

# **Report**

Report to:	<b>South Lanarkshire Council (Special)</b>
Date of Meeting:	<b>13 February 2020</b>
Report by:	<b>Executive Director (Finance and Corporate Resources)</b>

Subject:	<b>Mid-term Review of Political Management Arrangements Supporting Documentation - Update</b>
----------	---

## **1. Purpose of Report**

1.1. The purpose of the report is to:-

- ◆ seek approval, subsequent to the mid-term review, of proposed revisions to the following political management arrangements supporting documentation:-
  - Financial Regulations
  - Scheme of Delegation
  - Standing Orders on Contracts
  - Terms of Reference
  - Standing Orders on Procedures

## **2. Recommendation(s)**

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

- (1) that, subsequent to consideration by the Standards and Procedures Advisory Forum, the following recommendations be approved:-
  - ◆ the revisions to the Financial Regulations, as detailed in Appendix 1 to the report;
  - ◆ the revisions to the Scheme of Delegation, as detailed in Appendix 2 to the report;
  - ◆ the revisions to the Standing Orders on Contracts, as detailed in Appendix 3 to the report;
  - ◆ the revised Terms of Reference for:-
    - ◆ Area Committees, as attached as Appendix 4 to the report
    - ◆ Executive Committee, as attached as Appendix 5 to the report
    - ◆ South Lanarkshire Council, as attached as Appendix 6 to the report
  - ◆ the following revisions to the Standing Orders on Procedures, as detailed at Section 6 of the report:-
    - ◆ the adoption of a template, the inclusion of specific standing orders for budget motions and amendments and an additional clause to existing Standing Order No 49, as referred to at paragraphs 6.1.1 and 6.1.2 of the report
    - ◆ amendments to existing Standing Order Nos 44(b) and 26, as referred to at paragraphs 6.2.1 and 6.2.2 respectively of the report
- (2) to note that, once approved, arrangements will be made for the revised procedural documentation to be made available on the Council's website.

### **3. Background**

- 3.1. The current political management arrangements supporting documentation, including the Financial Regulations, Scheme of Delegation, Standing Orders on Contracts, Terms of Reference and Standing Orders on Procedures, was formally approved by the Council at its Statutory Meeting in May 2017 following the Local Government Elections
- 3.2. In the period since that time, amendments have been made to a number of the documents as a result of decisions taken by committees. In line with good governance requirements, the opportunity has been taken by officers to review the documentation to take account of legislative amendments, external guidance requirements, structural changes and to reflect and/or streamline working practice.
- 3.3. In addition, the Council, at its meeting in September 2018, agreed that the Standards and Procedures Advisory Forum (SPAF) should be involved in the mid-term review process. All political/independent Groups were invited to submit comments on the Council's procedural documents and, as a means of comparison, information had been gathered from the following local authorities:-
- |                             |                             |
|-----------------------------|-----------------------------|
| ◆ Glasgow City Council      | ◆ South Ayrshire Council    |
| ◆ North Lanarkshire Council | ◆ City of Edinburgh Council |
| ◆ West Lothian Council      | ◆ Fife Council              |
| ◆ North Ayrshire Council    | ◆ Stirling Council          |
- 3.4. There have been 5 meetings of the SPAF held since the commencement of the review in early 2019.
- 3.5. The existing Financial Regulations, Scheme of Delegation, Standing Orders on Contracts, Terms of Reference and Standing Orders on Procedures are available on the Council's internet at the following link:-  
[Procedural Documents](#)

### **4 Financial Regulations, Scheme of Delegation and Standing Orders on Contracts**

- 4.1. Proposed amendments to the Financial Regulations, Scheme of Delegation and Standing Orders on Contracts were submitted to and endorsed by the SPAF and a summary of proposed changes is provided in appendices 1, 2 and 3 respectively to the report.

