

Report

Report to: **South Lanarkshire Council**
Date of Meeting: **23 May 2007**
Report by: **Chief Executive**

Subject: **Establishment of Council's Decision Making Arrangements and Procedures**

1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ allow the new Council to consider and approve the decision making arrangements, procedures and associated supporting documentation as set out in this report

2. Recommendation(s)

2.1. The Council is asked to approve the following recommendation(s):-

- (1) that the Standing Orders on Procedures, Standing Orders on Contracts, Scheme of Delegation and Financial Regulations, as detailed in the supporting documentation pack issued to members, be approved;
- (2) that the following standing committees be established:
 - .. Cambuslang and Rutherglen Area
 - .. Clydesdale Area
 - .. Community Resources
 - .. Conference Allocation
 - .. Corporate Resources
 - .. East Kilbride Area
 - .. Education Resources
 - .. Enterprise Resources
 - .. Estates
 - .. Executive
 - .. Finance and Information Technology Resources
 - .. Hamilton Area
 - .. Housing and Technical Resources
 - .. Licensing
 - .. Planning
 - .. Recruitment
 - .. Social Work Resources
- (3) that the committee membership details (number of members on each committee and political composition) as outlined in paragraph 6.2 of the report

and as detailed in appendix 1 be approved and that authority be delegated to the Chief Executive, in consultation with the Leaders of the political and independent groups, to finalise membership of Committees and member forums on the basis of the number of members and associated political composition approved by the Council;

- (4) that nominations for the position of Chair and Depute Chair for each committee be considered and approved;
- (5) that consideration be given to the appointment of up to 19 positions of Senior Councillor as outlined in paragraph 6.7 of this report;
- (6) that the member forums as detailed below be established:
 - ◆ Employee Issues Forum
 - ◆ Equal Opportunities Forum
 - ◆ Joint Consultative Forum
 - ◆ Roads Safety Forum
 - ◆ Risk Management and Audit Forum
 - ◆ Revenue Budget Scrutiny Forum
 - ◆ Capital Budget Scrutiny Forum
 - ◆ Community Planning Forum
 - ◆ Trading Services Scrutiny Forum
 - ◆ Performance and Review Forum
 - Standards and Procedures Forum
- (7) that the Terms of Reference for the Council, Committees and associated Forums, as detailed in the supporting documentation pack, be approved;
- (8) that the cycle of meetings and proposed recess periods as detailed in appendix 2 be approved including a condensed committee cycle during June/July 2007;
- (9) that member nominations be made by the Council to those bodies detailed in appendix 3;
- (10) that representation on those organisations detailed in appendix 4 be approved and that the proposed members to be represented on those organisations be reported to a meeting of the Council's Executive Committee for consideration and approval;
- (11) that consideration be given to any nominations to the position of President or Vice President of the Convention of Scottish Local Authorities (COSLA); and
- (12) that the member role profiles as detailed in appendix 5 be approved.

3. Background

- 3.1. The Council has well established decision making and procedural arrangements. Following the local government elections on 3 May 2007, it is appropriate that the first Council re-considers and approves those decision making arrangements.

- 3.2. As well as considering the necessary procedural documentation (Standing Orders, Scheme of Delegation, etc) which regulates the work and operation of the Council, there is a need to consider the Council's committee structure, membership and timetable as well as representation on statutory joint boards and joint committees, COSLA and other external organisations.

4. Procedural Documentation

- 4.1. A separately circulated procedures document pack details in full the Standing Orders on Procedures, Standing Orders on Contracts, Scheme of Delegation and Financial Regulations.
- 4.2. In line with normal practice, those documents have been reviewed by officers and are now presented for approval by the Council. In terms of the review, amendments have been made to reflect legislative requirements and organisational arrangements within the Council. The following more specific amendments are highlighted for member's consideration and approval:

◆ Standing Orders on Procedures

The Standing Orders on Procedures have been amended to include guidance issued by the Standards Commission on conduct in the Chamber. In addition, it is intended to remove the local member co-option arrangements for Area Committees on the basis that is proposed that all local members sit on the appropriate Area Committee.

◆ Scheme of Delegation

It is proposed that all categories of delegated planning applications which are recommended for approval, which are consistent with policy and which have up to 5 objections are delegated. This extends the previous delegation in the last Council from 3 objections. This change would continue to apply to all householder applications, small scale residential, commercial, industrial, small scale changes of use, etc applications but does not include small scale Notice of Intentions to Develop. Those would continue to be dealt with by Committee if there are any objections to such applications.

In addition, it is proposed to delegate to officers the discharge of the Council's enforcement function, including taking enforcement action where appropriate.

It is considered that these extensions to delegation are in line with the principles of the Planning etc (Scotland) Act 2006.

5. Standing Committees

- 5.1. The Council has in place a number of standing committees and those are listed in paragraph 2.1 (2) for approval. Those standing committees remain the same as in the previous Council with the exception of the Hospitality Committee which it is proposed to subsume within the Corporate Resources Committee.

6. Membership and Composition of Committees

- 6.1. The proposed membership arrangements for each standing Committee are set out in appendix 1 for approval.

