
Report to: Clackmannanshire Council

Date of Meeting: 25 May 2022

**Subject: The Council's Decision-Making Framework and Special
Responsibility Allowances**

Report by: Chief Executive

1.0 Purpose

- 1.1. The purpose of this report is to seek approval to change the decision-making framework and to highlight those political roles which attract Special Responsibility Allowance under the proposed arrangements.
- 1.2. These proposals have arisen following the Local Government Election and following cross-party discussions with the Chief Executive with a view to enhancing current arrangements.

2.0 Recommendations

- 2.1. Council is asked to note that the suspension of Standing Orders paragraph 20.7, which requires notice of changes to Standing Orders to be given at a preceding meeting, requested in respect of the Council Governance paper on this meeting agenda, also applies to the provisions of this paper;
- 2.2. Subject to agreement of Standing Order paragraph 20.7, it is recommended that Council:
 - a) agrees to the proposals in this report to change the Council's decision making framework as set out at sections 4, 5 & 6 of this report; and
 - b) subject to agreement of these changes, Council:
 - i. approves the remit of the new Audit and Scrutiny Committee as set out at Appendix A to this report;
 - ii. appoints the Leader of the main Opposition to chair the Audit and Scrutiny Committee
 - iii. appoints a councillor from outwith the political Administration as Vice Chair of the Audit and Scrutiny Committee
 - iv. agrees the political balance of the Audit and Scrutiny Committee

- v. appoints members to sit on the Audit and Scrutiny Committee on the basis of the Council's agreed political balance
- vi. appoints members to the new spokesperson positions
- vii. approves the positions which are awarded senior councillor responsibility payments as set out in paragraph 6.1 of this report
- viii. notes that revisions to Standing Orders which detail the consequential changes arising from approval of these proposals will be brought to Council no later than August 2022
- ix. notes that the changes proposed to the decision making and scrutiny arrangements are intended to be augmented by strengthened provision of briefings and fora, and that a paper will come to the August Council setting out more detailed proposals (paragraph 6.5)
- x. notes that an implementation review will be undertaken, following one year of operation of these new arrangements, and that a report on the findings will be submitted to Council in August 2023 (paragraph 6.4).

3.0 Background

- 3.1. Following the recent Local Government Election held on 5 May 2022, the Chief Executive has prepared these proposals following cross-party discussion.
- 3.2. The aim of the proposed changes are as follows:
 - to maximise the participation of all elected members in decision making
 - to sustain maximum transparency over the Council's decision-making
 - to streamline the administration of Council business
 - to enhance the effective scrutiny of Council activity and decisions.

4.0 Considerations

- 4.1. It is proposed that Council agrees the following changes to its decision-making framework:

Committees

- a) disestablishes the Partnership and Performance Committee
- b) disestablishes the People Committee
- c) disestablishes the Place Committee
- d) disestablishes the Audit Committee
- e) creates an Audit and Scrutiny Committee (see section 5)
- f) undertakes full Council meetings on an eight weekly cycle (noting that religious representatives will attend Council or Audit and Scrutiny Committee if education matters are under consideration)

Political Responsibilities

- a) deletes the post of Convener of the Partnership and Performance Committee
- b) deletes the post of Convener of the People Committee
- c) deletes the post of Convener of Place Committee
- d) deletes the post of Chair of Audit Committee
- e) deletes the post of spokesperson for Health & Social Work
- f) deletes the post of spokesperson for Environment & Housing
- g) deletes the post of spokesperson of Partnership and Third Sector
- h) deletes the post of spokesperson for Audit and Finance
- i) establishes the post of Chair of Audit and Scrutiny
- j) establishes the post of spokesperson for Partnership, Third Sector and Digital Strategy
- k) establishes the post of spokesperson for Health and Social Care
- l) establishes the post of spokesperson for Sport, Leisure and Active Living
- m) establishes the post of spokesperson for Environment and Net Zero
- n) establishes the post of spokesperson for Housing and Property.

4.2 In accordance with Section 124 of the 1973 Act (inserted by Section 31 of the 1994 Act), the Council must also appoint three religious representatives. Religious representatives only have voting rights on matters relating to the discharge of the authority's function as education authority. It is proposed that religious representatives would continue to be invited to attend such meetings as require a decision on education matters to be taken. Subject to the agreement of the proposed decision making framework, invitations will be issued to three religious representatives as defined within legislation.

5.0 Audit and Scrutiny Committee

5.1. It is proposed that the new Committee has eight members and that the Chair of the Committee is the Leader of the main Opposition, and the Vice Chair also comes from outwith the political Administration. It is also proposed that the previously agreed protocol, that the majority of members of the Audit Committee should come from outwith the political Administration, is retained for the new Committee.