### **5. Terms of Reference**

- 5.1. At its meeting held on 4 December 2019, the SPAF had endorsed a revised Terms of Reference for Area Committees to include:-
- ◆ scrutiny at a local level, particularly in relation to health and social care
  - ◆ an overview on the impact of the Community Empowerment Act
  - ◆ provision for items of local relevance to be added to the agenda more easily than at present
  - ◆ remittance of items of significant investment/new policy to the appropriate Area Committee in the first instance prior to referral to the Resource/Executive Committee

- 5.2. As the Council is considering ways in which it can incorporate Participatory Budgeting into its processes, it is considered that the Area Committees could form part of the governance arrangements to allow scrutiny at a local level and the draft revised Terms of Reference, attached as Appendix 4, takes account of that.
- 5.3. Discussions on the budget process took place as part of the mid-term review and, at the meeting of the SPAF on 9 December 2019, there was broad agreement for changes. The Executive Director (Finance and Corporate Resources) and Head of Administration and Legal Services had been asked to consider the practices adopted by Glasgow City, Fife and Stirling Councils during their budget setting processes.
- 5.4. Part of the discussions at the SPAF considered whether to refer the annual savings exercise to the Council for final decision. It was noted that, for the 3 councils mentioned above, the authority and final approval of the package of annual savings sits with the full Council and it is, therefore, proposed that the Terms of Reference for both the Executive Committee and South Lanarkshire Council are amended to make a similar provision. Further proposed changes in relation to the budget process are detailed in the section below at paragraph 6.1.

## **6. Standing Orders on Procedures**

### **6.1. Budget Process**

- 6.1.1. It is proposed that, similar to practice implemented by Glasgow City Council, a standard template is adopted for completion by the political/independent groups, with the assistance of Finance Officers, if required, should Groups wish to put forward alternative budget proposals for consideration by the Council at the budget setting meeting. The completed templates would be circulated to all councillors in advance of the Council meeting. This would be complemented with a further proposal that the Council adopts specific standing orders in respect of budget motions and amendments, similar to Fife Council, which would allow for all budget proposals to be published and circulated in advance of the Council meeting, thereby increasing openness and transparency. The draft Standing Orders would read as follows:-

- (1) Any proposed amendment to a Budget Proposal must be in writing, using the adopted template, and delivered to the Chief Executive no later than one o'clock in the afternoon of the third working day prior to the day fixed for the meeting of the Council which will consider it. Any such proposed amendment will require to be signed by the member submitting it and countersigned by one other member. Prior to submission, any budget proposals contained in the amendment must have been costed by the Executive Director (Finance and Corporate Resources) in terms of Standing Order 49.
- (2) Copies of Budget Proposals and proposed amendments will be made available by the Clerk by email/electronic copy to every member of the Council, the Chief Executive and the Executive Directors as soon as possible after the deadline for receipt has expired. Further copies will be made available to the public by the Clerk.
- (3) At the relevant meeting of the Council, budget proposals and amendments to them shall not be considered other than those submitted in terms of this Standing Order unless they represent minor changes to Budget Proposals or amendments, circulated prior to the meeting, or otherwise at the Provost's discretion.

- 6.1.2. Further, in relation to Standing Order No 49, as elected members have a statutory duty to set a balanced budget, it is considered prudent to include an additional clause as follows:-

“In order to achieve a balanced budget, any budget proposals/amendments should have been costed and confirmed as competent by the Executive Director (Finance and Corporate Resources).”

## **6.2. General Amendments**

- 6.2.1. The SPAF had endorsed revised wording for Standing Order No 44(b). The current wording is as follows:-

“The parent committee can deal with any matter referred to a sub-committee even if the committee does not have a report from the sub-committee on the matter.”

It is proposed that the paragraph be amended to read as follows:-

***“The parent committee may, but only in exceptional circumstances where a matter becomes urgent, deal with any matter referred to a sub-committee even if the committee does not have a report from the sub-committee on the matter.”***

- 6.2.2. It was also agreed by the SPAF that the existing Standing Order No 26 in relation to receiving views from representatives be retained with the exception that the timescale for submitting a request be reduced from 10 clear days to 5 clear days.

## **6.3. General Information**

- 6.3.1. It should be highlighted that any changes to Standing Orders on Procedures require the approval of at least two thirds of the members present at a Council meeting.

## **7. Employee Implications**

- 7.1. At this stage, there are no employee implications in terms of the content of this report.

## **8. Financial Implications**

- 8.1. None.

## **9. Climate Change, Sustainability and Environmental Implications**

- 9.1. There are no implications for climate change, sustainability and the natural environment in terms of the content of this report.

