
**REVIEW OF COUNCIL'S DECISION MAKING STRUCTURE -
IMPLEMENTATION**

Report by Chief Executive

SCOTTISH BORDERS COUNCIL

20 November 2014

1 PURPOSE AND SUMMARY

- 1.1 This report seeks approval for a new Scheme of Administration to be introduced from 1 January 2015, a Deputations procedure and a revised Calendar of meetings.**
- 1.2 At the meeting of Council on 30 October 2014, Members approved in principle a new committee structure, removing the service committees and bringing in a Scrutiny committee to complement the Executive committee, and reviving the call-in procedure.
- 1.3 A new Scheme of Administration, attached as Appendix A to this report, has been drafted, for implementation from 1 January 2015. The new Scheme of Administration has been divided into different sections: the main committees; consultative groups; ad-hoc committees; and community and partnership bodies. No changes are proposed to the current political party split on membership of committees; or any changes to existing committee appointments, unless Members choose to do so. It is proposed that the call-in procedure is re-introduced, which will allow for a decision of the Executive to be called-in for review by the Scrutiny Committee. While the Executive will consider regularly Council performance, it is anticipated Scrutiny will also independently monitor the performance of the Authority towards achieving its policy objectives and priorities, and review the effectiveness of the Council's work against agreed standards, targets and budgets.
- 1.4 A separate review of licensing is being undertaken to consider the appropriate number of members on both the Civic Government Licensing Committee and the Licensing Board. This review will look at practice elsewhere in Scotland and also take soundings from members of both the Committee and Board, before reporting back to Council in early 2015. In the interim period, no changes are proposed to the membership of both bodies.
- 1.5 A deputations procedure is attached as Appendix B to this report. Deputations should raise issues which relate to matters within the responsibility of Scottish Borders Council or the general well-being of the residents of the Scottish Borders. Deputations should demonstrate that there is a public interest in the issue that they are raising. As individuals have the opportunity to present a petition, it is considered that deputations could be made on behalf of a recognised community

organisation or group. It is proposed that the deputations procedure operates in the same way as the petitions procedure to ensure equity between individuals and groups.

- 1.6 An amended calendar of meetings is attached as Appendix C to this report and this shows a reduction in planned committee meetings from 111 in the current committee structure to 99 in the new structure over the same period.

2 RECOMMENDATIONS

2.1 I recommend that the Council agrees to:-

- (a) approve the Scheme of Administration, attached as Appendix A to this report, to take effect from 1 January 2015;**
- (b) appoint the members of Scrutiny Committee, and make any changes to existing committee appointments if required;**
- (c) approve the draft Deputations procedure, attached as Appendix B to this report, with the finer details of the procedure being considered by the Petitions Committee before final approval being agreed by Council;**
- (d) approve the amended Calendar of Meetings for January to July 2015, attached as Appendix C to this report; and**
- (e) consider a further report on the membership of both the Licensing Board and the Civic Government Licensing Committee early in 2015.**

3 BACKGROUND

- 3.1 Following a review of the committee structure which came into being in October 2012, at the previous meeting of Council on 30 October 2014, Members approved in principle a new committee structure, removing the service committees and bringing in a Scrutiny committee to complement the Executive committee, and reviving the call-in procedure.
- 3.2 Further work has now been carried out on the specific details for a new Scheme of Administration, with the remit of each committee; a new Delegations process; and an amended calendar of meetings for January to July 2015.

