

PERTH AND KINROSS COUNCIL**Council - 19 December 2012****REVIEW OF POLITICAL DECISION-MAKING STRUCTURES****Report by Head of Democratic Services****PURPOSE OF REPORT**

This report sets out proposals following the review of the Council's political decision-making structure.

1. RECOMMENDATIONS

1.1 It is recommended that the Council agree –

- (a) to retain the existing committee-based decision-making structure.
- (b) in the light of the emerging agenda for public sector reform and the development of the Perth and Kinross Community Plan, that the Modernising Governance Member Officer Group keep the current remits of the committees under review to achieve the improved balance sought by members.
- (c) that the scrutiny of reports by Education Scotland continue to be considered by the Executive Sub Committee of the Lifelong Learning Committee.
- (d) that the Modernising Governance Member Officer Group give further consideration to the appropriate forum(s) for determining strategy and policy in relation to arts & cultural services and sport & leisure services.
- (e) with effect from 1 January 2013, to refer responsibility to the Scrutiny Committee for the scrutiny of the performance of the organisations providing arts & cultural services and sport & leisure services on behalf of the Council.
- (f) with effect from 1 January 2013, to establish an Audit Committee with a membership of 5 or 7 and with the remit of the existing Audit Sub-Committee; to appoint members of and a convener and vice-convenor of the Committee; and to determine the level of remuneration for those positions.
- (g) to consider whether to continue the provision for external representation on the Audit Committee.

- (h) that the Modernising Governance Member Officer Group give further consideration to options for future consideration of asset management matters by elected members.
- (i) with effect from 1 April 2013, to amend the remit of the Community Safety Committee be amended to reflect the decision of the Police and Fire Reform Transitional Pathfinder Group.
- (j) to retain the current provisions in relation to Common Good Fund Committees.
- (k) to retain the existing model for Member Officer Groups.
- (l) to retain the provision for non-Council membership on Committees but that the Modernising Governance Member Officer Group give further consideration as to whether such membership should carry voting rights.
- (m) with effect from 1 January 2013, to amend the Scheme of Administration so that the non-Council membership of the Housing and Health Committee is drawn from all tenants' and residents' associations across the Council area.
- (n) with effect from 1 January 2013, to amend Standing Orders 43 and 44 to require that voting should be by roll-call.
- (o) to retain the existing substitution provision in Standing Orders, but that with effect from 1 January 2013, to amend Standing Order 58 so that substitutes on Development Management Committee and Licensing Committee only be allowed where the substitute member has undergone relevant training, and that also the substitute member attends for the duration of the meeting.
- (p) to consider whether to retain the existing provisions in Standing Orders on the use of delegated powers by committee and sub-committees.
- (q) to amend the Scheme of Administration with immediate effect to remove the provision at 17.2 regarding the appointment of the Depute Returning Officer.
- (r) to amend the provision at 17.3 in the Scheme of Administration to designate the Executive Director (Environment) as the Senior Information Risk Owner.
- (s) to retain the existing meeting cycle and to instruct the Head of Democratic Services to finalise the timetable of meetings for 2013 on that basis.

2. INTRODUCTION AND BACKGROUND

- 2.1 The existing decision-making structure of Perth and Kinross Community Planning Groups (approved by the Special Council in December 2007 –

Article 747/07 refers) and the Council's Committees is based around the vision, values, aims and outcomes of the Perth and Kinross Community Plan 2006 – 2020 'Working Together for Perth and Kinross' approved in 2006.

