

## **EAST AYRSHIRE COUNCIL**

### **POLICY AND RESOURCES COMMITTEE - 30 NOVEMBER 2000**

#### **REVIEW OF POLITICAL LEADERSHIP STRUCTURES**

##### **Report by the Member/Officer Working Group on Political Leadership Structures**

### **1. PURPOSE OF REPORT**

- 1.1 To submit for consideration the recommendations of the Member/Officer Working Group on revised decision making structures within East Ayrshire Council.

### **2. BACKGROUND**

- 2.1 The Committee will be aware of the remit of the Member/Officer Working Group on Political Leadership Structures in exploring alternatives to the current decision making process in East Ayrshire Council.

- 2.2 Alistair MacNish, Chair of the Scottish Executive Leadership Advisory Panel (LAP) gave a presentation to the Working Group on 4 April 2000 on "Modernisation for the New Millennium" which focused upon:-

- the Mackintosh recommendations as they relate to the LAP;
- the Renewing Local Democracy Group (Kerley);
- issues raised by Mackintosh for LAP attention;
- the LAP's remit/checklists; and
- the political timetable.

- 2.2.1 The Working Group, at the meeting held on 30 August 2000, agreed to approve a review timetable on Political Leadership Structures; that the preferred Political Leadership Structure would be based on a traditional Committee system with appropriate modifications; and the preparation of a public consultation document: "Review of Decision Making in East Ayrshire Council".

- 2.2.2 The Working Group, at the meeting held on 28 September 2000, reviewed the draft consultative document and agreed to recommend its terms to Policy and Resources Committee.

- 2.2.3 The Policy and Resources Committee, at the meeting held on 5 October 2000, (Item 18, Page 1293, 99/02) agreed to approve the review timetable; and the recommendations of the Working Group for the purposes of consultation.

- 2.3 The consultation period was from 6 October to 15 November 2000. Direct mailing of the consultative document was made to Community Councils and Local Committee Representatives and Named Substitutes. It was advertised

to the general public through the press and posters and to employees via pay-slips. A telephone hotline was established for persons wishing the document to be posted directly to them and it was also available in Council Offices and on its internet and intranet website. Additionally, it was an item on the Agenda of the seven Local Committees and featured as a Council item during the recent round of local Community Forums held throughout East Ayrshire during the consultation period.

**2.4** The Working Group, at the meeting held on 20 November 2000, considered the outcome of the consultation responses and agreed a draft decision making structure within East Ayrshire Council.

**2.4.1** The Working Group, at the meeting held on 23 November 2000, presented its findings to Alistair MacNish, Chair of the LAP. There was an open and frank discussion between the parties, the outcome of which is presented in the recommended decision making structure for East Ayrshire Council and timetable for implementation, as described in the Appendix to the report.

### **3. FINANCIAL IMPLICATIONS**

**3.1** Awaiting the Scottish Executive's decision on the Kerley recommendations.

### **4. LEGAL IMPLICATIONS**

**4.1** Provision exists within Section 57 of the Local Government (Scotland) Act 1973, as amended, to allow a Council to appoint Committees and Sub-Committees for discharging its functions.

### **5. POLICY IMPLICATIONS**

**5.1** The new structure gives recognition to the scrutiny proposals identified by the Mackintosh Commission within formalised settings.

### **6. RECOMMENDATIONS**

**6.1** To invite the Committee to give consideration to the Working Group's recommendations as contained within the Appendix.

27 November 2000

AH/SR

## **LIST OF BACKGROUND PAPERS**

1. Report of the Mackintosh Committee.
2. Report of the Renewing Local Democracy Group.
3. COSLA/SLGIU Survey of Councillors
4. East Ayrshire Council Scheme of Delegation
5. East Ayrshire Council Plan
5. East Ayrshire Consultation Document: "A Review of Decision Making in East Ayrshire Council" and responses thereto.
6. Reports to and Minutes of the Various Meetings of the Member/Officer Working Group.

Any person wishing to inspect the background papers listed above should telephone 01563 576000, Extension 6061 and ask for Barbara Haughan, Head of Administrative and Legal Services.

**Implementation Officer: Barbara Haughan, Head of Administrative and Legal Services.**

## APPENDIX

### **REVIEW OF POLITICAL LEADERSHIP STRUCTURES** **Report by the Member/Officer Working Group**

#### **1.0 PURPOSE OF THE REPORT**

To advise of the consideration by the Member/Officer Working Group of the political leadership structure and decision-making arrangements within the Council and to present their recommendations for approval.

