

FALKIRK COUNCIL

MINUTE of MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 24 APRIL 2013 at 9.30 AM.

PRESENT: Provost Reid; Depute Provost Patrick; Councillors Alexander, Balfour, Bird, Black, Blackwood, Buchanan, Carleschi, Chalmers, Coleman, D Goldie, G Goldie, Gow, Hughes, Jackson, MacDonald, McCabe, McLuckie, McNally, Mahoney, C Martin, Dr C R Martin, Meiklejohn, Murray, Nicol, Nimmo, Paterson, Ritchie, Spears and Turner.

CONVENER: Provost Reid.

ATTENDING: Chief Executive; Directors of Corporate and Neighbourhood Services, of Development Services, of Education Services and of Social Work Services; Chief Finance Officer; Chief Governance Officer; Head of Policy Technology and Improvement; Depute Chief Governance Officer; Legal Services Manager (I Henderson) and Democratic Services Manager.

FC4. SEDERUNT

The sederunt was taken by way of a roll call. An apology was submitted on behalf of Councillor Oliver.

FC5. DECLARATIONS OF INTEREST

No declarations were made.

FC6. MINUTES AND INFORMATION BULLETIN

- (a) There was submitted (circulated) and **APPROVED** the minute of the meeting held on 6 March 2013;
- (b) There was submitted (circulated) and **APPROVED** the minute of the special meeting held on 19 March 2013;
- (c) There was submitted (circulated) and **APPROVED** the minute of the special meeting held on 11 April 2013;
- (d) There was submitted (circulated) and **NOTED** Volume of Minutes – Volume 5 2012/2013, and

- (e) There was submitted (circulated) and **NOTED** Information Bulletin – Volume 5 2012/2013.

FC7. DECISION MAKING STRUCTURES

With reference to the Minute of the special meeting held on 19 March 2013 (Paragraph FC111 refers), there was submitted report (circulated) by the Chief Executive (a) presenting for consideration (i) a Scheme of Delegation, (ii) proposed roles and remits for portfolio holders, and (iii) Standing Orders governing meetings; (b) setting out proposed transitional arrangements to be adopted pending full implementation of new arrangements and (c) setting out other related considerations including appointments to committees, the introduction of baillies and remuneration.

Additionally, a supplementary report by the Chief Governance Officer had been circulated advising of resignations from Committees.

Councillor Meiklejohn requested that Standing Orders be suspended to enable Council to reconsider the decision taken on 19 March 2013 in regard to the decision making structures (Item FC111) with particular reference to membership of the Scrutiny Committee.

Provost Reid advised that, in terms of Standing Order 33.3, Council would first have to agree that the request was urgent and, if so agreed, then vote on the motion to suspend with at least two thirds of those present and voting and an absolute majority of the Council voting in favour of the motion.

Councillor Meiklejohn, seconded by Councillor Jackson, moved that Council agrees to consider as an urgent item the motion to suspend Standing Orders.

On a division, 14 members voted for the motion and 15 voted against, with 2 members abstaining. The motion therefore fell.

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

- (1) the Scheme of Delegation as set out in appendix 1 with the exception of the provision set out in parenthesis (at paragraphs 1(4) and 2(2) of the appendix) consideration of which is continued to the June meeting of Council;
- (2) the proposed role and remits of portfolio holders;
- (3) to appoint portfolio holders as follows:-

Culture, Leisure and Tourism – Councillor Mahoney
Economic Development – Councillor D Goldie
Education – Councillor Nimmo
Environment – Councillor Dr Martin
Health & Social Care – Councillor Gow

Housing – Councillor G Goldie
Public Protection – Councillor J Blackwood
Resources – Councillor Nicol

- (4) that the revised Scheme of Delegation for those committees identified in appendix 5 be submitted to Council in June;
- (5) that the slate for opposition members of the Executive will be submitted to the Chief Governance Officer;
- (6) to appoint Provost Reid and Councillors Black, Buchanan, MacDonald, McLuckie and Paterson to the Scrutiny Committee and that the slate for opposition members will be submitted to the Chief Governance Officer;
- (7) to continue consideration of the proposed Standing Orders, as set out at appendix 3, to allow members the opportunity to fully consider the document and that they be submitted to Council in June subject to the adoption, following this meeting, of the provisions identified set out at appendix 4;
- (8) to appoint Councillors Buchanan and Paterson as Baillies;
- (9) the undernoted remuneration framework:-

Senior Councillor (Higher Payment)	Senior Councillor (Lower Payment)
£21,803	£18,280
Depute Provost	Leader of the main Opposition Group
Economic Development Portfolio Holder	Convener of the Joint Consultative Committee
Education Portfolio Holder	
Environment Portfolio Holder	
Housing Portfolio Holder	
Culture, Leisure & Tourism Portfolio Holder	
Public Protection Portfolio Holder	
Resources Portfolio Holder	
Convener of the Planning Committee	
Convener of the Appeals Committee	
Depute Leader	

- (10) to note the resignations of Councillors Nicol and McLuckie from the Civic Licensing Committee and to appoint Depute Provost Patrick and Councillor Paterson to the vacant positions;
- (11) to appoint Provost Reid Convener of the Civic Licensing Committee and Councillor Paterson as Depute Convener;
- (12) to note the resignation of Councillor MacDonald from the Joint Consultative Committee and to appoint Councillor Murray to the vacant post and as Convener;

- (13) that the membership of the Planning and employment committees and the Licensing Board would remain unchanged;
- (14) that decisions in regard to expenditure on civic events would be delegated to the Chief Governance Officer and Chief Executive, either of whom may take the decision, in consultation with the Provost;
- (15) that the first meeting of the Scrutiny Committee would be moved from 9 May 2013 to 16 May 2013;
- (16) that the new arrangements would commence at the close of the meeting, and
- (17) the transitional arrangements set out in paragraph 10 of the report.

Council then adjourned at 10.10 am to allow members of the opposition to consider the terms of the motion, and reconvened at 10.40 am with members present as per the sederunt.

By way of amendment, Councillor Coleman seconded by Councillor McNally moved that Council agrees the following in substitution for the motion:-

“Changes to the Scheme of Delegation be remitted to external consultants, to be appointed by the Society of Local Authority Chief Executives (SOLACE) on our behalf in order to produce a Scheme of Delegation and a set of Standing Orders that will provide the equity necessary to allow all members to execute their normal care obligations”.

Councillor Meiklejohn gave notice of a further amendment.

Council adjourned at 10.50 am to allow members of the Administration to consider the terms of the amendment, and reconvened at 11.00 am 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 31 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 (14) - Councillors Alexander, Balfour, Bird, Carleschi, Chalmers, Coleman, Hughes, Jackson, McCabe, McNally, Meiklejohn, Ritchie, Spears and Turner.

The motion was carried.

Councillor MacDonald left the meeting following the vote.

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

1. remits the Scheme of Delegation to the June meeting of Council;
2. agrees as the previous convener of Policy and Resources was effectively the Council's spokesperson on resources the portfolio holder for resources should be the leader of the council;
3. agrees that the entire Scheme of Delegation be held over to the June meeting of Council with the suggestion made in paragraph 3.5 of the report to include member involvement in this process be taken up and to make provision for (1) above;
4. agrees that the opposition slates for the Executive and Scrutiny Committee will be sent to the Chief Governance Officer in the usual manner once the opposition groups meet and mutual agreement reached;
5. remits Standing Orders to the June meeting of Council;
6. does not appoint Baillies at the meeting;
7. bring forward a new remuneration package for senior councillors to include portfolio holders and political leaders only at existing rates with financial savings being directed to the front line services seeking to mitigate the effects of the UK Government's attack on the most vulnerable within our community;
8. notes the inconsistency in the appointment of opposition members between political and non political committees;
9. believes that expenditure on civic events should be a matter for consultation between the Provost, Depute Provost and all opposition group leaders;
10. postpones the date of the Scrutiny Committee until the full structure has been agreed and ready to implement including new Standing Orders and full Schemes of Delegation;
11. allows members to meet to discuss and remedy the many flaws and contradictions contained within this report and bring to the June meeting of Council a set of proposals that are clear and unequivocal. In the meantime the Policy and Resources or Education Committee as previously structured meet as often as required to deal with any formal business of the Council;
12. does not agree the transitional arrangements set out in paragraph 10 of the report, and

13. recognises that, to date, the proposals from the Labour/Conservative Administration have been about preventing the opposition from performing their scrutiny role. Council believes that the good governance of the Council and upholding democratic principles are more important than the self serving interests of New Labour. Council believes that it is not too late to allow all parties the opportunity to participate in genuinely inclusive way that allows all members an equal opportunity to represent their constituents' interests.

Following 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 (16) - Provost Reid; Depute Provost Patrick; Councillors Black, Blackwood, Buchanan, D Goldie, G Goldie, Gow, McLuckie, Mahoney, C Martin, Dr C R Martin, Murray, Nicol, Nimmo and Paterson.

For the amendment (14) - Councillors Alexander, Balfour, Bird, Carleschi, Chalmers, Coleman, Hughes, Jackson, McCabe, McNally, Meiklejohn, Ritchie, Spears and Turner.

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

Councillors Alexander, Balfour, Bird, Carleschi, Chalmers, Coleman, Hughes, Jackson, McCabe, McNally, Meiklejohn, Ritchie, Spears and Turner left the meeting following consideration of the foregoing item of business.

FC8. EXECUTION OF DEEDS

There was submitted report (circulated) by the Chief Governance Officer advising of the deeds which had been signed and sealed on behalf of the Council since its last meeting.

NOTED the signing and sealing by the Chief Governance Officer of the deeds as detailed in the Appendix to the report.

FALKIRK COUNCIL

Subject: REFERRAL FROM SCRUTINY COMMITTEE
Meeting: FALKIRK COUNCIL
Date: 26 JUNE 2013
Author: CHIEF GOVERNANCE OFFICER

1. INTRODUCTION

- 1.1 The purpose of this report is to refer a recommendation from the Scrutiny Committee to Council for consideration.

