

EAST AYRSHIRE COUNCIL

COUNCIL MEETING - 4 MARCH 2004

COMMITTEE ADMINISTRATION: DRAFT POLICY AND RESOURCES AND CORPORATE GOVERNANCE COMMITTEES TERMS OF REFERENCE

Report by the Depute Chief Executive/Director of Corporate Resources

1. PURPOSE OF REPORT

- 1.1 To submit for consideration of Council, revised draft Terms of Reference for the Policy and Resources Committee, Corporate Governance Committee and related Sub-Committees.

2. BACKGROUND

- 2.1 As part of the ongoing development of the Council's Corporate Governance arrangements, the Council, at its meeting on 8 May 2003, established a Corporate Governance Committee and agreed an initial Terms of Reference (Item 5.1, Page 2, 03/07). In addition, a review of the Scheme of Delegation has been ongoing and accordingly an opportunity has been taken to review the Policy and Resources and Corporate Governance Committees Terms of Reference.

3. POLICY AND RESOURCES COMMITTEE

- 3.1 The Policy and Resources Committee is the main Committee for managing on behalf of the Council the development and revision, on a co-ordinated basis, the Council's broad policy objectives and priorities. The Policy and Resources Committee provides for the overall management of the Council's finance and property resources and provides appropriate advice to Council on policy development, community planning and use of such resources. The Policy and Resources Committee also requires to provide management responsibility in respect of a range of central council departments and service functions. The proposed revised draft Terms of Reference under the Appendix to this report identifies the key management role that the Committee provides on behalf of the Council.

4. CORPORATE GOVERNANCE COMMITTEE

- 4.1 The Corporate Governance Committee's main role is to promote the underlining principles of good governance and to monitor the effectiveness of the Council's systems, processes and services. The development and monitoring of Codes of Conduct both for Council Members and employees will be an integral part of the Corporate Governance remit and accordingly, the Committee will also have responsibility in dealing with all service personnel issues (excluding Teachers). The key monitoring roles required of the Corporate Governance Committee are reflected within the proposed revised draft Terms of Reference as contained within the Appendix to this report.

5. SUB-COMMITTEES

- 5.1** In light of the above proposed revision to the Terms of Reference for the parent Committees, appropriate Sub-Committees have been re-allocated and in addition, a new Ad-Hoc Appeals Sub-Committee of the Policy and Resources is proposed to deal with appeals against the decision of the Director of Development and Property Services in relation to the grant of discretionary rental leases for non domestic Council properties and to consider appeals against the decision of the Director of Corporate Support or Head of Finance in respect of all mandatory and discretionary non domestic rates relief.
- 5.2** Any consequential changes in respect of the Scheme of Delegation will be included in the general review and reported to Council in the usual way.

6. FINANCIAL/LEGAL/POLICY IMPLICATIONS - Nil.

7. RECOMMENDATIONS

7.1 It is recommended to Council:-

- (i) to approve or otherwise the enclosed revised Terms of Reference for the Policy and Resources and Corporate Governance Committees;
- (ii) to approve the Terms of Reference for the new Ad-Hoc Discretionary Rental Leases/Non Domestic Rates Relief Sub-Committee of the Policy and Resources Committee;
- (iii) to note the re-allocation of the Appeals and Recruitment Sub-Committees; and
- (iv) otherwise, to note the contents of the report.

Fiona Lees
Depute Chief Executive/Director of Corporate Resources

26 February 2004

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LIST OF BACKGROUND PAPERS

NIL

Any person wishing further information on this report should contact Bill Walkinshaw, Administration Manager on telephone number (01563) 576135.

Implementation Officer: Bill Walkinshaw, Administration Manager.

POLICY AND RESOURCES COMMITTEE: TERMS OF REFERENCE

POLICY FUNCTION

1. To guide Council on the formulation of strategic policy objectives and priorities.
2. To oversee the Council's Community Planning process.
3. To review and report to Council as required on new service policy initiatives or proposed alterations to existing policy which impact on the Council's Community Plan, priorities and objectives and/or financial resources.
4. To review and report to Council on the implications of Central Government policy or legislative initiatives which impact on cross-cutting Departmental Council services, priorities and objectives.
5. To consider and make appropriate recommendations to Council on cross-cutting Departmental policy proposals.