- 2.2 These are in turn reflected in the vision, values, aims and objectives of the Council's Corporate Plan 2009-2012 'Securing the Future,' approved by the Council in June 2009 (Article 351 refers).
- 2.3 The Community and Corporate Plans, together with the Perth and Kinross Community Planning Single Outcome Agreement, set out how the Council and its partners intend to achieve the respective outcomes and objectives. The Council's political decision-making structure should not only support and enable those processes, but also ensure transparency and accountability in those processes. In accordance with the principles of Best Value and Community Planning the primary focus for all of the process activity is the delivery of improved services and outcomes for the end user.
- 2.4 In line with sound governance arrangements, it is appropriate for the Council to keep under review its political decision-making structures to ensure that they reflect changing circumstances and that they continue to be effective. The Council's decision-making structure requires to demonstrate how the Council and its partners are addressing the following key issues:-
 - Community and Corporate Leadership
 - Performance Management and Reporting
 - Effective Challenge and Scrutiny
- 2.5 On 25 April 2012, the Council agreed that a discussion paper by the Chief Executive on political decision-making structures (Article 211 / Report 12/190 refers) be made available to all elected members immediately following the local government elections on 3 May 2012, and copies of the paper were included with the information pack given to each elected member on 4 May 2012.
- 2.6 At the first meeting of the new Council on 23 May 2012, the Council considered a report by the Chief Executive on developing the way forward for a political decision-making structure for the Council (Article 218 / Report 12/193 refers). The Council agreed –
 - (a) to continue the existing political decision-making structure until the end of the current calendar year.
 - (b) to appoint Conveners, Vice-Conveners and members of Committees in accordance with Paragraphs 3.1 and 3.2 of and Appendices 1A and 1B to Report 12/193.
 - (c) to appoint members of the Perth and Kinross Licensing Board.

- (d) to continue the current provisions in relation to the Local Review Body in accordance with Paragraphs 3.6 - 3.7 of Report 12/193 and to appoint Councillor M Lyle as Convener of the Local Review Body.
- (e) to continue the current provisions in relation to the Pre-Determination Committee in accordance with Paragraphs 3.8 - 3.9 of Report 12/193.
- (f) to re-establish the Police and Fire Reform Transitional Pathfinder Group be, on the basis of the previous remit in accordance with Paragraphs 3.10 – 3.11 of and Appendix 2 to Report 12/193; and to appoint representatives to serve on the Group.
- (g) to continue Council representation on the Health and Social Care Integration Transition Board, on the basis of the previous remit in accordance with Paragraphs 3.12 – 3.13 of and Appendix 3 to Report 12/193 and to appoint Councillor I Miller and Councillor D Doogan, Conveners of Strategic Policy and Resources Committee and Housing and Health Committee respectively, to serve on the Board.
- (h) to appoint members to the Community Planning Partnership at this time and to appoint members to the remaining community planning groups in accordance with Paragraph 3.14 of and Appendix 4 to Report 12/193 at the Council meeting to be held on 27 June 2012.
- (i) to continue the appointment of external representatives on the Housing and Health Committee and the Lifelong Learning Committee in accordance with Paragraphs 3.15 – 3.18 of Report 12/193.
- (j) to consider the appointment of a non-Council member on the Audit Sub-Committee as part of the review of the decision-making structure in accordance with Paragraphs 3.19 - 3.20 of Report 12/193.
- (k) to re-establish the Modernising Governance Member / Officer Working Group on the basis of the previous remit in accordance with Paragraphs 3.21 – 3.23 of and Appendix 5 to Report 12/193 and to appoint members to serve on the Group.
- (l) to remit to the Modernising Governance Member/Officer Working Group to consider options for models of political decision-making structures and to submit reports to the Council as the Group considers necessary on aspects of its work, but to submit a final report to the Council meeting on 12 December 2012 with recommendations for a structure to be implemented with effect from January 2013.
- (m) to note that the Council's Standing Orders and Scheme of Administration will be reviewed as part of the review of the decision-making structure and that revised versions of these documents will be submitted as part of the final report to Council referred to at (xii) above.

