

# Public Document Pack

## **Argyll and Bute Council** **Comhairle Earra Ghaidheal agus Bhoid**

Customer Services  
Executive Director: Douglas Hendry



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3 October 2013

### **SUPPLEMENTARY PACK 1**

#### **SHORT LIFE WORKING GROUP ON POLITICAL MANAGEMENT ARRANGEMENTS - COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD on MONDAY, 7 OCTOBER 2013 at 1:00 PM**

I enclose herewith item 4 (Political Management Arrangements) which was not included on the Agenda for the above Meeting.

Douglas Hendry  
Executive Director – Customer Services

### **ITEMS TO FOLLOW**

- 4. RESUME CONSIDERATION OF POLITICAL MANAGEMENT ARRANGEMENTS**  
(Pages 1 - 12)

#### **SHORT LIFE WORKING GROUP ON POLITICAL MANAGEMENT ARRANGMENTS**

Councillor Gordon Blair	Councillor Michael Breslin
Councillor Vivien Dance	Councillor Anne Horn
Councillor Iain MacDonald	Councillor Roderick McCuish
Councillor Ellen Morton	Councillor Gary Mulvaney
Councillor Douglas Philand	Councillor Elaine Robertson
Councillor John Semple	Councillor Dick Walsh

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**ARGYLL AND BUTE COUNCIL****Short Life Working Group  
Political Management  
Arrangements****CHIEF EXECUTIVE****7 October 2013**

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**Political Management Arrangements**

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**1.0 SUMMARY**

- 1.1 This report updates members on developments given the decisions taken at the last meeting held on 9<sup>th</sup> September 2013.

**2.0 RECOMMENDATIONS**

- 2.1 To consider the issues identified in the report and make recommendations to Council;
- 2.2 To agree a process for the final detailed consideration of the extension of area committee remit; and
- 2.3 To note the Monitoring Officer will bring forward proposals in regard to conduct issues.

**3.0 DETAIL**

- 3.1 The SLWG agreed at its meeting on 9th September as follows;

1. The Group identified 3 models of operation based on options:-

4 – (return to a traditional model of Council and a limited number of Service Committees);

5 – (Run with a revised remit for a centre all- purpose Policy and Resources Committee with or without call in powers to refer decisions to full Council if say 6 members not on the all-purpose Policy and Resources Committee require it);

and a version of 4 that included a finance/improvement Committee as well as other service Committees to allow officers to provide specific advice on the detail of these models including:-

- Adequate re-call powers
- Specific delegations
- Arrangements to allow Members to speak and vote on local matters
- Financial and resource implications of adopting the model

- 3.2 It is relevant to the deliberations of the SLWG to note that since the last meeting the Council Leader has resigned and a new Leader and Depute Leader have been appointed. The Council was informed that a new administration involving the Alliance and TALIG had been established.
- 3.3 It is understood that following informal soundings the SLWG is asked to consider in detail a proposal to adopt a structure that would involve a Policy and Resources Committee, Community Services Committee (including education, health, housing and social work), Environment, Development and Infrastructure Committee, together with the existing PPSL, PRS and Audit Committee. Please refer to **Appendix 1**.
- 3.4 The detailed remits for each Committee would need to be finalised after input from all members and would be subject to further detailed consideration at the Council. It would be important, however, to give consideration to some matters of principle as follows:

A. The SLWG determined that there should be a call in provision, and a model SO is attached at **Appendix 2** for members' information.

It is also for members to consider whether the call in should be to the Policy and Resources Committee or the Council and officers would offer the following points for consideration;

Call in to Policy and Resources Committee

Pros	Efficient as it would meet more often than council so reduce delay in decision making. Policy and Resources would be charged with advising Council on strategic matters it is therefore the correct level to exercise scrutiny of delegated matters.
Cons	May not involve all members in consideration of the matter at issue. Model assumes no call in of matters delegated to Policy and Resources.

Call in to Council

Pros	Involves all members. Could refer from Policy and Resources if so minded.
Cons	Inefficient too long a delay for a decision to be dealt with. Wrong level for delegated decisions to be subject to scrutiny could be subject to external criticism.

B. The SLWG determined that there should be an SO to allow participation in the work of the service Committees and a model SO is attached at **Appendix 3** for information.