RESOURCES FUNCTION

Finance

6. To consider the strategy and overall policy formulation in relation to the capital and revenue estimates of Committees and to report to the Council on the assessment of the Council's financial resources and make recommendations on the overall financial strategy, including capital programming and on the annual revenue estimates and the rate and council tax to be levied.
7. Overview of all financial advice to the Council on all matters of finance, including the allocation of the Council's financial resources.
8. To receive reports from the Budget Scrutiny Group in support of the Committee's function in respect of ensuring the effective management of all Council expenditure.
9. To regulate and control the finances of the Council in accordance with the Financial Regulations.
10. To consider service budgetary issues in respect of the Chief Executive's Office and the Corporate Support Department referred from the Budget Scrutiny Group.

Property

11. Acquisition and disposal of buildings and property including consideration of property transactions.
12. To advise on allocation and management of the Council's property.
13. To advise on the Council's Energy Management Policy.

14. To make decisions as to the removal from operation service property and ground no longer required for operational purposes either for an identified purpose or for referral to the Executive Director of Development and Property Services for disposal/lease/reallocation in accordance with the Council's policy for the treatment of surplus properties. (Note: the Property Monitoring Group will review the future use of unused and underutilised properties).

PUBLICITY AND PUBLICATIONS FUNCTION

15. To oversee and co-ordinate and the provision of information, publicity and public relations.

GENERAL

16. To provide advice to Council on the restructuring of the Council's Decision Making Process and Departmental Structures.
17. To oversee service delivery for the Chief Executive's Office and the Corporate Support Department and to undertake and implement conclusions from Best Value Service Reviews and improvement activities.
18. Strategic overview of the decentralisation of service provision and political processes of the Council.
19. To oversee Members' Support Services including arrangements for Member representation at Conferences.
20. Maintenance of links with Joint Boards.
21. All Civic Ceremonial matters including civic recognition and hospitality.
22. Maintenance and furtherance of international partnership links.
23. Resourcing of District Court.
24. Resourcing of the Licensing Board (in terms of Section 5(6) of the Licensing (Scotland) Act 1976).
25. Resourcing of the Children's Panel Advisory Committee and Children's Panel.
26. All arrangements for assisting the operation of Community Councils.
27. Applications for subscription and financial assistance.
28. Consideration of applications to utilise the Common Good Funds and make recommendations to Council thereon.
29. Matters relating to any Local Government reviews.
30. Resolution of any differences arising between Committees of the Council.

31. Tenders:-
 - (i) To receive reports on the outcome of tendering procedures in respect of contracts within the remit of the Policy and Resources Committee; and
 - (ii) To receive reports on the final financial outcome of such contracts.
32. To provide an appeal forum in respect of discretionary rental leases for non domestic Council properties and mandatory and discretionary non domestic rates relief.
33. Any matter not falling within the Terms of Reference of any other Committee.

Delegated Powers

In respect of the Terms of Reference concerning (i) formulation and review of Council policy objectives and priorities, (ii) capital programming and determining capital/revenue estimates; and (iii) applications to utilise the Common Good Funds, the Committee shall have an advisory role.

In respect of all other Terms of Reference detailed above, full delegated power to deal with such matters subject to existing Council Policies and compliance with approved Capital and Revenue Estimates.

AD-HOC DISCRETIONARY RENTAL LEASES/NON-DOMESTIC RATES RELIEF SUB-COMMITTEE OF THE POLICY AND RESOURCES COMMITTEE

(a) Composition

Five available Elected Members from the Policy and Resources Committee (4 Administration and one Opposition). (3 a quorum).

The Chair of the Appeals Sub-Committee shall be the Chair or Vice-Chair of the Policy and Resources Committee.

(b) Terms of Reference

1. To consider appeals against the decision of the Executive Director of Development and Property Services in relation to the grant of discretionary rental leases for non-domestic Council properties.
2. To consider appeals against the decision of the Executive Director of Corporate Support or Executive Head of Finance in respect of all mandatory and discretionary non-domestic rates relief.

