

Report

Report to: **South Lanarkshire Council**
Date of Meeting: **18 May 2022**
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 consideration to be given to and obtain approval for 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, attached as Appendix 1, be approved;
- (2) that the following standing committees be established:
 - ◆ Cambuslang and Rutherglen Area
 - ◆ Climate Change and Sustainability
 - ◆ Clydesdale Area
 - ◆ Community and Enterprise Resources
 - ◆ Conference Allocation
 - ◆ East Kilbride Area
 - ◆ Education Resources
 - ◆ Executive
 - ◆ Finance and Corporate Resources
 - ◆ Hamilton Area
 - ◆ Housing and Technical Resources
 - ◆ Licensing
 - ◆ Petitions
 - ◆ Planning
 - ◆ Planning Local Review Body
 - ◆ Recruitment
 - ◆ Risk and Audit Scrutiny
 - ◆ Social Work Resources

- (3) that the committee membership details (number of members on each committee and political composition), as outlined in paragraphs 6.2 and 6.3 of the report and as detailed in Appendix 3, 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 on the basis of the number of members and associated political composition approved by the Council;
- (4) that the facility for individual groups to substitute up to a maximum of 4 members in terms of representation on the Executive, Climate Change and Sustainability, Resource Committees and on the Planning Committee be approved and that appropriate notification be given to Committee officers in advance of the meeting taking place;
- (5) that the facility for individual groups to substitute up to a maximum of 2 members in terms of representation on the Licensing Committee, Risk and Audit Scrutiny Committee and Petitions Committee be approved and that appropriate notification be given to Committee officers in advance of the meeting taking place;
- (6) that nominations for the position of Chair and Depute Chair(s) for each standing committee be considered and approved;
- (7) that consideration be given to the appointment of up to 19 positions of Senior Councillor, as outlined in paragraph 7.1 of this report;
- (8) that the member forums, as detailed below, be established:-
 - ◆ Roads Safety Forum
 - ◆ Employee Issues Forum
 - ◆ Equal Opportunities Forum
 - ◆ Joint Consultative Forum
 - ◆ Financial Resources Scrutiny Forum
 - ◆ Performance and Review Scrutiny Forum
 - ◆ Standards and Procedures Advisory Forum
 - ◆ Rural Task Force
- (9) that Forum membership details, as outlined in Section 8 of the report, be approved and authority delegated to the Chief Executive, in consultation with the Leaders of the political and independent groups, to finalise membership on the basis of the number of members and associated political composition approved by the Council;
- (10) that the facility for individual groups to substitute up to a maximum of 2 members in terms of representation on the main Forums be approved and that appropriate notification be given to Committee officers in advance of the meeting taking place;

- (11) that the revised Terms of Reference and membership of the Equal Opportunities Forum, as detailed in Appendix 1, be approved;
- (12) that the Terms of Reference for the Council, Committees and associated Forums, as detailed in the supporting documentation pack, attached as Appendix 1, be approved;
- (13) that the following are appointed as ex officio members for the purpose of 'signing off' delegated contracts and for urgent items of business, all in line with the approved Standing Orders:-
 - ◆ Leader of the Council
 - ◆ Depute Leader of the Council
 - ◆ Ruling Group Business Manager
- (14) that the cycle of meetings and proposed recess periods, as detailed in Appendix 4, be approved, including the condensed meeting arrangements prior to the 2022 summer recess;
- (15) that member nominations be made by the Council to those bodies detailed in Appendix 5;
- (16) that the member role profiles, as detailed in Appendix 6, be approved; and
- (17) that the advice on operation of multi-member wards, as detailed in Appendix 7, be noted.

3. Background

- 3.1. The Council has well established decision-making and procedural arrangements in place. Whilst it is considered that those arrangements remain fit for purpose, it is appropriate that, following the local government elections on 5 May 2022, the first Council considers and approves its decision-making arrangements.
- 3.2. As well as considering the necessary procedural documentation (Standing Orders on Procedures, Standing Orders on Contracts, Scheme of Delegation, Financial Regulations and Terms of Reference – all of which regulate the work and operation of the Council), there is a need to consider the Council's decision-making framework, membership of committees and forums and committee timetable as well as representation on statutory joint boards and joint committees, COSLA and other external organisations.