The model SO permits all members to attend and speak at any Committee, but limits voting to pre notified ward specific matters. The

issue around permitting voting as outlined is at the centre of current scrutiny of the existing political management arrangements, which recognised that the full Council model doesn't work and if there is no restriction on voting then it could result in the new model making no progress on this central issue. If all members can speak and vote at a Committee on any item then that is effectively the current system renamed and the new model will be a number of versions of the Council and, therefore, even less efficient than the current model that members have determined is not fit for purpose.

If members are minded to adopt such a model officers could not recommend progressing such a model for the reasons outlined. It would also appear contrary to the agreement at full Council that the current model was not sustainable.

The Proposal to allow any member to speak at any centre Committee is a substantial extension of any previous provision and the ward rule for voting ensures that we avoid the possibility of having Council meetings in all but name.

- C. It has not been possible to develop detailed provisions for the delegations to each Committee, particularly as there is some discussion required on relationship with area matters. In general the areas of business could be:

### Policy and Resources Committee

- Finance and HR
- Policy Development /overview
- General competence for matters not otherwise delegated
- Economic Development (advised by the service Committee)
- Strategic Projects

### Communities Committee

- Culture
- Education
- Social Work
- Housing
- Health Issues

### Environment Development and infrastructure Committee

- Environment including Amenity Services, Carbon Management and Renewables
- Development including advice to Policy and Resources on Economic Development Policy but excluding matters dealt with by PPSL
- Infrastructure including Facility Services and Asset Management
- IT
- Piers, Harbours and Roads

- Fleet
- Tourism

Members views on the foregoing suggestions will inform the development of more detailed delegations.

3.5 The initial meeting of the SLWG was given a range of options for the extension of powers to area Committees and that detail is attached again at **Appendix 4**. In addition, discussions at earlier meetings identified that the Area CHORD Board function could be discharged by Area Committees, and other additions might be to determine up to a set financial limit requests for cash flow funding and the development of a public petitions function. The SLWG may wish to identify a process to take forward a final detailed consideration of what additional powers should be delegated to Area Committees.

3.6 Once the Council has made a final determination of the structure, the additional resources required to support the new arrangements can be assessed, but it is envisaged that a parallel restructuring of the Area Governance Team could address issues related to the more general support to members, as well as the additional Committee workload that will arise, reducing the net cost of these proposals, which at an indicative level might incur a cost of around £120k. The costs could be evenly split between the Committee function and general support to members, which has been the subject of comment and concern from across the Council area.

## **4.0 CONCLUSION**

4.1 The issues highlighted in the report take forward the agreed direction of travel of the SLWG and the political developments since the last meeting.

