Argyll and Bute Council Comhairle Earra Ghaidheal agus Bhoid

Customer Services

Executive Director: Douglas Hendry

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11 December 2013

SUPPLEMENTARY PACK

SHORT LIFE WORKING GROUP ON POLITICAL MANAGEMENT – 2.00P.M. - WEDNESDAY, 11 DECEMBER 2013, COMMITTEE ROOM 1, KILMORY

I enclose herewith Item 4 (a) **DRAFT SCHEME OF DELEGATION**, Item 4 (b) **POLICY LEADS JOB ROLES**, Item 4 (c) **PROPOSAL FOR A MONITORING OFFICER PROFILE**, Item 4 (d) **FEEDBACK FROM ELECTED MEMBERS ON PREFERRED COMMITTEE ROLES** which were marked copy to follow on the Agenda for the above meeting.

Douglas Hendry
Executive Director - Customer Services

BUSINESS

(a) DRAFT

Item 4 (a)



ARGYLL AND BUTE COUNCIL

ARGYLL AND BUTE COUNCIL SCHEME OF ADMINISTRATION AND DELEGATIONS

Page

INTRODUCTION

The Council accepts the principle that in the discharge of its statutory functions,

(8) Planning, Protective Services and Licensing Committee

Fifteen members

Performance Review and Scrutiny Committee

11 members to be appointed, 4 from the Opposition, 3 from the administration, 3 Community Planning Partnership nominees and an independent Chair who shall be appointed from time to time as determined by the Council.

(9) Audit Committee

- 1.4.2 (1) For the purposes of this Scheme, an executive position is any one of the following:-
 - (a) Leader of the Council
 - (b) Depute Leader of the Council
 - (c) Depute Provost
 - (d) Policy Lead
 - (e) Chair of the Planning, Protective Services and Licensing Committee
 - (f) Chair of an Area Committee
 - (2) Except where otherwise provided by any enactment or statutory order, or otherwise by this Scheme, the Members to be appointed to any one or more executive position will be so appointed at the first meeting of Council following each ordinary election of Councillors.
 - (3) Subject to the provisions of the next following sub-paragraph, so long as s/he remains a Member of the Council, a Member appointed to an executive position will hold such office, until the next ordinary election of Councillors.
 - (4) A Member appointed to an executive position may be removed from such office at any time by resolution of the

(4) When appointing a body of Members and so far as not provided for otherwise in this Scheme the Council will appoint two of the members to be respectively the Chair and Vice Chair of the body and they will hold office so long as they remain Members of the Council.

Casual Vacancies

- 1.4.4 (1) Casual vacancies occurring in any Executive position, in the chairmanship or vice chairmanship or in the membership of a body will be filled as soon as may be by the Council after the vacancy takes place.
 - (2) Provided a quorum remains a body of Members established in terms of this scheme may act, and its proceedings will not be invalidated by any defect in the appointment of any person to it.

(6) Every meeting of the Council, and any body established in terms of this scheme, and such other bodies as the Council may direct from time to time, will be regulated by the Council's Standing Orders and the provisions of Section 50 of the Local Government (Scotland) Act 1973 and will, except where otherwise provided by those Standing Orders, that Section, or Council direction, be open to the public.

(7)

SECTION TWO

2.1 TERMS OF REFERENCE AND DELEGATION

2.1.1 The following terms of reference and delegations are to be read in conjunction with provisions contained in the Standing Orders for Meetings; the Contract Standing Orders, and the Financial and Security Regulations and are subject to those provisions.