- (n) to approve the councillors' remuneration arrangements as set out in Appendix 6 to Report 12/193 as circulated at the meeting.
- (o) to approve the role profiles / descriptions related to councillors; councillors with significant additional responsibilities and council leaders, and the competencies framework, together with personal development plans, based on the competencies framework be continued, in accordance with Paragraphs 3.29 – 3.30 of and Appendix 7 to Report 12/193.
- (p) to approve the timetable of meetings for the remainder of the current calendar year in accordance with Paragraphs 3.34 – 3.35 of and Appendix 8 to Report 12/193.
- 2.7 In Report 12/193, it was noted that the review of the political decision-making structures, should take account of a number of drivers, including –
- (a) The report on the *Commission on the Future Delivery of Public Services* (Christie Commission) setting out recommendations to improve the quality of public services in Scotland.
 - (b) The document *Renewing Scotland: The Government's Programme for Scotland 2011 – 2012* outlining the Scottish Government's response to the Commission's recommendations and its future approach to and priorities for public service reform.
 - (c) *The Statement of Ambition on the Review of Community Planning and Single Outcome Agreements* published by the Scottish Government and COSLA in March 2012 setting out the key principles that underpin Community Planning Partnerships and the Single Outcome Agreement.
 - (d) The Scottish Government's proposals for (i) the creation of national Police and Fire & Rescue Services, and (ii) the integration of adult health and social care.
- 2.8 In addition to the drivers outlined at 2.7 above, other issues that have also been considered include Common Good Fund Committees; Member / Officer Groups; Non-Council Membership of Committees; Standing Orders / Scheme of Administration; and Timetable of Meetings.
- 2.9 On 3 September 2012, the Modernising Governance Member Officer Group received an update from the Head of Democratic Services on the process for the review of the political decision-making structure, and agreed that the areas to be considered as part of the review should include:-
- consideration of other models of decision-making structures;
 - remits of existing Committees;
 - consideration of the decision-making structures for Community Planning; the reform of the police and fire services and also the integration of adult health and social care;
 - examination of the structures of other Scottish local authorities.

- 2.10 As part of the methodology for undertaking the review, a series of focus groups was held with officers and elected members of the Council during early October 2012. The proposals outlined in this report seek to acknowledge and reflect the key issues raised during these sessions

3 PROPOSALS

Models of Decision-making Structures

- 3.1 The Council's existing decision-making structure is a thematic cross-cutting committee-based model rather than an executive or cabinet.
- 3.2 The Council and the Strategic Policy and Resources Committee both deal with strategic and corporate issues that impact across the whole Council. Then there are five themed Committees which provide opportunity for debate on consideration of policy; examining performance and consequent decision-making:
- Housing and Health Committee;
 - Lifelong Learning Committee;
 - Community Safety Committee;
 - Environment Committee; and
 - Enterprise and Infrastructure Committee.

The Scrutiny Committee supports all of the Committees in examining performance.

- 3.3 In addition, the Development Management Committee, Licensing Committee and the Licensing Board determine applications for a range of permissions and licences.
- 3.4 During the focus group sessions, there was support for the principle of ensuring that more members rather than fewer members are involved in the decision-making processes of the Council. Consequently, there was no expressed desire to make radical changes to the existing structure and to move to an executive or cabinet model, with one suggestion that there should be provision whereby decisions with significant policy or strategy implications should be determined by full Council with 41 members, rather than delegated to Committees. This is referred to in more detail in paragraph 3.48 below.

Proposal: The Council is asked to agree that the existing committee-based decision-making structure is retained.

Remits of Existing Committees

- 3.5 During the focus group sessions there was support for seeking to improve the balance of the workload of the current Committees – with the remits of the Community Safety and Environment Committees being regarded as significantly lighter than those of the other three themed Committees.

- 3.6 Paragraph 3.25 below deals with the proposed future remit of the Community Safety Committee in relation to the relationship between the Council and the new national police and fire & rescue services.

Proposal: The Council is asked to agree that in the light of the emerging agenda for public sector reform and the development of the Perth and Kinross Community Plan, the Modernising Governance Member Officer Group keep the current remits of the committees under review to achieve the improved balance sought by members.

