

# EAST AYRSHIRE COUNCIL

## POLICY AND RESOURCES COMMITTEE 5<sup>TH</sup> OCTOBER 2000

### REVIEW OF POLITICAL LEADERSHIP STRUCTURES

#### Report by the Member/Officer Working Group

#### 1.0 PURPOSE OF THE REPORT

(1) 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 (a) for taking the review forward to the consultation phase (b) on the response to the proposals of the Renewing Local Democracy Group (The Kerley Committee) and (c) to a COSLA Consultation document and (2) to present the proposed Consultation Document on structures for approval.

#### 2.0 BACKGROUND

Following the McIntosh Commission recommendations, the Scottish Executive appointed two advisory panels:

**(a)** The Leadership Advisory Panel (the MacNish Committee), with the following remit:

- To validate the review of decision making structures being undertaken by Councils
- To validate the manner in which the review is being carried out
- To look at Councils' progress in implementing the findings of their review.

**(b)** The Renewing Local Democracy Panel (the Kerley Committee), with the following remit:

- To make Councils more attractive and representative
- To look at the number of members per Council and the size of Councils
- Electoral systems
- Remuneration of Councillors

The Member/Officer Group was tasked by the Council with reviewing the Council's decision-making structures and recommending a response to the Kerley Committee's recommendations.

The recommendations of the Member/Officer Working Group on both of these issues are now presented to this Committee for consideration.

### **3.0 THE REVIEW**

The Member/Officer Working Group identified that the key issues for consideration were:

- timetable for the review of the political leadership structure;
- arrangements for the consultation process;
- response to the Kerley Report;
- preferred option for a decision-making structure for the Council; and
- subsequent review timescale of adopted decision-making structure.

#### **3.1 TIMETABLE**

The Group confirmed the timetable for the review process to take the review to the submission stage, as contained in **Appendix 1**.

#### **3.2 CONSULTATION PROCESS**

The group adopted the consultation process outlined in **Appendix 2**.

#### **3.3 RENEWING LOCAL DEMOCRACY**

The Group considered the recommendations of the Kerley Committee Report and agreed to recommend the response contained in **Appendix 3**.

#### **3.4 DECISION-MAKING STRUCTURE OF THE COUNCIL**

The relevant issues considered by the Member/Officer Working Group and their recommendations in relation to the preferred decision-making structure for the Council, for the purposes of consultation, are contained in **Appendix 4** as are their proposals for implementation and review.

#### **4.0 CONSULTATION DOCUMENT**

The Head of Corporate Development and Communication has developed a consultation document, based on the recommendations of the Group, (**Appendix 5**) and this is submitted for consideration by Policy and Resources Committee.

**NB Appendix 5 copy to follow.**

#### **5.0 CONSULTATION ON PROPOSED PARTNERSHIP AGREEMENT BETWEEN THE SCOTTISH EXECUTIVE AND LOCAL GOVERNMENT**

During the course of the Group's deliberations a consultation document (**Appendix 6**) was received from CoSLA seeking initial comments on

the proposed partnership agreement. In view of its potential relevance to the decision-making structure within the Council, the Member/Officer Working Group considered the proposals. The response recommended by the Group is that the proposed partnership agreement is supported with the following addition:

"As the Executive within the Partnership requires Local Government to undertake to provide a considered, co-ordinated and timely response to issues on which it is consulted, it is suggested that CoSLA should make the point to the Scottish Executive in their discussions on the Partnership Agreement that the Scottish Executive should in turn provide CoSLA and local Councils with sufficient time to make responses to Executive consultation documents."

## **6.0 LEADERSHIP ADVISORY PANEL**

As has been reported previously to Council, the representatives of the Leadership Advisory Panel (MacNish Committee) will meet with the Member/Officer Working Group on 30<sup>th</sup> October to discuss the progress of the review.

## **7.0 LEGAL, FINANCIAL AND POLICY IMPLICATIONS**

There are no legal or financial implications arising directly as a result of this report. The review implements the recommendations of the McIntosh Commission and the Scottish Executive in relation to undertaking a review of political leadership and decision-making structures.

## **8.0 RECOMMENDATIONS**

1. That the Committee approves:
  - (i) the timetable for the review process as detailed in **Appendix 1**;
  - (ii) the consultation process and the consultation document in relation to the review as detailed in **Appendices 2 and 5** respectively;
2. That the Committee considers the response of the Member/Officer Working Group to the Kerley Report as detailed in **Appendix 3** and adopts, or otherwise, the response as the Council's position on the matter;
3. That the Committee considers the recommendations of the Member/Officer Working Group in respect of the review to date, as detailed in **Appendix 4**;

4. that the Committee considers the proposed response to CoSLA's consultation document on a proposed partnership agreement between the Scottish Executive and Local Government and confirms the proposed response outlined in Paragraph 5 above; and
5. that the Member/Officer Group be authorised to proceed with their remit, following the consultation period and feedback from the Leadership Advisory Panel, and produce further recommendations as to the decision making structure and consequential matters for consideration thereafter,

29 September 2000

#### **LIST OF BACKGROUND PAPERS**

1. Report of the McIntosh 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

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

**APPENDIX 1****MEMBER/OFFICER WORKING GROUP ON POLITICAL LEADERSHIP STRUCTURES**

<b><u>ACTION</u></b>	<b><u>DATE</u></b>
Consultation Documents on proposed Political Leadership Structure submitted to Policy and Resources Committee.	5 October 2000
Public Consultation Period	6 October to 15 November 2000
Consultation Document on Political Leadership Structure submitted to Local Committees	31 October to 15 November 2000
Recommendation on Political Leadership Structure following consultation period submitted to Policy and Resources Committee.	30 November 2000
Approval of recommendation by Policy and Resources Committee on Political Leadership Structure sought from Council.	14 December 2000
Submission of plan to Scottish Executive	December 2000

## **APPENDIX 2**

### **Consultation Process Adopted by the Member/Officer Group**

1. that a consultation document containing the issues identified by the Group, be issued for consultation to the following:
  - Local Committees (in the round of meetings between 31<sup>st</sup> October and 15<sup>th</sup> November.)
  - Community Councils.
  - The wider public – through advertisement of copies of the consultation document – with availability at main and Local Council Offices and libraries and via the Council's Website.
  - The Council's employees.
2. that the Council's Corporate Development and Communications function produces the consultation paper for circulation to consultees, including distribution through the main Council offices and local offices to the public at large
3. that the availability of the paper be advertised to the public through the press and posters and to employees via payslips and
4. that the consultation process on the proposed political leadership structure be approved, co-ordinated and augmented as appropriate by the Head of Corporate Development and Communications and that an initial notification letter to Community Councils outlining the consultation timescale would be circulated by the Head of Administrative and Legal Services.