General Delegations

- 2.1.2 (1) A body established in terms of this scheme will be free to incur expenditure on any function delegated to it up to the limit for which provision has been made in the Council's approved Estimates of Revenue or Capital Expenditure.
 - (2) Subject to the provisions of the Local Government (Scotland) Acts 1973 and 1994 and of any Regulations made there under, and to the specific delegations, exceptions and limitations provided for in this Scheme and in the Standing Orders for meetings, the Financial and Security Regulations and the Contract Standing Orders, there is delegated to the Council in relation to all the functions of the Council, all the matters, services or undertakings, including the acquisition, construction, holding, maintenance and disposal of any land or buildings or works.
 - (3) A body established in terms of tRKO29e7"IMO4K--9 7] TzuIROM,K"IMO4

- (2) The approval of any plan which is part of the Policy Framework and any other plan which introduces new policies of major significance or varies existing plans or policies to a material extent.
- (3) The approval of plans which are part of the Council's Planning and Performance Management Framework; and the Estimates of Revenue and Capital Expenditure.
- (4) The power to fix the Council Tax, and the levels of charges for any services.
- (5) The power of incurring any expenditure not provided for in the Annual Estimates of Revenue and Capital expenditure.
- (6) The appointment to a body established in terms of this scheme of a person who is not a Member of the Council, without the prior approval of the Council.
- (7) Matters reserved to the Council by Statute, Standing Orders and other schemes approved by the Council from time to time.
- (8) All proposals for the promotion of or opposition to private legislation.
- (9) The making, alteration or revocation of any part of the Council's Constitution.
- (10) The determination of planning applications which in terms of the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2008 are (1) National and the undertaking of Pre-Determination Hearings in respect of all national applications; (2) Major Developments and the undertaking of pre-determination Hearings where in the case of the latter there would be a significant departure from the development plan, were the application to be approved.
- (11) Admission of honorary free men.
- (12) The appointment of Members to Statutory Joint Boards or to the Licensing Board.
- (13) The dismissal of the Chief Executive.
- (14) Approval of any annual investment strategy or annual investment report required by any consent issued by the Scottish Ministers r shn r sh edsh eWM2-O9b"EM2-KBK9a7"IB7"RKO

Limitations on Delegations

(b) The approval of or allocation of any expendit

To develop co-operation between the Council and the voluntary sector and to assist and promote the work undertaken by the voluntary sector.

2.2.3 Financial Assistance

To consider requests from external bodies and implement the Code of Guidance on External Bodies and Following the Public Pound.

2.2.4 Equalities & Diversity

To determine and implement the Council's policies in relation to the promotion of equality of opportunity, in relation to both the functions of

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- (3) To oversee the management of the Council's Property, Fleet and Information Systems and Technology Assets.
- (4) To consider the acquisition and disposal of the Council's assets, in so far as not delegated to area committees.

2.2.8 Human Resources

(1) To oversee the management of the Council's human resources.

2.2.9 Civic Services

To deal with all policy matters relating to civic heritage and ceremony (including town twinning) .

2.3.0 Community Planning

To determine and implement the Council's policies in relation to its statutory role in relation to Community Planning.

2.3.1 Continuous Improvement

- (1) To determine and implement the Council's policies in relation to the achievement of Best Value.
- (2) To consider the Best Value Review and Inspection Programme.
- (3) To consider Best Value Reviews from Services as appropriate.
- (4) Without prejudice to the duties and responsibilities and delegated authority of other Committees, to review the performance and effectiveness of all the Council's work and the standards and level of service provided, to review the need to retain existing services, and to co-ordinate where necessary all the matters referred to in this sub-paragraph in respect of the Committees and Services of the Council.
- (5) To ensure that the organisation and management processes of the Council make the most effective contribution to the achievement of the Council's objectives, to keep them under review in the light of changing circumstances, making recommendations as necessary for change in either the Committee or management structure, or the distribution of functions and responsibilities.

and to determine any matter not delegated to another Strategic Committee or reserved to the Council in terms of this Constitution.

2.3 Community Services and Environment, Development and Infrastructure Committee

- 2.3.1 (1) Advise the Policy and Resources Committee and the Council in the development of service objectives, policies and plans concerned with service delivery within the functional areas noted below and manage performance.
 - (2) Monitor and review achievement of key outcomes in the Service Plans within the functional areas noted below by ensuring best value in the use of resources to achieve these key outcomes is met within a performance culture of continuous improvement and customer focus.
 - (3) Subject to the exclusions from and limitations of delegations set out in this scheme, and the terms of reference and authority of the Policy and Resources Committee, each Committee is authorised to discharge the powers and duties of the Council within the functional areas noted below i

Environment, Development and Infrastructure Committee

All of the functional areas within the development and infrastructure

2.5 Planning, Protective Services and Licensing Committee

2.5.1 Subject to the provisions of this Scheme and what is set out below, the Committee is authorised to discharge the powers and duties of the Council in relation to any of the undernoted regulatory and similar functions of the Council.