4 SCHEME OF ADMINISTRATION

- 4.1 A new Scheme of Administration, attached as Appendix A to this report, has been drafted taking into account the decision of Council on 30 October 2014 and the comments made by Members at that meeting during the debate. The new Scheme of Administration has been divided into different sections: the main committees; consultative groups; ad-hoc committees; and community and partnership bodies. No changes are proposed to the current political party split on membership of committees; or any changes to existing committee appointments, unless Members choose to do so.
- 4.2 It is proposed that the call-in procedure is re-introduced, which will allow for a decision of the Executive to be called-in for review by the Scrutiny Committee. Details of this procedure are laid out in pages 6 to 8 of the Scheme of Administration.
- 4.3 The service committees for Education, Environment & Infrastructure, and Social Work & Housing have now been removed and their remits transferred to the Executive Committee. It is proposed that the Executive Committee is managed in a themed format, with the themes being Education; Finance; Performance; and Economic Development. Themed Executive meetings would begin with the specific topic and then proceed to general business thereafter. General business would be chaired by the existing Chair of the Executive Committee and include the themed Finance and Performance elements. However, the themed Education and Economic Development Executives would be chaired by the relevant Portfolio holders for that part of the business. At the part of an Executive Committee meeting which is considering Education Authority business as a main theme, the following additional members would be included for that part of the meeting only: 3 religious representatives (voting members); 2 teachers (non-voting); and 2 representatives from Parent Councils. At the part of an Executive Committee meeting which is considering Economic Development business as a main theme, 2 additional non-voting members appointed from an external sources would be included for that part of the meeting only.
- 4.4 Trading Operations Sub-Committee shall remain as a Sub-Committee of the Executive, with the Education Performance Sub-Committee and Social Work Complaints Review Sub-Committee becoming Sub-Committees of Executive.
- 4.5 With regard to the effectiveness of current scrutiny measures, Members felt that it was important to have an effective scrutiny mechanism that could provide a balance and challenge to the Executive. It was considered

beneficial to have independent scrutiny outside of the committee which made the original decision hence the establishment of a dedicated stand-alone Scrutiny Committee. While the Executive will consider regularly Council performance, it is anticipated Scrutiny will also independently monitor the performance of the Authority towards achieving its policy objectives and priorities, and review the effectiveness of the Council's work against agreed standards, targets and budgets. This scrutiny could be carried out either through "hearings" whereby officers and relevant Executive Members can give presentations and be questioned at Scrutiny meetings, or through the setting up of short term Working Groups to review areas of corporate and/or wider community interest. It is proposed that the Scrutiny Committee has nine members, excluding any members of the Executive. The Chairman of that Committee shall be a Member from the Opposition, with the Vice-Chairman being a Member from the Administration.

- 4.6 No changes are proposed to the Audit and Risk Committee.
- 4.7 A separate review of licensing is being undertaken to consider the appropriate number of members on both the Civic Government Licensing Committee and the Licensing Board. This review will look at practice elsewhere in Scotland and also take soundings from members of both the Committee and Board, before reporting back to Council in early 2015. In the interim period, no changes are proposed to the membership of both bodies.
- 4.8 No changes are proposed at present to the Pension Fund Committee. However, Members should note that will be required to governance aspects of the management of the Pension Fund from April 2015. The final details of the necessary legislation is not yet available, but a report will be brought to Council in due course with further details.
- 4.9 No changes are proposed to either the Planning and Building Standards Committee or the Local Review Body, apart from an increase in the quorum of the Local Review Body from three to four Members to reflect the previous increase in membership of this body.
- 4.10 No changes are proposed to either the Joint Consultative Groups for Staff and Teachers respectively, or the Employee Council.
- 4.11 Section VIX of the Scheme of Administration gives details of a number of permanent ad-hoc committees: Standards; Petitions and Deputations; Appointment; Staffing Appeals; Education Appeals; Members Sounding Board; Political Management Arrangements; and Ward Project Advisory Groups. It is not intended to pre-set meeting dates for these bodies but instead meeting dates will be arranged as business demands. With regard to the Ward Project Advisory Groups, these will be established as required, comprising members of Ward(s), and shall consider local major capital project(s) at the early development stages and make the Executive Committee aware of any particular local issues or insight on the project(s), prior to the Executive Committee taking decisions.
- 4.12 Section XIII of the Scheme of Administration gives details of the Community and Partnership Bodies in which the Council is required, or has agreed to set up, lead and/or participate, along with representatives of other key public, community, voluntary and private sector bodies. These include the Police, Fire & Rescue, and Safer Communities Board; the Health and Social Care Shadow Joint Integration Board, incorporating the

Community Health and Care Partnership; the Community Planning Strategic Board; and Area Forums. Members should note that changes will be required to the Shadow Joint Integration Board for April 2015, once the final legislation is available relative to the Public Services (Joint Working)(Scotland) Act 2014.