## **10. Other Implications**

- 10.1. To ensure that there is no risk of being in breach of legislative requirements and to ensure compliance with good governance principles, the political management arrangements supporting documentation requires to be kept under review. In particular, the implications of Brexit will continue to be monitored on an ongoing basis.

## **11. Equality Impact Assessment and Consultation Arrangements**

- 11.1. This report does not introduce a new policy, function or strategy, or recommend a change to an existing policy, function or strategy and, therefore, no impact assessment is required.

11.2. Consultation has been undertaken with all Resources, political and independent groups in the course of the review of the political management arrangements supporting documentation.

**Paul Manning**

**Executive Director (Finance and Corporate Resources)**

22 January 2020

**Link(s) to Council Values/Ambitions/Objectives**

- Achieve results through leadership, good governance and organisational effectiveness
- Accountable, effective, efficient and transparent
- Fair, open and sustainable

**Previous References**

South Lanarkshire Council of 18 May 2017 and 26 September 2018

**List of Background Papers**

None

**Contact for Further Information**

If you would like to inspect the background papers or want further information, please contact:-

Susan Somerville, Administration Manager

Ext: 4197 (Tel: 01698 454197)

E-mail: [susan.somerville@southlanarkshire.gov.uk](mailto:susan.somerville@southlanarkshire.gov.uk)

**Financial Regulations  
Summary of Proposed changes**

<b>Financial Regulation</b>	<b>Summary of Proposed Change</b>
6.1 Capital Programme	<p>Insert new sections at 6.1 before the current text. New text as follows:</p> <p>6.1.1 In line with the revised Prudential Code for Capital Finance in local Authorities, the Council will produce a Capital Strategy which will demonstrate that the Council takes capital expenditure and investment decisions in line with service objectives and properly takes account of stewardship, value for money, prudence, sustainability and affordability.</p> <p>6.1.2 The strategy should set out the long-term context in which capital expenditure and investment decisions are made. This includes funding available and how the Council's Treasury Management decisions link with its Capital Investment.</p> <p>6.1.3 The Council is required to consider factors contributing to our requirements to maintain Council assets. In order to do this, costs will be confirmed and budget requirements will be identified throughout the life of the Strategy. This information will then be used to inform the council's decision making process when considering future capital programmes.</p> <p>6.1.4 It is the duty of the Executive Director (Finance and Corporate Resources) to determine the procedures for and co-ordinate the preparation of a Capital Strategy. All Executive Directors will provide any such information as may be required for the preparation of the Capital Strategy on a timeous basis.</p> <p>6.1.5 The Capital Strategy will be submitted to and considered by the Council on an annual basis, as required by the Prudential Code for Capital Finance in Local Authorities 2017.</p>

	<p>Amend wording in current section 6.1.6 (amendment in bold and italics):</p> <p>6.1.6 All Executive Directors will provide timeously such information as may be required for the purposes of preparation of the above programmes. In particular, a Capital Bid Form will be prepared by the appropriate Executive Director and submitted with each project. The Capital Bid form should be complete and should include requested details on the project's link to fixed assets, impact on the revenue budget, service risks if the project is not undertaken, link to Council Plan, <b><i>link to the Capital Strategy</i></b>, link to Asset Management Plan and Options Appraisal for projects in excess of £1 million. All forms should be authorised by the appropriate signatories.</p>
<p>22. Internal Audit</p> <p>22.1 Responsibility for Internal Audit</p>	<p>Amended text (in bold and italics)</p> <p>22.1.1 A continuous Internal Audit, under the <del>independent control and</del> direction of the Executive Director (Finance and Corporate Resources), will be arranged for the purpose of carrying out an <b><i>independent</i></b> examination of the accounting, financial and other operations and systems of the Council to ensure that the interests of the Council are protected.</p> <p>22.1.2 This should be done in accordance with Internal Audit's published Internal Audit Charter and in compliance with the Public Sector Internal Audit Standards.</p> <p>22.1.3 Officers engaged in Internal Audit will report directly to the Executive Director (Finance and Corporate Resources). All Internal Audit reports will be submitted to the Executive Director (Finance and Corporate Resources) and to the Executive Director and relevant Heads of Service of the Resource concerned and to the External Auditors.</p>