2. FEEDBACK FROM SCRUTINY WORKSHOP

- 2.1 At its meeting on 13 June 2013, the Scrutiny Committee considered a report by the Chief Governance Officer summarising outcomes from the scrutiny workshop held on 16 May. A copy of that report is attached for reference.
- 2.2 The workshop had discussed potential areas for scrutiny as part of the process to develop the first scrutiny plan and, in doing so, a consensus had emerged over the merit of establishing a pilot scrutiny panel in advance of the annual scrutiny plan being submitted to Council in September.
- 2.3 The Committee agreed with this proposal. It also agreed that a review of Citizens Advice Bureaux would be a suitable area for the pilot panel to consider. Carrying out a pilot exercise in the first instance will allow procedures and guidance to be drawn up for the scrutiny process in liaison with the committee. This would provide a solid grounding for future scrutiny exercises following agreement of the annual plan.
- 2.4 In terms of the new decision making structure, a significant strand of the business of the Scrutiny Committee is set by Council through the scrutiny plan with the make up of the scrutiny panels being determined by the Scrutiny Committee thereafter. For this first panel, however, the Committee chose to refer its make up to Council. Council is therefore requested to consider the composition of the panel and either appoint one of that number as convener or leave it to the panel itself to make that decision. A panel may comprise up to 5 members of Council with the only restriction being that it cannot include any member of the Executive.

3. RECOMMENDATIONS

3.1 Council is invited to:-

- (1) agree that a pilot scrutiny panel should be established to review Citizens Advice Bureaux; and;**
- (2) determine the composition of the panel.**

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Chief Governance Officer
Date: 18 June 2013

Contact Officer: Brian Pirie, Democratic Services Manager (Ext 6110).

FALKIRK COUNCIL

Subject: FEEDBACK FROM SCRUTINY WORKSHOP
Meeting: SCRUTINY COMMITTEE
Date: 13 JUNE 2013
Author: CHIEF GOVERNANCE OFFICER

1. INTRODUCTION

- 1.1 At its inaugural meeting on 16 May 2013, this Committee agreed that a workshop should be organised to allow all members the opportunity to discuss areas for future scrutiny and the manner in which scrutiny would be undertaken. The workshop took place on 31 May, 2013 and was attended by 10 members drawn from all of the political groups represented on the Council. This report provides feedback from the workshop to the Committee and, in particular, addresses some of the suggestions made by members during the course of the workshop.

2. ISSUES ADDRESSED AT THE WORKSHOP

- 2.1 The discussion at the workshop covered four areas:-
1. the place of the Scrutiny Committee within the broader decision-making structure;
 2. the future role or replacement for the Best Value Forum;
 3. the potential subject areas for scrutiny; and
 4. the manner in which scrutiny would be carried out.

3. THE PLACE OF THE SCRUTINY COMMITTEE WITHIN THE DECISION-MAKING STRUCTURE

- 3.1 The effect of the Council's decisions on structures is to give the Scrutiny Committee three main roles. The first is to develop and implement the Council's annual Scrutiny Plan. The second is to receive reports on the effectiveness of financial support to external organisations provided under the Following the Public Pound arrangements, to receive performance reports from Police Scotland and the Scottish Fire and Rescue Service and to receive performance reports from the Community Trust. The third role was to scrutinise any matter referred to the Committee by the Executive.

- 3.2 Members expressed some concern at the lack of flexibility in the remit of the Committee as described above. In particular, the question was raised of how an issue which came to light during the course of the year could be addressed by the Committee. A suggestion was made that there would be benefit in the Council leaving some flexibility within the Scrutiny Plan to allow the Committee itself the opportunity to determine at least one of the subject areas for detailed scrutiny. The question was also raised of the scope for flexibility to allow the Committee the opportunity to consider issues outwith the scope of the Scrutiny Plan.
- 3.3 The Scheme of Delegation agreed by Council already gives some scope for flexibility. It would be open for Council to take up the suggestion that the Scrutiny Committee is empowered to choose part of the content of the Scrutiny Plan. The issue of raising matters outwith the scope of the Plan is more problematic in the context of the current Scheme. Some degree of flexibility may be available where the Committee wished to consider an issue during the course of the year with a view to considering whether it would be a suitable subject for recommendation to Council for the following year's Plan.

4. THE BEST VALUE FORUM

- 4.1 There was general agreement among Members that there were many positive aspects of the Best Value Forum which should be retained in any replacement. The positive aspects of the Forum identified by Members centred on two areas. The first of these was that it was open to all Members of the Council to contribute to. The second was that the fact that it did not take place in public allowed for a more free and open exchange of views between Members and for more open responses from Officers to points raised by Members.
- 4.2 It was noted that at the last meeting of Council a suggestion had been made in the Chief Executive's report that to avoid potential overlap and duplication between the Best Value Forum and the Scrutiny Committee, that there would be some benefit in considering a standing Scrutiny Panel to monitor service performance. Some concern was expressed at this suggestion in that it may exclude the wider membership of the Council from consideration of matters currently considered by the Best Value Forum.
- 4.3 There is scope for a replacement for the Best Value Forum to be established which reports to the Scrutiny Committee and which meets many of the requirements set out by Members at the workshop. A Standing Panel on performance could receive the same form of information on performance reporting currently considered by the Forum. As Council has already agreed that the Scrutiny Panels are not formally constituted as Sub-Committees, the Standing Panel could continue to meet in private allowing for the full and frank discussion valued by Members. The Scheme of Delegation to Committee agreed by Council limits the membership of a Scrutiny Panel to five. It would be possible, however, to form a "core" membership of five but to allow any Member to attend.

5. SUBJECTS FOR SCRUTINY

- 5.1 A short list of subjects for scrutiny was prepared by officers in advance of the workshop, purely as suggestions. The list is appended to this report. It is fair to say that the contents were not met with a spontaneous burst of enthusiasm. Additional suggestions brought forward by Members as potential scrutiny areas included:-
1. the process of procurement and contract monitoring;
 2. the adequacy of consultation with the public and community engagement more generally;
 3. schools capacities; and
 4. the role of Community Councils.
- 5.2 All of the areas suggested would appear to offer good scope for scrutiny. The example of consultation with the public is a useful one. The Council adopted a Community Participation Strategy in 2011. A Scrutiny Panel examining the implementation of the Strategy would allow for the assessment of whether the expected outcomes had been achieved. It was acknowledged by Members at the workshop that a focus on outcomes within the work of the Scrutiny Panels would be important.

6. SCRUTINY GUIDELINES

- 6.1 The discussion at the workshop highlighted the difference between the scrutiny currently undertaken at scrutiny committees and the more detailed process which would require to be adopted by Scrutiny Panels under the new system. It was acknowledged that the length of each Scrutiny Panel was likely to vary depending on the subject being considered but it was recognised that each Panel would be likely to meet over a number of meetings. There was discussion on the balance in such meetings between public and private sessions and it was recognised that there was room for both. For instance, the meeting of the Panel at which the work of the Panel was scoped and planned might be private whereas sessions where evidence was sought could be open to the public. The Panel would be reporting to the Scrutiny Committee and it would need to be clear from its report what the reasons were for it making its recommendations. Members agreed that the value of a report from a Panel would depend on the recommendations being evidence based.
- 6.2 Further discussion took place on the best way to develop the plan and the guidelines on undertaking a scrutiny process. There was general agreement that there would be benefit in recommending to Council that a pilot scrutiny process was undertaken over the summer period on a subject to be recommended by the Committee to Council. This would assist in assessing the time and resources required to conduct a successful Scrutiny Panel. This in turn could help to inform the recommendations made to Council on the content of the draft Scrutiny Plan. As far as timescale was concerned, the aim would be to recommend the Scrutiny Plan to the Council by the September meeting in order to allow the Scrutiny Panels to start their work over the following Council session.

- 6.3 If the Committee is minded to suggest a pilot scrutiny topic to be dealt with over the recess, there would be benefit in considering also at this stage the make up of the Panel that would carry out that particular scrutiny process and the timescale within which the Panel would be expected to complete its work. This would enable work to start immediately following the Council decision and for a progress report to be submitted to the next meeting of the Committee on 8 August 2013.

7. RECOMMENDATIONS

It is recommended that the Committee agrees:-

- (a) to recommend to Council that a pilot Scrutiny Panel is formed in advance of the Scrutiny Plan being agreed; and**
- (b) to determine and thereafter recommend the subject area for the Panel and the membership thereof.**

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CHIEF GOVERNANCE OFFICER

Date: 4 June, 2013

Contact Name: Colin Moodie – Ext: 6097

LIST OF BACKGROUND PAPERS

Nil

Scrutiny Workshop

Topic	Significant Service (s)
Use and management of community halls – Lets and charging	Education
Outcomes for looked after children	Education and Social Work
Health inequalities	C&NS
Support for Kinship care	Social Work
Business support	Development Services
Employability, Neet and youth unemployment	Development Service and Education
CABs – advice and support	C&NS
Support for Gala days and Fairs	C&NS
Role and support for CCs	Governance
Community Safety Wardens – use, deployment etc.	C&NS
Transport for Care and Education	Social Work, Education and Development Services
Welfare Reform - Impact of	C&NS, SW and Finance

FALKIRK COUNCIL

Subject: DECISION MAKING STRUCTURES
Meeting: FALKIRK COUNCIL
Date: 26 JUNE 2013
Author: CHIEF EXECUTIVE

1. INTRODUCTION

1.1 At the meeting on 19 March 2013, Council adopted an Executive and Scrutiny model of decision making. At the following meeting on 24 April 2013, Council agreed a partial scheme of delegation and introduced roles and remits for the new portfolio holders. Council also considered amended Standing Orders as they related to meetings but decided to continue full adoption of them to this meeting. In the interim, transitional arrangements were agreed to accommodate the extent of the scheme of delegation thus far adopted.

