

SLWG – POLITICAL MANAGEMENT ARRANGEMENTS

1.0 SUMMARY

- 1.1 At its meeting on 27 June 2013 the Council established a short life working group to review the current political management arrangements, including structures.
- 1.2 The SLWG has now had two meetings and at the most recent meeting held on 12 August 2013 it agreed a set of principles.

2.0 RECOMMENDATIONS

Members are invited to;

- 2.1 Note the contents of the report and consider the proposed model to identify a preferred way forward.

3.0 DETAIL

- 3.1 The SLWG agreed at its meeting on 12 August 2013 as follows;

The SLWG:

1. *Noted the contents of the report.*
2. *Gave consideration to the proposals detailed at Appendices 1, 2, 3, 4 and 5*
3. *Noted that none of the proposals, as they stand, gave rise to issues of legality or competence at this time.*
4. *Noted that Officers will provide advice in terms of resource implications, potential impact and any lessons from other authorities on proposals identified.*
5. *Agreed to circulate the agreed minute to all 36 Councillors as a position statement.*
6. *Agreed to delegate to the Executive Director of Customer Services in consultation with the Chair and Councillor Dance to formulate the next steps which were notified as follows:*

Members identified and agreed the problems:

- *Too much coming to the full council to allow for effective and informed political scrutiny.*
- *Too little local accountability.*

- *Too much going to and from the centre.*
- *Political instability.*
- *Too few members involved in establishing the political and strategic direction of the council*

Members agreed that our aims should be:

- *Political stability*
- *Increased accountability*
- *Increased responsiveness to local needs*
- *Increased involvement of all elected members*

It was agreed that:

1. *The current governance structure is not working effectively.*
2. *Below council level there should be an additional structure (committees/cabinet /other model).*
3. *PPSL, Audit and Performance Review Committees should be retained.*
4. *Area Committees should be strengthened in remit and purpose.*
5. *The structure of reports and papers to be reviewed.*

The SLWG will hold another meeting soon after the next council meeting and is conscious that its deliberations will need to take into account the report from Audit Scotland once it is made available to all members in September or early October.

3.2 POLITICAL MANAGEMENT ARRANGEMENTS - CONSIDERATIONS

3.2.1 Statutory basis for delegating powers to committees

In terms of the Local Government (Scotland) Act 1973 section 56 a council can make arrangements [scheme of delegations] for a committee sub committee or officer to carry out some of its functions. This power is extended by section 43[a] of the Planning etc Scotland Act 2006 to a scheme of local delegation of planning matters to a committee and for local developments to an officer which requires the approval of Scottish ministers to allow any amendment and which must be reviewed every 5 years or sooner.

3.2.2 Models of Committee Structure

A. Position pre 3 May 2012

The existing Executive committee had very wide ranging powers and met 6 weekly to deal with Council business.

In addition the Council operated with a Planning Protective Services and Licensing Committee, Audit Committee, 4 Area Committees, PPG's and structures at the centre and areas to engage in Community planning.

B. Position since May 2012

All business transacted at Council but the SLWG at their meeting on 12 August 2013 has identified that this is no longer effective and their interim report has been endorsed by Council.

C. Possible Options

The possible options for managing council business can be summarised as:-

- 1) Executive Committee model as from previous Council PMA
- 2) Move to formal cabinet model of governance with scrutiny committee function
- 3) Have an informal cabinet to develop policy/budget but not subject to committee procedure rules otherwise decisions taken at Council.
- 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.

These are broad headings – any number of permutations are possible but any or all may require more resources to support their operation as they may involve an increase in the number of meetings.

Initial analysis of options for discussion

Consider the positives and negatives for these options in table 1 below;

Table 1

Options		Issues					Aims				Comments
		Too much to full council to allow for effective/informed political scrutiny	Too little local accountability	Too much going to and from the centre	Political instability	Too few members involved in est. political and strategic direction of council	Political stability	Increased accountability	Increased responsiveness to local needs	Increased involvement of all elected members	
1.	Executive model	+	-	-	+	-	+	○	○	-	This model has 3 positive, 2 neutral and 4 negative impacts on the issues/aims identified by the working group. The model can be seen as more efficient and can provide political balance whilst providing a greater opportunity for strategic direction. It may be seen as less democratic and of offering less involvement for all members in the business of the Council.
2.	Cabinet Model	+	-	-	+	-	+	○	○	-	This model has 3 positive, 2 neutral and 4 negative

											impacts on the issues/aims identified by the working group. The model would provide stability and strategic direction but would not provide political balance, nor would it involve all members in decision making.
3.	Informal Cabinet <i>akin to budget working group able to develop policy but no formal powers to implement it</i> <i>need to take decisions to full council or other decision making structure</i>	○	○	-	○	○	○	-	○	○	This model has 0 positive, 7 neutral and 2 negative impacts on the issues issues/aims identified by the working group. The scoring reflects the fact that an informal arrangement has, by its very nature, limited impact on formal structures. It would clearly be intended to provide a forum to seek consensus around strategic direction that could facilitate formal decision making.
4.	Return to Traditional Model										This model has 4 positive, 4 neutral

	Council and Service Committees	+	O	-	O	+	O	+	O	+	and 1 negative impacts on the issues/aims identified by the working group. The committees would require to have formal delegated decision making powers for appropriate areas of their remit to ensure that the structure had a positive impact. If they were simply advisory then that would require a re-scoring with more negative being identified given the reduced efficiency that would arise from an advisory role only.
5.	Policy and Resources Committee <i>with members from administration and opposition say 11-5 with decision making powers across all functional areas but with fewer powers</i>	+	O	-	+	+	+	O	O	+	This model has 5 positive, 3 neutral and 1 negative impact on the issues/aims identified by the working group. The model would allow for political balance and a geographic balance to be