22.3 Irregularities	<p>Amended text (in bold and italics)</p> <p>22.3.2 Such irregularities will be dealt with by the Executive Director (Finance and Corporate Resources) as is considered necessary by way of investigation, action and report in accordance with the Council's <b><i>Counter Fraud, Bribery and Corruption Statement and Strategy</i></b> <del>Anti-Fraud Strategy</del> and Fraud Response Plan.</p>
Following the Public Pound (NEW SECTION)	<p>Insert New Section in Financial Regulations:</p> <p>Following the Public Pound: The Accounts Commission/COSLA Code of Guidance on Funding External Bodies and Following the Public Pound <a href="http://www.audit-scotland.gov.uk/uploads/docs/report/2018/code_following_public_pound.pdf">http://www.audit-scotland.gov.uk/uploads/docs/report/2018/code_following_public_pound.pdf</a> sets out good practice guidance regarding public funds provided to external bodies.</p> <p>In order to adhere to this Guidance in summary, Council officers must:</p> <ul style="list-style-type: none"> <li>• Ensure they have a clear purpose in funding an external body</li> <li>• Set out clearly a suitable financial regime (dependant on the level of award)</li> <li>• Make clear the expected financial and service performance monitoring arrangements, and clearly note any required access to documentation in relation to any financial award</li> <li>• Consider carefully the question of whether the Council should have representation on the Board of the external body</li> <li>• Establish limits in relation to the Council's involvement in the external body.</li> </ul> <p>Detailed guidance on the application of the Accounts Commission/COSLA document is found in the Council's Guidance on Funding External Bodies and Following the Public Pound <a href="https://www.southlanarkshire.gov.uk/info/200168/getting_involved_in_your_community/1319/funding_for_community_groups_charities_and_businesses/2">https://www.southlanarkshire.gov.uk/info/200168/getting_involved_in_your_community/1319/funding_for_community_groups_charities_and_businesses/2</a></p> <p>This document details the requirements of officers in relation to their funding of external bodies using Council monies.</p>



## Scheme of Delegation

## Summary of Proposed Changes

	Summary of Proposed Changes
Community and Enterprise Resources	<ul style="list-style-type: none"> <li>• Para 58 – suggested addition in bold and italics – to act as Project Manager, <b><i>Service Manager or Employer's Agent (as appropriate)</i></b> or to appoint a Project Manager, <b><i>Service Manager or Employer's Agent (as appropriate)</i></b> in accordance with the terms and conditions appropriate to Council roads and transportation contracts</li> <li>• Para 63 – suggested addition in bold and italics – In consultation with the Head of Administration and Legal Services as appropriate to sign Agreements, Memorandum of Understandings, <b><i>environmental related licences</i></b> or other similar documents relating to funding provision, contributions, assets, <b><i>new infrastructure</i></b> or maintenance on behalf of the Council in so far as it relates to functions or responsibilities of Roads and Transportation Services as Roads authority and Flooding Authority</li> <li>• Para 81 – deletion of para as function has transferred to Food Standards Scotland with effect from 1 April 2019.</li> </ul>
Education Resources	<ul style="list-style-type: none"> <li>• Para 3 – suggested changes in bold and italics or strikethrough:- <b><i>where required</i></b>, to agree the appointment of <b><i>suitable</i></b> escorts and supervising attendances to accompany young people to schools <del>with Fleet Services</del></li> <li>• Para 6 – Head of Education (Resources) should now read as Head of Education (Support Services and School Estate)</li> <li>• Para 23 – delete as Schools' Modernisation Programme now complete</li> </ul>
Finance and Corporate Resources	<p>Para 6 – suggested changes in bold and italics or strikethrough - to discharge the functions of the Council in relation to any type of judicial or quasi judicial proceedings. To initiate, institute, enter, defend and withdraw from those proceedings, <del>and to mark and defend appeals except in the case of appeals to the House of Lords</del> <b><i>Supreme Court and, where appropriate, to provide written apologies on behalf of the Council.</i></b></p>