Scrutiny Committee

Consideration of Reports by Education Scotland and the Care Inspectorate

- 3.7 The current remit of the Executive Sub-Committee of the Lifelong Learning Committee includes-

- 9.3 1.2 *To consider HM Inspectorate of Education (HMIE) and Quality Management in Education (QMIE) reports on individual schools, pre-school partner providers and community learning.*
- 1.3 *To consider HM Inspectorate of Education (HMIE) reports on general aspects of education provision, including learning and teaching, the curriculum, and care and welfare.*
- 1.4 *To consider reports on inspections carried out by the Scottish Commission for the Regulation of Care where these relate to the provision of services to children.*

- 3.8 The current remit of the Executive Sub-Committee of the Housing and Health Committee includes –

- 7.3.2 *To consider reports on inspections carried out by the Scottish Commission for the Regulation of Care where these relate to the provision of services to adults.*

- 3.9 The current remit of the Scrutiny Committee includes -

- 10.2.4.4 *To consider trends in (a) HM Inspectorate of Education (HMIE) and Quality Management in Education (QMIE) reports on individual schools, pre-school partner providers and community learning and (b) HM Inspectorate of Education (HMIE) reports on general aspects of education provision, including learning and teaching, the curriculum, and care and welfare.*
- 10.2.4.5 *To consider trends in reports on inspections carried out by the Scottish Commission for the Regulation of Care.*

NOTE – References to HMIE and QMIE should be amended to read 'Education Scotland'; and references to Scottish Commission for the Regulation of Care should be amended to read 'Care Inspectorate'.

- 3.10 It has been suggested that the current arrangements may not provide sufficiently robust scrutiny of Education Scotland reports, and that more appropriate levels of accountability would be achieved if such reports were considered by the Scrutiny Committee.

Proposal: The Council is asked to agree that the scrutiny of Education Scotland reports continue to be considered by the Executive Sub Committee of the Lifelong Learning Committee.

Arts and Cultural Services; Sport and Leisure Services

- 3.11 The existing relationships between the Council and Horsecross and between the Council and Live Active Leisure (LAL) have been the subject of review. However, it is appropriate that the review of the political decision-making structure should reflect the need for the Council, not only to ensure that strategy and policy in relation to arts and cultural services, and sport and leisure services are determined by the appropriate forum(s), but also to ensure that there is appropriate scrutiny of the performance of the organisations providing these services.

Proposal: The Council is asked to agree

- (i) **that the Modernising Governance Member Officer Group give further consideration to the appropriate forum(s) for determining strategy and policy in relation to arts and cultural services, and sport and leisure services; and**
- (ii) **that responsibility for the scrutiny of the performance of the organisations providing these services on behalf of the Council be referred to the Scrutiny Committee.**

Audit Sub-Committee

- 3.12 In the Annual Audit Plan for the Council, considered by the Audit Sub-Committee on 27 March 2012, Audit Scotland identified that the local government elections in May 2012 would provide an opportunity for the Council to reassess the effectiveness of its political governance and scrutiny arrangements to ensure that they remain fit for purpose, including in particular the Audit Sub-Committee.
- 3.13 The Audit Sub-Committee currently comprises of five members and reports to the Scrutiny Committee. CIPFA indicates that it is best practice for an Audit Committee to report directly to the council therefore making it independent of the executive and scrutiny functions. Best practice also indicates that the Chair of the Audit Committee should not be a member of the administration. The Audit Sub-Committee is currently chaired by a member of the opposition.

Proposal: The Council is asked to agree to the establishment of an Audit Committee with a membership of 5 or 7 and with the remit of the existing Audit Sub-Committee.

Proposal: If the Council is minded to agree to this proposal, the Council is asked also to appoint members to, and a convener and vice-convenor of the Committee, and to determine the level of remuneration for those positions.