- (d) To determine applications not falling under the ambit of Section 43a of the Planning Etc (Scotland) Act 2006 eg [Listed Building Consent, Conservation Area Consent, Hazardous Substance and Advertisement Consents] where there have been a significant body of objections ie more than 10 individual objections on planning policy or land use grounds.
- (e) To determine the imposition of a Fixed Penalty Notice under the Planning Etc (Scotland) Act 2006 Section 25 and temporary stop notices under Section 26

SLWGs will be appointed in terms of the Scheme of Administration and Delegations which is referred to in Standing Order 26.

Standing Orders 2.1, 2.3, 2.4, 3.1 - 3.5, 7.1 - 7.4 and 17.1 will apply to meetings of any Short Life Working Group.

2.6.1 Meetings of SLWGs

Without prejudice to the general right of the Council, to appoint a SLWG at any time, a minimum of any six Members may propose that a SLWG should be established; the following procedure will apply to the establishment of a Group on its proposal by Members.

- 2.6.1.1 The Members concerned will set out in a notice to be given to the Executive Director of Customer Services the matters on which it is proposed the Group should be asked to provide advice, together with such other relevant material as the members concerned consider the Council might usefully require in order to reach a decision whether or not to establish such a Group.
- 2.6.1.2 The Executive Director of Customer Services will include the proposal, together with the written material provided by the Members, on the agenda for the next following ordinary meeting of the Council.
- 2.6.1.3 In considering a proposal (whether or not submitted in terms of subparagraph (1) above) to establish a SLWG, the Council may (a) determine that, instead of appointing a Group, the matter contained in the proposal may be added to the Terms of Reference of an existing Group or (b) in the circumstances where (a) does not apply the Council shall resolve either to require a report from the appropriate officer on the implications of establishing such a group

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- 2.6.1.6 At the end of the period mentioned in sub-paragraph (4) of this Standing Order the Group will cease to exist unless before the end of that period the appointing body has substituted a revised period.
- 2.6.1.7 It will be open to the Council at any time in the event that it considers the resources available to support the work of SLWGs are insufficient, to agree that no further Groups should be established or that the number in total should be limited. If such a decision is made no proposal to establish a SLWG Group which would be contrary to the Council resolution shall be considered unless and until the Council has altered or rescinded that resolution.
- 2.6.2 The arrangements for meetings of a SLWGs will be a matter for the Group concerned, but the chair of a Group may for good cause cancel or alter the place, date or time for a meeting of a Group and may call a meeting of a Group on dates in addition to those already decided by the Group, but not after the summons for the meeting has been issued.
- 2.6.3 In addition to any report or paper submitted by an Officer of the Council, any Member of a SLWG may, in relation to any research which she/he may have undertaken, submit a report or paper for consideration by the Group, provided that report or paper is made available in time for inclusion with the agenda of business for the meeting, and any other Member of the Council may similarly submit

To review the annual statement of accounts. Specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council;

To oversee the production of the Council's Governance and Internal Control Statement; and

To consider the External Auditor's report to those charged with governance on issues arising from the audit of the accounts.

2.8.4 **Delivery Achieving Monitoring**

To assess the effectiveness and development of the Council's Performance Management System;

To regularly review outputs from the Council's performance management system;

To consider performance and inspection reports from internal audit, external audit and other relevant scrutiny bodies;

To commission specific performance reviews to be carried out where necessary;

To review Best Value arrangements and outcomes, with consideration of both external and internal Best Value reports, strategy/plans and outcomes from Best Value reviews;

To overview key performance indicator outcomes, including quarterly service performance reporting and Statutory Performance Indicator (SPI) outcomes; and

To review the impact of national performance reports from external bodies such as Audit Scotland and consider their impact on future audit plans for performance work to be undertaken by both external and internal audit.