1.2 The purpose of this report is to:

- continue consideration of the Standing Orders relating to meetings (Appendix 1) and the outstanding matters within the Scheme of Delegation to Committees agreed on 24 April 2013 (Appendix 2);
- present the remainder of the Scheme of Delegation to committees and officers (Appendix 3);
- present Contract Standing Orders amended to reflect the new call in provisions for contracts (Appendix 4);
- present Financial Regulations amended to reflect the decision making changes (Appendix 5);
- touch on the work being carried out by the Scrutiny Committee;
- set out a more streamlined approach to dealing with consultation responses.

2. STANDING ORDERS AND SCHEME OF DELEGATION

2.1 Since the last meeting of Council, discussions have taken place between the Leader and the members of the main opposition group, facilitated by the Provost. While not agreeing on all points, a degree of progress was made. The role of Council and of the Executive was considered. With regard to the business of Council and, in particular, the inclusion of motions on the agenda, concern was expressed about the extent of the gate keeping control that lay within the office of the Provost. This was a particular issue when considering motions that would otherwise stand referred to the Executive or the Education Executive. A proposal accordingly emerged that the power given to the Provost to determine exceptions to the general rule on jurisdiction (as set out in paragraph 2.4 of the report to Council in April) would continue to be exercised by him but in consultation with the Leader of the Council and the Leader of the largest

opposition group. Indeed, it was agreed that there were benefits to be gained from these three members meeting together on a regular basis as a standing business group with a view to facilitating the business of Council and working towards a more co-operative approach to the dispatch of business.

2.2 There was discussion also on:

- the length of speeches during debate. There was recognition that, regardless of the length agreed for routine meetings, there would be certain occasions when the Provost would permit lengthier submissions in recognition of the importance of the subject matter e.g. when the annual budget was being set. A self policing approach to limiting the number of speakers on each item (for the purpose of cutting down on repetition) was also considered;
- the Standing Orders formerly known as 18.2 and 18.3;
- the entitlement of the person seconding a motion to reserve their right to speak, if at all, until a later part of the debate. This was generally accepted;
- the advantages and disadvantages of requiring advance notice of amendments. While the rationale behind requiring advance notice was to build in time to establish if agreement between parties could be reached, the requirement continues to cause concern. If it is removed, it is recommended that thought is still given to notice of budget amendments being submitted in advance of the meeting, even if only to the Chief Finance Officer, in order that professional advice on any proposals can be available to Council at the meeting;
- the desire to have agendas and reports issued earlier, wherever possible, with 5 clear days before the meeting being preferred to the current 3 days. This would have a consequential impact on other timescales in Standing Orders, e.g. for questions and motions. These provisions would therefore need to be adjusted to accommodate any change.

2.3 Within their Groups, members may also have been looking at other sections of the Standing Orders. No specific proposals for change have been intimated to officers to date but it is understood that there may be proposals forthcoming at this meeting.

2.4 The opportunity has been taken to review the remainder of the scheme of delegation to committees and to officers.

Committees

2.5 The main changes in this part of the scheme relate to the Planning and Civic Licensing Committees. Delegations to the former have been given a more logical structure so that they are easier to understand. There is one change of substance in this part, however, which flows from the new Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2013. These Regulations come into force on 30 June 2013 from which date the requirement to refer to committee any planning applications in which the Council has an interest will no longer apply. While the obligation to submit these applications to Committee on every occasion disappears, they will still be treated in the same manner as all other applications in that they can be called in by members or will otherwise be referred to committee if they meet any of the criteria to which all applications are subject. Should Council adopt the amended scheme, this part of it would not come into effect until approved by the Scottish Ministers as required for all planning schemes of delegation.

- 2.6 The delegations to Civic Licensing committee have also been adjusted to tidy up some inconsistencies in the current scheme.
- 2.7 For both Planning and Civic Licensing, the delegations to officers that are included as part of the committee section in the current scheme have been moved in their entirety to the officers' scheme where they more properly sit.

Officers

- 2.8 The scheme of delegation to officers continues to be drafted in fairly broad terms with chief officers being authorised to take operational decisions within their functional remit. Certain specific delegations have been added where the Services concerned have advised that it would be of assistance or where current practice would benefit from being formally included in the scheme.
- 2.9 The whole scheme of delegation will remain under review in concert with the decision making structures and will be the subject of future reports.

3. CONTRACT STANDING ORDERS

- 3.1 Contract Standing Orders have been adjusted to accommodate the new procedure whereby those contracts where the contract value is £350k or over recommended for acceptance will be circulated to members of the Executive on a periodical list akin to that used for planning applications. Only if the contract is called in will it require to be submitted to Committee. This process is intended to recognise the prescriptive nature of public sector procurement which limits the options available to members at the acceptance stage while still recognising the important oversight role that members play. The corollary to having a more rigid approach at the conclusion of a tendering exercise, is that members should have a more influential role when contracts are being designed in the first instance. Further reports on this area of procurement will be submitted to future meetings.

4. FINANCIAL REGULATIONS

- 4.1 Financial Regulations have also been reviewed and amended. No changes of substance have been made, with the amendments simply reflecting the changes to the scheme of delegation and to Contract Standing Orders.

5. SCRUTINY COMMITTEE

- 5.1 The Scrutiny Committee has now met on two occasions, on 16 May and 13 June. A workshop to discuss the annual scrutiny plan has also been held and was attended by members from all groups. Discussions have been constructive. It has been suggested that there would be merit in the Committee taking forward one area for scrutiny over the summer recess and this forms part of a separate report on the agenda for this meeting.
- 5.2 At the scrutiny workshop, there was discussion around the annual scrutiny plan and whether it could be perceived as being too rigid. Thought was given to the potential for space being allocated in the annual plan to allow the committee itself to identify and deal

with subject areas that may arise during the year. This would not resurrect the power of call-in and nor could it review decisions recently made but it would enable the Committee to address areas of concern arising urgently or that were unexpected. It is suggested that further thought is given to how this could work with recommendations coming forward together with the annual scrutiny plan.

- 5.3 The role of the Best Value Forum in scrutinising service performance was discussed at the Workshop and at the Committee thereafter. There was general agreement to establishing a standing Scrutiny Panel to take on the role of monitoring performance. Like all Panels, the core membership would be limited to 5 but, mirroring the approach taken at the Forum, other members would be welcome to attend. While not entitled to be core members of the Panel, Portfolio Holders may wish to attend meetings where performance related to their portfolio is being reported.

6. CONSULTATIONS

- 6.1 Council has previously supported a more streamlined approach to dealing with the multiplicity of consultation documents that are received on a regular basis. Although not the only source of requests for input, and provided simply for members' interest, the consultation exercises currently being carried out by the Scottish Government can be found at

<http://register.scotland.gov.uk/weekly-se-consultations/2013/00/13/6091f8d1-9375-4cfb-97c0-a1bd00e6c9e9>

- 6.2 The current procedure for dealing with such consultation documents was established in 1999. The procedure since then has been that consultations are categorised as being either technical (e.g. a consultation on detailed building control standards) or policy based.
- 6.3 Where it is considered that the Council has a material interest in the subject matter of a consultation and can add value to the deliberations on it, responses to technical consultations have been made by the appropriate Service Director while consultations dealing with policy matters have rested with committee. Prior to the recent changes in decision making, the usual route for responses on policy matters was through the relevant scrutiny committee, unless time was of the essence, in which case the report would be referred straight to Policy and Resources Committee. The increasing number of requests for input and the reducing time period for responding to those requests meant that we were often missing the closing date when that date and our committee timetables did not match.
- 6.4 Following discussion at the cross party members' group that met in 2012, it is now proposed that the following procedure is adopted:
- all consultation requests are managed by the Chief Executive Office and a central register is kept;
 - the distinction between technical and policy requests is kept with responses on technical matters remaining with the Service Director;
 - where the request touches on matters of policy, Group Leaders and the relevant Portfolio Holder will be advised of its receipt and the timescale for responding to

it. At the same time, it will be allocated to the relevant Service Director with a deadline for preparation of a draft response. That response will then be shared with the Group Leaders and the Portfolio Holder for consideration. Where there is agreement on the content of the response, it will be issued to the body seeking it. In the event of consensus not being reached, the response will be submitted to the Executive or the Education Executive for formal determination;

- In all cases, details of the submitted response will be retained in the central register.

7. RECOMMENDATIONS

7.1 It is recommended that Council:

- (a) considers the submitted Standing Orders, Scheme of Delegation, Contract Standing Orders and Financial Regulations and determines whether to adopt them with or without further amendment;**
- (b) notes the Scrutiny Committee's proposal to establish a standing Scrutiny Panel on performance to take forward that part of the remit previously carried out by the Best Value Forum with respect to the monitoring of Services' performance; and**
- (c) adopts the procedure set out in paragraph 6.4 for dealing with requests for responses to consultations.**

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Chief Executive

Date: 17 June 2013

LIST OF BACKGROUND PAPERS

Nil

FALKIRK COUNCIL

STANDING ORDERS

The Standing Orders of the Council consist of the Standing Orders Relating to Meetings and the Scheme of Delegation to Committees and Officers.

The Standing Orders apply and have effect from [] 2013 subject to such amendments as may from time to time be made by Council.

STANDING ORDERS RELATING TO MEETINGS

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STANDING ORDERS RELATING TO MEETINGS

SECTION 1

PRELIMINARY MATTERS

1. APPLICATION OF INTERPRETATION ACT 1978

- 1.1 The Interpretation Act 1978 will apply to the interpretation of these Standing Orders as it applies to the interpretation of an Act of Parliament.

2. DEFINITIONS

- 2.1 In the Standing Orders, unless the context otherwise demands, the following terms will have the undernoted meanings:-

Term	Meaning
The 1973 Act	The Local Government (Scotland) Act 1973
The 1989 Act	The Local Government and Housing Act 1989
The 1992 Act	The Local Government Finance Act 1992
The 1994 Act	The Local Government etc. (Scotland) Act 1994
Administration	The group or groups of councillors (including any individual councillor or councillors not part of any group) which the Leader of the Council has given written notice to the Chief Executive forms the Administration subject to the proviso that the notice will be signed by the leaders of all groups and by all councillors not part of any group, forming the Administration.
Budget	The budgets approved by Council each year consisting of the Revenue Budget, the General Services Capital Programme, the Housing Revenue Account and Council House Rents and the Housing Investment Programme.
Chief Officer	The Chief Executive, the Directors of Services and other officers holding posts recognised by the Council as having chief officer status including Heads of Service and Depute Chief Officers.