	<p><i>than executive so that it advises council i.e. makes a recommendation on a matter that council has to ratify. Call in powers given to members not on committee.</i></p>										<p>provided. It would create an efficient vehicle to transact significant areas of Council business whilst retaining the primacy of the Council in pre-determined areas of activity. The option of a call in mechanism would further enhance the inclusiveness of the process if the working group were so minded.</p>
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D. Area Model

i. Current position

At the Council meeting held on 28 June 2012 it was agreed by the new Administration that Area Committee meetings would meet bi-monthly in February, April, June, August, October and December, with pre-agenda's taking place a fortnight prior to each meeting. It was also agreed that all meetings would take place in the morning and scheduled as follows; Bute and Cowal to meet on the first Tuesday of the relevant month; MAKI on the first Wednesday, Helensburgh and Lomond on the second Tuesday and OLI on the second Wednesday.

In respect of the area model, a number of other decisions were made;

- Area Community Planning Groups shall, subject to the agreement of partners, meet quarterly in March, June, September and December in the afternoon and scheduled as follows; Bute and Cowal to meet on the first Tuesday of the relevant month; MAKI on the first Wednesday, Helensburgh and Lomond on the second Tuesday and OLI on the second Wednesday.
- Agenda items that are common to all four Areas will be considered within the space of seven working days thereby ensuring efficient progression of matters which are corporate or common to either the Council or any Core Partners.
- Area Business Days will be held January, March, May, September and November. All meetings will be held in the morning and scheduled as follows; Bute and Cowal will meet on the first Tuesday of the relevant month, MAKI on the first Wednesday, Helensburgh & Lomond on the second Tuesday and OLI on the second Wednesday.
- Members will be involved in one Area Forum in November each year, similar to the previously held Forward Together Events, subject to agreement from community planning partners to support and participate in the events.

ii. 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

3.3 ADDITIONAL CONSIDERATIONS NOT REFERRED TO ABOVE

3.3.1 Resource Implications

If there is a desire by Members to move ahead with the proposals outlined above in regard to the area model, this will create significant resource issues that will require to be considered. Within Governance and Law the Service Review process carried out and implemented in 2011 resulted in a reduction in area based resource, specifically the Area Manager resource responsible for delivery of the Area Committee, Area Community Planning and Member support functions. This review assisted the Council to meet its 20% savings targets, but was designed to support a function with fewer Area Committees and associated meetings. Given that the Council has agreed to maintain the Area Committee meeting frequency bi-monthly, and with additional business meetings, the issue of resources to support these processes will need to be looked at.

- 3.3.2 The challenge to the existing structure is that it has proved to be time consuming and politically divisive even though only 12% of items at Council have actually resulted in a division. The current model does allow all members to vote on every matter but a Cabinet or Committee structure with a call in mechanism would create that opportunity thus addressing the concern of being undemocratic. There are many options for call in procedures that could be developed if this were to be the direction of travel. The essence of democracy is however that the majority opinion becomes the decision.

Attending committee meetings is only one element of the modern role for a councillor and has to be managed against the other time demands especially for lead Councillors.

Member time to attend committee meetings has always been seen as a priority given the distances to be travelled by most members and the issues for Island based councillors about time away from home /personal business interests.

If a service committee model is adopted they would require to have appropriate delegated powers to meaningfully discharge their remit.

It is important to recognise that any significant increase in committee structure will have a knock on effect in demands on senior members and chief officer's time in preparing for, attending and actioning matters discussed at any additional committees.

Once it is clear which model, if any, is preferred then work can take place to identify the cost, if any, of giving effect to the model and any ongoing resource issues for members and senior officers.

- 3.3.3 There is a need also to recognise that elected members can only exercise an executive role when they sit as the Council or a committee thereof .This is provided for in the Local Government Scotland Act 1973 section 56 which sets out how a local authority may discharge its functions. In addition there is the National code of conduct for Councillors which sets out at paragraph 3.4 the differing role of members and officers in respect to the operation of the authority and which prohibits members from engaging in the direct operational management of council services.

3.4 NEXT STEPS

- 1) Identify a preferred model of operation to allow officers to provide specific advice on the detail of that model.
- 2) Give consideration to what, if any, additional support is required as part of the work being undertaken by the Improvement Service;
- 3) Give consideration to whether any extension to the current operation/remit of Area Committees is required in terms of the detail of this report.

4.0 CONCLUSION

- 4.1 At its meeting on 27 June 2013 the Council established a short life working group to review the current political management arrangements, including structures.
- 4.2 The SLWG have agreed a set of objectives which have been endorsed by the full Council at their 29 August meeting.

5.0 IMPLICATIONS

- 5.1 Policy – none at this stage
- 5.2 Financial - none at this stage although once preferred model has been identified Officers will advise on any financial implications
- 5.3 Legal – none at this stage
- 5.4 HR - Once a preferred model has been chosen by members, an exercise will need to be carried out by Officers to determine the resource implications of operating such a model and what the impact will be. For example, if there is a desire by Members to enhance the role of area committees, this will create significant resource issues that will require to be considered.
- 5.5 Equalities - none
- 5.6 Risk - The AIP has identified '*Council's leadership and culture – member to member and member to officer relationships*' as a scrutiny area. An agreed approach on political management arrangements and structures to be reported to Council would reduce risk in this area.
- 5.7 Customer Service - none

6.0 APPENDICES

None

4 September 2013

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Chief Executive