- 4.13 Should Members be minded to approve the Scheme of Administration, it is anticipated that the new committee structure will come into being on 1 January 2015. Any decisions or outstanding items of business from the current committee structure will be referred to the appropriate committee in the new structure. Members will also require to appoint the membership of the Scrutiny committee.

5 DEPUTATIONS

- 5.1 At the meeting of Council on 30 October 2014, Members agreed to include deputations within the formal committee structure. A deputations procedure is attached as Appendix B to this report. Deputations should raise issues which relate to matters within the responsibility of Scottish Borders Council or the general well-being of the residents of the Scottish Borders. Deputations should demonstrate that there is a public interest in the issue that they are raising. Given the correlation between petitions and deputations it is proposed that any deputations be heard by the Petitions and Deputations Committee which can then, if appropriate, refer the issue on to another Committee or Director, or decide that no further action is required. As individuals have the opportunity to present a petition, it is considered that deputations could be made on behalf of a recognised community organisation or group. It is proposed that the deputations procedure operates in the same way as the petitions procedure to ensure equity between individuals and groups.
- 5.2 It is further proposed that the finer details of the deputations procedure be considered by the current Petitions Committee, with final approval agreed by Council, following recommendations from the Petitions Committee.

6 CALENDAR OF MEETINGS

- 6.1 An amended calendar of meetings is attached as Appendix C to this report. It is anticipated that there will be sufficient business for the Executive Committee to consider to timetable in meetings roughly every two weeks, taking into account school holidays. In addition one or other of the Administration's Advisory Groups (Policy; and Finance & Resources) are scheduled to meet at the conclusion of each Executive meeting. Meetings of the Scrutiny Committee have been scheduled in for once per month, with the proviso that should business dictate or there is a call-in, further meetings will be added as necessary.
- 6.2 No meetings have been scheduled for the ad-hoc committees at this time as it is anticipated these will only meet as and when there is business to consider.
- 6.3 The amended calendar of meetings shows a reduction in planned committee meetings from 111 in the current committee structure to 99 in the new structure.

7 IMPLICATIONS

7.1 Financial

It is not anticipated that there will be any increased costs attached to the recommendations contained in this report.

7.2 Risk and Mitigations

The existing committee structure was introduced in 2012 following the local government elections. Alongside this new committee structure a commitment was made to review its effectiveness within 18 months. The review has now been carried out and Members agreed to a new committee structure in principle at its meeting in October 2014. This report and appendices give further details on the remits of each committee in the new structure, the draft deputations procedure, and an amended calendar of meetings. Further checks will be carried out to ensure that any decisions from the existing committees will be carried out and any outstanding reports brought before the relevant committee in the new structure.

7.3 Equalities

No Equalities Impact Assessment has been carried out on the Scheme of Administration although a checklist was completed and this confirmed that the proposals set out in the Scheme and in this report do not have any potential adverse impact on any particular group of clients, residents or staff; nor do they discriminate on the basis of age, disability, gender, race, sexual orientation, pregnancy and maternity or religion and belief.

7.4 Acting Sustainably

No economic, social or environmental effects are anticipated from the proposals contained in this report.

7.5 Carbon Management

There should be no impact on the Council’s carbon emissions from the proposals contained in this report.

7.6 Rural Proofing

A rural proofing checklist has been completed and it is anticipated there will be no specific impact on the rural area from the proposals contained in this report.

7.7 Changes to Scheme of Administration or Scheme of Delegation

A new Scheme of Administration is part of the proposals in this report. Should this be approved, the Clerk to the Council will make any required changes to the Scheme of Delegation as necessary.

8 CONSULTATION

8.1 Consultation has taken place with members of the Council’s Corporate Management Team, the Chief Legal Officer and the Chief Officer Audit & Risk and their comments received are incorporated in the report.

Approved by

Chief Executive

Signature

Author(s)

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Background Papers: Nil

Previous Minute Reference: Scottish Borders Council, 30 October 2014

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jenny Wilkinson can also give information on other language translations as well as providing additional copies.

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