5.2. The proposed remit for the Committee is set out at Appendix A. The Agenda for meetings would be clearly structured as follows:

- Part A: Audit and Finance
- Part B: Scrutiny

5.3. In order to facilitate efficient agenda management in terms of both focus and capacity, the scrutiny agenda (Part B) items would, as far as possible, be themed at each meeting to reflect current operational portfolios and the related political portfolios as follows:

- **People Portfolio** (covering political spokesperson roles for Education, Sport, Leisure and Active Living and Health and Social Care)
- **Place Portfolio** (covering political spokesperson roles for Environment and Net Zero and Housing and Property)

- **Partnership and Performance** (covering political spokesperson roles for Partnership, Third Sector and Digital Strategy).

- 5.4. Should these proposals be agreed, illustrative options for the balance of the membership of the new Audit and Scrutiny Committee are set out in Table 4.

TABLE 4

Political Groups & Seats	Option 1	Option 2	Option 3	Option 4
SNP	3	3	2	3
Labour	4	3	3	3
Conservative	1	2	2	1
Green	0	0	1	1
Total seats (rounded)	8	8	8	8

- 5.5. Council is asked to appoint the Leader of the main Opposition as the Chair of the new Audit and Scrutiny Committee, a Vice Chair from outwith the political Administration, agree the balance of members to be appointed to the Committee and nominate members of the Committee in line with the agreed balance of the Committee.

6.0 Political Responsibility and Special Responsibility Allowances

- 6.1. In summary, the following senior political responsibilities are proposed as part of the new decision-making framework:

- Provost
- Depute Provost
- Council Leader
- Depute Council Leader
- **Convener of Council**
- Vice Convener
- **Spokesperson for Education**
- Spokesperson for Health and Social Care
- **Spokesperson for Partnership, Third Sector and Digital Strategy**
- **Spokesperson for Sport, Leisure and Active Living**

- **Spokesperson for the Environment and Net Zero**
- **Spokesperson for Housing and Property**
- **Chair of Audit and Scrutiny Committee**
- **Chair of Planning Committee**
- Chair of Regulatory

Additionally, those posts presented in **bold** are proposed to be awarded senior councillor responsibility payments.

- 6.2 The proposals are compliant with the financial framework within which members allowances are permitted and no single member receives more than one special responsibility allowance.
- 6.3 Council is asked to appoint members to the positions above (except to those positions which may already have been filled by Council earlier on this agenda).
- 6.4 It is intended that the implementation and effectiveness of these new arrangements will be kept under review to ensure that the effectiveness of arrangements is improved /sustained. On this basis, following one year of operation of the proposed arrangements, an implementation review will be conducted and the outcome will be reported to Council in August 2023.
- 6.5 The proposed arrangements are intended to be underpinned by an augmented/ more routine Programme of briefings/fora. A report will be submitted to the August Council meeting setting out more detailed proposals.

7.0 Sustainability Implications – N/A

8.0 Resource Implications - the proposals included in this paper are within the budget available for such purposes, that budget being £176,150 for special responsibility allowances (excluding the Provost and Leader).

9.0 Exempt Reports

9.1. Is this report exempt? No

10.0 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)

11.0 Equalities Impact

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

12.0 Legality

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

13.0 Appendices

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

APPENDIX A: Audit and Scrutiny Committee Remit



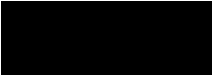
14.0 Background Papers

- 14.1 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	Senior Manager, Legal and Governance and Monitoring Officer	
Lindsay Sim	Chief Finance Officer	
Nikki Bridle	Chief Executive	

APPENDIX A – Audit and Scrutiny Committee remit

PART A Agenda: Audit & Finance

- a) Receive, review and consider reports on the Council's finance
- b) Receive, review and consider reports on value for money and best value
- c) Consideration and monitoring of the Council's Annual Governance Statement
- d) Consider internal audit reports and results of internal audit investigations
- e) Consider external audit and resultant action plans
- f) Monitor and review actions taken on internal and external audit recommendations
- g) Consider the effectiveness of the Council's risk management procedures and the control environment
- h) Receive and consider reports on countering fraud and corruption.

PART B Agenda: Scrutiny

- a) Monitor council services, including the Health and Social Care Partnership (HSCP) against agreed outcomes, standards and targets
- b) Monitor the achievement of organisation-wide agreed outcomes, standards and targets
- c) Monitor the achievement of agreed outcomes, standards and targets by the community planning partnership
- d) Monitor Police and Fire performance against Plans approved by the Council
- e) Scrutiny of Council decision-making, with the ability to call in decisions
- f) Initiate or undertake scrutiny reviews
- g) Deal with matters referred by the Council for scrutiny purposes.