2.9 Appeals Committees

2.9.1 Staffing Appeals

The hearing and determination of appeals by employees in terms of the Council's approved grievance and disciplinary procedures.

2.9.2 Placing Appeals/Special Educational Needs

The hearing and determination of appeals against the refusals of placing requests in terms of Section 28A-H of the Education (Scotland) Act 1980, and appeals in terms of Sections 63 to 65 of the 1980 Act and Paragraph 5 of Education{Additional Support for Learning}{Scotland} Act 2004 in relation to special educational needs.

2.9.3 Education Appeals and Bursaries

The hearing and determination of appeals relating to further education and higher school bursaries, under Section 49 of the 1980 Act, and the access to or amendment of pupil or student records.

2.9.4 Social Work Complaints Review

The hearing and determination of complaints in terms of the complaints procedure in terms of Section 5B the Social Work {Scotland} Act 1968 as amended by National Health Service and Community Care Act 1990.

2.9.5 Access to Personal Files Review

Appeals under the Access to Personal Files Act 1987 and Access to Personal Files (Social Work) (Scotland) Regulations 1989

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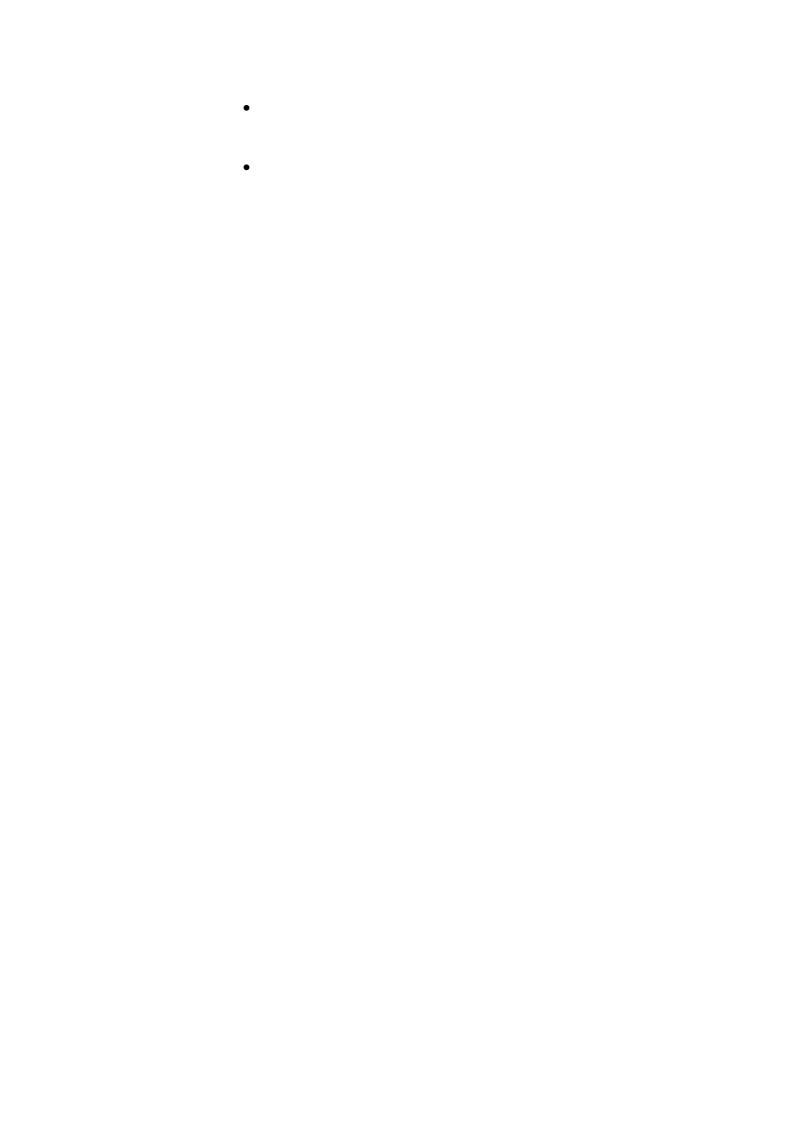
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ARGYLL AND BUTE COUNCIL	SLWG – POLITICAL MANAGEMENT ARRANGEMENTS
Customer Services	11 TH DECEMBER 2013