#### **2.0 RECOMMENDATIONS FOR REVISED DECISION-MAKING STRUCTURE**

The recommendations of the Working Group in respect of the issues identified, taking account of the feedback from the consultation process (where applicable), are as follows:

##### **2.1 Decision-making Structure**

The revised structure, based on a committee model, is streamlined by reducing, where possible, the number of separate decision-making forums and eliminating, wherever possible, duplicate reporting and decision making.

The Member/Officer Group makes the following recommendations on the key issues identified during the review process.

##### **2.2 Resource control issues**

***Issue:** To provide a seamless decision-making system for the major resource issues while balancing legitimate service interest in controlling key resource issues (personnel, property and finance) that can affect service delivery with the strong corporate interest in these issues by the Council as a whole.*

#### **Recommendations:**

1. In view of the overall importance to the council corporately, the responsibility for these resource issues should remain clearly defined as that of the Policy and Resources Committee.
2. It is proposed that the Budget Monitoring Group mechanism, which has proved successful in relation to financial monitoring, should continue to be a feature of the Council's operation and that this and the Property Monitoring Group should continue, as panels in the new structure, to report to Policy and Resources Committee in view of the importance of the matters dealt with. (See also paragraph 2.5 below).

3. In respect of surplus property, the role of the Property Monitoring Panel should be strengthened in relation to its overview role and it should subsume, through its reports to Policy and Resources Committee, the existing separate service committee consideration of non-operational surplus property issues.
4. Given the Group's prior identification of the need to balance the interests of the service committees and the corporate interest in these key issues, the Budget Monitoring Group should also, in respect of any issues of concern in relation to or impacting on the delivery of services refer the matter to the appropriate service committee for attention. Therefore, the practice of automatic reporting to service committees of routine budget statements would be discontinued.
5. In relation to personnel issues, given the corporate interest identified by the Group, the role of the Sub-Committee charged with Personnel matters should be re-emphasised and should subsume the existing role of service committees in relation to these issues. Where an issue impacts on budgetary monitoring and control, the Budget Monitoring Group should have a similar right to consider issues and, where appropriate, to refer to the service committee (or sub-committee charged with personnel issues) as it deems appropriate.

### **2.3 Quasi-judicial functions**

In respect of the quasi-judicial functions of Planning (i.e. Development Control issues) and Local Government Licensing it had been agreed that it was effective to designate bodies with these specific remits.

***Feedback from consultation:*** *The feedback from consultation specifically supports the retention of the delegated Planning process.*

#### **Recommendations:**

1. The process whereby the Licensing Sub-Committee minutes are submitted to the Community Services Committee should be replaced by a separate Licensing Committee with its Minutes being submitted to Council for formal noting only, with meetings on an 8 week cycle but with the facility for an additional meeting at the half way stage (as required).
2. The system of both a central and local decision-making process for Planning should be retained. A Development Services and Planning Committee would sit separately, as a Planning Committee (when required), on a 4 weekly basis.

### **2.4 Appeal mechanisms**

#### **Recommendation:**

The existing appeal mechanisms should remain unchanged.

## 2.5 Scrutiny and Audit

**Issue:** *to provide transparent and robust scrutiny and challenge mechanisms without creating additional layers of bureaucracy and to build on existing successful arrangements.*

**Feedback from consultation:** *Favoured the strengthening of existing arrangements*

**Feedback from Leadership Advisory Panel:** *emphasised the importance of identifying within the structure review how the leadership of the Council can be challenged.*

### **Recommendations:**

1. The Policy and Resources Committee's role in relation to scrutiny should be strengthened. With a planned arrangement introduced for post implementation scrutiny in appropriate cases.
2. There should be no additional forum for prior scrutiny of policy or operational proposals. The service committees would retain the role for prior consideration and debate of individual policy proposals, Policy and Resources Committee for cross-departmental policy, and Council for final approval of both.
3. The current arrangements for question and challenge should be formalised, with a commitment to amend Standing Orders and Scheme of Delegation, where necessary, as appropriate. This would provide for:
  - The 15 minute question and answer session at local committees and the right of Community representatives to set agendas on local issues (already in operation)
  - Requests for update/progress at Council on Minutes before the meeting (current practice)
  - Formal question process for Council (already in place)
  - Formal motion procedure at Council (as at present)
4. The Policy and Resources Committee should assume direct responsibility for scrutiny, audit and Best Value issues.
  - The Budget Monitoring Group, which carries out a scrutiny role for budget performance, reporting to Policy and Resources Committee and referring to service committees issues requiring further investigation or corrective action should be re-named the Budget Scrutiny Panel to reflect this role.
  - Rename as "Scrutiny and Best Value Review panels" the current Best Value Service Review Groups to make their scrutiny function clear. Incorporate a revised remit in the Scheme of delegation to reflect their enhanced role and incorporate a procedure similar to that for budget monitoring whereby Chairs and Directors attend in appropriate cases to respond to issues raised ( particularly where review involves a policy matter).
  - In addition to the planned programme for these panels, introduce a procedure for Members to request Policy and Resources Committee, with the rationale for the request, to refer issues for investigation to these panels and for Policy and

