

PERTH & KINROSS COUNCIL

25 MAY 2022

POLITICAL DECISION-MAKING STRUCTURES

Report by Chief Executive
(Report No 22/110)

1. PURPOSE

- 1.1 This report brings forward proposals for a political decision-making structure for Perth & Kinross Council following the local government elections of 5 May 2022.

2. RECOMMENDATION

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| 2.1 | <p>It is recommended:</p> <ul style="list-style-type: none">• that Council consider the proposals for a decision-making structure, as outlined in sections 5 and 6 of the report, and agree a model.• if Council agree to continue with the existing committee structure model, it shall: -<ul style="list-style-type: none">➤ appoint members to and conveners / vice-conveners of the existing Committees, in line with Appendix 1 of the report➤ determine proposals for councillors' remuneration, in accordance with Appendix 2 of the report➤ determine the positions of non-elected members on both the Lifelong Learning Committee and Housing & Communities Committee, in line with sections 6.4 - 6.6 of the report.➤ determine the position in relation to Member/Officer Working Groups, as set out in sections 6.9-6.11 of the report.➤ agree the timetable of meetings for the remainder of the calendar year, as set out in Appendix 3• if Council is minded to adapt the existing structure or adopt a different model of decision-making, it shall: -<ul style="list-style-type: none">➤ determine the structure➤ determine membership, roles and responsibilities and appoint accordingly➤ determine the model for any additional remuneration➤ ask the Head of Legal & Governance Services to make any necessary adjustments to the Scheme of Administration and to draw up a revised timetable of meetings for consideration and approval by Council in June 2022. |
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3. STRUCTURE OF REPORT

3.1 This report is structured over the following sections:

- Section 4: Background
- Section 5: Models of Decision Making
- Section 6: Further Considerations
- Appendices

4. BACKGROUND

4.1 The Council's present decision-making structure was agreed following the Local Government Elections of May 2017. It was also agreed recently to pilot a Kinross-shire Local Committee.

4.2 In line with sound governance arrangements, it is appropriate for the Council to keep under review its decision-making processes and structures to ensure that they reflect changing circumstances and that they continue to be effective.

5. MODELS OF DECISION MAKING

5.1 There are different models of decision-making which the Council could adopt. The key consideration is that the model supports: -

- Informed decision-making
- Community and Corporate Leadership
- Prudent financial stewardship
- Legal compliance
- Effective audit function and risk management
- Effective scrutiny of policy and performance
- Openness, transparency, and accountability

5.2 There is a certain amount of business which must be determined by full Council in terms of legislation; however, any matter of competent business delegated to committee can be considered by Council, presenting options and opportunities to revise the decision-making structure to better reflect current strategic priorities or to streamline processes.

5.3 Set out below are potential decision-making models for consideration.

Option 1 – Existing Decision-Making Structure

5.4 The present decision-making structure has a mix of governance related committees (such as Audit, Scrutiny, Strategic Policy & Resources) and other thematic committees focussing on education and learning, environment and infrastructure, housing and communities.

- 5.5 The present decision-making structure also includes ten Common Good Fund Committees and a number of Sub-Committees, including the Property Sub-Committee, and Provost's Sub-Committee.
- 5.6 **If the Council is minded to agree to continue with the existing committee structure, it will require to appoint members to and conveners/vice-conveners of the existing Committees, in line with Appendix 1 of the report.**
- 5.7 Given the importance of the democratic aspect of decision-making, it is recognised good practice to try to achieve political balance, where possible. In other parts of the UK, this is enshrined in legislation which has not yet been enacted in Scotland. Accordingly, Standing Order 6.1 provides that, in appointing members to Committees and Sub-Committees, the Council shall, so far as possible, give effect to the principles regarding political balance set out in the Local Government and Housing Act 1989. **Appendix 1** sets out the current make-up of the Council's committees and provides a guide to political balance using the method that was previously agreed by Council.
- 5.8 Council may, however, wish to take the opportunity to re-brand committees to incorporate a different strategic focus or to better reflect the nature of the business which is transacted. For example, "Audit & Risk" would better reflect the business undertaken currently by Audit Committee and "Scrutiny and Performance" would better reflect the current remit of the Scrutiny Committee. If this is the case, Council will require to make any necessary changes to committee remits and the Scheme of Administration, and this could be done through the Governance Member/Officer Working Group (see sections 6.9-6.11). Thereafter, the Head of Legal and Governance Services can bring back a revised Scheme of Administration for consideration and approval by Council in June.

Option 2 – Cabinet Model

- 5.9 A number of Councils adopt a cabinet model as opposed to a traditional committee structure. This would see the majority of decisions (with the exception of those matters reserved to Council or where Council has chosen to have those dealt with by a committee or sub-committee, quasi-judicial/regulatory committees, and the audit and scrutiny functions) being considered by an executive/cabinet. Membership of such, is varied - usually dependent upon the numbers of the political group/groups forming the administration. Some models are, however, reflective of political balance; it is for Council to determine. Education policy is determined by the local authority sitting as the "Education Authority" therefore an education executive or committee would be required to consider educational matters, or these could rest with full Council for determination. Certain members may then be given portfolio responsibility for different areas / themes within the Council. Portfolio holders could attract the senior councillor allowance which is usually given to conveners, subject to the restrictions on numbers and the maximum permitted funding in terms of the remuneration regulations.