PROPOSAL FOR A MONITORING OFFICER PROTOCOL AND ASSOCIATED MATTERS

1. SUMMARY

1.1 This report advises the SLWG on a proposed process for a protocol to confirm the

hospitality;
(b) providing advice to Members on the Code on Conduct;

Specific Functions

- 1. To advise the Council on the Councillors Code of Conduct (hereinafter referred to as the "Code") in terms of the Ethical Standards In Public Life Etc (Scotland) Act 2000, together with any Guidance and dispensation notes and the Councils own Governance Framework and Regulatory Scheme;
- 2. To advise, train, or arrange to train Councillors and other persons who maFR009.8OE-;0R"R929

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Financial: None at present. Possible future resource

requirement if proposals accepted.

Legal: Any alteration to the Council's constitution would

require the approval of the Council.

Equal Opportunities: None at present.

Personnel: None at present.

Risk Failure to adopt realistic proposals for role of

Monitoring Officer may give rise to issues with Audit

Scotland/Accounts Commission.

Customer Service None at present.

Douglas Hendry – Executive Director of Customer Services.

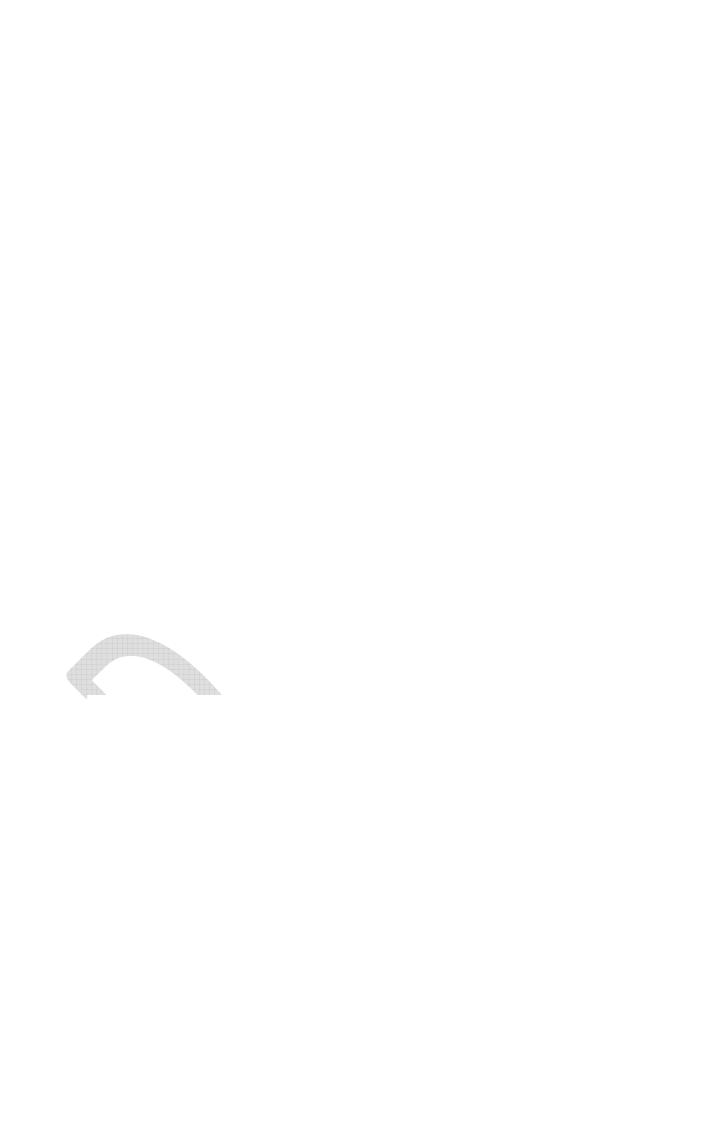
December 2013

For further information contact – David Logan – QIO Special Projects - 4322









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