Clear days	When referring to service of Notices, the term “clear days” refers to weekdays, excluding weekends, Bank Holidays, local or national holidays, the day the Notice is posted and the day on which the meeting is held.
Clerk	The person attending a meeting to act as clerk to the Council, or any of its committees.
Committee	A committee of the Council.
Community Planning Partnership	The partnership of public bodies within the council area maintained by the Council in pursuance of Part 2 of the Local Government in Scotland Act 2003.
Convener	The person presiding at a committee duly appointed by the Council or by that committee where these Standing Orders so provide.
The Council	Falkirk Council constituted by virtue of and incorporated under the 1994 Act.
Councillor	A member of the Council duly elected at an election or by-election, and who has made and delivered to the Proper Officer of the Council a Declaration of Acceptance of Office in accordance with section 33A of the 1973 Act.
Corporate Plans	The Strategic Community Plan, the Corporate Plan and the Local Development Plan.
Depute Convener	The person presiding at a committee in the absence of the convener, duly appointed by the Council or by that committee where these standing orders so provide.
The Depute Provost	The Depute Convener of the Council duly appointed as such by a full meeting of the Council in terms of section 4(2) of the 1994 Act.
Employment Committees	The Appeals Committee and the Appointments Committee and any other committee established by the Council to discharge its functions in relation to individual employees.
Falkirk Community Trust	A charitable company established to provide cultural, leisure, sport, recreational and library services for the Falkirk council area.

Head of Paid Service	The person designated as such by the Council under section 4 of the 1989 Act. In Falkirk Council, that person is the Chief Executive.
Joint Board	The Central Scotland Joint Valuation Board.
Leader of the Council	The councillor designated as Leader for the purposes of the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007.
Monitoring Officer	The person designated as such by the Council under section 5 of the 1989 Act or, if that person is unable to act owing to absence or illness, the person nominated by him/her as his/her deputy under sub-section (7) of that section. In Falkirk Council, the Monitoring Officer is the Chief Governance Officer.
Portfolio Holder	A councillor appointed by the Council to perform the role set out in the schedule to the Scheme of Delegation to committees.
Proper Officer	The persons designated as such by the Council to undertake specific duties, as detailed in a list kept for public inspection within the head office of the Council which is situated at Municipal Buildings, Falkirk.
The Provost	The convener of the Council duly appointed as such by a full meeting of the Council in terms of section 4(1) of the 1994 Act.
Regulatory Committees	The Planning Committee, the Planning Review Committee, the Civic Licensing Committee and any other committee established by the Council to discharge any other similar regulatory function.

3. General Principles

3.1 The following general principles will be given effect to in the application of the Standing Orders Relating to Meetings.

- (i) That the role of the Chair is to ensure that the business of the meeting is properly dealt with and clear decisions are reached;
- (ii) That the chair has a responsibility to ensure that the views of other participants are expressed including the advice of officers where this is necessary to inform the decision;
- (iii) That meetings are conducted in a proper and timely manner with all members sharing the responsibility for the proper and expeditious discharge of business;
- (iv) That meetings are conducted in compliance with these standing orders and that the role of the chair in reaching decisions on their application is respected and supported; and
- (v) That all councillors will show respect to each other and for employees of the Council at all meetings.

SECTION 2

MEETINGS OF THE COUNCIL

4. MEETINGS

4.1 All Council meetings will take place in accordance with legal requirements. There are 3 forms of Council meeting:

- (i) The Statutory Meeting
- (ii) Ordinary Meetings
- (iii) Special Meetings

5. STATUTORY MEETING

5.1 The Statutory Meeting of the Council in the year of an election must be held within 21 days from the date of the election.

5.2 The Returning Officer for that election or, failing him/her, such councillor as may be selected by the meeting, will preside at the meeting until the Provost is elected following which the Provost will take the chair.

5.3 The following business will normally be transacted at the Statutory Meeting: -

- (i) elect the Provost of the Council;
- (ii) if it is resolved to do so, elect one or more Depute Provost of the Council;
- (iii) elect the Leader of the Council
- (iv) if it is resolved to do so, elect one or more Depute Leader
- (v) if it is resolved to do so, appoint one or more Baillies to deputise for the Provost
- (vi) appoint the conveners and members of committees including portfolio holders unless otherwise provided for in there Standing Orders
- (vii) appoint the members of the Licensing Board;
- (viii) make appointments to external bodies or organisations on which the Council is required by statute to be represented; and
- (ix) subject to the terms of these Standing Orders and of any statutory provision, deal with any urgent competent business.

The Council will decide the political balance on the Executive and other committees before appointing individual members

5.4 With the exception of items (i) and (ii) above, the order of business may be varied: -

- (i) by the Chief Governance Officer in advance of the meeting;
- (ii) by the Provost at his or her discretion, or
- (iii) by a motion put forward, seconded and carried without discussion, by a majority of the members at the meeting. No written notice of the motion is required.

5.5 The Provost, and any person appointed under Standing Order 5.3, will hold office until the date of the next election of councillors unless:-

- (i) otherwise decided by the Council by resolution following a Notice of Motion in terms of Standing Order 30, or any of these persons referred to above.
- (ii) the Provost delivers to the Chief Executive a letter of resignation specifying the date on which the resignation will take effect.

6. ORDINARY MEETINGS

6.1 Meetings will normally be held in the Municipal Buildings, Falkirk at the time and on the day which is approved by the Council and in accordance with the programme circulated by the Chief Governance Officer, unless determined otherwise by:-

- (i) the Council; or
- (ii) the Provost and Depute Provost; or
- (iii) the Provost or Depute Provost, acting together with the Leader of the Council,

with due notice being given of any alteration to the ordinary meeting place or time in compliance with the provisions of the 1973 Act.

6.2 In extreme circumstances (for example severe weather conditions preventing councillors and the public from travelling safely to the meeting place) meetings may be cancelled or postponed by the Chief Executive or Chief Governance Officer in consultation with the Provost.

7. SPECIAL MEETINGS

7.1 A Special Meeting of the Council may be called at any time:-

- (i) by the Provost; or
- (ii) in the absence of the Provost, by the Depute Provost; or
- (iii) on a requisition in writing specifying the business proposed to be transacted and signed by at least one-quarter of the whole number of members of the Council. The Chief Governance Officer in consultation with the Provost will arrange for the meeting to be held within fourteen days of receipt of the requisition.

8. NOTICE OF MEETING

8.1 Public Notification: The Chief Governance Officer will notify the public of a meeting by publishing a notice at the Council's headquarters at least three clear days before the meeting or, if the meeting is convened at shorter notice, at the time the meeting is actually convened. The Notice of Meeting will comprise:-

- (i) the date, time and place of the meeting;
- (ii) the list of items of business to be transacted at the meeting; and
- (iii) if it is likely that the public is to be excluded during the whole or part of the meeting, notification of that fact.

8.2 Notice to councillors: The Chief Governance Officer will give notice of meetings to all councillors by leaving or sending a notice to them at their usual place of residence or such other address as any councillor may have notified to the Chief Governance Officer. The notice will be given at least three clear days before the meeting, or if the meeting is convened at shorter notice, at the time the meeting is actually convened and will comprise:-

- (i) the date, time and place of the meeting;
- (ii) the list of items of business to be transacted at the meeting, and
- (iii) copies of reports associated with every agenda item.

8.3 Want of service of a notice on any councillor will not affect the validity of a meeting.

- 8.4 Notice to the Press and Public: The Chief Governance Officer will give notice of meetings to the press and to the public by posting or delivering copies of the items specified in Standing Order 8.2 to the head office of local newspapers and to public outlets owned by the Council:-

- (i) at least three clear days before the meeting, or
- (ii) if the meeting is convened at shorter notice, at the time the meeting is actually convened.

However, no report containing confidential or exempt information as defined in Standing Orders 9.5 and 9.6 will be made available for public inspection.

9. THE AGENDA

- 9.1 Each item of business to be transacted at a meeting will be noted on the agenda. No other item of business will be considered at the meeting unless, by reason of special circumstances, the Provost is of the opinion that the item should be considered as a matter of urgency. The nature of the special circumstances will be recorded in the minute of the meeting.
- 9.2 Each agenda item will be accompanied by a report, unless special circumstances exist for non-availability of any report.
- 9.3 Copies of the agenda and accompanying reports will be open for inspection by members of the public at the headquarters of the Council at least three clear days before the meeting, except:-
- (i) where the meeting is convened at shorter notice, in which case the agenda and reports will be available for public inspection from the time the meeting is convened;
 - (ii) where an item is added to an agenda, copies of which are open for inspection by the public, copies of the item (or of the revised agenda), and copies of any report for the meeting relating to the item, will be open for inspection from the time the item is added to the agenda;
 - (iii) there may be excluded from the copies of reports the whole or part of any report which relates only to items during consideration of which, in the opinion of the Chief Governance Officer, the meeting is likely not to be open to the public;
 - (iv) the whole or part of any report which discloses confidential information will be excluded from publication.

9.4 The agenda will be divided into the following parts:-

PART I Unrestricted Items: permitting full public inspection.

PART II Exempt Items: see Standing Order 9.5.

PART III Confidential Items: see Standing Order 9.6.