**Standing Orders on Contracts**  
**Summary of proposed changes**

<b>Standing Order</b>	<b>Summary of Proposed Change</b>
<b>Terminology</b>	Amend reference to Sourcing Methodology to Sourcing Strategy
	Update all references to Data Protection Act 1998 to new Data Protection Laws
	The European Procurement Directive provides for the EU Thresholds to be reviewed every 2 years. The new EU thresholds apply from 1 <sup>st</sup> January in the relevant year and are published by the European Commission in the Official Journal of the European Union
<b>3. Exempt and Partially Exempt Contracts</b>	
3.1 & 3.2	Amend to increase financial threshold from £2,500 to £5,000. This is consistent with financial limits adopted by other Local Authorities and it is expected to increase compliance within the Council due to increased efficiency in procurement processes. The increase will be accompanied by process (See SO3.1 (d) and (e) below).
3.1 (d)	New provision requiring a minimum of 3 quotes including one from an SME having their place of business within local government area of South Lanarkshire. Place of business does not require it to be their registered or principal office.
3.1(e)	New provision requiring the keeping of records of the process.
3.2 (a) (iii) & 3.3	Amend to clarify that Assurances under SO 16 only required as relevant to the contract being procured.
3.7	Amend to clarify: <ul style="list-style-type: none"> <li>the requirements to apply where contract awarded on the basis of the 'Teckal' or 'Hamburg' exemptions</li> <li>SOs 2.5 (signing), 4.2 (contract reference number) and 4.3 (sourcing strategy) apply</li> </ul>
<b>4. Pre-Tender</b>	

<b>Requirements</b>	
<b>4.2</b>	Amend to increase threshold for obtaining contract reference number to £5,000 (and corresponding change made to procurement process 005)
4.3	Amend to clarify the circumstances when a Sourcing Strategy will be required.
4.7 (c)	Amend to include reference to obtaining preliminary advice and to the requirement to ensure all prior engagement is disclosed in the tender documents issued for the procurement process.
<b>5. Competition Requirement</b>	
5.2(b)	Delete reference to SO 8A (List of Approved Providers for Self-Directed Support) as no longer relevant.
5.2(c)	Amend to include relevant provisions from SO8 regarding use of Constructionline
<b>8. Lists of Approved Contractors</b>	Delete as no longer relevant
<b>8A. List of Approved Contractors for Self Directed Support</b>	Delete as no longer relevant - procurement of social care services covered by SO10
<b>9. Negotiated Tendering Procedure - General</b>	
9.1	Amend to clarify that this SO also applies to procurement of works where the estimated value is above £50,000 but below £2m.
9.2	Amend to require compliance with all relevant SOs.
9.4	Amend to bring reporting requirements for contracts awarded using negotiated procedure into line with all other contracts awarded.
<b>10. Negotiated Tendering Procedure – Social Care Services</b>	
10.2	Delete reference to SO8A (Approved List of Providers for Self-Directed Support). Amend to require taking account of Procurement of Care and Support Services Guidance and compliance with all relevant SOs.
10.3	Delete as no longer relevant

<b>13. Framework Agreements – external</b>	
13.3	Amend to make clear that Sourcing Strategy required for all call offs awarded whether as direct award or following a mini-competition.
<b>14. Collaborations</b>	
14.3(b)	Amend to identify requirements to be met if lead organisation in collaboration offers to provide service in-house as trading operation.
<b>15. European Procurement Regulations</b>	
15.2	Amend to clarify that SO 15 also applies to the establishment of Framework Agreement
15.3	Amend to include requirement to obtain approval of Executive Director in consultation with the Head of Administration and Legal Services and Head of Finance (Transactions) for use of non-traditional procurement procedure for Social and Other Specific Services.
<b>16. Assurances</b>	
16.1(h)	New requirement for bidders to comply with such other requirements as are relevant to the contract being procured
<b>16A. Compliance with the Data Protection Laws</b>	Amend to ensure compliance with new Data Protection Laws
<b>18. E-Procurement</b>	
18.1	Amend financial limit in relation to e-procurement from £2,000 to £5,000 to be consistent with the new threshold for Quick Quote (£5,000 to £50,000)
18.2(a) (ii)	Delete requirement for physical signatures as no longer relevant given use of electronic tendering
<b>19. Selection of Tenderers</b>	
19.1	Amend to clarify that SO 19 applies to all procurements where the estimated value exceeds £50,000 which will now capture works contracts with an estimated value below £2m.
<b>20. Checking of Pre-Qualification</b>	

