

FC111. DECISION MAKING STRUCTURES

With reference to the minute of meeting held on 5 December 2012 (Paragraph FC64 refers) there was submitted report (circulated) by the Chief Executive (a) presenting a decision making structure based upon the Executive and Scrutiny model; (b) summarising the key features of the proposed model; (c) presenting an alternative model incorporating an Education Committee; (d) presenting a draft timetable of meetings, should Council agree to adopt the Executive model as presented; (e) highlighting that, if the Executive model was adopted, Standing Orders would be revised and would be presented to a future meeting of Council; (f) summarising areas for discussion in regard to (i) the introduction of Baillies (ii) consideration of petitions (iii) reporting on external organisations (iv) the introduction of substitutes and pairing; (g) summarising considerations in regard to the Council's Remuneration Framework, and (h) detailing phasing and transitional arrangements in regard to the introduction of the proposed decision making structure.

Councillor C Martin, seconded by Councillor Nicol moved that Council agrees:-

- (1) to adopt the Executive model set out in section 2 of the report;
- (2) that a review of Standing Orders is undertaken to meet the agreed structure today and that this be presented to a meeting of Council on 24 April, 2013;
- (3) that the Executive will consist of 12 Members with nine drawn from the Administration and three from the Opposition. The nine Members of the Administration will consist of the Leader and eight Portfolio Holders, as follows:-

Resources
Education
Health & Social Care
Housing
Economic Development
Environment
Public Protection
Culture, Leisure and Tourism;
- (4) that the terms of each Portfolio Holder remit will be confirmed at the April meeting of Council along with the Standing Orders. The three Opposition Members will be as determined between the Opposition Groups or, failing agreement, by the Council. The Leader will be Convener of the Executive with Depute Convenership being chosen by the Executive;
- (5) that approval of the Policing Plan and the Fire & Rescue Plan should be reserved to Council rather than the Executive and that representatives of the Police and Fire and Rescue Services are available at Council meetings considering these Plans;
- (6) that both the Policy Development and Scrutiny Panels should not be formally constituted as Sub-Committees and that it should be open to the Panels themselves to determine the level of public access to their meetings;

- (7) in principle, that there should be no call-in from the Executive to Council and that the Standing Orders prepared for Council's consideration in April should reflect this. The issue of whether the Executive's decision-making powers should be exclusive should be considered as part of the review of Standing Orders;
- (8) that the Scrutiny Committee should consist of ten members with six drawn from the Administration and four from the Opposition. The four members of the Opposition will be as agreed between the Opposition Groups or, failing agreement, as determined by Council. The Convenership and Depute Convenership of the Committee will be determined by its members;
- (9) the new programme of meetings should begin in May as set out in the timetable at Appendix 3 to the report (noting that the arrangements for the meetings of the Audit Committee remain to be confirmed). In the meantime, Officers are granted standard recess powers;
- (10) the regulatory committees will meet as set out in para 13.3 of the report;
- (11) to appoint two Baillies to assist the Provost and Depute Provost in their civic role;
- (12) that no Petitions Committee is established;
- (13) that informal access to the minutes of external organisations will be made available on-line and in the Members' Lounge, that a full review is undertaken of members' appointments to external organisations and that a report on this will be made to the June meeting of Council;
- (14) no provision be made to allow for substitutes on any Committee or for pairing, and
- (15) any changes in the remuneration framework are made at the April meeting of Council.

In response to a question, the Chief Governance Officer confirmed that, the motion was competent.

Council then adjourned at 7.30pm to allow members of the opposition to consider the terms of the motion and reconvened at 8.10pm with all members present as per the sederunt.

By way of an amendment Councillor Meiklejohn, seconded by Councillor Jackson moved that Council:-

- (1) agrees to adopt an Executive Committee model;
- (2) portfolios will be as per the motion;
- (3) Policy Development Groups and Scrutiny Panels should be formally established but be flexible to determine when to meet in public and when to meet less formally in private. They should also have the ability to call on external bodies and organisations to provide evidence and information;

- (4) there should be a call in process to full council;
- (5) decision making powers should be concurrent with full council;
- (6) all members require to be involved in either the Executive or Scrutiny Committees. The Scrutiny Committee must therefore contain all members who are not members of the Executive Committee. If the Administration control the Executive the counter balance dictates the opposition must control the scrutiny, the convenorship must therefore be a member of the official opposition;
- (7) implements the new decision making structure in May 2013;
- (8) revised Standing Orders relating to meetings and the Scheme of Delegation to Committees will be presented to a meeting of Council in April and a revised Scheme of Delegation to Officers and Contract Standing Orders will be presented to the June meeting. Preparation of proposals in these areas be referred to the Leaders Working Group to ensure all party involvement in the final proposals;
- (9) agrees not to introduce Baillies;
- (10) agrees to introduce a Petitions Committee under the jurisdiction of the Scrutiny Committee;
- (11) agrees to introduce a formal report back from appointees of outside bodies;
- (12) does not agree to substitutes, and
- (13) Executive Committee members should be treated as equals with the chair of the Scrutiny Committee also included in the scheme of remuneration.

Councillor Spears gave notice of a further amendment.

Council then adjourned at 8.20pm to allow members of the administration to consider the terms of the amendment and reconvened at 8.35pm with all members present as per the sederunt.

Following further discussion, a vote was taken by roll call, in terms of Standing Order 21.4 (i), there being 30 Members present with voting as undernoted:-

For the motion (17) – Provost Reid; Depute Provost Patrick; Councillors Black, Blackwood, Buchanan, D Goldie, G Goldie, Gow, MacDonald, McLuckie, Mahoney, C Martin, Dr C R Martin, Murray, Nicol, Nimmo and Paterson.

For the amendment (13) – Councillors Alexander, Balfour, Carleschi, Chalmers, Hughes, Jackson, McCabe, McNally, Meiklejohn, Oliver, Ritchie, Spears and Turner.

The motion was accordingly carried. Councillor Spears, seconded by Councillor McCabe, moved, in substitution for the motion that Council agrees:-

- (1) to accept a model of Full Council meetings over 2 consecutive days where all council business is discussed, debated and agreed by ALL elected members for the benefit of the electorate;
- (2) to implement the new Full Council Model for June meeting of Council;
- (3) that revised Standing Orders relating to Meetings, and a revised Scheme of Delegation to Officers and Contract Standing Orders be presented to a special April meeting of Full Council for approval;
- (4) that standard recess powers are granted to Chief Officers pending commencement of the Full Council model. A meetings timetable to be agreed based on the current council calendar, and
- (5) to introduce a public petitions system and to establish a Petitions Committee.

Following further discussion, a vote was taken by roll call, in terms of Standing Order 21.4 (i), there being 30 Members present with voting as undernoted:-

For the motion (17) – Provost Reid; Depute Provost Patrick; Councillors Black, Blackwood, Buchanan, D Goldie, G Goldie, Gow, MacDonald, McLuckie, Mahoney, C Martin, Dr C R Martin, Murray, Nicol, Nimmo and Paterson.

For the amendment (13) – Councillors Alexander, Balfour, Carleschi, Chalmers, Hughes, Jackson, McCabe, McNally, Meiklejohn, Oliver, Ritchie, Spears and Turner.

Accordingly **AGREED** the terms of the motion.