9.5 What is meant by “exempt information” is set out in section 50J and Schedule 7A to the 1973 Act. The following categories of information are defined as being “exempt”:-

- (i) Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office holder, former office holder or applicant to become an office holder under, the Council;
- (ii) Information relating to any particular occupier or former occupier of, or applicant for, accommodation provided by or at the expense of the authority;
- (iii) Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the Council;
- (iv) Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the Council;
- (v) Information relating to the adoption, care, fostering or education of any particular child or relating to the supervision or residence of any particular child in accordance with a supervision requirement of that child made under the Children (Scotland) Act 1995;
- (vi) Information relating to the financial or business affairs of any particular person (other than the Council);
- (vii) Information relating to anything done or to be done in respect of any particular person for the purposes of any matter referred to in section 27(1) of the Social Work (Scotland) Act 1968 (providing reports on and supervision of certain persons);
- (viii) The amount of any expenditure proposed to be incurred by the Council under any particular contract for the acquisition of property or the supply of goods or services;
- (ix) Any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract for the acquisition or disposal of any property or the supply of goods or services;

- (x) The identity of the Council (as well as any other person, by virtue of item (vi) above) as the person offering any particular tender for a contract for the supply of goods or services;
- (xi) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the Council;
- (xii) Any instructions to Counsel and any opinion of Counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:-
 - (a) any legal proceedings by or against the Council, or
 - (b) the determination of any matter affecting the Council, (whether, in either case, proceedings have been commenced or are in contemplation);
- (xiii) Information which, if disclosed to the public, would reveal that the Council proposes:-
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person, or
 - (b) to make an order or direction under any enactment;
- (xiv) Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime;
- (xv) The identity of a protected informant.

9.6 What is meant by “confidential information” is set out in section 50A(3) of the 1973 Act. The following categories of information are defined as being “confidential”:-

- (i) Information furnished to the Council by a Government department upon terms (however expressed) which forbid the disclosure of the information to the public, and
- (ii) Information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court.

9.7 Every report which includes confidential or exempt information will be marked, respectively:-

(i) "Not for publication by virtue of the confidential nature of the information as defined in section 50A(3) of the Local Government (Scotland) Act 1973",

or

(ii) "Not for publication by virtue of the exempt nature of the information as defined in paragraph of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973".

10. PUBLIC ACCESS TO MEETINGS

10.1 All meetings of the Council will be open to the public, except in the circumstances detailed below:-

(i) whenever it is likely at any meeting, in view of the nature of the business to be transacted or the nature of the proceedings, that there will be a disclosure of exempt information (see Standing Order 9.5), the public may be excluded from the meeting while the particular matter is being considered.

(ii) whenever it is likely at any meeting, in view of the nature of the business to be transacted or the nature of the proceedings, that confidential information (see Standing Order 9.6) will be disclosed in breach of the obligation of confidence, the public will be excluded while the particular matter is being considered.

(iii) the Provost has power to exclude any member of the public from a meeting in order to suppress or prevent disorderly conduct or other misbehaviour which is impeding or likely to impede the work or proceedings of the Council.

(iv) if a member of the public interrupts the proceedings at any meeting, the Provost will give a warning. If the interruption continues, the Provost will order the removal of the person from the meeting place. In the case of general disturbance in any part of the meeting place open to the public, the Provost may order that part to be cleared.

10.2 No member of the public will be permitted to speak or to take any other part in the proceedings of a meeting of the Council except when addressing the meeting as a member of a deputation under Standing Order 34.

- 10.3 The right of public access to meetings does not include a right to photograph, record or broadcast the proceedings at the meeting. The Council may permit such photography, recording or broadcasting. A request for such permission should be made to the Council by close of business on the working day prior to the date of the meeting and will be considered as part of the business of the meeting.

11. NON-ATTENDANCE OF MEMBERS

- 11.1 Should a member of the Council be unable to attend a meeting for whatever reason, (s)he may tender his/her apologies either by intimating them to the Chief Governance Officer in advance of the meeting or by another councillor doing so at the commencement of business, and these apologies only will be incorporated in the minute of the meeting.
- 11.2 Subject to the provisions of the 1973 Act, if a councillor fails throughout a period of six consecutive months to attend any meeting of the Council, (s)he will, unless the failure to attend was due to some reason approved by the Council, cease to be a member of the Council.
- 11.3 Subject to the provisions of the 1973 Act, the Council may grant a leave of absence to any councillor who, for a reason approved by Council, is unable to attend any meeting of the Council for a continuous period of six months.
- 11.4 Attendance at any committee of the Council or any joint committee, Joint Board or other body to which any function of the Council has been delegated or any meeting of any body of persons at which the councillor is authorised to represent the Council is deemed to be attendance at a meeting of the Council for the purposes of this Standing Order.

12. PERSON PRESIDING AT MEETINGS OF THE COUNCIL

- 12.1 Without prejudice to the provisions of Standing Order 5, the Provost will preside at all meetings of the Council. In his/her absence, the Depute Provost will preside, in the absence of both, the clerk will preside until the Council appoints a convener from amongst its number.

13. QUORUM

- 13.1 At all meetings of the Council, one quarter of the membership will form a quorum and if, within fifteen minutes after the time appointed for the meeting, a quorum is not present, the meeting will stand adjourned to such date and time as may be fixed, and the minute of the meeting will disclose this fact.
- 13.2 If, at any time after a meeting has commenced, the number of members present falls below the quorum, the Provost will suspend the proceedings.
- 13.3 If, after the lapse of five minutes, the Provost finds that the quorum has not been achieved, (s)he will adjourn the meeting to such other date and time as may be fixed.

SECTION 3

ORDER AND CONDUCT OF BUSINESS **AT MEETINGS OF THE COUNCIL**

14. ORDER OF BUSINESS

14.1 The business of the Council at Ordinary Meetings will proceed in the following order, subject to its division into Parts I, II and III as referred to in Standing Order 9.4:

- (i) The sederunt;
- (ii) Declarations of interests
- (iii) The minutes of the last ordinary meeting and of any special meeting of the Council since held;
- (iv) The Information Bulletin and Volume of Minutes;
- (v) Questions submitted in accordance with Standing Order 33;
- (vi) Public announcements by the Provost regarding matters of immediate local concern;
- (vii) Recommendations from committees;
- (viii) New business;
- (ix) Urgent items added to the agenda under Standing Order 9.1
- (x) Motions of which notice has previously been given in accordance with Standing Order 30;

14.2 The order of business in items (i) (ii) and (iii) of Standing Order 14.1 may not be changed. The order of any other business may be varied:-

- (i) by the Provost at his or her discretion either at or before the meeting; or
- (ii) by a motion put forward, seconded, and carried without discussion, by a majority of members at the meeting. No written notice of motion is required.

15. MINUTES

- 15.1 Minutes of Council meetings will be compiled and kept by the Chief Governance Officer and will be signed at the next Ordinary Council Meeting by the Provost.
- 15.2 The Provost will move that the minutes of the meeting of the Council held on the day of are a true record.
- 15.3 There will be no discussion of the minutes except on their accuracy. Any question of accuracy must be raised by amendment to the Provost's motion and voted on without discussion. No written notice of motion is required. The Provost will sign the minutes once they are deemed accurate.
- 15.4 A Council meeting which has had its minutes properly signed will be deemed to have been held, and all councillors present at the meeting will be deemed to have been duly qualified, until the contrary is proved.

16. POWERS AND DUTIES OF THE PROVOST

- 16.1 The Provost will preside at all meetings of the Council. In the absence of the Provost, the Depute Provost will preside and, in the absence of both, the clerk will preside over the meeting until the Council appoints a convener for that meeting.
- 16.2 The Provost shall have the duty:-
 - (i) to ensure that Standing Orders are followed;
 - (ii) to ensure that councillors are treated equally and that they are given a fair opportunity to express their views on any item of business while having regard to the terms of Standing Order 17.6 on the requirement to ensure the proper and expeditious discharge of business; and
 - (iii) to preserve order within the meeting.
- 16.3 Without prejudice to any other provision of these Standing Orders, the Provost shall have power:
 - (i) to decide on all matters of decorum, order, competency and relevancy;
 - (ii) to determine all matters of procedure for which no provision is made in these Standing Orders;
 - (iii) to determine the order in which councillors may speak;
 - (iv) in ruling that certain language is unacceptable, to seek withdrawal of a remark, an apology or any other action required, in the Provost's opinion, to allow the meeting to proceed properly;

- (v) to rule on the acceptability of behaviour during the course of the meeting;
- (vi) in the event of disorder arising, to adjourn the meeting to a time and date as the Provost shall fix then or later, and the Provost leaving the chair in such circumstances shall, without further procedure, have the effect of a formal adjournment of the meeting;
- (vii) to order the exclusion of any members of the public in the event of disorderly conduct or other misbehaviour;
- (viii) to exercise both a deliberative and a casting vote unless otherwise provided by statute;
- (ix) to exercise the powers set out in Standing Order 28.

16.4 The decision of the Provost on all matters within his/her powers shall be final and shall not be open to question or discussion.

17. COUNCILLORS' CONDUCT AT MEETINGS

- 17.1 All councillors must comply with the requirements of the Councillors' Code of Conduct and associated guidance as issued by the Standards Commission for Scotland from time to time.
- 17.2 Deference shall at all times be paid to the authority of the Provost. When the Provost rises or begins to speak, any councillor addressing the meeting shall give way. The Provost shall be heard without interruption.
- 17.3 As a matter of courtesy, councillors should stand when addressing the Provost. When a councillor is speaking, all other councillors should remain seated, unless rising to a point of order. When the Provost rises, any councillor then standing will resume his or her seat.
- 17.4 All councillors must respect the Provost, colleagues, Council employees and any members of the public present during meetings or other formal proceedings of the Council.
- 17.5 Councillors are accountable for their own individual conduct in meetings of the Council irrespective of the conduct of others. Abusive or offensive language shall not be acceptable.
- 17.6 All councillors must comply with rulings from the Provost in the conduct of business of the Council. This includes rulings on the proper and timely conduct of meetings, the acceptability of language used and the fairness and sufficiency of debate. Councillors present at the meeting share responsibility for the proper and expeditious discharge of business.
- 17.7 No behaviour disruptive of the meeting shall be acceptable and, where appropriate, the sanctions specified in Standing Order 28 will be applied.

- 17.8 Councillors shall ensure that all mobile phones, handheld devices and pagers are switched to silent mode during meetings or are turned off.