4. Procedural Documentation

- 4.1. Attached as Appendix 1, is a pack of procedural documents which detail 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 as well as members of the Standards and Procedures Advisory Forum from the previous Council, and are now presented for approval by the Council. In the main, amendments have been made to reflect legislative requirements and organisational reviews/arrangements within the Council.

- 4.3. Standing Orders on Contracts, which previously applied but are no longer applicable, have been marked as deleted. This is recorded to ensure adherence with procurement templates.

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.
- 5.2. Appendix 2 shows the proposed framework for the Council's decision-making arrangements.

6. Membership and Composition of Committees

- 6.1. The proposed membership arrangements for each standing committee are set out in Appendix 3 for approval.
- 6.2. It is proposed that the number of councillors on Resource Committees and Planning Committee be retained at 26 members, with the Executive Committee and Climate Change and Sustainability Committee remaining at 28. In respect of the Licensing Committee, as recommended by the Standards and Procedures Advisory Forum, it is proposed that the number of members be reduced from 26 to 10.
- 6.3. The proposed membership reflects the political balance of the Council, including the Council Leader on Executive, Climate Change and Sustainability, Resource, Planning and Licensing committees as an ex officio member with full voting rights. This also includes the facility for individual groups to substitute up to a maximum of 4 members in terms of representation on the Executive, Climate Change and Sustainability, Resource and Planning committees. In respect of the Licensing Committee, Risk and Audit Scrutiny Committee and Petitions Committee, this would include the facility for individual groups to substitute up to a maximum of 2 members. To reflect Audit Scotland requirements, it should be noted that membership of the Risk and Audit Scrutiny Committee is drawn from members not on the Executive Committee (or who are substitute members of the Executive Committee), with the exception of the Chair who will be an Opposition councillor. To ensure that this process works effectively and is as transparent as possible, Group Business Managers will be asked to put in place a process to notify the relevant Committee officers of any substitutions in advance of meetings taking place. Substitutes will be in place for the duration of the meeting for which they are acting as substitutes and the fact that they are acting as a particular member's substitute will be recorded in the sederunt for the meeting.
- 6.4. In respect of Area Committees, membership should continue to include all local members for the local area on the following basis:

Cambuslang/Rutherglen (12 members) - Wards 11, 12, 13 and 14

Clydesdale (13 members) - Wards 1, 2, 3 and 4

East Kilbride (18 members) - Wards 5, 6, 7, 8, 9 and 10

Hamilton (21 members) - Wards 15, 16, 17, 18, 19 and 20

- 6.5. It is proposed that each Standing Committee has a Chair and Depute Chair. In the case of the Finance and Corporate Resources Committee, it is proposed that there be 2 Depute Chairs to facilitate the administration of the Appeals and Grievance and Disputes Panels. In relation to the administration of those Panels, recognising the demands that participation on those Panels can place on elected members, it is proposed that membership of the Panels be drawn in rotation from the members of the Finance and Corporate Resources Committee and from an established pool of 15 members not serving on the Finance and Corporate Resources Committee.
- 6.6. The Council is asked to consider and nominate appointments to the Chair and Depute Chair positions.

7. Senior Councillors

- 7.1. In addition to the positions of Civic Head and the Leader of the Council, The Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007 enable the Council to appoint up to 19 Senior Councillors. The Council is asked to give consideration to those positions.

8. Member Forums

- 8.1. It is proposed to establish Member Forums as listed in paragraph 2.1 (8). These were operational in the previous Council and are considered to remain fit for purpose.
- 8.2. Following recommendations from the cross party Equity Working Group, it is proposed that the membership of the Equal Opportunities Forum allow representation from all Groups and that its Terms of Reference be expanded to allow the Forum to continue the work of the Equity Working Group.
- 8.3. It is proposed that Forum memberships continue to comprise 10 councillors on the basis of political balance within the Council, ie Scottish National Party – 4 members; Labour Party – 4 members; Conservative and Unionist Party – 1 member; Liberal Democrats/Green Party/Independent Group - 1 member and also include the facility for individual groups to substitute up to a maximum of 2 members in terms of representation. To reflect Audit Scotland requirements, it should be noted that membership of the Financial Resources Scrutiny Forum is drawn from members not on the Executive Committee (or who are substitute members of the Executive Committee), with the exception of the Chair who will be an Opposition councillor.
- 8.4. For the Standards and Procedures Advisory Forum and Equal Opportunities Forum, whose proposed membership is 11, the political composition would be Scottish National Party – 4 members; Labour Party – 3 members; Conservative and Unionist – 1 member; Liberal Democrats – 1 member; Green Party– 1 member; and Independent Group – 1 member.
- 8.5. Forum Chairs will be appointed by members of the relevant Forum at the respective meetings.

