

FALKIRK COUNCIL

**Subject: ARRANGEMENTS FOR CARRYING OUT COUNCIL
FUNCTIONS FROM 7 MARCH TO END DECEMBER 2007**
Meeting: FALKIRK COUNCIL
Date: 7 MARCH 2007
**Author: ACTING DIRECTOR OF LAW AND ADMINISTRATION
SERVICES**

1. INTRODUCTION

- 1.1 Final ordinary meetings of the Council's various Committees have been taking place since January. No further ordinary meetings are proposed before 3 May 2007, being the date of the forthcoming elections.
- 1.2 This report proposes measures that, if approved, would allow the Council to continue to discharge its statutory duties for the period from the meeting of Council on 7 March 2007.

2. CONSIDERATIONS

- 2.1 Although there are no further scheduled meetings of the Council's Committees during the remaining term of this Council, and, as yet, in the first term of the new Council (Paragraph 4 below refers), decisions will still require to be made to enable the Council to deliver its services to the public and to comply with the duties imposed on it.

3. PERIOD UP TO STATUTORY MEETING OF THE COUNCIL

- 3.1 It is proposed, as a general principle, to delegate the decisions devolved currently to the Council and its Committees to the Chief Executive and relevant Service Director in a way similar to that which occurs during the summer recess. This is, however, a general principle of delegation and is subject to a number of important exceptions.
- 3.2 These exceptions are:-
 - (1) No Officer shall be entitled to take decisions involving Council expenditure out-with the approved Revenue Budget and Capital Programme;
 - (2) No Officer shall take decisions involving an increase in the permanent establishment of his/her Service; and

- (3) No delegated decision shall be taken where there is a dispute as to the legality, propriety or the proper interpretation of Council policy arising from the matter to be decided.
- 3.3 In relation to all of the above exceptions, a Special Meeting of the appropriate Committee would be convened.
- 3.4 In the circumstances described in paragraphs 3.1 and 3.2 above, each Director would be required to consult as widely as necessary and in any event with the Chief Executive and Acting Director of Law and Administration Services.

4. TIMETABLE OF MEETINGS FROM 3 MAY 2007

- 4.1 The statutory meeting of the Council must be held within 21 days from 3 May 2007, being the date of the elections. Thereafter, it is proposed that a further ordinary meeting of the Council take place on Wednesday, 27 June 2007. At this meeting Members will be asked to consider the delegation of powers to Officers to cover the summer recess period.
- 4.2 It is also proposed that meetings of the Policy and Resources Committee and of the Regulatory Committee be held in the period between the statutory meeting of the Council and the first ordinary meeting of the new Council proposed for 27 June 2007. Proposed dates for these meetings are Tuesday 12 June and Tuesday 19 June 2007, respectively. A meeting of the Licensing Board is scheduled to be held on Wednesday 20 June 2007.
- 4.3 In addition, during the above period Chief Officers would brief all Members on issues which will require the attention of the new Council.
- 4.4 The provisional timetable of meetings for after the summer recess, covering the period August to December 2007 is attached as Appendix 1. The proposed timetable is based on the Council's established eight-week committee cycle and will be subject to final approval by the new Council.

5. CONCLUSION

- 5.1 By adopting the recommendations set out in paragraph 6 below, the Council will secure an orderly and smooth transition to the new Council following the May elections and allow business to continue thereafter.

6. RECOMMENDATIONS

6.1 It is recommended that Council:-

- (a) delegates to the Chief Executive and each Service Director in full consultation with the Chief Executive and Acting Director of Law and Administration Services, and all other parties as the Service Director deems

necessary, power to take all decisions at present delegated to the Council's various Committees, provided: -

- (i) that any such decision is required to secure the proper delivery of Council Services and to comply with the Council's statutory duties;
 - (ii) that any such decision does not involve expenditure of Council monies out-with the approved Revenue Budget and Capital Programme;
 - (iii) that any such decision does not involve an increase in the permanent establishment of the particular Service; and
 - (iv) that any such decision involves no dispute as to legality, propriety or the proper interpretation of Council policy as affecting the decision.
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- (b) agrees that provisional meetings of the Policy and Resources Committee and Regulatory Committee be held on Tuesday 12 June and Tuesday 19 June 2007 respectively and that the Council meets on 27 June 2007;
 - (c) notes the provisional timetable of meetings attached as Appendix 1 to the Report;
 - (d) notes that the Licensing Board will meet on Wednesday 20 June 2007, and
 - (e) notes that the statutory meeting of the Council will be held on/before 24 May 2007.

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Acting Director of Law and Administration Services

Date: 16 February 2007

Contact Officer: Iain Tough

LIST OF BACKGROUND PAPERS

Nil

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 506110 and ask for Iain Tough.