18. POINTS OF ORDER

- 18.1 A councillor may raise a point of order at any time during a meeting. In doing so, the councillor must refer to the particular Standing Order that he/she considers is being infringed and must limit his/her intervention strictly to that point. The councillor then speaking will give way to enable the Provost to rule on the point. No other councillor may speak on it. The Provost will decide on the question. That decision will be final and not subject to question by any councillor.

19. PERSONAL EXPLANATIONS

- 19.1 If a councillor considers that he/she has been abused or unfairly accused of a misdemeanour or, having previously spoken on an item of business, that some part of his/her speech has been misunderstood in the debate or some statement or act has been wrongly attributed to him/her, the councillor may, with the consent of the Provost and subject to the terms of Standing Order 22.6, give a personal explanation but, in doing so, shall not interrupt any councillor then speaking but shall rise only when the previous speaker has concluded his or her speech.
- 19.2 Where any councillor seeks to speak in explanation under the preceding Standing Order, he/she must confine his/her remarks wholly and strictly to the point and must not refer to other matters nor endeavour to elaborate a former speech by new arguments or reply to other councillors.
- 19.3 In the event of the Provost ruling against the admissibility of a point of order or a personal explanation, he/she will, if asked, give a reason for the ruling.

20. ADVANCE NOTICE OF MOTIONS ON ITEMS OF BUSINESS

- 20.1 A motion on an item of business at a meeting of Council other than a motion notice of which has been given in terms of Standing Order 30 or a motion which may be moved without notice in terms of Standing Order 26 will be moved by the Leader or relevant Portfolio Holder.
- 20.2 The motion will consist of the recommendations contained within the report relating to the item of business except where the Leader or Portfolio Holder gives notice of a motion other than the recommendations. The Leader or Portfolio Holder shall give notice where the recommendations consist of alternatives or are otherwise not capable of being adopted as a decision of the council.

- 20.3 Notice in terms of Standing Order 20.2 will be given to the Chief Governance Officer prior to the meeting and will be published with the Notice of the meeting.
- 20.4 Any amendment to a motion to which standing order 20.1 applies will be submitted to the Chief Governance Officer by noon on the working day prior to the meeting.

21. MOTIONS AND AMENDMENTS

- 21.1 A motion or amendment will not be discussed or put to the meeting unless it has been moved and seconded.
- 21.2 Without prejudice to Standing Order 21.11, a motion to which no amendment is moved will be declared carried and will not be the subject of debate unless the Provost, at his sole discretion, allows the mover and seconder of the motion to speak in explanation if the subject matter is considered by the Provost to be of special interest to the meeting. No other speeches will be allowed.
- 21.3 Should any councillor wish to ask a question or to seek clarification in order to determine whether he or she supports the motion or an amendment, the consent of the Provost should be sought to do so whenever the motion has been moved and seconded.
- 21.4 A councillor must direct any speech strictly to the question under discussion or to a personal explanation or to a point of order.
- 21.5 Motions or amendments made but not seconded will not be discussed or recorded in the minutes. When a motion or amendment has been moved but not seconded, the mover may require his or her dissent in respect of a decision taken on the item of business to which the motion or amendment relates to be entered in the minute.
- 21.6 Only one amendment may be moved and discussed at a time and no further amendment may be moved (although notice of it should be given) until the amendment under discussion has been dealt with. No member may move more than one amendment to a motion.
- 21.7 If an amendment is lost, other amendments may be moved on the original motion but only where notice has been given. If an amendment is carried, the amended motion replaces the original motion and becomes the substantive motion upon which any further amendment may be moved.

21.8 A councillor may only alter the text of his or her motion or amendment with the consent of the Provost on cause shown. The alteration must amend the motion or amendment and not be an entirely new motion or amendment. If the motion or amendment has been moved and seconded, the seconder must also give consent to the alteration.

21.9 A motion or amendment once made and seconded may only be withdrawn with the unanimous consent of those present at the meeting. No councillor may speak on the motion or the amendment after the mover has asked permission for its withdrawal, unless permission has been refused.

21.10 An amendment must be relevant to the motion and will be either:-

- (i) to refer a subject of debate to a committee for consideration;
- (ii) to leave out words;
- (iii) to leave out words and insert or add others, or
- (iv) to insert or add words,

but such omission, insertion or addition of words must not have the effect of introducing new subject matter into or negating the motion before Council.

21.11 Except where the Provost notes that those councillors at the meeting are in general agreement with regard to any unopposed motion, each motion will be put to the vote.

22. SPEECHES

22.1 Each councillor will introduce his or her speech by indicating whether (s)he is speaking in support of the motion or the amendment or introducing it.

22.2 Except with the consent of the Provost, a speech must not exceed six minutes, when a councillor is moving an original motion or an amendment and three minutes in any other case.

22.3 A councillor must direct his or her speech to the question under discussion or a personal explanation or a point of order.

22.4 A councillor may only speak once during the debate on an item of business to either move an amendment or motion or second or speak to an amendment or motion moved by another member.

22.5 The exceptions are:-

- (i) to speak on the substantive motion;
- (ii) to exercise a right of reply;
- (iii) on a point of order; and
- (iv) by way of personal explanation.

22.6 The mover of a motion has a right of reply at the close of the debate on the motion, immediately before it is put to the vote. No councillor shall speak after the mover of the motion has exercised his right of reply. If an amendment is moved, the mover of the original motion is entitled to a right of reply at the close of the debate on the amendment but must not otherwise speak on the amendment. The mover of an amendment has no right of reply to the debate on that amendment. At the end of the debate, the Provost will call on the original mover of the motion to exercise his/her final right of reply after which the question will be put.

23. VOTING

23.1 Unless dispensed with by the Provost, the clerk will read out to the meeting the terms of the motion and the amendment. Thereafter the clerk will:-

- (i) call for votes for the amendment, and subsequently
- (ii) call for votes for the motion.

23.2 The clerk will then announce the result of the vote on the basis of a simple majority of those voting.

23.3 After the clerk has announced the issue on which a vote is to be taken and has started to take the vote, no councillor will be permitted to offer an opinion, ask a question or otherwise interrupt the proceedings, until the result of the vote is declared.

23.4 Voting will be by show of hands, except in the following circumstances:-

- (i) If not less than one-quarter of the Council present and voting so request, the clerk will call over the names of all the councillors and will record in the minutes of the meeting the names of those:-
 - (a) voting for or against the motion or amendment; or
 - (b) abstaining from voting, or

- (c) absent from the meeting when the vote was taken.
 - (ii) on a motion put forward, seconded, and carried without discussion, by a majority of members at the meeting, voting will be by ballot which will be undertaken by the clerk to ensure the secrecy of the vote. No written notice of motion is required.
- 23.5 If, immediately after a vote is taken, a councillor requests his or her vote to be recorded, there will be noted in the minute of the meeting whether the councillor:-
 - (i) cast his or her vote for or against the question, or
 - (ii) abstained from voting,except in any case where the vote is taken by roll call.
- 23.6 In the case of an equality of votes, the Provost will have a second or casting vote and may exercise it at his/her discretion except when voting on appointments as detailed in Standing Order 24.

24. VOTING ON APPOINTMENTS

- 24.1 Where more than two persons are nominated for any position to be filled by the Council, the councillor to be elected will be determined by a vote in which each councillor may vote for one candidate per vacancy only, the vote being put to the meeting in the order in which nominations have been proposed and seconded. Where any one candidate has an absolute majority, he/she will be declared as elected.
- 24.2 Where, after the first vote in accordance with Standing Order 24.1, there is an equality of votes for two or more candidates, the candidate to be elected will be decided by lot, which will be conducted by the clerk.

25. THIRD PARTY INTERESTS

- 25.1 For the purposes of clarification, where voting takes place on an agenda item where third party interests are directly affected, e.g. where a planning application is being considered, or where appointments are being made in accordance with Standing Order 24, only those councillors who have been present during the whole of the discussion will be entitled to participate in the vote, save where as otherwise provided within these Standing Orders.

- 25.2 Absences for brief periods during consideration of business will be disregarded in these situations. In all other cases, only those councillors who have been in attendance during the whole or part of the discussion on the agenda item giving rise to the vote will be entitled to participate in that vote.

26. MOTIONS AND AMENDMENTS WHICH MAY BE MOVED WITHOUT NOTICE

- 26.1 The following motions and amendments may be moved without notice to:-

- (i) appoint a Chair of the meeting;
- (ii) question the accuracy of the minutes;
- (iii) move that an item of business on the agenda takes precedence;
- (iv) give leave to withdraw a motion;
- (v) move that “the question be now put”;
- (vi) move that “the debate be now adjourned”;
- (vii) move that “the Council proceed to the next business”;
- (viii) move that “the Council do now adjourn”;
- (ix) move that “the vote be taken by ballot”;
- (x) move that “the time for the meeting be extended”;
- (xi) exclude or re-admit the press and public under section 50A(4) of the 1973 Act;
- (xii) move that a member is not further heard or is required to leave the meeting in terms of Standing Orders 27 or 28;
- (xiii) give consent of the Council where consent is required by these Standing Orders;
- (xiv) grant urgent action powers.

27. MOTIONS WHICH MAY BE MOVED DURING DEBATE AND CLOSURE MOTIONS

- 27.1 When a motion is under debate no other motion may be moved except:-

- (i) to amend the motion;
- (ii) motions moved by the Provost or another member that a member:-
 - (a) “be not further heard”;
 - (b) “must leave the meeting”;
- (iii) motions to exclude the press and public;
- (iv) closure motions under the following paragraph.

27.2 The following closure motions will be permitted during discussion of another motion. They will be moved, seconded and put to a simple vote without discussion. The Provost will proceed as follows:-

- (i) on a motion to “proceed to the next business”:

Unless, in the Provost’s opinion, the matter before the meeting has been discussed insufficiently, the Provost will first give the mover of the original motion a right of reply and then put to the vote the motion to proceed to the next business; if that motion is carried, the original motion will lapse and the Council will proceed to the next business.