## APPENDIX 3

## RESPONSE TO THE FINDINGS OF THE KERLEY REPORT

FINDINGS OF KERLEY REPORT	RESPONSE BY MEMBER/OFFICER WORKING GROUP ON POLITICAL LEADERSHIP STRUCTURES
<b><u>Widening Access</u></b>	
1. Each Council should prepare and publish role descriptions which reflect what it's members do. (Para 15)	Agreed. CoSLA should undertake the lead role to facilitate this recommendation.
2. Each Council should carry out a review of its business arrangements to ensure that the majority of Councillors can carry out their role effectively on a part-time basis. (Para 17)	Agreed in principal. Matters relating to statutory functions, time spent and timing of meetings vis-à-vis the design of a new political leadership structure would have a bearing on this.
3. Each Council should review the impact of its management arrangements on Councillors' travelling time and should act to minimise this impact. (Para 19)	The potential of an IT part-solution was commented upon. Meeting arrangements to maximise Committee meetings over core several days/reorganisation of meetings timetable.
4. Each Council should review the time that Members are required to spend in meetings and in preparation for meetings and should take action to maximise the time-effectiveness of meetings. (Para 20)	Agreed. Maximise the time effectiveness of meetings and establish Members' comments on what issues consume most time vis-à-vis Committees.
5. Councils and representatives of employers and employees should discuss how to facilitate the participation of employees on Councils. The Executive, with its wider interest in public service, should also be involved in these discussions. Specific practical issues that should be addressed include arrangements for individuals to alter their patterns of work on taking up, and on ceasing, Council membership; and arrangements for protecting superannuation contributions. (Para 25)	Agreed to support the principals but the practical problems, particularly in respect of small businesses affected, must be addressed by the Scottish Parliament in the first instance. The provision and source of funding should also be established as should the practical difficulties (e.g. cover arrangements) again particularly for small businesses. Essentially support but emphasise the practical difficulties.  Agreed that the criteria of absence (Councillors from work on Local Authority business) should also be clearly

<p>Agreed to consider 6. below with number 5.</p> <p>6. The Executive should discuss, with CoSLA, and representatives of employers and employees the possibility of establishing an employers' fund which could provide financial compensation for individual employers to assist them in meeting the costs of releasing staff to become Councillors. (Para 26)</p>	<p>formulated.</p>
<p>7. CoSLA should play a role in encouraging the exchange of information and ideas about effective administrative support for Councillors and in providing feedback on the benefits that such ideas can generate. (Para 27)</p>	<p>Agreed. Development of a Best Practice Guide should be undertaken by CoSLA which would also be the information 'bank'.</p>
<p>8. Councils should evaluate the current level of administrative support provided to Councillors and the impact that this has on the Councillor as should carry out an audit of the benefits that are brought about by new arrangements.</p> <p>To assist Councils in carrying out this review we have considered the components of the support package and recommend that the following should be considered for each Councillors:</p> <ul style="list-style-type: none"> <li>• a dedicated phonenumber and answerphone or a mobile phone;</li> <li>• a personal computer, printer and modem, together with appropriate software, technical support;</li> <li>• appropriate working accommodation within the community;</li> <li>• effective administrative support within the Council;</li> <li>• stationery and postage. (Para 28)</li> </ul> <p>9. Councils should review the support that is available to Councillors in their ward in order to assist Councillors in</p>	<p>Agreed. This Council has already agreed to review this issue following completion of the current review.</p>

<p>carrying out their respective duties effectively and efficiently. (Para 29)</p> <p>10.CoSLA should have a role in sharing information on the benefits of different types of administrative support to Councillors. CoSLA and Councils should keep this area under review in order to benefit from future developments in both technology and organisational good practice. (Para 30)</p>	<p>Agreed.</p>
<p>11.Each Council should review its arrangements to facilitate and encourage active and effective participation by Councillors, and potential Councillors, with a disability.</p>	<p>Agreed. This has been addressed by this Council particularly in respect of access to Local and Local Planning Committees in suitable venues.</p>
<p>12.The Scottish Executive should review legislation that hinders Councils from using information and communication technologies to streamline the conduct of Council business. (Para 33)</p> <p>13.Councils should prepare a short educational package for people who have an interest in standing as a Councillor.</p> <p>There should be information on training for candidates, by parties, Councils and CoSLA, aimed at equipping candidates to stand as Councillors.</p> <p>There should be systematic training to provide Councillors with a good understanding of Local Government and their own role: this should equip them to carry out responsibilities such as chairing meetings and representing the Council.</p> <p>There should be training, by Councils and CoSLA, tailored to the needs of</p>	<p>Agreed. This Council is currently developing the use of IT where possible and permissible and, as mentioned under item 8, will be reviewing support to Members further in the light of this review. Should, however video-conferencing become permissible, a practical issue of enabling public access in light of potential adoption of advancing technologies would require to be addressed and funded.</p> <p>This should be CoSLA led, rather than undertaken by individual Local Authorities.</p> <p>This would best be addressed by the educational package by CoSLA and otherwise as an issue for the political parties.</p> <p>Post-election training is offered in East Ayrshire Council. Optional college courses are now becoming available.</p> <p>There is a significant role to be played by CoSLA in this area in additional to in-</p>

