

EAST AYRSHIRE COUNCIL

COUNCIL MEETING - 23 SEPTEMBER 2010

REVIEW OF THE SCHEME OF DELEGATION AND ADMINISTRATION

Report by the Executive Director of Finance and Corporate Support

1. PURPOSE OF REPORT

- 1.1** To submit, both for the information and consideration of Council, a draft consolidated Scheme of Delegation and Administration to take cognisance of the changes within portfolio arrangements and Departmental structure effective from 1 April 2010 and revisions in light of operational experience.

2. BACKGROUND

- 2.1** Regular reviews of the Scheme of Delegation and Administration are undertaken and amendments made in response to operational need and legislative requirements. For example, a new Scheme of Delegation for dealing with planning applications was approved by Council in June 2009, in particular, to meet requirements associated with the Government's proposal to modernise the planning system in Scotland. Following on from these changes, further changes to the Council's Departmental structure, along with portfolio remits have also taken place. These changes have been consolidated within the updated enclosed draft (Appendix 2). The draft Scheme also reflects a number of amendments in light of operational requirements.
- 2.2** Several of the new changes to the Scheme presented to Council relate to the operation and composition of the Council's Appeals Panel. The main proposed change involves the deletion of the requirement for Local Members and Spokespersons to be automatically excluded from Panel membership. It is considered, particularly in regard to Local Members with the creation of larger multi-member wards, that these are no longer required. In addition, it is recognised that provision exists for Elected Members to be able to identify and address any potential conflicts of interest and then exclude themselves, where appropriate.
- 2.3** Further proposals include the scheduling of fortnightly meetings within the official calendar of Council Meetings considered annually by Council (scheduled for 4 November 2010). It is intended to populate, in advance, all scheduled meetings with Elected Members including Substitute Members (who will also receive copies of papers). Substitute Members will assist in the effective management of panel meetings and will accommodate instances where conflicts of interest arise or other instances where absences of appointed Members occur. Notwithstanding these arrangements, it is recognised that the Scheme of Delegation and Administration provides for a quorum of three Elected Members to properly constitute Appeals Panels and

when required to do so, such as Appeals Panels will be held as long as a quorum is present.

- 2.4** Other operational matters to support the effective processing of appeals and the holding of Appeals Panels will also be introduced in support of the above changes which will include advance notification of the scheduled appeal meetings to Trade Unions and management representatives. The opportunity would also exist for determining procedural issues that would impact on appeal hearings to be determined in advance at an earlier Panel meeting. Further operational improvements will include the eradication, as far as possible, of duplicate submissions; the provision for audio recording proceedings for the specific purpose of supporting the Council's position in respect of attendance at Employment Tribunals and the provision of a more detailed statement of reasons for dismissal within the decision letter. The new arrangements will commence from 1 January 2011 and appropriate support information will be issued to all Elected Members detailing the new operational arrangements and protocols, as required, for their use.
- 2.5** Appendix 1 summarises the proposed amendments to the Scheme of Delegation and Administration.

3. FINANCE/POLICY/COMMUNITY PLANNING IMPLICATIONS

- 3.1** None arising directly from this report.

4. LEGAL IMPLICATIONS

- 4.1** Under Section 56(1) of the Local Government (Scotland) Act 1973, as amended, East Ayrshire Council is empowered to discharge its functions through Committees, Sub-Committees or authorised Officers and in doing so sets out those duties within a Scheme of Delegation and Administration, approved from time to time by the Council.

5. RECOMMENDATIONS

- 5.1** It is recommended that Council:-
- (i) consider and approve, those proposed revisions for additional delegation of authority detailed within Appendix 1;
 - (ii) thereafter, as appropriate, approve and adopt the enclosed consolidated and revised Scheme of Delegation and Administration; and
 - (iii) otherwise, note the contents of the report.

Alex McPhee
Executive Director of Finance and Corporate Support

8 September 2010

JMcG/SR

LIST OF BACKGROUND PAPERS

1. Submissions from Service Departments.

Any person wishing to inspect the background papers relative to this report should contact Julie McGarry, Administration Manager, on Telephone Number (01563) 576147. Any person wishing further information on this report should contact Julie McGarry, Administration Manager, on Telephone Number (01563) 576147.

Implementation Officer: Julie McGarry, Administration Manager.

CHANGES TO THE SCHEME OF DELEGATION

<u>PAGE NO/PARAGRAPH</u>	<u>DESCRIPTION</u>
Pages 10-13, Paragraph 3.4(i)(a), (ii)(a), (iii)(a), (iv)(a) & (v)(a)	Appeals Panels - Composition - Delete all references to Local Members being excluded from Panel Membership.
Page 11, Paragraph 3.4(ii)(a)	Appeals Panels - (i) delete reference to Spokespersons being excluded from Panel; and (ii) include description of arrangements for Panel Meetings.
Page 14	Social Work Complaints Review Panel - List of Members maintained by South Ayrshire Council, for noting.
Page 19	Consultative Arrangements - New section setting out consultative arrangements, for noting.
Page 31	Head of Finance - Officer Delegation for post of Head of Finance.
Page 43	Head of Human Resources - New entry regarding redundancies (proposed by Cabinet on 23 June 2010).
Page 45	Executive Director of Educational and Social Services - New entry for compliance for Sections 9, 11 and 15 of the Schools (Consultation) (Scotland) Act 2010.
Page 54	Community Care Matters - Values increased from £10,000 to £15,000 regarding aids and adaptations.
Page 57	Depute Chief Executive/Executive Director of Neighbourhood Services - New entry for duties under the Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005.

<u>PAGE NO/PARAGRAPH</u>	<u>DESCRIPTION</u>
Pages 57, 59 and 63	Depute Chief Executive/Executive Director of Neighbourhood Services/Head of Planning and Economic Development and Head of Leisure - New entry regarding Developers Contribution Fund (proposed by Cabinet on 23 June 2010).
Pages 44 & 56	Trading Operation Contract Practices - Deleted from delegation of Executive Directors of Educational and Social Services and of Neighbourhood Services as no services described as this anymore, for information.

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