- (ii) on a motion that “the question be now put”:

Unless, in the Provost’s opinion, the matter has been discussed insufficiently, the Provost will first put to the vote the motion that the question be now put and if it is carried, then give the mover of the original motion a right of reply before putting the original motion to the vote.

- (iii) on a motion to adjourn the meeting or debate:

If the Provost is of the opinion that the matter has not been discussed sufficiently and cannot reasonably be discussed sufficiently on that occasion, the adjournment motion will be put to the vote without giving the mover of the original motion a right of reply on that occasion; if the adjournment motion is carried, the original motion and/or any remaining business will then stand over as uncompleted business until the next ordinary meeting of the Council.

27.3 If a closure motion is not carried, a similar motion may be made after every three additional councillors have spoken.

28. MISCONDUCT

- 28.1 The Provost may check a councillor for irrelevance, tedious repetition, failure to address the Chair, unbecoming language, reflections of a personal character on another member or any breach of order and may direct such councillor speaking to discontinue his or her speech.
- 28.2 In the event of persistent misconduct of a councillor by disregarding the ruling of the Provost, or behaving improperly or offensively, or using racist or sexist or unbecoming language, or wilfully obstructing the business of the Meeting, the Provost may take any of the following courses either separately or in sequence:-
- (i) direct the councillor to refrain from speaking during the remainder of the debate on the matter under discussion;
 - (ii) move “that the councillor be not further heard” which motion will not require to be seconded, will be put to a simple vote without discussion and, if carried, the councillor named must not speak further at that meeting. If the councillor named continues the misconduct after a motion under the foregoing paragraph has been carried and does not heed a further warning from the Provost, the Provost is empowered to require the councillor to leave the meeting. The Council Officer will act on such order as he/she may receive from the Provost in pursuance of such action;
 - (iii) adjourn the meeting for such period as seems expedient to the Provost;
 - (iv) in the event of general disturbance, which in the opinion of the Provost renders the due and orderly despatch of business impossible, the Provost may, in addition to any other power vested in him/her, without the question being put, suspend the meeting for such period of time that he/she considers expedient.

29. PROTESTS OR EXPRESSIONS OF DISSENT

- 29.1 Without prejudice to Standing Order 21.5, no protest or expression of dissent made by any councillor or councillors will be entered in the minutes of the Council.

30. MOTIONS - GENERAL

- 30.1 Every notice of motion must be in writing, signed by the councillor giving the notice and countersigned by one other councillor. Every motion must be relevant to some matter in relation to which the Council has powers or duties or which affects the area of the Council.

- 30.2 Notices of motion must be delivered to the Chief Governance Officer at his or her office not later than 12 noon at least seven clear days before the date of the next meeting of the Council. Motions of which notice has been received after that time will neither appear on the agenda nor be moved at the meeting unless the Provost decides, in terms of section 50B(4)(b) of the 1973 Act, that the matter is one of urgency.
- 30.3 The motion may be delivered by hand, post or e-mail. In the case of email, electronic signatures will be acceptable.
- 30.4 The Chief Governance Officer has power to refuse to accept any notice of motion which, by reason of any enactment, or other rule of law, or any provision in these Standing Orders, could not be considered at the meeting for which it is given. In the event of such power being exercised, the Chief Governance Officer will give written reasons to the member submitting the motion within five working days following delivery of the notice of motion in terms of Standing Order 30.2 above.
- 30.5 If the Chief Governance Officer has any doubts about any motion for reasons of propriety, he or she may refer it to the Provost.
- 30.6 If the Provost considers the motion to be vexatious, irrelevant or otherwise improper, the Chief Governance Officer will return it to the member who submitted it by noon of the third clear day after submission and will explain to the member in writing why it will not be included on the agenda. The motion will only be included on the agenda if it is resubmitted by noon on the third clear day before the date of the next meeting of the Council and is signed by at least one quarter of the whole members of the Council.
- 30.7 All motions considered valid by the Chief Governance Officer and of which notice has been duly given will be included in the agenda for the next meeting in the order in which they were received by the Chief Governance Officer.
- 30.8 If more than one such motion, in the opinion of the Chief Governance Officer, having consulted with the Provost, deals with the same subject matter, only the motion first lodged will be considered.
- 30.9 If a motion, notice of which is specified in the agenda, is not moved either by the councillor who has given the notice or by some other councillor on his/her behalf when it arises on the agenda, it will, unless postponed by leave of the meeting, be considered as dropped and may not be moved without fresh notice.

At the meeting, the Provost will, if need be, give a ruling as to whether the motion is relevant and/or competent.

31. MOTIONS – BUDGETS

31.1 Standing Order 20 will apply to motions in respect of, and amendments to, the annual budgets submitted to council, subject to the following modifications:-

- (i) the notice of meeting will be published at least 5 clear days prior to the meeting; and
- (ii) notices of amendments will be given to the Chief Governance Officer by noon on the second working day prior to the meeting.

31.2 Any motion or amendment which seeks to add to, take from or otherwise alter or amend the annual budgets submitted to Council shall require to take the form of an alternative budget which shall detail the cost of the proposal(s) being advanced or the savings proposed to be achieved and the consequential impact of that cost or those savings on the annual budget.

31.3 Motions or amendments which, if approved, would involve the Council incurring revenue or capital expenditure must:

- contain information regarding the full amount of such expenditure; and
- state whether the expenditure is recurring or one-off.

31.4 The Chief Finance Officer shall advise, where possible, on the financial implications of such motion or amendment. In the event that the Chief Finance Officer is unable to give advice on the matter at the meeting, the matter will not be determined until such time as he/she has had the opportunity to consider the implications and give advice on them.

32. MOTIONS THAT STAND REFERRED

32.1 Motions submitted to Council that refer to matters within the remit of the Executive or the Education Executive will stand referred to the Executive or the Education Executive, as the case may be (unless ruled out of order by the Provost), and there shall be no discussion on them at the Council meeting unless:

- (1) special circumstances exist which, in the opinion of the Provost, requires an exception to be made to the general rule, or
- (2) two thirds of the members present at the meeting vote in favour of the matter being discussed

32.2 Where a motion to Council stands referred to the Executive or the Education Executive, the councillor who submitted the motion, if he or she is not a member of the Executive or the Education Executive, will be entitled to attend the Executive or the Education Executive meeting

at which the motion is to be considered and to be heard on it before it is considered or debated for a period not exceeding five minutes.

- 32.3 A councillor shall not submit a motion to Council for remit to a committee if he or she is a member of that committee.

33. QUESTIONS

- 33.1 At each ordinary meeting of Council, any councillor may put questions to the Leader of the Council or to the relevant Executive Portfolio Holder on any matters relating to business transacted at any meeting of the Executive or Education Executive where the minute of that meeting is to be in the minute volume for that meeting of council. Written notice of the question(s) must be given to the Chief Governance Officer not later than 12 noon at least five clear days before the meeting takes place. In the event that any minute to be considered at council has not been published, the question may be submitted no later than two working days after the minute has been made available to members of the council.
- 33.2 The question will be put at the meeting by the councillor who lodged it. If that councillor is absent, another councillor may put the question on his behalf provided the original questioner has given his or her consent.
- 33.3 Questions will be answered by the Leader or the appropriate Portfolio Holder. The Provost will determine the order in which the questions will be answered and, in doing so, will endeavour to ensure a fair allocation of questions among Portfolio Holders. An answer may take the form of:
- a direct oral answer at Council; or
 - where the reply cannot conveniently be given orally, a written answer will be provided and circulated at the Council meeting.
- 33.4 The councillor who submitted the question may ask one supplementary question of the councillor who answered the question. The supplemental question must arise directly out of the original question or reply.
- 33.5 The Provost may disallow any supplementary question if he/she is not satisfied that it meets the requirements of Standing Order 33.4. If asked, the Provost will explain the reason for the ruling.
- 33.6 Where any question seeks factual information that could reasonably have been obtained from an officer in advance of the meeting taking place, councillors will be expected to have obtained that information. The Provost will take this issue into account in determining the order in which questions will be answered.

- 33.7 The period set aside for questions and answers will not exceed one hour, unless, in exceptional circumstances, the Provost determines otherwise. Any questions not answered within that period will receive a written response from the Leader or the Portfolio Holder within 7 days of the meeting.
- 33.8 The minute of the meeting shall record that a formal question was asked and answered, and by whom, and (if appropriate) that a supplementary question was asked and shall refer to the subject matter of the questions and answers.
- 33.9 The foregoing Standing Order is without prejudice to the right of any councillor present at a meeting to obtain at such meeting and without prior notice such factual information as may then be available concerning any matter appearing on the agenda, subject to the reservation that the person addressed may postpone his or her reply to the next ordinary meeting should the information requested not be available.
- 33.10 If the Provost is of the opinion that a question is out of order the question will not be answered.

34. DEPUTATIONS OR DELEGATIONS

- 34.1 No deputations will be received by the Council unless an application for admission to the meeting setting out the matters on which the deputation wish to be heard is lodged with the Chief Governance Officer at least 10 clear days before the meeting. Any such application will be entered in the notice calling the meeting and such meeting may agree to decline to receive the deputation.
- 34.2 Unless with leave of the meeting, the members of any deputation will not exceed five persons and only one member will be entitled to address the Council, except in reply to questions from the Provost or members of the Council.

35. CLOSE OF BUSINESS

- 35.1 Meetings of Council will generally start at 9.30a.m. (unless the Provost specifies an earlier or later time) and will last for no longer than 3 hours unless a motion to continue the meeting for a further specified period has been moved, seconded and voted upon without discussion, provided that no meeting will continue beyond 5p.m. on that same day (subject to the terms of Standing Order 35.2 below) unless a motion to continue the meeting beyond that time for a further specified period has been moved, seconded and voted upon without discussion.
- 35.2 If, at 5 p.m. (or if, in the case of a meeting having started later than 9.30am, after three hours have passed) or such later time as Council

shall have agreed, business remains on the agenda to be transacted, it shall be dealt with in the following manner:

- (i) Any motion or amendment which has been formally moved and seconded will be put to the vote by the Provost.
- (ii) Any reports or motions then remaining on the agenda will be considered by the Provost in order. It will be available for a motion and amendment to be moved and seconded on each item but without discussion (Provided that the Provost may allow discussion on such an item where in his/her view such discussion is necessary for the proper consideration of the item). Each item will then be put to the vote by the Provost. Items not moved and seconded will fall from the agenda.
- (iii) There will be no right of reply available to the mover of any motion under this Standing Order.