- 3.14 In September 2005, the Council agreed to appoint a non-Council member to the Audit Sub-Committee of the then Standards and Scrutiny Committee (Article 694 refers), to be appointed on the basis of that person's financial expertise, although it should be noted that most of the reports to the Sub-Committee are of a non financial nature.

Proposal: The Council is asked to consider whether the provision for external representation on the Audit Committee should be continued.

Asset Management

- 3.15 The current remit of the School Estates Sub-Committee of the Lifelong Learning Committee is to oversee the entire school estate, including the business change process in relation to the Investment in Learning programme. The membership of the Sub-Committee comprises 6 members of the Council, including the Convener of the Strategic Policy and Resources Committee, and 3 non-Council members.
- 3.16 The current remit of the Property Sub-Committee of the Strategic Policy and Resources Committee is to determine all property-related matters referred to in paragraph 11.2.7 of the Scheme of Administration. In terms of Paragraph 11.2.7 of the Scheme, the following functions are referred to the Strategic Policy and Resources Committee –

11.2.7 Corporate Asset Management

1. *To determine and implement the Council's policies in relation to the strategic management of its asset streams in relation to Property, Greenspace, Roads, Fleet and Information Systems and Technology.*
 2. *To develop and implement the Council's Corporate Asset Management Plan.*
 3. *To oversee the management of the Council's Property, Fleet and Information Systems and Technology Assets.*
 4. *To consider the acquisition and disposal of the Council's assets.*
- 3.17 In relation to the remit of the School Estate Sub-Committee it had been suggested that the remit be expanded to include all properties held by Education & Children's Services. However it is considered that in order to provide a more strategic overview of all of the Council's physical assets, a Sub-Committee of the Strategic Policy and Resources Committee could be established combining the remits of the School Estate and Property Sub-Committees.

Proposal: The Council is asked to agree that the Modernising Governance Member Office Group give further consideration to options for the involvement of elected members in the governance arrangements for asset management matters.

Decision-making Structures for Community Planning; Reform of Police and Fire and Integration of Adult Health and Social Care

Community Planning

- 3.18 In relation to 2.7(c) above, following the publication of the Statement of Ambition on the Review of Community Planning and Single Outcome Agreements there have been several developments, including the establishment of a National Community Planning Group chaired by the former President of COSLA, Mr Pat Watters.
- 3.19 At local level, considerable work has been undertaken to develop the Community Plan for the Perth & Kinross Community Planning Partnership building on the existing Community Plan and Single Outcome Agreement and taking account of the guidance published by COSLA and Scottish Government on 4 December 2012. It is intended that the Community Plan will be considered by the Community Planning Partnership and the Council in February 2013.
- 3.20 Existing community planning partnerships are being reviewed in the light of the new Community Plan, and further consideration will require to be given to the involvement of elected members in the partnership structure. This will be addressed in the report referred to in Paragraph 3.19 above.

Police and Fire Reform Transitional Pathfinder Group

- 3.21 In relation to 2.7(d)(i) above, the Police and Fire Reform (Scotland) Act 2012 received Royal Assent on 7 August 2012. The Chief Officer for the Scottish Fire and Rescue Service and the Chief Constable of the Scottish Police Service, together with the Chairs of the respective bodies have been confirmed.
- 3.22 In May 2012, the Council agreed to re-establish the Perth and Kinross Police and Fire Reform Transitional Pathfinder Group. The Group has continued to meet with representatives of Tayside Police and Tayside Fire and Rescue to discuss the transition to the new national services in the Perth and Kinross area which become fully operational from 1 April 2013.
- 3.23 In terms of the Police and Fire Reform (Scotland) Act 2012, there are two clear roles for councils:-
- To be involved in the development and approval of the local Police and Fire Rescue Plans
 - To monitor and provide feedback on the operation and performance of local Police and Fire and Rescue Services in their area

- 3.24 Councils will have no decision making powers in respect of budgets or allocation of resources. These are matters for Scottish Government and the respective national Board/Authority.
- 3.25 At its meeting on 9 November 2012, it was the majority view of the Group to recommend that the future role of the Council in relation to the new national services be referred to the Community Safety Committee which already has a remit to liaise with Tayside Police and Tayside Fire and Rescue.