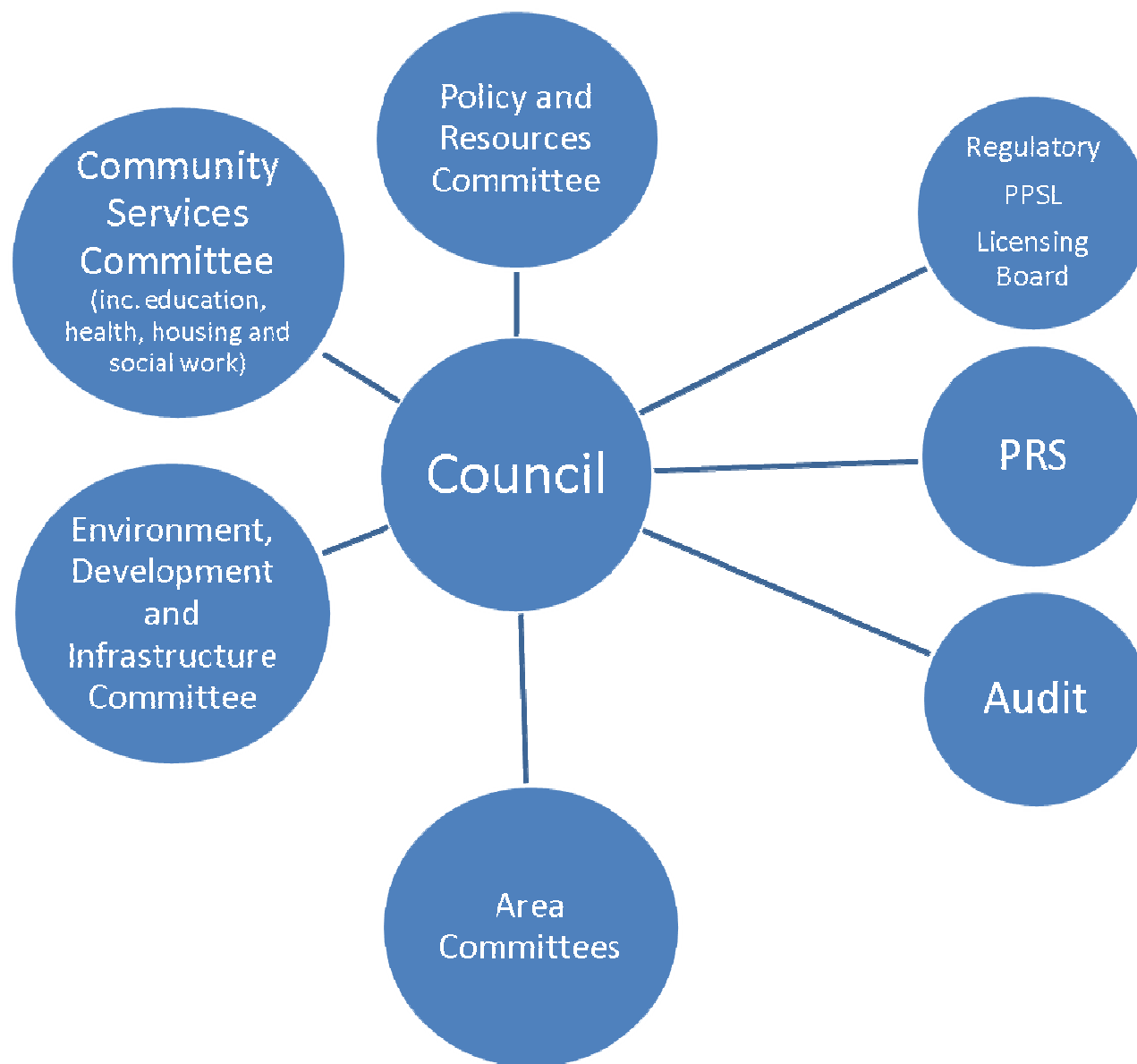
## **5.0 IMPLICATIONS**

- 5.1 Policy - Will improve development and decision making.
- 5.2 Financial - As set out in the report but indicative only.
- 5.3 Legal - None
- 5.4 HR - None at this stage
- 5.5 Equalities - No negative impact.
- 5.6 Risk - To be assessed when preferred model agreed
- 5.7 Customer Service - Improved transparency of decision making

## **6.0 APPENDICES**

- 6.1 Appendix 1
- 6.2 Appendix 2
- 6.3 Appendix 3
- 6.4 Appendix 4

**Sally Loudon**  
**Chief Executive**



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1. SCRUTINY OF THE X and Y COMMITTEES

1.1 Where, on the consideration by the X and Y Committees of any item of business, not fewer than nine Members of the Council, at least four of whom are elected Members of the relevant Committee, require immediately at the time the decision is taken (but not otherwise) that the decision should be subject to scrutiny by the Policy and Resources Committee [Council?], then, subject to paragraph 2. below, the decision shall be treated as a recommendation to the Policy and Resources Committee [Council?] for consideration and determination.

1.2 Paragraph 1 above shall not apply to any decision which arises on an item of business –

(a) Where –

- i. the Committee has considered a matter where the decision may affect the interests of any person as an individual; and
- ii. the decision is made after a hearing by the Committee where the person has a right in terms of any law, standing order or administrative procedure, to be heard in person or by a representative.

(b) Where, in the opinion of the Chairman, there is a requirement that the decision be given effect to before the next ordinary meeting of the Council.