<p>Councillors who are taking on additional responsibilities, such as responsibility for a significant area of policy. (Para 34)</p>	<p>house arrangements.</p>
<p>14. Councils and representatives of employers and employees in the Scottish Qualification Authority should consider how to develop mechanisms to facilitate the development and recognition of transferable skills.</p>	<p>Agreed. Courses should be voluntary, not mandatory and initiated at a national level by CoSLA.</p>
<p>15. Each Council should set aside a training budget which Councillors can draw on to pay for approved training of their choice. CoSLA should assist Councillors to exchange information on training and facilitate training across Councils. (Para 36)</p>	<p>Agreed but the choice of courses should be available from a locally produced menu of possibilities.</p>
<p>16. An integrated communication strategy, involving Local Authorities, CoSLA, Political Parties and the Scottish Executive, should be developed to explain why Local Government matters - what it does and how it affects people. (Para 38)</p>	<p>Agreed.</p>
<p>17. Councils should review their arrangements and organisation and consider whether these contain factors that impact on women's participation. (Para 40)</p>	<p>Agreed.</p>
<p>18. CoSLA and representatives of people from Ethnic Minority backgrounds should draw up an action plan to encourage increased participation on Councils by people from an ethnic minority background. (Para 41)</p>	<p>Agreed.</p>
<p>19. Political Parties should review the arrangements for selecting candidates in order to ensure that a diverse and representative range of men and women is selected in wards where they have a good chance of being elected, and encourage them to publicise these arrangements.</p>	<p>It is understood that Political Parties would themselves be considering these recommendations.</p>
<p>Political Parties should consider using</p>	<p>Agreed this is an issue for the Political</p>

<p>a specific mechanism to increase the number of women selected as candidates.</p> <p>Political Parties, CoSLA and representatives of independent Councillors should work together on common issues, such as providing information on Local Government and the role of Councillors, in order to encourage a diverse and representative range of candidates. (Para 43)</p>	<p>Parties</p> <p>Agreed this is an issue for the Political Parties and CoSLA.</p>
<p>20. Councils should consider how they can work with Community Councils and other Community Groups, both to provide, through them, information about the role and responsibilities of Councils and Councillors, and to encourage their Members to stand as Local Authority Councillors. (Para 44)</p>	<p>There is a link to answer 13 (above). A short CoSLA-produced educational package could be presented by a group of Councillors at public meetings for appropriate Groups to present package. The non-political role of Community Councils should not be prejudiced and the roles of other Community Groups, Tenants Associations, etc should also be recognised in this area.</p>
<p>21. The age for standing for elections should be brought into line with voting age - currently 18. (Para 45)</p>	<p>Agreed.</p>
<p><b><u>Remuneration</u></b></p> <p>22. The remuneration payable to Councillors should be £12,000 (Para 57).</p>	<p>Agreed that £12,000 would be the minimum initial position with detailed job evaluation/analysis to follow and a mechanism to review the position.</p>
<p>23. The current remuneration for MSPs is £41,255: the Leaders of Glasgow and Edinburgh should receive the same amount. Other Leaders should receive a similar remuneration on a proportional basis. (Para 59)</p> <p>24. A small minority of Councillors in each Council will carry significant additional responsibilities: their remuneration should reflect this.</p> <p>We recommend that at least one of these will be a Councillor who is not a member of the ruling group or who plays a lead role in the scrutiny and</p>	<p>This Council is not convinced that the benchmark should be MSPs. The setting of levels of remuneration merits a thorough job evaluation.</p> <p>Again job evaluation is merited. The proposals are too finely graded among Local Authorities and an approach of broader banding should be examined. In respect of the number of people with additional responsibilities there should be a flexible approach within a general overall budget to best meet each Local</p>

<p>challenge of policy.</p> <p>We consider that the Civic Head of the Council should receive remuneration that reflects the significant additional responsibilities of that post. (Para 63)</p> <p>25. The Scottish Executive should initiate discussions with CoSLA, Councils and the UK Government with a view to providing for consistent taxation arrangements between Councillors and other elected representatives. (Para 65)</p>	<p>Authority's needs. For example, there is no intermediate level (Vice-Chair) in the system.</p> <p>The report does not explain the rationale for the differences in remuneration between Councils.</p> <p>Agreed. This should also include reference to "severance" arrangements for Councillors, including pensions arrangements.</p>
<p>26. A review of the arrangements for Councillors' expenses would complement our work and would encourage the Executive, CoSLA and Councils to carry out such a review. (Para 66)</p>	<p>Agreed.</p>
<p>27. Future increases in levels of remuneration for Councillors should be linked directly to increases in MSPs' remuneration. (Para 67)</p>	<p>Agreed.</p>
<p><b><u>Electoral System</u></b></p>	
<p>28. A programme of voter education will be an essential component of a successful introduction of a new electoral system for Local Government (Para 85).</p>	<p>Agreed that if a new system were to be introduced, this would be essential.</p>
<p>29. STV best meets the requirements of our remit (Marilyn Livingstone MSP, Sandra Osbourne MP and Councillor Daphne Sleigh dissented) - their separate comments are included at the end of chapter 5. (Para 95)</p> <p>30. It is highly desirable that wards should reflect natural communities and, accordingly, their should be flexibility in ward sizes - ranging from three to five member wards - to allow natural communities to be maintained within wards.</p>	<p>This Council is anxious that the ward/member link is sustained. Individual Political Parties would no doubt comment upon this recommendation (through CoSLA).</p>