Option 3 – Streamlined Committee Structure

- 5.10 Another option would be to combine or reduce the number of committees, optimising use of full Council for democratic decision-making but introducing the concept of portfolio holders, as with the cabinet model described above. Council would be advised to retain a distinct Audit & Risk Committee, Scrutiny & Performance Committee, quasi judicial/regulatory committees and a committee similar to SP&R which would deal with financial and other resource management and monitoring. All other business would be dealt with by Council sitting more frequently (e.g. monthly). Council could designate thematic portfolio leads (e.g. for Education, Climate Change, Housing, Health & wellbeing, economic regeneration etc etc). These portfolio holders would attract an additional allowance (subject to the prescribed limits in terms of funding and costs as per the remuneration regulations).
- 5.11 The portfolio holders would be the political lead/spokesperson and could present any papers/motions etc to Council. They would engage with officers as conveners do now in terms of business to be transacted at the Council meeting. In terms of education business, this would be a designated part of the Council agenda, sitting as Education Authority and it would consider all policy matters reserved to it.
- 5.12 This proposed streamlined model could create more time and opportunity for elected member training and development, focus group activity, member briefings, etc.

6. FURTHER CONSIDERATIONS

Remuneration Arrangements

- 6.1 The Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007 provides for the remuneration of elected members. The 2022 Regulations, which will be effective from 6 May 2022, provide for all councillors to receive a basic salary of £19,571. They also provide for this Council to have remunerated positions for a civic head/Provost, a leader and up to 14 senior councillors – the latter with a maximum individual sum payable of £29,361 and within a total budget of £342,524 as set out in **Appendix 2** to this paper.
- 6.3 **If Council is minded to agree with the proposals in section 5 above, it will require to consider proposals for councillors' remuneration, in accordance with Appendix 2 to this report.**

Non-Elected Members of Committees

- 6.4 The Lifelong Learning Committee currently includes non-elected members made up of religious representatives, teacher representatives, parent council representatives and youth representatives. The Housing & Communities Committee currently includes representatives from the Tenants and Residents' Association when considering housing matters.

6.5 There is a requirement under the Local Government (Scotland) Act 1973 that religious representatives be members of Education Authorities when they are considering educational matters. It is a matter for local authorities to determine whether these members also have voting rights. In Perth and Kinross, it is the case that religious representatives do not have voting rights.

6.6 **Council is asked to consider this matter and determine the continued positions of other non-elected members on both these committees.**

Appointments to Partner Organisations / Outside Bodies

6.7 There are a number of partner organisations/outside bodies on which the Council is entitled to be represented. These organisations/bodies are at national, regional and local levels and range from the Convention of Scottish Local Authorities (COSLA) through joint boards, joint committees, companies and trusts. A separate item on the agenda brings forward the vacancies for Council to make appointments to outside bodies.

6.8 The relationship that the Council has with these organisations / bodies is vital to the delivery of outcomes. It is, therefore, important that the Council considers very carefully the question of appropriate representation on these organisations / bodies.

Member/Officer Working Groups

6.9 The Council has previously operated a number of Member / Officer Working Groups to allow members to work with relevant officers to draft policy, monitor a particular activity, or for another reason.

6.10 The current groups that are set up are based on the following areas of the Council:

- Governance
- The Perth and Kinross Offer
- Affordable Housing
- Planning Policy, Practice and Improvement.

6.11 **Council is asked to determine whether these groups are to continue based on existing arrangements.**

Governance Documents

6.12 The Council's decision-making processes and structures must be supported by robust Standing Orders governing the proceedings at meetings and a Scheme of Administration detailing the levels of delegation both to members acting collectively and to officers.

- 6.13 The current Standing Orders were recently reviewed through the Governance Member/Officer Working Group and full Council and the Scheme of Administration is regularly updated to take account of any updated legislative requirements or decision-making arrangements. If Council is minded to review the decision-making processes and structures, this could be considered initially by the Governance Member/Officer Working Group (see sections 6.9 - 6.11 above).

Perth and Kinross Community Planning Partnership

- 6.14 The statutory appointments for the Council in relation to Community Planning are included for consideration within **Appendix 1**.
- 6.15 Council is also asked to note that the Community Planning Partnership is currently reviewing and updating the Local Outcomes Improvement Plan, including the current delivery structures and Outcome Delivery Groups.

Timetable of Meetings

- 6.16 The existing timetable of Council meetings provides for an eight-weekly cycle of meetings for the Council and Committees, apart from the Development Management Committee and the Licensing Committee which meet on a four-weekly and six-weekly basis respectively. The existing timetable also takes account of fixed recess periods at Easter, Summer and October holiday periods.
- 6.17 If the Council is minded to retain the current decision-making structure, it will require to agree a timetable of meetings for the remainder of the calendar year.
- 6.18 **A proposed timetable based on the existing structure is attached at Appendix 3 to this report for approval.**
- 6.19 Should the Council wish to adopt a different model of decision-making, then a revised timetable for the calendar year will be developed and presented to council for approval in June. In the interim, we will continue to follow the agreed timetable for Audit and Scrutiny Committees to ensure that the business of approving the draft Final Accounts can be managed. It is also proposed the current timetable be followed in the interim to deal with quasi-judicial/ regulatory business

Committee Report Template

- 6.20 It is proposed that a revised committee report template to assist members in their decision making is considered by the Governance Member / Officer Working Group (if Council is minded to agree to re-establish the working group) which will then be submitted to the Council meeting in June for approval.

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Approved

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APPENDICES

- Appendix 1 Membership of Committees / Sub-Committees / Other Bodies
- Appendix 2 Remuneration Arrangements
- Appendix 3 Proposed Timetable of Meetings May-December 2022