The Chair and Members of an Ad-Hoc Appeals Sub-Committee will not involve the Local Member of the Ward in which the appellant resides or has his/her place of business.

(c) Delegated Powers

Full delegated powers to uphold appeals and to order grant of discretionary rental leases for non-domestic Council properties and grant of mandatory and discretionary non-domestic rates relief.

Note

*Membership for the individual panels will be arranged by the Depute Chief Executive/Executive Director of Corporate Support in consultation with Leaders of the Administration and Opposition.

CORPORATE GOVERNANCE COMMITTEE: TERMS OF REFERENCE

CORPORATE GOVERNANCE FUNCTION

1. To oversee the Council's Corporate Governance arrangements which shall include:-
 - the continual review and development of the Council's Local Code of Corporate Governance, ensuring that the Council's Code is consistent with the principles and reflects the requirements of the CIPFA/SOLACE framework for Corporate Governance in Local Government covering the broad themes of community focus; structures and processes; risk management and internal control; service delivery; and standards of conduct;
 - ensuring the adequacy and effectiveness of the Council's local systems, processes and documentation identified within the Council's Local Code of Corporate Governance including compliance with audit committee principles; and
 - approval of the Council's annual Corporate Governance Implementation Plan.
2. To monitor and review the efficiency and effectiveness of all of the Council's work and the levels and standards of services provided.

STANDARDS OF CONDUCT FUNCTION

3. To provide advice to Members in respect of standards of conduct and compliance with the Councillors' Code of Conduct introduced under the Ethical Standards and Public Life Etc (Scotland) Act 2000.
4. To develop and adopt formal codes of conduct defining the standards of personal behaviour to which individual Members, Officers and Agents of the Council are required to subscribe.
5. To provide advice to Council in respect of Members Allowances.

PERSONNEL FUNCTION

6. To oversee all service personnel issues including remuneration, allowances and conditions of service of Council personnel (other than for Teachers, where the Education Committee will take the lead role).
7. To advise the Council on the overall planning of the most effective, economic and efficient use of the Council's personnel resource.
8. To be responsible for the appointment of Chief Officers.
9. To establish procedures and implement as necessary, arrangements for disciplinary appeals and grievance hearings.

10. Apart from issues specifically referred to other Committees, to consider all aspects relating to the provision of personnel services including in particular the following:-
 - (i) matters relating to the recruitment, training, salaries, wages and conditions of service of all employees (excluding teachers) of the Council's Departments;
 - (ii) departmental structures, establishments and gradings and any alterations which are at any time proposed;
 - (iii) matters relating to employment legislation, contracts of employment, severance payments and industrial relations;
 - (iv) matters relating to employee relations, training, career development, health, safety and welfare of employees;
 - (v) the introduction and continued monitoring of incentive and productivity schemes and other such related matters as and when considered appropriate;
 - (vi) negotiations with Trade Unions, as necessary on matters affecting employees; and
 - (vii) to deal with and make recommendations to the Council on any matters relating to any employees of the Council as deemed necessary from time to time.
11. To afford facilities for regular consultation and, where appropriate, negotiations between the Council and its recognised Trade Unions representing Chief Officers, Local Government employees and Craft Operatives. To secure joint agreement and action between the Council and its recognised Trade Unions for the development and improvement of the work of the Council.
12. To receive Minutes from the Central Joint Consultative Committee.
13. To consider any references from the Council or its Trade Unions on matters affecting their mutual interest and to make recommendations to the appropriate Committee.
14. To supervise and monitor the Council's Skills Training Schemes.
15. To consider requests for temporary appointments beyond six months and to review as appropriate, the levels of temporary employment within Departments.

PERFORMANCE REVIEW AND BEST VALUE FUNCTION

16. Oversee the implementation corporately of the Council's approach to fulfilling its duty to make arrangements to secure best value.
17. Keep under review the Council's approach to and outcomes in relation to continuous improvement in the delivery of Council Services.
18. Keep under review the Council's approach to Public Performance Reporting.
19. To receive reports and recommendations from the Performance Review Group and where appropriate, ensure implementation of these recommendations or make recommendations to Council.
20. Determine matters in relation to submission to the Scottish Executive and the Accounts Commission in furtherance of the council's duty to make arrangements to secure best value.