<b>Responses/Tenders and Reporting</b>	
20.3 (c)	Amend to clarify that arithmetic check must be carried out all on price bids opened.
<b>22. Extensions to Contracts</b>	
22.2 (a) (ii)	Delete 3 year limit for contractual extension on basis period of all contractual extension approved as part of the award of the original contract.
22.2 (a) (iii)	Amend to provide consistency with SO 22.2 (b) which allows for the exercise of a contractual extension by instalments provided the instalment periods are stated in the contract notice, procurement documents and any subsequent separate contract document.
22.23(iv)	Delete 3 year limit for non-contractual extension
22.7	Amend to clarify that SO22.3b(i) and (v) do not apply to extension of social care services contract.
<b>25. Contract Performance Security</b>	
25.1	Delete SO 25.1 as now covered by amended SO 25.2
25.2	Amend to clarify that: <ul style="list-style-type: none"> <li>• appropriate Executive Director may require performance bond for single works contract where estimated costs exceed £500,000</li> <li>• requirement for security only applies to contracts including call off from Framework Agreement (if permitted by the Framework Agreement rules) and</li> <li>• Security can be requested by the appropriate Executive Director and/or the Executive Director (Finance and Corporate Resources)</li> </ul>
<b>29. Contract Terms – Assignment</b>	
29.1	Amend to clarify applies to assignment and subcontracting
29.2	Amend to set out the requirements of SO that will apply to an assignment and subcontract
<b>32. Trading Operations</b>	Delete as SLC trading operations no longer exist per Executive Committee approval 1 May 2019
32.2	

<b>37. Procurement Strategy</b>	
37.2	Amend to clarify that review and update revised Procurement Strategy published if required
<b>38. Annual Procurement Strategy</b>	
38.1	Amend to confirm annual procurement report must be prepared within 4 months of the end of the relevant financial year

### Proposed Revised Terms of Reference

---

#### Area Committees

---

#### Area Committees

##### 1 Powers and Responsibilities

- 1.1 To contribute to the development of the South Lanarkshire Community Plan, including working with partners to agree local arrangements and oversee delivery and effectiveness.
- 1.2 To receive an annual report of progress against the local community plan.
- 1.3 To receive reports, at the discretion of the Area Committee Chair, from local members, voluntary groups and community organisations on key local initiatives.
- 1.4 To decide on delegated matters, as determined by the Council, including local planning, community and other local grants.
- 1.5 To carry out a scrutiny function, at a local level, in relation to participatory budgeting.
- 1.6 To consider the potential impact of significant strategic policy/investment proposals specific to an Area and make recommendations to the relevant committee(s).
- 1.7 To receive an annual report on the management of the common good fund (relevant for Hamilton, Clydesdale and Cambuslang and Rutherglen Areas only).
- 1.8 To receive local performance reports from Resources on the key priorities identified in the Council Plan, Connect.
- 1.9 To receive local Educational Scotland (HMIe) school inspection reports.
- 1.10 To receive regular locality updates in relation to health and social care, including inspection reports.

##### 2 Membership

- 2.1 Each Area Committee will comprise all local Members as follows:-

◆ Cambuslang and Rutherglen – 12	Quorum – 3
◆ Clydesdale – 13	Quorum – 4
◆ East Kilbride – 18	Quorum – 5
◆ Hamilton – 21	Quorum – 6

- 2.2 Each of the Area Committees will have a Chair and Depute Chair.

##### 3 Meeting Arrangements and Practice

- 3.1 The Area Committees will meet every 8 weeks in their local area.
- 3.2 Minutes of meetings will be submitted to the next appropriate meeting of the Committee for approval as a correct record.

### Proposed Revised Terms of Reference

---

#### South Lanarkshire Council

---

#### **1 Powers and Responsibilities**

- 1.1 To appoint the Provost, Depute Provost, Leader and Depute Leader.
- 1.2 To agree the membership of the Executive Committee, all Resource Committees, Area Committees, Regulatory Committees and to appoint the Chairs and Depute Chairs of those Committees.
- 1.3 To appoint members to Joint Boards and Joint Committees.
- 1.4 To receive a report on issues considered by the Executive Committee which require the approval of the Council.
- 1.5 To deal with the following major policy issues referred to the Council by the Executive Committee:-
  - ◆ approving the annual package of savings as part of the budget process
  - ◆ setting overall revenue and capital budgets
  - ◆ setting Council Tax
  - ◆ setting rent levels for Council houses
  - ◆ Annual Investment Strategy
  - ◆ the Community Plan
  - ◆ the Council Plan
  - ◆ framework for political management arrangements
  - ◆ any other issues which the Executive Committee considers should be referred to the Council
- 1.6 To determine those planning applications for which a pre-determination hearing is mandatory referred to the Council by the Planning Committee.