<p>31. We would urge the Scottish Executive to take an early decision of implementation of a new electoral system. (Para 101)</p>	<p>An early decision on future electoral arrangements would be helpful in reducing uncertainties but practical problems need to be taken into account impacting upon the date of implementation.</p>
<p><b><u>Number of Councillors</u></b></p>	
<p>32. A Council should have no few than 29 members. (Para 125)</p>	<p>It would have been helpful to have some supporting arguments set out for these conclusions.</p>
<p>33. In general terms no Council should have more than 53 members.</p> <p>In the case of Highland Council a Council of 53 members might place exceptional travelling demands on Councillors and we consider that up to a further 10 members be exceptionally necessary for that Council (Para 126).</p>	<p>Whilst this Council's membership comes within the proposed banding, any change in the current number of Councillors would depend on the outcome on issues 29 and 30.</p>
<p>34. We suggest the following (families) of Councils (Para 128).</p> <p>For example - East Ayrshire - 29-33 Councillors.</p>	<p>There is concern over the potential of another boundary review so soon after the previous one, with consequential disruption.</p> <p>Some boundary issues may need to be addressed in developing areas but a wholesale review is undesirable.</p>
<p>35. CoSLA, Councils and LGBC should develop a protocol to cover their working relationships in developing proposals for electoral wards. (Para 129)</p> <p>36. The task of the LGBC, Councils, and local communities would be eased in the future if the following procedural requirements were the subject of direction by Ministers.</p> <ul style="list-style-type: none"> <li>• Parity of electorate to be the clear first order consideration, with divergence from this to be accepted as a means of accommodating well established</li> </ul>	<p>Agreed that a protocol with the Boundary Commission would be desirable.</p> <p>Agreed. However, any data protection issues would require to be addressed.</p>

natural communities.

- Councils should be required to supply the LGBC with draft and final paper and electronic copies of electoral registers on an annual basis at no cost. If appropriate Councils should be required to allow the LGBC access via remote networking to electoral registers, again at no charge.
- For the purposes of populations/household projection all Councils will be required to adhere to common standards of projection. For construction this should be full planning consents granted; for demolition of social or privately owned housing, a combination of any proposals in the five year capital plan and any proposals for housing action areas or similar. (Para 133)

## APPENDIX 4

### MEMBER/OFFICER WORKING GROUP ON POLITICAL LEADERSHIP STRUCTURES: ISSUES AND RECOMMENDATIONS FOR CONSULTATION

**1.0.** The following issues relevant to the review were identified. Some will inform discussion following the consultation phase of the review. Where the Group considered a recommendation appropriate at this stage, their recommendation is shown in bold and italics following each section.

#### **Requirements common to all Council decision making structures.**

**1.1.** In any form of committee system, the following matters must be accommodated. The issues affecting these are addressed in the following paragraphs:

- Resource control issues
- Quasi-judicial functions: e.g. Local Government Licensing and Planning (i.e. the development control aspects).
- Appeal mechanisms (e.g. disciplinary) in terms of the Council's internal management requirements.
- Appeals mechanisms required under service delivery legislation (e.g. Social Work and Housing)
- The requirements of legislation e.g. external appointments to the Education Committee.
- The implications arising from the Human Rights Act, so far as these can currently be ascertained.
- How to provide for "scrutiny" and "audit" roles within the Council and whether this should be by a committee (or committees) designated for that purpose
- Whether to establish a Standards Committee, as will be optional under the proposed new ethical framework arrangements.
- The mechanisms Council will adopt for their Community Planning role.
- Provision for a decentralised approach in terms of the Council's Decentralisation Scheme and how this will integrate with the structure to be adopted (i.e. the Local Committees and Local Planning Committees).
- Whether, to what extent and how to integrate reports back from Council appointees to external organisations.
- The internal management issues of departments require to be addressed e.g. Budgetary reporting, contract award, performance measurement and reporting and service development.

## **ISSUE 1      DECISION-MAKING STRUCTURE**

- 1.1 The McIntosh Commission recommended “that Councils, in reviewing the conduct of their business, should direct particular attention to executive models and also to reformed and simplified forms of the committee system”.

### **RECOMMENDATION 1:**

- 1.1 *That a committee system be preferred to a cabinet or executive approach, as a properly designed system :*

- *best provides a democratic approach by involving all Members of Council in decision-making*
- *provides opportunities for open debate*
- *provides opportunities for scrutiny through both Committees and at Council Meetings*
- *is transparent, understandable and accessible to the public*

- 1.2 *That an explanation of a cabinet or executive approach and committee method be provided within the proposed consultative document.*

## **ISSUE 2      Type of Committee System: Service Based or Thematic Committee Structure**

- 2.1 While formulating its proposals for consultation based on what Members see as an efficient and effective model for decision-making that meets the objectives underpinning the review, the views of consultees on the proposed structure will inform final consideration following the consultation phase.

- 2.2 Traditionally a service-based system is linked largely to the departmental structure of the Council. This provides a very clear and strong link between departments and committees. There are obviously pros and cons to this type of approach. In favour are the development of expertise in particular areas of policy and familiarity with service provision and consequent areas of expertise by the members of the committee. Its principal criticisms are that the relationship can lead to departmentalism by the committees and a consequent breakdown in a strong corporate approach by departments (and indeed committees). This can in itself contribute to duplication of decision-making, with issues requiring to be considered at the level of each service committee affected, as well as corporately. It can also support the consideration at committee level of routine operational issues and of reports provided for information only.

- 2.3 The desire over many years to reduce the number of committees and the consequent expansion in the range of issues covered by each led to the grouping of similar or complementary issues within the remit of each individual committee. In a system of single-service departments

this leads to a weakening of the committee/department link. However the subsequent trend towards multi-function departments covering complementary services and the linking of their functions with committee remits has tended to strengthen the committee/department link again.