Proposal: The Council is asked to agree that with effect from 1 April 2013, the remit of the Community Safety Committee be amended to reflect the decision of the Police and Fire Reform Transitional Pathfinder Group.

Health and Social Care Integration Transition Board

- 3.26 In relation to 2.7(d)(ii) above, the Scottish Government published a consultation paper on proposals to integrate adult health and social care in Scotland on 8 May 2012, with a closing date of 11 September 2012. The Council and NHS Tayside responded to the consultation paper, and the results of the consultation process are now awaited from Scottish Government.
- 3.27 In May 2012, the Council agreed to continue representation on the Health and Social Care Integration Transition Board and the Board has continued to meet and discuss the proposals for the integration of adult health and social care in Perth and Kinross to ensure that appropriate arrangements are in place in the lead up to legislation being implemented from April 2014.
- 3.28 At its meeting on 20 November 2012, the Board agreed to establish a Shadow Board from April 2013, consisting of 3 members of the Council and 3 non-executive members of the Board of NHS Tayside, together with the Executive Director (Housing & Community Care) from the Council; the Depute Chief Executive of NHS Tayside and the lead General Practitioner from the Community Health Partnership. The initial remit of the Shadow Board will be on Older People's Health and Social Care Services. There will be a further report on the detail of the proposed arrangements to the Council in February 2013.

Structures of Other Scottish Local Authorities

- 3.29 During the focus group sessions, there was interest in examining further the ways in which other Councils seek to engage with local communities eg Area Forums. This Council has a number of ways of engaging with its communities, and any work on this aspect should be in that corporate context.
- 3.30 During the focus group sessions, it was raised by several members that whilst they acknowledged and accepted the requirement to achieve political balance at Committees / Sub-Committees, given the geographical diversity of Perth

and Kinross, they would like to see consideration being given to trying to also achieve geographical balance.

- 3.31 Whilst it would be possible to achieve geographical representation on Committees by having a member for each Ward on a Committee, it may not always be possible to achieve at the same time the necessary political balance. However, geographical balance might be considered for quasi-judicial Committees such as the Development Management Committee. However, it should be borne in mind that one of the key principles upon which the Councillors' Code of Conduct is based is duty, and that Councillors have a duty to act in the interests of the Council as a whole and all the communities served by it, and a duty to be accessible to all the people of the area for which they have been elected to serve, and to represent their interests conscientiously.

Common Good Fund Committees

- 3.32 The current decision-making structure includes nine Common Good Fund Committees corresponding to the nine former burghs that existed within the Council area prior to 1975.
- 3.33 Common Good assets belong to the Council, and the only requirement is that these assets be administered having regard to the interests of the inhabitants of the former burghs. However, there is no statutory requirement to establish Common Good Fund Committees. Most of the Common Good Fund Committees have very little business to transact and to date have met very infrequently.
- 3.34 During the focus group sessions, there was a concern that the present arrangements mean that there is a wide variation in the level of resources held in these Funds, and that some communities have no access to a Common Good Fund. Whilst these shortcomings were acknowledged by members, it is unlikely that agreement could be reached on bringing the Funds together. There was also concern that some communities consider that they should have a consultative role in relation Common Good interests in their area.

Proposal: The Council is asked to agree that the current provisions in relation to Common Good Fund Committees be retained.

Member / Officer Groups

- 3.35 The Council has successfully used Member Officer Groups – both on an *ad-hoc* and a standing basis – to address 'cross-cutting' strategic areas and to direct change within the organisation.
- 3.36 It is recognised that there may be a number of areas where consideration could be given both to continuing existing Member Officer Groups and to establishing different Groups to support the work of the Council in meeting the challenges of public service reform.