#### **2 Membership**

- 2.1 All elected members of the Council.
- 2.2 The Council will be chaired by the Provost.
- 2.3 The Council will also have a Depute Provost.
- 2.4 Quorum – 16

#### **3 Meeting Arrangements and Practice**

- 3.1 4 meetings each financial year on dates to be agreed.
- 3.2 Additional meetings to be held as and when required.
- 3.3 Minutes of meetings will be submitted to the next appropriate meeting for approval as a correct record.
- 3.4 Members' information seminars will be held as appropriate.
- 3.5 Only those members who have attended and participated in the pre-determination hearing will be able to participate in the determination of those applications at the full Council.



### Proposed Revised Terms of Reference

---

#### **Executive Committee**

---

##### **1 Powers and Responsibilities**

- 1.1 To make recommendations to the Council on the budget framework for the Council **and the annual package of savings as part of the budget process**, overall revenue and capital budgets, setting of rent levels for Council houses and the Council Tax.
- 1.2 To make recommendations to the Council as appropriate on key policy initiatives or other issues.
- 1.3 To decide which issues should be referred to the Council for decision, other than those which are reserved to the Council.
- 1.4 To establish and appoint members to Council Forums and partnership organisations.
- 1.5 To oversee the Council's relationships with outside organisations and development of joint partnerships including the co-ordination of the Council's response to Community Planning.
- 1.6 To ensure the satisfactory performance and continuous improvement of services within the policy and budgetary framework agreed by the Council.
- 1.7 To decide on all policy and operational issues which are cross-cutting unless reserved to the Council.
- 1.8 To decide on all Resource specific policy and operational issues referred by Resource Committees.
- 1.9 To nominate members to represent the Council on outside bodies with the exception of Joint Boards and Joint Committees.
- 1.10 To deal with any urgent item of Council business where it is not possible to wait for the next meeting of the appropriate Committee or the Council.

The Executive Committee can, in exceptional circumstances, take urgent action outside the policy and budgetary framework set by the Council. This would only apply where there was insufficient time for the Executive Committee to report to Council prior to action being taken. Any decisions or actions taken in those circumstances would be reported to the Council at the earliest opportunity.

- 1.11 To refer issues to the Council if a majority of those present consider it appropriate.
- 1.12 To fulfil the Council's statutory duties in terms of the Police and Fire Reform (Scotland) Act 2012.

## **2 Membership**

- 2.1 The Executive Committee will be made up of 28 members appointed by the Council, 2 of whom will be the Leader and Depute Leader of the Council. Appointments will be on the following basis: 1 Leader (ex officio); 11 SNP; 7 Labour; 5 Con; 3 Ind Group; 1 Lib Dem.
- 2.2 There will be provision for individual Groups to substitute up to a maximum of 4 members.
- 2.3 The Committee will be chaired by the Leader of the Council.
- 2.4 The Depute Chair of the Committee will be the Depute Leader of the Council.
- 2.5 Quorum – 7.

## **3 Meeting Arrangements and Practice**

- 3.1 The Executive Committee meeting will be held every 4 weeks.
- 3.2 Minutes of meetings will be submitted to the next appropriate meeting of the Committee for approval as a correct record.
- 3.3 Issues referred to the Council will be included in a single report to that meeting.
- 3.4 The agenda for Executive Committee meetings will be issued to all members of the Council. Any member can submit comments on any item of Executive Committee business on the pro forma provided. Comments must be available to the Head of Administration and Legal Services no later than 10.00am on the Tuesday before the Executive Committee meeting. The comments supplied will be made available at the meeting of the Executive Committee. While this route is available to members, it does not preclude members raising issues directly with the Chair of the Executive Committee. Comments will only be acceptable if they relate directly to the business before the Committee and the Chair will decide on this.