- 2.4** Strategic approaches at committee level, combined with the view that, so far as appropriate, decisions should be taken at the level closest to service delivery (and consequent extension of delegated powers from Council to committees, sub-committees and officers), should lead to the reduction in the need for consideration at committee level of routine, non-strategic business at committees and consequently increase the efficiency of the system.
- 2.5** If a service-specific system is favoured by the Group, they will require to give consideration to the issues outlined above in recommending the structure to be adopted.
- 2.6** With a thematic approach, the majority of committees concentrate on strategic, policy and service development issues and the Council's progress towards achieving its objectives.
- 2.7** Operational and management issues of all departments (budgetary reporting, contract award, internal departmental development issues, resource issues and financial and operational performance) are dealt with in a separate forum (or a number of these). This need not – and with a thematic approach, possibly should not – be a range of individual departmental committees, but a committee or committees overseeing either all departmental issues or types of issue (e.g. budget control, personnel issues, property issues, performance issues).
- 2.8** In determining that a thematic approach would be appropriate it would be necessary to decide firstly whether this should be linked to the themes within the Council Plan. While not essential, it would provide a clear cut route whereby the Council could determine and monitor performance against its strategic aims. Through links to the Community Plan to be created with partners a mechanism for addressing the common goals to be identified in the Community Plan could be provided.
- 2.9** In contrast, a thematic approach could be linked to areas of service delivery. The model adopted by Stirling Council, examined by the Group and the subject of an exploratory visit, focuses on areas of service delivery from the point of view of either the recipient or of the area of life affected. Thus, for example, all services for children are grouped together, as are issues affecting the environment.

***RECOMMENDATION 2.1: Having reached an initial recommendation that the Committee system is preferable to a cabinet model, the decision regarding type of***

*Committee System, either Service Based or Thematic, awaits the outcome of the consultation exercise to inform the final decision.*

**RECOMMENDATION 2.2:** *That an explanation of Service Based and Thematic Committee Structures be provided within the proposed consultative document.*

### **ISSUE 3      Resource Control Issues**

- 3.1** In determining the form of a committee system for the Council the crucial issue of the method to be adopted to control the critical resources of the Council requires to be addressed first.
- 3.2** Care needs to be taken to avoid duplicate report/decision making in the interests of accountability and transparency and our present system does not entirely avoid this in the area of the control of critical resources.
- 3.3** For example, some decisions on personnel or property matters can come before two or three different committees, with the potential for a fourth (Policy and Resources, if major policy issues are involved) and with the possibility of a fifth discussion at full Council. Such a system does not meet any objective test of efficiency and could be seen as acting against both transparency and accountability from the perspective of the public.
- 3.4** It is possible to avoid this duplication and consequent confusion for the public in both accountability and transparency in a number of ways. For example, a service committee could be made solely responsible for all issues affecting its operations, including personnel and property issues. It is also possible for all resource issues to be dealt with on a corporate rather than service committee basis.
- 3.5** The service committee approach, while it makes the responsibility for decisions clear, has the downside of introducing the possibility of lack of a cohesive and consistent approach to those types of issue. This is particularly difficult in relation to personnel issues where the Council itself is the employing body and employment law requires a consistent, defensible approach to a whole range of issues. It should nevertheless be noted that the present system distinguishes teaching staff from all other employees in this regard (partly due to separate service conditions).
- 3.6** There is obviously a strong departmental and service committee interest in ensuring that staffing provision is adequate to enable a service to operate effectively. This can be seen easily to extend to the levels of remuneration necessary to attract and retain staff. Equally there is a corporate interest to secure both equality of treatment (if, for no other reason, under equal pay legislation) and economy and efficiency in operation.

- 3.7** Similar arguments apply to the handling of property resources. Our present method of dealing with property issues is through a specific sub-committee. However, where a property is currently operational, the “owning” service committee requires to declare a property surplus to operational requirements before it comes under the sub-committee’s control. A review mechanism has been introduced whereby regular reviews require to be undertaken of the property holdings of departments – however, as this is of fairly recent introduction, its long-term effectiveness has yet to be demonstrated.
- 3.8** These two examples illustrate the difficulty of achieving a seamless decision-making system for two of the major resource issues facing any Council. On the one hand there is legitimate departmental interest in being able to control key issues that can affect service delivery and on the other there is a strong corporate interest in these issues by the Council as a whole.
- 3.9** The third major resource issue is finance. In this area, the Policy and Resources Committee has the determining role in formulating policy and in producing budget proposals while, within overall allocations, service committees recommend detailed expenditure. Again, however, in this area a secondary mechanism (the Budget Monitoring Group) has been introduced to monitor budget performance over and above the regular service committee review.
- 3.10** The issues currently covered by the Budget Monitoring Group require to be considered and the decision making and reporting routes confirmed or agreed.
- 3.11** Determining where the balance lies between these two competing interests will be the single most difficult issue to address in designing a committee system. It is applicable whether a service-specific system or a thematic approach is adopted and is the first question that the Group will require to address in recommending a preferred committee structure.

***RECOMMENDATION 3: Whatever decision making process adopted (Service based or Thematic) recommend unnecessary duplication of reporting/decision making be avoided. Group did recognise importance of certain processes, e.g. Budget Monitoring Group - members found useful in budget monitoring. Consequently there might be advantages in formalising within the decision making process such mechanisms.***

#### **ISSUE 4      Quasi-judicial functions/ appeal mechanisms/panels**

- 4.1** All Councils require to make provision for certain rights of appeal – whether these are in respect of employment, or for specific statutory requirements (e.g. housing or social work legislative requirements). The form of committee system adopted need not impact on these mechanisms. There is however the need to bear in mind both good

practice and potential Human Rights Act implications in establishing the composition of these bodies to avoid implications or appearance of bias, where a member also has a role in another committee or body. This is an issue which will require to be addressed upon the appointment of members, rather than at this stage.

- 4.2** In respect of the quasi-judicial functions of Planning ( i.e. Development Control issues) and Local Government Licensing it is effective to designate bodies with these specific remits. The form of committee system adopted need not preclude this. At present the Council operates a Licensing Sub-committee (of Community Services Committee) for licensing and a twin-hatted approach to development control, with both a central committee (Development Services – although this has other matters within its remit) and three Local Planning Committees, dealing with development control matters.
- 4.3** Confirmation (or otherwise) of these existing mechanisms will be required as the second decision impacting on the design of a new committee system, informed by the consultation phase.