9. Terms of Reference

- 9.1. The Council is asked to approve the Terms of Reference, included within Appendix 1, for the Council, its Committees and associated Forums. The Terms of Reference sets out the powers and responsibilities, membership and meeting arrangements, and practice of the Council's main committees and forums.

10. Procedural Issues for Dealing with Urgent Business and Delegated Contracts

10.1. In terms of the mechanism for dealing with urgent business and delegated contracts, it is proposed that the following are appointed as ex officio members for the purpose of 'signing off' delegated contracts and for urgent items of business, all in line with the approved Standing Orders:-

- ◆ Leader of the Council
- ◆ Depute Leader of the Council
- ◆ Ruling Group Business Manager

10.2. Urgent items of business will continue to be reported to the next appropriate Committee for noting and 'signed off' reports circulated to Opposition Group leaders within the Council. The contracts information will continue to be reported to the appropriate Committees for information in line with the Standing Orders on Contracts.

11. Cycle of Meetings and Recess Periods

11.1. The Council has an established 8 weekly committee cycle and the new Council is asked to agree the cycle as set out in Appendix 4. This includes recess periods of 4 weeks in the summer, 3 weeks at Christmas/New Year, 2 weeks at Easter and 1 week at October.

11.2. It is further proposed that condensed meeting arrangements are put in place prior to this summer's recess. This would commence in the week beginning 13 June. The opportunity has also be taken in the period up to the summer recess to hold specific member sessions on key areas such as Resource briefings, planning, licensing, personnel appeals, education appeals and local government finance.

11.3. Taking account of feedback from the Standards and Procedures Advisory Forum, a proposed full year's meetings programme is included within Appendix 4.

12. Representation on Statutory Bodies and Other External Organisations

12.1. 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. The Council is the lead organisation for some of those.

12.2. In advance of the new Council, the list has been reviewed by Resources and the lead organisations. The Council is asked, as a matter of priority, to approve nominations to the joint committees/boards, statutory and partnership bodies detailed in Appendix 5. These are necessary to enable the respective organisations to formally re-establish themselves following the local government elections.

12.3. A report will be submitted to a future meeting in terms of further representation on those organisations.

13. Member Role Profiles

13.1. The Council has previously approved member role profiles and details of those are attached as Appendix 6. This document was reviewed by the Standards and Procedures Advisory Forum and the new Council is asked to endorse those profiles.

14. Advice on Operation of Multi-Member Wards

- 14.1. The Council has previously approved a protocol in relation to the operation of Multi-Member Wards. In line with normal practice, this document has been reviewed by officers as well as the Standards and Procedures Advisory Forum and is attached as Appendix 7. The new Council is asked to endorse the protocol.

15. Employee Implications

- 15.1. None.

16. Financial Implications

- 16.1. As a member of COSLA, there is an associated fee which can be met from existing budgets.
- 16.2. Any training costs incurred in ensuring that members are equipped to undertake their roles on the committees, forums established will be contained within the existing budget identified for this purpose.

17. Climate Change, sustainability and Environmental Implications

- 17.1. There are no climate change or environmental implications as a result of this report.
- 17.2. The Council takes into account responsibilities in relation to sustainable development via the Council Plan and Resource Plans.

18. Other Implications

- 18.1. None.

19. Equality Impact Assessment and Consultation Arrangements

- 19.1. 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.
- 19.2. Consultation has taken place with all Resources on the proposals and documentation presented in this report.
- 19.3. The Standards and Procedures Advisory Forum from the previous Council considered proposals and gave recommendations in terms of the procedural documentation.

Cleland Sneddon
Chief Executive

9 May 2022

Link(s) to Council Objectives/Values

- ♦ Accountable, Effective and Efficient

Previous References

None

List of Background Papers

None

Contact for Further Information

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

Geraldine McCann, Head of Administration and Legal Services

Ext: 4658 (Tel: 01698 454658)

E-mail: geraldine.mccann@southlanarkshire.gov.uk