3.37 Since the elections in May 2012, the following Member / Officer Groups (MOGs) have been re-established -

- Modernising Governance
- Affordable Housing
- Corporate Parenting
- Equality and Diversity
- Planning

3.38 It is considered that whilst the MOGs do provide an opportunity for positive cross-party discussion, there is a need for members on MOGs to improve feedback to their respective groups. It was also considered that there was a need for MOGs to focus on their remit – particularly where a MOG has been established on a short-term basis.

Proposal: The Council is asked to agree that the existing model of Member Officer Groups be retained.

Non-Council Membership of Committees

3.39 The existing decision-making structure provides for non-Council membership of the Lifelong Learning Committee and the Housing and Health Committee, and also the Audit Sub-Committee of the Scrutiny Committee (see Paragraph 3.14) above

3.40 Whilst there are statutory provisions relating to the appointment of religious representatives to a committee discharging the functions of the education authority, the Council has continued to accord with the principles of the previous statutory provisions regarding the involvement of key stakeholders in relation to the Council role as education authority and has continued to appoint teaching representatives to the Lifelong Learning Committee. In addition, the Council has provided for the appointment of parent representatives to the Committee. It should be noted that parent representatives are currently nominated and elected by Parent Councils. It should be noted also that whilst religious and teaching representatives have voting rights, parental representatives have not.

3.41 In recognition of the benefits of involving key stakeholders in its decision-making processes and structures, the Council has also made provision for representatives of the Perth and Kinross Tenants' and Residents' Federation to be appointed to the Housing and Health Committee. In line with the situation for parent representatives on the Lifelong Learning Committee, the representatives of the Federation have not had voting rights.

3.42 Whilst the contributions of non-Council representatives is recognised as valuable and can inform the work of both Committees, ultimately the elected members on the Committees are responsible for making decisions.

Proposal: The Council is asked to agree

- (i) **that non-Council membership on Committees should be retained but that, the Modernising Governance Member Officer Group give further consideration as to whether such membership should carry voting rights.**
- (ii) **that the Scheme of Administration be amended so that non-Council representation on the Housing and Health Committee be drawn from all tenants' and residents' associations in the Council area rather than solely from the Perth and Kinross Tenants' Federation.**

Standing Orders / Scheme of Administration

- 3.43 The Council's decision-making processes and structures must be supported by robust Standing Orders, governing the proceedings at meetings, and also a Scheme of Administration, detailing the levels of delegation both to members acting collectively and to officers. The current Standing Orders and Scheme of Administration will be reviewed and amended as required in line with any revisions to the decision-making structure.

Standing Orders

- 3.44 No specific comments on Standing Orders arose at the focus group sessions, but it is considered that, in order to protect the reputation of the Council and to avoid challenge to decisions. There are certain areas where accountability and transparency could be improved by amendments to the current provisions in relation to voting and use of substitutes.
- 3.45 Standing Orders 43-45 set out the rules governing voting, including that voting will be by show of hands unless two thirds of those present and voting request that the division be by roll-call, which requires members to indicate their vote when their name is called and for that to be recorded in the minutes of the meeting.

Proposal: The Council is asked to agree that Standing Orders 43 and 44 be amended to require that voting should be by roll-call.

- 3.46 Standing Order 58 sets out the rules governing the use of substitutes. Across Scottish local authorities, there is a great deal of variation on the use of substitutes, ranging from no substitution at all, through substitution with qualifications, through to our own position which permits substitution across all decision-making forums including quasi-judicial forums.

Proposal: The Council is asked to agree that the existing substitution provision be retained, but that Standing Order 58 be amended so that substitutes on Development Management Committee and Licensing Committee only be allowed where the substitute has undergone relevant training and also that the substitute attend for the duration of the meeting.