***RECOMMENDATION 4: That the Council re-emphasises its support for the decentralisation of decision making in relation to planning and seek views thereon as part of the consultation exercise.***

#### **ISSUE 5 External appointments to Education Committee.**

- 5.1** This can be addressed in either a service committee system (as at present) or in a thematic approach by so structuring the appropriate committee and its agenda that the committee sits, for education issues only, with the external appointees participating. This issue therefore need have no significant impact on the committee structure.

***RECOMMENDATION 5: This is not an issue that requires a decision at this stage and will be addressed within the Final Report.***

#### **ISSUE 6 Scrutiny and Audit**

- 6.1.** There are two broad areas where “scrutiny” is an issue: firstly as regards scrutiny of policy and/or operational proposals prior to implementation and secondly in regard to service performance. Both aspects of scrutiny can be distinguished from audit issues.
- 6.2** The arguments for establishing a scrutiny forum for policy and operational proposals as a separate committee within a Council are strongest in a cabinet-style or executive model. Such a forum provides a mechanism for members who are not on the cabinet or executive to examine policies or initiatives prior to implementation. While an argument can be made for such a body in a committee style approach, it suffers the drawback of introducing a second stage in the decision-making process over and above the scrutiny that proposals can be

given at committee. In such a system it may also be argued that it could act against accountability and transparency by duplication and confusion as to where the decision-making power and responsibility lie.

- 6.3** In relation to scrutiny of service performance, this can best be looked at in the context of Best Value and performance review. The Council has an established mechanism for this form of scrutiny through the Best Value sub-committee of Policy and Resources Committee (with its subsidiary framework of Member/Officer review groups for examining specific service reviews) and in addition through service committees themselves which are also part of the performance indicator reporting framework. All of these were set up as part of the Council's response to the requirements of Best Value. The Group will need to consider either the retention of the established systems or an alternative in recommending a preferred committee structure.
- 6.4** In respect of audit on the other hand, there is a clearly established mechanism within the Council that the annual external audit reports are reported to Council and internal audit reports are placed annually before Policy and Resources committee. In both cases these audit reports are addressed in the first instance to the Chief Executive who has the responsibility of ensuring they are brought to the Council's attention. Other audit issues arising during the course of the year are dealt with by the direct reporting route from the Chief Auditor to the Chief Executive. On the basis that these arrangements meet audit committee principles, the Council has not therefore felt the need for an audit committee to be established. The Group will need to consider either the retention of the established systems or an alternative in recommending a preferred committee structure.

***RECOMMENDATION 6: Recognised importance in demonstrating to the general public that the Council has robust systems in place for scrutiny and audit. Whilst Group considered a number of possibilities for developing such systems as part of this review, it was agreed to recommend that the Council's scrutiny and audit systems be explained within the consultation document and comments be invited as part of the consultation exercise.***

## **ISSUE 7      Standards Committee**

A Standards Committee will be optional under the proposed new ethical framework arrangements. Its role will be restricted to an advisory one, producing guidelines for conduct (these will be based on national standards and templates) and it will have no role in regard to any specific instances of complaints against the conduct of members. Neither will it have any "disciplinary" powers. Both of those matters will be reserved at national (Scottish) level. When the final version of the ethical framework provisions is available it will be reported to Policy and Resources Committee. As the existence or otherwise of such a committee can be accommodated under either type of committee system. A decision on this issue can be deferred until that time.

**RECOMMENDATION 7.1:** *For the purposes of consultation, to recommend that as the present legislation does not provide a mechanism at local level for a Standards Committee with powers, that no Standards Committee be established at this stage.*

**RECOMMENDATION 7.2:** *That the consultative document inform the public of existing arrangements, e.g. Adoption of Nolan's 7 principles as standards for conducting Council business; the Council's commitment to the National Code of Conduct and Councillors requirements to declare interest during Committee items and register direct and indirect pecuniary interests.*

## **ISSUE 8      Community Planning**

**8.1**      The mechanism Council will wish to adopt for the Community Planning role will depend partly on whether a service-based committee system or a thematic one is adopted. In the latter, particularly if the themes are linked to the Council Plan, there is an obvious route via the new committees to address community planning issues. In the former, while some issues will require committee input, the more obvious role for oversight of community planning would be via the Policy and Resources Committee as the main strategy and policy committee, in view of the breadth and scale of the Community Planning role and its impact on the Council. The Group will need to consider the preferred method of oversight of Community Planning in the light of the structure adopted.

**RECOMMENDATION &** *To address this issue in final report when a decision making structure is adopted.*

## **ISSUE 9      Decentralisation Issues**

**9.1**      Through its Decentralisation Scheme the Council has an establishment of seven local committees, with remits defined by the Scheme of Delegation. Each has up to 10 community members who, due to the numbers involved and the effect of current legislation, have the right to participate in discussion but no voting rights. At least four community members on each committee represent, respectively, young people, older people, disabled people and Community Councils. At every Local Committee meeting an opportunity is provided for the general public and Community Representatives to ask Members and Officers questions on local issues and services. Administrative Officers are responsible for recording enquiries and co-ordinating responses. Each Local Committee has a "question time" as part of its agenda where members of the public may raise any issue.

**9.2**      The Local Committees have delegated powers in terms of the Scheme of Delegation. They also consider a variety of issues relating to policy or service provision within their geographical areas and their

recommendations form part of the decision making process of the Council. The Local Committees meet at a number of different locations throughout their areas to increase accessibility and encourage attendance and participation by the public.

- 9.3** In addition, there are three Local Planning Committees covering, together, the whole of the Council's area, composed of the Councillors for the three areas concerned. These have delegated powers within the Scheme of Delegation to make decisions on Planning applications.
- 9.4** The Council has an established system for consulting appropriately with Community Councils. In addition to ongoing issues such as Planning, the Council hosts two consultative meetings each year to which all Community Councils are invited to send representatives. They are canvassed for items for discussion prior to the meeting and items of general interest raised form part of the agenda. Community Councils are also represented on the seven Local Committees. The level of representation requires to be considered as part of the consultation phase of the review.