AUDIT FUNCTION

21. Approval and review of operational and strategic internal audit plans.
22. To ensure that the Internal Audit function is properly resourced and has appropriate standing within the Council.
23. To review the activities of the Internal Audit function.
24. To review the adequacy of the internal control systems.
25. To review external audit strategic and operational plans and to manage all aspects of the Council's relationships with its External Auditors.

SCRUTINY FUNCTION

26. To co-ordinate and manage scrutiny processes on behalf of the Council.
27. To establish Scrutiny Groups as required and to determine and review their remit as required.
28. To carry out scrutiny of Council policy decisions and service delivery.
29. To receive reports and recommendations from Scrutiny Groups and where appropriate, ensure implementation of these recommendations or make recommendations to Council.
30. To receive and consider requests from Elected Members for scrutiny reviews.

APPEALS SUB-COMMITTEE OF THE CORPORATE GOVERNANCE COMMITTEE

(a) Composition

Five available Elected Members of the Corporate Governance Committee (4 Administration and 1 Opposition). (3 quorum).

In the first instance, Members should be drawn from the membership of the Corporate Governance Committee and where it is not appropriate for some of these Members to sit, or such Members availability presents an operational problem, then the pool should be extended to include the full membership of Council.

The Chair of an Appeals Sub-Committee shall be the Chair of the Corporate Governance Committee or one of two other Members - **Councillors Crawford or Farrell**.

The Chair and Members of an Appeals Sub-Committee will not include the Chair of the relevant Service Committee for the Department in which the appellant is employed or the Local Member of the Ward in which the appellant resides.

(b) Terms of Reference

1. To consider grading appeals by employees in terms of the Scheme of Salaries and Conditions of Service for Local Government Employees and Craftpersons and the Scottish Joint Negotiating Committee for Local Authority Services (Chief Officials) and to make decisions thereon.
2. To determine appeals against:-
 - (a) withholding of annual increment;
 - (b) final warnings administered by Directors in terms of the Council's Disciplinary Procedures;
 - (c) demotion;
 - (d) fixed term punitive suspensions; and
 - (e) dismissals.
3. To uphold or reject such appeals or order the varying of the disciplinary action taken.
4. To decide upon grievances raised by Local Government Employees, Craftpersons and Chief Officials under the Council's Approved Grievances Procedures.

(c) Delegated Powers

Full delegated powers to uphold or reject grievance, grading or disciplinary appeals, or to order the varying of disciplinary action taken in respect of Local Government Employees, Craftpersons and Chief Officials.

Note

Membership for the individual panels will be arranged by the Depute Chief Executive/Executive Director of Corporate Support in consultation with Leaders of the Administration and Opposition.

RECRUITMENT SUB-COMMITTEE OF THE CORPORATE GOVERNANCE COMMITTEE

(a) Composition - 7 (3 a quorum). (5/2/0). Chair - In respect of Chief Executive and Directors posts, the Chair shall be the Leader of the Council. In respect of the Heads of Service posts, the Chair shall be the respective Chair of the Service Committee.

Leader and Depute Leader of the Council; Chair and Vice-Chair of the responsible Service Committee for the vacant Chief Officers post or their nominees and *one other Member of the Administration and two Members of the Opposition.

In respect of Chief Officers posts within the Educational and Social Services Department: Leader and Depute Leader of the Council and the Chairs of the Education and Social Work Committees or their nominees and *one other Member of the Administration and two Members of the Opposition.

In respect of Chief Officers posts that are within the remit of the Policy and Resources Committee, Leader and Depute Leader of the Council and the Vice-Chair or their nominees and* two other Members of the Administration and two Members of the Opposition.

Note

*Membership for the individual panels will be arranged by the Depute Chief Executive/Executive Director of Corporate Support in consultation with Leaders of the Administration and Opposition.

(b) Terms of Reference

To short-leet, interview and appoint applicants for Chief Officers posts within the Authority.

(c) Delegated Powers

Full delegated powers to deal with all matters detailed within the above Terms of Reference.