3.47 In terms of the present Scheme of Administration, delegation of functions has been given to standing Committees and Sub-Committees with the exception of the undernoted, which must be determined by the Council as a whole:-

- The formulation of strategic policy objectives and priorities.
- Any matter requiring co-ordination between Committees or involving determination of differences between Committees.
- The approval of the annual budget of (a) revenue expenditure and (b) capital expenditure.
- The approval of any matter involving the incurring of expenditure not provided for in the annual budget of the Council.
- The fixing and levying of the Council Tax.
- The adoption, alteration or revocation of (a) Standing Orders, Scheme of Administration and Byelaws and (b) the TAYplan and Local Development Plans.
- Proposals for promotion of, or opposition to, Parliamentary powers.
- Consideration of the certified version of the Council's accounts and the External Auditor's report.

3.48 Standing Orders 54 and 55 set out the provisions in relation to the use of delegated powers by committees and sub-committees. These provisions require a specific process to be followed, and there is no automatic referral of decisions to the Council or a committee. It has been suggested that in matters of major policy or significant strategic importance, that this process precludes the majority of members being involved in the decision-making process.

Proposal: The Council is asked to consider whether the existing provisions on the use of delegated powers should be retained.

3.49 In terms of the Scheme of Administration, the current delegation to the Depute Chief Executive provides:-

17.2 In the event that the Chief Executive is indisposed, the Depute Chief Executive is authorised to act as Returning Officer for all elections and referenda.

17.3 The Depute Chief Executive be designated as the Senior Information Risk Officer.

Proposal: The Council is asked to agree

- (i) In relation to 17.2, that the provision be removed from the Scheme of Administration as this is a matter for the Returning Officer.
- (ii) In relation to 17.3, that the Scheme of Administration be amended to designate the Executive Director (Environment) as the Senior Information Risk Owner.

Timetable of Council Meetings

- 3.50 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.
- 3.51 A provisional timetable based on those cycles and taking account of the fixed recess periods was approved by the Council on 3 October 2012 for the period up to June 2013.
- 3.52 During the focus group sessions, it was suggested that consideration could be given to meetings of the full Council commencing at 4.00 pm rather than 2.00 pm to facilitate attendance by interested members of the public.

Proposal: The Council is asked to agree that the existing meeting cycle be retained and that the Head of Democratic Services be instructed to finalise the timetable of meetings for 2013 on that basis.

4 RESOURCE IMPLICATIONS

- 4.1 There may be financial implications arising directly from this report depending on the Council's decisions in relation to the establishment of an Audit Committee.

5 CONSULTATION

- 5.1 There has been consultation with the Modernising Governance Member Officer Group, the Chief Executive and Executive Directors in the preparation of this report and they are in agreement with the proposals.

6 COUNCIL CORPORATE PLAN OBJECTIVES 2009-2012

- 6.1 The Council's Corporate Plan 2009-2012 lays out five Objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. They are as follows:-
- (i) A Safe, Secure and Welcoming Environment
 - (ii) Healthy, Caring Communities
 - (iii) A Prosperous, Sustainable and Inclusive Economy
 - (iv) Educated, Responsible and Informed Citizens
 - (v) Confident, Active and Inclusive Communities

The subject matter of this report supports the achievement of all these objectives.

7 EQUALITIES IMPACT ASSESSMENT (EqIA)

- 7.1 The function, policy, procedure or strategy presented in this report was considered under the Corporate Equalities Impact Assessment process (EqIA) and was assessed as not relevant for the purposes of EqIA

8 STRATEGIC ENVIRONMENTAL ASSESSMENT

- 8.1 Strategic Environmental Assessment (SEA) is a legal requirement under the Environmental Assessment (Scotland) Act 2005 that applies to all qualifying plans, programmes and strategies, including policies (PPS). However, no action is required as the Act does not apply to the matters presented in this report.

9 CONCLUSION

- 9.1 This report sets out proposals in relation to the review of the political decision-making structure for the Council following the local government elections on 3 May 2012.

**GILLIAN TAYLOR
HEAD OF DEMOCRATIC SERVICES**

BACKGROUND PAPERS

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above report.

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