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## 1. Participation Clause

- 1.1 Any Councillor may be present at a meeting of a Committee or Sub-Committee of which the Councillor is not a Member. The Councillor will be entitled to take part in the discussions generally, without giving notice, but is allowed to speak and vote only on any particular issue affecting the Members' Ward which is delegated to the Committee or sub-committee, provided written notification is given to the Executive Director of Customer Services and received by him/her not later than 24 hours prior to the time at which the meeting is scheduled to commence. The Chairman will decide whether, in the circumstances of any matter, the provisions of this Standing Order will apply to the Member who has given notice, and the Chairman's ruling, which will be given as soon as possible after the start of the meeting, will be final.
- 1.2 A Councillor cannot speak and vote in terms of the provisions at 1.1 above at a meeting of the Planning, Protective Services and Licensing Committee when it is considering an application for planning permission, nor in similar circumstances when a Local Review Panel is considering an appeal in respect of an application for planning permission.
- 1.3 Notwithstanding the provisions of paragraph 1.1 a Councillor cannot be present at a meeting of a Committee or Sub-Committee of which she/he is not a Member when:-
- The public have been excluded from the meeting; and
  - The meeting is considering a matter where the decision may affect the interests of any person as an individual; and
  - The decision is made after a hearing by the Committee or Sub-Committee where the person has a right in terms of any law, Standing Order or administrative procedure, to be heard in person or by a representative
- 1.4 If a Committee or Sub-Committee has a hearing:-
- On a matter where the decision may affect the interests or rights of any person as an individual; and
  - Where the person has a right in terms of any law, Standing Order or administrative procedure, to be heard in person or by a representative;

Members of the Committee or Sub-Committee may only take part in or vote on the matter if they have attended the entire proceedings of the hearing.

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## 1. Possible options to enhance the role of Area Committees

Retention of all Terms of Reference as detailed in the Council Constitution plus the addition of the following:

- a. Oversight of Common Good Funds and Trusts as appropriate.
- b. To approve Area Policies in relation to the delivery of Council services consistent with Council wide policy.
- c. To consider and prioritise revenue and capital expenditure estimates for their Area and to make recommendations to the Council in relation to these.
- d. To approve the acquisition, sale or lease of land or buildings within their Area.
- e. To set local holidays, taking into account local circumstances.
- f. To resolve issues of naming of streets and buildings within the Council's control.
- g. To maintain strong links with local communities, community organisations and local community planning structures;
  - Maintain the operation of CPGs going forward, with the Area Committees remaining as the Council's local decision making body and operating as a key strategic partnership of the CPG, with only a small number of the Members participating and representing the Area Committee. This would help to address the current perception that the partnership is unbalanced and dominated by the Council.
  - Including delivery of local level of Single Outcome Agreement (SOA)
  - Including oversight of local Economic Development Action Plan
- h. Adoption of structured service delivery reporting across all areas (e.g. performance reports (Secondary Schools currently bring annual performance reports to Area Committees)/updates on service delivery issues – in some areas Officers bring regular reports on key issues to the Business Day and there is scope to extend this to all areas)
- i. To receive minutes of all local partnership bodies in which the Council participates and maintain an overview of local partnership arrangements and activities ensuring there is consistency in the various approaches.
- j. To make local services more accountable to elected members of the Council and through them, to the local community.
- k. To ensure that, subject to local needs and opportunities, the delivery of Council services and the use of its resources reflect the policies and priorities of the Council.
- l. To improve the identification of and make services more responsive to local issues and priorities.

- m. To ensure that Council services, partner agencies and the local community work together as necessary to implement the Council's policies and to respond to local issues more effectively.
- n. To work with partner agencies to promote the aims, principles and actions relating to the policy objectives, and to ensure that these are given an appropriately high priority by the Council's services.
- o. To make recommendations on plans and proposals for local service delivery/planning within their Area, including prioritisation of expenditure, which are consistent with Council Policy and within the available financial allocations.
- p. To initiate and undertake developments which are consistent with Council policy and within the available financial allocations.
- q. To promote Council strategies, agreements and partnerships at a local level.
- r. To appoint Members of the Area Committee, when invited to do so, to local organisations and groups.
- s. To maintain strong links with community and voluntary organisations.
- t. To be consulted on any review of the Scheme of Community Councils.
- u. (Assuming funds made available by Council) Allocation/monitoring of Area (or ward) budgets.
- v. To undertake current remit of the CHORD Project Boards