***RECOMMENDATION 9.1: That the Council re-emphasises its support for the decentralised Local Committee System but should invite comments under the consultation exercise on the numbers and composition of community membership on Local Committees.***

- 9.5** The Council has an established practice of holding a series of Community Forums across their area for the wider public to discuss major issues of interest in the locality. The Council's annual budget proposals are put to these meetings for consultation (in addition to other consultation arrangements for the budget). Local Committee members are canvassed for items of local interest to be discussed at Forum meetings.
- 9.6** The Council has recently undertaken an extensive household survey conducted for us by MORI. From that, we have been able to establish a statistically sound people's panel that will allow us to conduct ongoing surveys and consultations, but it will also allow us to establish a range of focus groups for particular issues and services.
- 9.7** By its early adoption of a decentralised system and its subsequent development the Council is confident that it has established a mechanism providing a participative approach to decision-making. Nevertheless this will be an issue for the consultation phase of the review.

***RECOMMENDATION 9.2: That the public view be sought on whether the Council has established appropriate mechanisms that provide a participative approach to decision-making.***

- 9.8** The Group will need to consider either the retention of these established systems and mechanisms, their adaptation, or an alternative in recommending a preferred committee structure.

***RECOMMENDATION 9.3:*** *To address this issue in the final report following the consultation exercise and when a decision making structure is being considered.*

## **ISSUE 10 Internal operational and service delivery issues**

- 10.1** As mentioned in the report to the last meeting, in a service specific committee system, the operational reporting requirements for all central services need to be provided for. The current system leaves such services reporting on these issues to Policy and Resources Committee, thus detracting from its main policy and strategic role.
- 10.2** With a thematic approach, the operational and service delivery issues for all departments need to have a defined home committee or committees to which departments report. Depending on whether the thematic committees have a strategic role only, or also a role in overseeing operational issues, such issues could be addressed by the individual committees or by a committee or committees overseeing either all departmental issues or types of issue (e.g. budget control, personnel issues, and property issues).
- 10.3** The Group will need to consider the preferred system for dealing with these issues in the light of the structure adopted.

***RECOMMENDATION 10:*** *To address this issue in the final report when a decision making structure is adopted.*

## **ISSUE 11 External organisations**

- 11.1** The Council appoints Members to represent it on a variety of other bodies and organisations. These cover an extensive range and variety, from Joint Committees to local groups.
- 11.2** Councils adopt a variety of ways in which Members as a whole are informed of relevant issues arising at appropriate external bodies. This may, in the case of a public body, be by making available or distributing the Minutes of meetings to Members of the Council or bringing these before committees for information (as happens with the East Ayrshire Community Safety Forum, where Minutes appear on the Council agenda).
- 11.3** Obviously such systems are not appropriate or, in some cases, permissible, for all types of organisation and the Community Planning arrangements may themselves provide a reporting mechanism for issues appropriate to that framework. Nevertheless consideration should be given to the regular provision to all members of Council on

the deliberations of all appropriate bodies on which the Council is represented.

***RECOMMENDATION 11: That a system be introduced to ensure that all Members can be informed of the decisions of appropriate external organisations and that proposals be dealt with in the Final Report.***

## **ISSUE 12 Accessibility**

- 12.1** The Council has always made the minutes of Council, committees and sub-committees available at locations throughout its area and has now extended this through its Website. In addition a publication (“Grapevine”) is produced following each Local Committee meeting whereby the issues discussed and decisions reached can be distributed in a user-friendly format to the local audience. Local Committee meetings and items for discussion are available in advance locally and meetings are both publicised through Council outlets and held in rotation at different locations within each area. The Council is not complacent about the operation of its decentralised committees and hosts an annual seminar, with topics chosen and training issues identified by the community representatives, to seek ways of improving their effectiveness and operation.
- 12.2** The Council has always complied with the advice of CoSLA to seek to achieve a political balance, consistent with the political representation on the Council, on committees, sub-committees, panels and groups. In addition to the opportunity for debate and challenge of proposals by the Administration on the Council at committee and sub-committee meetings and the Council meeting, sub-committee Minutes appear on the agenda of their parent committees and the volume of Minutes from each committee cycle appears on the agenda for the Council meetings. Any item appearing as part of a Minute is subject to questions. In addition, Standing Orders of the Council provide a mechanism for items to be raised which have not been discussed during the previous meeting cycle. This enables any Member to raise issues other than those appearing on agendas and facilitates open debate.
- 12.3** The Council has already adopted a Scheme of Delegation with the aim of achieving a balance between retaining issues for Council approval where this is appropriate and speeding up the process of decision-making and implementation by delegation to committees, sub-committees and officers whenever appropriate. Only top level issues are reserved to Council under this system and extensive delegation to officers, subject to compliance requirements with policy and approved procedures, is designed to ensure the avoidance of unnecessary delay.
- 12.4** By its adoption of this system and its regular review and development the Council is confident that it has established a mechanism that provides an accessible, informed and participative approach to decision-making. Nevertheless the arrangements for accessibility to the

public of both information and decision-making will be an issue for the consultation phase of the review to enable views as to areas for improvement to be obtained.

***RECOMMENDATION 12:*** *That the public consultation exercise seek views on improvements to promote accessibility for the public to decision making and information.*

### **ISSUE 13 Encouraging Potential Councillors**

**13.1** The Group has already indicated that the issue of encouraging a wide-cross section of the community to consider seeking election to the Council is principally one for the political parties to consider. Nevertheless it would be appropriate, as part of the consultation process, to seek views as to whether the Council's structure or operational arrangements themselves provide a barrier to this.

***RECOMMENDATION 13:*** *That the public consultation exercise seek views on whether the Council's structure and operational arrangements are a barrier to members of the community seeking election to the Council.*

### **ISSUE 15 Committee Cycle**

**15.1** The recent review of the operational and administrative support arrangements for committees has led to the review of the committee cycle and an extended eight week cycle has been introduced on a pilot basis for committees (excluding regulatory functions).