Resources Committee to either approve the request, with the priority to be given in the programme or to refuse, giving the rationale for this.

5. For audit issues, the system of annual action plans and reports to Policy and Resources Committee should be maintained. The Council should confirm that the Audit Committee principles as set out within the Accounts Commission document: "Local Government Reorganisation and the Stewardship of Public Finance" would be embraced by the Council and formally incorporated into the Committee's remit as part of the review of the Scheme of Delegation.
6. Performance reporting should also be maintained through the normal committee process. Performance reports to committees should however be highlighted as such on committee agendas.

## **2.6 Standards Committee**

### **Recommendation:**

That Council determine the forum for standards of conduct issues once guidance on the final version of the ethical framework is available.

## **2.7 Community Planning**

### **Recommendation:**

That the Community Planning role be included within the remit of the Policy and Resources Committee.

## **2.8 Decentralisation Issues**

### **Recommendation:**

That a decision on the representation on Local Committees be deferred pending the outcome of the second review of the Community Council Scheme, during 2001.

## **2.9 Information systems.**

### **Recommendations:**

1. That the Council continue to adopt a range of methods to inform the East Ayrshire public of decisions.

2. That Council approve the introduction of a bulletin system, to run in parallel with and ultimately be superseded by the introduction of an electronic information system, the bulletin system to replace all reports currently submitted to committee for information only. The effectiveness of the system will be monitored and considered as part of the post implementation review.
3. That the bulletin system be used by departments to make available appropriate information to Members and the public.
4. That the email system be used for distribution of non-public information to Members, including reports on appropriate decisions by relevant external organisations on which the Council was represented.

## **2.10 Other issues**

- **External appointments to the Education Committee.**

### **Recommendation:**

As none of the proposals impact on this matter, no alteration is required.

- **Implications arising from the Human Rights Act**

### **Recommendation:**

That as initial issues have been addressed (paragraph 2.3 above) a watching brief be kept on developments and reports be made to Members on any issues requiring further attention.

- **The review of the committee cycle**

### **Recommendation:**

That the committee cycle be maintained on an 8 week basis, with the exception of the regulatory functions (Planning and Licensing), where the recommendations appear elsewhere in this report.

- **Standing Orders, Scheme of Delegation (and other appropriate operational documents)**

### **Recommendation:**

That as Standing Orders and other operational documents would require revision, that this be carried out following the structure review, with the Member/Officer Group being tasked with undertaking this revision and making recommendations to Council.

- **Encouragement of potential councillors**

### **Recommendation:**

That it be noted that the existing Local Committee system provided a training ground for potential Councillors from within the community but that any more pro-active role would have to be taken at national/political level.

- **Party Whip**

- **Recommendation:**

- That Members use the results from the consultation process to consider the issue within their political groupings.

- **Administrative and other support arrangements for Members**

- **Recommendation:**

- That these issues be addressed as a matter of urgency.

- **Protocol for relationships between Members and Officers.**

- **Recommendation:**

- That the Member/Officer Group be tasked with the consideration of the CoSLA recommendations as soon as they become available.

- **Job descriptions for Members**

- **Recommendation:**

- That the Member/Officer Group be tasked with the consideration of the CoSLA recommendations as soon as they become available.

- **Implementation and Review**

- **Recommendation:**

- That appropriate arrangements be made to implement the revised structure after the 2001 summer recess period and to undertake the subsequent review of the system once the experience from a full year's operation is available.

### **3. RECOMMENDATION**

That Committee recommends to Council that a submission on the Review, incorporating the proposed structure, be submitted to the Leadership advisory Panel by 31<sup>st</sup> December 2000.

Member/Officer Working Group  
23<sup>rd</sup> November 2000

# PROPOSED DECISION MAKING STRUCTURE