- 6.2. It is proposed that the number of councillors on Resource Committees and the Planning and Licensing Committees be reduced from 32 members to 24 members with the Estates Committee also to have 24 members. This proposal is a response to the anticipated additional constituency workload for councillors arising from the introduction of multi-member wards and is based on involving one-third of councillors on each committee. The proposed membership would reflect the political balance of the Council, with the addition of the Council Leader as an ex officio member on all committees.
- 6.3. In terms of the Executive Committee, it is proposed, in line with the previous Council's arrangements, that membership is drawn from members holding specific posts within the Council. Those positions are also detailed in appendix 1.
- 6.4. In respect of Area Committees, it is proposed to extend membership of each Area Committee to all local members on the following basis:
- | | |
|-----------------------|-----------------------------------|
| Cambuslang/Rutherglen | - Wards 11, 12, 13 and 14 |
| Clydesdale | - Wards 1, 2, 3 and 4 |
| East Kilbride | - Wards 5, 6, 7, 8, 9 and 10 |
| Hamilton | - Wards 15, 16, 17, 18, 19 and 20 |
- 6.5. The terms of reference for Area Committees currently include a delegation to determine certain local planning applications not otherwise delegated to officers or to the Planning Committee. It should be noted, however, that this will require to be reviewed in light of the Planning etc (Scotland) Act 2006. There are a number of changes to the planning process as a consequence of the legislation with an emphasis on more applications being dealt with by officers allowing committees to concentrate on more significant applications. This will directly impact on the applications dealt with by Area Committees. In addition, there is the intention to remove from the Scottish Inquiry Reporter's Unit the responsibility for determining appeals against refusals, conditions or non-determinations where they relate to local and minor developments. This change will increase demand on members' time as elected members would now be required to determine those appeals. The implementation details have yet to be issued by the Scottish Executive but they will require further consideration and reporting within the Council prior to implementation. Members are asked to note the position at this stage.
- 6.6. It is further proposed that each Standing Committee has a Chair and Depute Chair. The Council is asked to consider and nominate appointments to those positions.
- 6.7. Members will also be aware that changes have been made to the remuneration arrangements for councillors effective from 3 May 2007. Information has been separately provided to councillors on this including the availability of a pension scheme to councillors. The Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007 sets out the details, namely:-

- ◆ each councillor to receive remuneration of £15,452
- ◆ 1 Leader of the Council to receive £36,055
- ◆ 1 Civic Head to receive £27,041

In addition, those Regulations enable the Council to appoint up to 19 Senior Councillors. The Council is asked to give consideration to those 19 positions.

7. Member Forums

- 7.1. It is proposed to establish Member Forums as listed in paragraph 2.1 (6). The bulk of those Forums were operational in the previous Council but the following amendments are proposed:-
- ◆ Risk Management and Audit Forum to replace previously titled Performance and Audit Forum to more accurately reflect remit
 - ◆ Performance and Review Forum to replace Service Review Forum with extended remit to look at Council performance as well as service reviews
 - ◆ Establishment of a Standards and Procedures Forum to consider any advice or guidance issued by the Standards Commission for Scotland; to consider any issues of conduct referred to it and to consider any member protocols, in particular, relating to the operation of multi-member wards. If approved, a further report setting out the terms of reference, membership and operational arrangements of this Forum will be presented to the Executive Committee for consideration and approval.
- 7.2. It is proposed that Forum membership continue to comprise 9 councillors on the basis of political balance within the Council, ie Labour – 4 members, Scottish National Party 3, Conservative 1 and the Independents/Liberal Democrats 1.

8. Terms of Reference

- 8.1. The Council is asked to approve the Terms of Reference for the Council, its Committees and associated Forums as detailed in the supporting documentation pack which has been circulated to members separately.

9. Cycle of Meetings and Recess Periods

- 9.1. The Council has an established 8 weekly committee cycle and the new Council is asked to agree the cycle as set out in appendix 2. This includes proposed recess periods of 4 weeks in the summer, 3 weeks at Christmas/New Year, 2 weeks at Easter and 1 week at October. The previous Council operated recess periods in summer and Christmas/New Year only. In addition, it is proposed that the frequency of meetings in that 8 week cycle be reduced from 2 to 1 for Area Committees and the Licensing Committee and from 3 to 2 for the Planning Committee. Following consultation with Services, it is considered that those frequencies are sufficient to deal with the associated business.
- 9.2. It is further proposed that a condensed full committee cycle is held prior to this summer's recess. This would commence with committees being held in the week beginning 11 June. The opportunity would also be taken in the period up to the summer recess to hold specific member sessions on key areas such as planning, licensing, personnel appeals, education appeals and local government finance.

10. Representation on Statutory Bodies and Other External Organisations

- 10.1. The Council is required and invited to be represented on various external organisations ranging from COSLA, statutory joint boards and joint committees to a number of local and national voluntary organisations.
- 10.2. The Council is asked, as a matter of priority, to approve nominations to the statutory and partnership bodies detailed in appendix 3. These are necessary to enable the respective organisations to formally re-establish themselves following the local government elections.

- 10.3. In addition, the Council is asked to agree that it be represented on the organisations listed in appendix 4 and that a report on members' representation on those organisations be presented for consideration and approval to the Council's Executive Committee.
- 10.4. The Council has also been invited to consider any nominations to the posts of COSLA President or Vice President. Nominations must be sent in writing to COSLA's Chief Executive by 6 June 2007. To be valid, nominations must be made by the nominee's own member Council and supported by one other Council. Members are asked to consider this request.
- 11. Member Role Profiles**
- 11.1. The Council has previously approved member role profiles and details of those are attached as appendix 5. The new Council is asked to endorse those profiles.
- 12. Employee Implications**
- 12.1. None
- 13. Financial Implications**
- 13.1. None
- 14. Other Implications**
- 14.1. None
- 15. Consultation**
- 15.1. Consultation has taken place with all Resources on the proposals and documentation presented in this report.

Archibald Strang
Chief Executive
16 May 2007

Link(s) to Council Objectives
Resource Management

Previous References
None

List of Background Papers
The Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007

Contact for Further Information
If you would like to inspect the background papers or want further information, please contact:-
Douglas Wilson, Head of Administration Services

Ext: 4461 (Tel: 01698 454461)

E-mail: douglas.wilson@southlanarkshire.gov.uk