***RECOMMENDATION 15:*** *The frequency of meetings should form part of the consultation process.*

### **ISSUE 16 Information and Reports**

**16.1** An analysis undertaken as part of the ongoing review of committee operation and support arrangements showed that approximately 20% of reports placed before committees were for information only (excluding performance reporting issues). The same analysis showed that a member reading the papers for each committee would have read 1180 pages in one committee cycle (the average size of a committee report in the cycle examines being 8). Given the expectation and desire by members generally to devote additional time to their constituency and representative roles and less to the mechanics supporting committee attendance, the operation of the system adopted following the review should aim to reduce the paper trail currently facing members.

**16.2** This also raised the proposal to review the type of reports currently placed before committees in order to reduce the volume of paperwork. The proposal from the review is that reports to members for information only and not requiring a committee decision (other than reports

concerning performance review issues) should be issued separately in an information bulletin. The Council's Intranet can be used for this purpose although initially it would also require to be produced in paper form, pending full access for Members to the Intranet.

***RECOMMENDATION 16:*** *That the Depute Chief Executive/Director of Corporate Resources develop at an early stage, system protocols for the introduction of an information bulletin and that its effectiveness be monitored and considered as part of the subsequent review.*

## **ISSUE 17 Human Rights Act**

**17.1** The Group has been required by Council to bear in mind any Human Rights Act issues in designing their proposals. As mentioned in the previous report, the principal HRA issues affecting a committee system will come at the level of appointment to committees and their operational arrangements (e.g. appeal and other panels to ensure the "right to a fair hearing" under Article 6) rather than at structure design stage.

***RECOMMENDATION 17:*** *To note the position and to review when a final decision making structure has been adopted.*

## **ISSUE 18 The Party Whip**

**18.1** The use/declaration of use of the Party Whip in meetings (as raised by the McIntosh Commission in relation to the question of scrutiny and in the interests of open debate) requires to be considered. The argument for declaration of the use of the party whip at meetings is that it makes understandable to any members of the public attending that there is an issue of party principle or policy involved in the matter before the committee. This is said to make clear to the public why some items before committee may not be receiving the level or duration of open debate they might otherwise expect. The Group considers that this is an issue to which the Political Parties may wish to give consideration. Given its inclusion within the Kerley Committee's recommendations, the public may wish to comment within the consultation process on the use and declaration of the party whip.

***RECOMMENDATION 18:*** *That the public's view be sought on the use of the Party Whip within the decision making process and whether such use should be formally declared.*

*The consultation document to give a brief examination of what the use of the Party Whip entails and to identify when the Party Whip will not be used, i.e. when the Council operates in a Quasi-judicial capacity, e.g. when considering Planning and Licensing Applications.*

## **ISSUE 19 Support Arrangements**

- 19.1** The Group acknowledges that support and training provision for Members is a necessary pre-requisite to the effective operation of any decision-making system. A recent review of administrative support arrangements for Members undertaken as part of the Council's Best Value service review process included a review of the committee support provided to Members. This disclosed no areas for improvement required by Members relating to the levels of service provided.
- 19.2** Following the Council elections in 1999 a series of briefing sessions was held for newly elected Members. A canvass was also undertaken of Members to establish their I.T. and ongoing training needs. Initial consideration has been given to these and some additional facilities have been made available to Members. It was recognised however that these matters would require to be finalised following this review, when the support and I.T. requirements of Members under the revised decision-making structure could best be addressed.

***RECOMMENDATION 19: That support arrangements be reviewed following final report when a decision making structure has been adopted.***

## **ISSUE 20 Interface Between Members and Officers**

- 20.1.** The Group noted that CoSLA is currently producing a template for a protocol for consideration by Councils (as recommended by the McIntosh Commission) on the interface between Members and Officers. This issue will therefore best be considered by the Council at that stage.

***RECOMMENDATION 20: Consider on receipt of protocol***

## **ISSUE 21 Job Descriptions for Members**

- 21.1** The Group has considered the introduction of job descriptions as recommended by both the McIntosh Commission and the Kerley Committee.

***RECOMMENDATION 21: The Group recommends that this is supported in principle, with CoSLA's role in producing job description templates being stressed.***

## **ISSUE 22 Consequential Decisions**

- 22.1** When the framework of a decision-making structure has been established, a review should be undertaken of the following consequential matters:
- Standing Orders for Council and Committees
  - Scheme of Delegation to Committees/officers

- Financial Standing Orders, Contract Standing Orders and other procedures requiring amendment to accord with the revised Committee System (e.g. Property Disposal Procedures)
- Members' support arrangements – including staff, I.T. and training

***RECOMMENDATION 22:*** *It is proposed that, following the consultation period and the subsequent approval and submission of the Council's final proposals in December, new revised Standing Orders and Scheme of Delegation be prepared for consideration by the Group, with the remaining procedures being adapted and submitted for consideration as soon as possible thereafter.*

### **ISSUE 23 Support for Members**

**23.1** The Members' Services etc. Sub-committee has already agreed to review provision for Members' training and support (including, specifically, I.T.) following the conclusion of this review, when it will be possible to identify these requirements against the new decision-making structure.

***RECOMMENDATION 23:*** *This should be addressed following the review.*

### **ISSUE 24 Implementation and Review**

**24.1** Given the timetable for the review and allowing time for feedback from the proposals and consideration of the consequential matters required, the proposals may be ready for implementation before the summer recess. It seems likely from the timescales that this would allow only one cycle of meetings to operate under the new system before being interrupted by the summer recess. It may be preferable to delay implementation until after the recess period thus providing a clean break between the present and new systems.

***RECOMMENDATION 24.1:*** *That the final decision on implementation be made once scale of changes is evaluated.*

***RECOMMENDATION 24.2:*** *That subsequent review of the system following its introduction should be undertaken once the experience from a full year's operation is available, with a similar consultation process involving the public, Local Committees and groups forming part of the review.*

**AGENDA**