any particular office or sub-committee, in which case the decision shall be by lot.

6.—(1) The Authority may appoint from its membership such committees as it may from time to time consider necessary or desirable and may refer to such committees such matters as the Authority may from time to time specify by minute or in its standing orders.

(2) Any member of a committee of the Authority may be represented at any meeting of that committee by a substitute member appointed in accordance with sub-paragraph (3) below.

(3) A constituent local authority may, subject to sub-paragraph (5) below, appoint one of its members to be a substitute member for any member of a committee who is also a member of that authority.

(4) A substitute member shall have the same powers at a meeting of a committee as the member whom he is representing would have had at that meeting.

(5) A person may not be appointed as a substitute member of a committee if he is a member of that committee.