
Report to Clackmannanshire Council

Date of Meeting: 25 May 2022

Subject: Council Governance

Report by: Senior Manager, Legal & Governance

1.0 Purpose

- 1.1. The purpose of this report is to seek changes to the arrangements for convening Council and undertaking civic duties. These proposals have arisen following the Local Government Election and following cross-party discussions with the Chief Executive.
- 1.2. The proposed changes require amendment of the current remit of the role of Provost as well as the establishment of a remit in respect of the new role of Convener of the Council.
- 1.3. In order to implement these changes, if agreed, consequential changes will also be required to the Council's Standing Orders.

2.0 Recommendations

- 2.1. Council is asked to:
- 2.2. Agree to suspend, for this meeting, the provision in Standing Orders paragraph 20.7 which requires notice of changes to Standing Orders to be given at a preceding meeting (paragraph 3. 1);
and subject to the agreement of Recommendation 2.2, Council:
- 2.3. Agrees to amend the role of Provost and create the role of Convener of the Council as described in Appendix 1
- 2.4. Agrees to the establishment of Depute Provost and Depute Convener of the Council roles in line with Appendix 1
- 2.5. Notes that the consequential amendments required to the Council's Standing Orders will be brought to a meeting of Council no later than August 2022.

3.0 Considerations

- 3.1. The Council's current Standing Orders require that notice of a change to Standing Orders is given at the preceding meeting (SO 20.7). Given that this Council meeting is the first meeting of a new Administrative Cycle following the Local Government Election on 5 May 2022, this has not been possible. Therefore, authority is sought to suspend this Standing Order (SO 20.7) in light of the changes proposed to the Council's governance and decision making framework included within this meeting agenda which, if approved, will require consequential changes to the Council's Standing Orders.
 - 3.2. Subject to agreement of Council to the suspension of Standing Order 20.7 of the notice requirements to amend Standing Orders, Council is asked to consider the change of role of the Provost into two distinct roles of Provost and Convener of the Council, resulting in a greater distinction between duties for administrative and civic duties.
 - 3.3. In terms of the Section 4 (4) of the Local Government (Scotland) Act 1994 the Council is legally required to elect a convener as the first business transacted by the new Council. There is no definition of the role of convener within this Act and it has been custom and practice in terms of our Standing Orders for this role to be the Provost's role. The Provost would carry out various roles which included chairing Council meetings as well as carrying out an extensive programme of civic duties on behalf of the Council.
 - 3.4. The increased workload on the Provost over the last few years has proved challenging. Separating the administrative and the civic duties of the role aims to provide an enhanced service to the citizens of Clackmannanshire, strengthening the relationships with the community and its partners, whilst sustaining robust administrative arrangements for conducting the Council's business.
 - 3.5. It is proposed that the original role and duties of Provost are changed as follows:
 - 3.5.1 The new Convener of the Council will undertake duties which, amongst others, include chairing the meeting of the Council and providing leadership for the effective governance of the Council; and
 - 3.5.2 The Provost, as the civic head of the Council, will carry out various duties including representing the Council at civic and ceremonial events and promoting the Council by hosting civic events and raising the profile of the County.
- Both roles (including deputies) are defined in terms of Appendix 1 .
- 3.6. It is additionally proposed that the Convener of the Council would be deemed a Senior Councillor in terms of the Local Government (Scotland) Act 2004 Remuneration Regulations 2007 as amended.

4.0 Sustainability Implications

- 4.1. None

5.0 Resource Implications

5.1. *Financial Details*

5.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes

5.3. Finance have been consulted and have agreed the financial implications as set out in the report. Yes

5.4. *Staffing*

6.0 Exempt Reports

6.1. Is this report exempt? Yes (please detail the reasons for exemption below) No

7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box)

Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all

Our families; children and young people will have the best possible start in life

Women and girls will be confident and aspirational, and achieve their full potential

Our communities will be resilient and empowered so that they can thrive and flourish

(2) **Council Policies** (Please detail)

None

8.0 Equalities Impact

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?
Yes No

9.0 Legality

- 9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

10.0 Appendices

- 10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

Appendix 1 – Role and remits of Convener of the Council and Provost

11.0 Background Papers

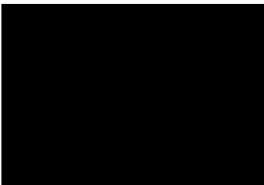
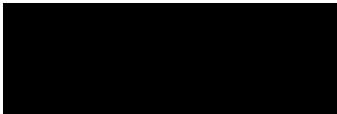
- 11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes (please list the documents below) No

Author(s)

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Approved by

NAME	DESIGNATION	SIGNATURE
Lee Robertson	Monitoring Officer	
Nikki Bridle	Chief Executive	

ROLE DESCRIPTION – CONVENER OF CLACKMANNANSHIRE COUNCIL

In addition to the roles, tasks and responsibilities expected of Councillors, the following is expected of the Convener (and Depute Convener as appropriate):-

Key Purpose/Role

- to provide leadership for the effective governance of the Council;
- unless the law or standing orders for Clackmannanshire Council say otherwise the Convener will have the casting vote in terms of Standing Order 14.4.
- to promote the best interests of the Council and the community and improve the quality of life, social, economic and environmental wellbeing of the community and its citizens;
- to chair meetings of the Clackmannanshire Council and ensure that this is undertaken in line with the Council's Standing Orders including the Video Conferencing and Web Casting Protocols;
- develop, encourage and maintain effective working relationships between Members and Officials;
- to develop and maintain partnership working with UK and Scottish Governments, other public agencies and the private and voluntary sectors subject to the duties of the Provost to represent the Council on civic and ceremonial occasions; and
- to allow for the depute Convener to step in to the role of Convener as and when required and to carry out the Key Purpose/Role and Key Tasks/Accountabilities

Key Tasks/Accountabilities

- to ensure that decisions are taken properly, openly and, where appropriate, publicly;
- to provide an external focus for media and press enquiries relating to civic issues;
- to ensure that Members of the Council are treated with respect and courteously at all times;
- to maintain and promote the highest standards of conduct in the Council's affairs; and
- to have an overview of civic risks and issues as they impact on the Council and the community

ROLE DESCRIPTION – PROVOST OF CLACKMANNANSHIRE COUNCIL

In addition to the roles, tasks and responsibilities expected of Councillors, the following is expected of the Provost (and Depute Provost as appropriate):-

Key Purpose/Role

- to represent the City on civic and ceremonial occasions as the Provost of Clackmannanshire Council
- to promote the County of Clackmannanshire by hosting civic events and raising the profile of the County;
- to promote the profile of Clackmannanshire and area to the wider community through public appearances at social, community, cultural and business events and through the media;
- to work closely with the Leader of the Council in terms of the civic role and its relationship with the functions delegated by Council to committees;
- to help develop and maintain effective relationships with partner organisations and other agencies as appropriate;
- to represent the Council at events where the presence of the Provost would be relevant to enhancing the reputation of Clackmannanshire;
- to maintain the highest standards of conduct and ensure public confidence in the functions of the Provostship; and
- to work in conjunction with the Convener of the Council, where appropriate, to allow for depute Provost to step in to the role of Convener as and when required and to carry out the Key Purpose/Role.