35.3 Nothing in this Standing Order will prejudice the power of the Provost, at his/her discretion, to adjourn temporarily any meeting for a brief period. The time elapsed during any such adjournment will be disregarded for the purpose of calculating the period of 3 hours referred to in Standing Order 35.1 but will not have the effect of extending the 5p.m. closure term specified therein (unless in the case of a meeting having started later than 9.30am, in which case the meeting shall not extend beyond three hours without the agreement of Council).

36. REVOKING A PREVIOUS DECISION

36.1 A decision of Council cannot be reconsidered or changed within six months of being made unless:-

- (i) it is required by statute, or
- (ii) the Provost rules that there has been a material change in circumstances since the decision was made, or
- (iii) two thirds of the members present at the meeting agree otherwise and
- (iv) in each of the cases (a) to (c) above, notice has been given of the proposed change in the Notice for the meeting.

37. STANDING ORDERS

37.1 The ruling of the Provost concerning the interpretation or application of these Standing Orders shall not be challenged at any meeting of the Council.

- 37.2 The ruling of any person presiding at a meeting of any Council body shall not be challenged on the interpretation of Standing Orders relating to the meeting.
- 37.3 The Council at any of its meetings may suspend any Standing Order provided that:-
- (i) either due notice has been given, or Council agrees that it is a case of urgency, and
 - (ii) the motion to suspend a Standing Order is moved, seconded and carried without discussion by at least two-thirds of the councillors present and voting at the meeting and an absolute majority of the whole Council.
- 37.4 A meeting of the Council may only consider changes to these Standing Orders if notice of the intention is included in the Notice for the meeting.
- 37.5 Standing Orders 36 and 37 are not capable of suspension.

SECTION 4

CONSTITUTION, MEETINGS AND PROCEEDINGS OF COMMITTEES

38. COMMITTEES

38.1 The number of members on each committee and the quorum for each will be as set out below:-

STANDING COMMITTEES

Committee	Membership	Quorum
Executive	12	4
Education Executive	12 consisting of the Leader and 8 other members drawn from the Administration and 3 members not drawn from the Administration plus 3 representatives of denominational bodies as required by section 124 of the 1973 Act; 2 teachers nominated from the serving staff of schools, 2 parental representatives nominated by the Parents' Forum and 2 non- voting young people to be nominated by the Falkirk Schools' Council	4 elected members

Scrutiny Committee	10 Consisting of 6 members drawn from the Administration and 4 members not drawn from the Administration	4
Planning Committee	12 except when conducting a pre-determination hearing required by s 38A of the Town and Country Planning (Scotland) Act 1997 when the membership will comprise all elected members of Council	4 except when conducting a pre-determination hearing required by s 38A of the Town and Country Planning (Scotland) Act 1997 when the quorum will be quarter of the membership
Planning Review Committee	5 The convener and Depute Convener of the Planning Committee, ex officio, with 3 others drawn from the remaining members of the Planning Committee on a rota basis	3
Civic Licensing Committee	10	4
Audit Committee	7 6 Elected members and 1 Lay member	4
Appeals Committee	8	3
Pensions Committee	6 Elected members and 3 Lay members	4

Appointments Committee	6 Plus the relevant Portfolio Holder; where there is more than one relevant Portfolio Holder, the Portfolio Holders should agree amongst themselves which member will attend.	3
Emergency Committee	The members of the Executive	4
Bo'ness Common Good Fund Committee	The Provost, Depute Provost and members of the former Burghal area	3
Denny and Dunipace Common Good Fund Committee	The Provost, Depute Provost and members of the former Burghal area	3
Falkirk Common Good Fund Committee	The Provost, Depute Provost and members of the former Burghal area	3
Grangemouth Common Good Fund Committee	The Provost, Depute Provost and members of the former Burghal area	3

38.2 (i) The convener of the Executive will be the convener of the Emergency Committee.

(ii) The convener and Depute Convener of the Planning Committee will be the convener and Depute Convener of the Planning Review Committee.

38.3 The Council may appoint special committees for such purposes as it may from time to time consider expedient.

- 38.4 With the exception of the Executive, the Education Executive, the Scrutiny Committee and the Common Good Fund Committees and from time to time the Planning Review Committee, membership of all committees will, as far as reasonable, reflect the political balance of the Council.
- 38.5 The Chief Governance Officer is authorised to appoint, nominate and convene committees, boards and panels for specific statutory purposes. These include:-
- (i) Complaints Review Committee (Social Work);
 - (ii) Education Appeals Committee;
 - (iii) Appointments Committee (Education);
 - (iv) Attendance Committee (Education).
 - (v) Planning Review Committee
- 38.6 The Chief Governance Officer will appoint, nominate and convene the bodies referred to in Standing Orders 38.5, and like bodies, in accordance with their statutory framework. These bodies will follow the procedure that is suitable to the subject matter being considered and will not otherwise be bound by the procedures for meetings set out in these Standing Orders. They will usually be required to observe the principles of natural justice and to follow a set procedure.
- 38.7 Meetings of the Appeals Committee and the Appointments Committee will follow procedures which are set out by the Chief Governance Officer and which will conform to the principles of good employment practice. Those committees will not otherwise be bound by the procedures for meetings set out in these Standing Orders.
- 38.8 The convener of the Audit Committee shall be a lay person appointed following a public recruitment exercise and will hold office for a period to be agreed by Council.
- 38.9 Standing committees will meet in accordance with the programme based on a cycle approved by the Council, such programme to be drawn up by the Chief Governance Officer and intimated to all councillors and Chief Officers.

39. CONDUCT OF MEETINGS AT COMMITTEES

39.1 Meetings of committees will be conducted in accordance with Standing Orders 3, 6 to 13, 15 to 31 and 34 to 37, subject to the following amendments:-

- (i) all references to “Provost” and “Depute Provost” will be read as “convener” and “Depute Convener” respectively;
- (ii) the quorum for any meeting will be as set out in Standing Order 38.1;
- (iii) Standing Order 7.1(iii) shall not apply to meetings of committees;
- (iv) Standing Order 20 shall apply only to the Executive and the Education Executive;
- (v) Standing Orders 21.2 and 21.3 shall apply only to the Executive and the Education Executive;
- (vi) Standing Order 30 shall apply only to the Executive, the Education Executive and the Scrutiny Committee;
- (vii) at any meeting of the Planning Committee, the convener may extend the period for transaction of business if (s)he considers that it will enable the committee to complete its business;
- (viii) the time limit for meetings will not apply to the Appeals Committee, the Appointments Committee or any of the bodies referred to in Standing Order 38.5
- (ix) the convener of the Scrutiny Committee may, in the interests of securing open debate, dispense in regard to any item on the agenda with the requirements respecting rules of debate, procedural motions and points of order and will announce to the meeting that (s)he is so dispensing. Any such dispensation will be minuted and may be recalled by the convener should the requirements of good order and expeditious dispatch of business require it. The aim of the Scrutiny Committee is for the convener to conduct the meeting in a manner which will encourage interest and participation and without unnecessary formality such as would inhibit or discourage involvement.
- (x) A councillor may attend any committee even when they are not appointed to them, but they cannot vote. They may attend all parts of the meeting, whether or not the committee has excluded the press and public, with the following exceptions:-

- (a) councillors who are not appointed member of the Appeals Committee, Appointments Committee may not attend any part of these meetings;
 - (b) councillors who are not appointed members of any of the bodies referred to in Standing Order 38.5 other than the Planning Review Committee may not attend any part of these meetings;
 - (c) councillors who are not appointed members of Civic Licensing Committee may not attend any part or parts of a meeting of the committee where the committee has excluded the press and public;
 - (d) where the councillor is not a member of the committee, (s)he should sit in the public gallery so that it is clear to the public that the member is not part of the body taking the decisions.
- (xi) Where a councillor has a right to attend a committee under Standing Order 39.1(vii), (s)he may speak at a meeting subject to:-
- (a) giving notice to the convener of the meeting of the matters the councillor wishes to speak about, at least 24 hours before the start of the meeting, and
 - (b) the convener giving his or her consent.

40. SPECIAL PROVISIONS IN THE EVENT OF THE USE OF THE CONVENER'S DISPENSING POWER

40.1 In the event of the convener utilising his dispensing power in terms of Standing Order 39.1(ix), the following provisions will apply (but only for as long as the dispensation remains unrecalled):-

- (i) No substantive motions or amendments will be tabled or discussed (save those in respect of which prior notice has been given);
- (ii) No procedural motions will be moved, except to shorten or curtail business;
- (iii) No question will be asked of the convener except:-
 - (a) those of which prior written notice has been given, and

- (b) those relevant to the business before the meeting, the matter of relevancy being one for the convener in his or her sole discretion to decide;
- (iv) No point of order will be raised.

SECTION 5

MISCELLANEOUS MATTERS

41. DISCLOSURE OF INFORMATION

- 41.1 Information, whether contained in a document or otherwise, which is confidential information within the meaning of section 50A(2) of the 1973 Act, must not be disclosed to any person by any member or officer.
- 41.2 The full or any part of a document marked “Not for Publication by virtue of the appropriate Paragraph of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973” must not be disclosed to any person unless or until the document has been made available to the public or the press consistent with the 1973 Act.
- 41.3 Any information regarding proceedings of the Council or a committee from which the public have been excluded must not be disclosed to any person unless and until such disclosure has been authorised by the Council or committee or the information has been made available to the public or the press consistent with the 1973 Act.
- 41.4 Without prejudice to the Councillors’ Code of Conduct and to Paragraphs (2) and (3) of this Standing Order, no councillor shall use or disclose to any person any confidential and/or exempt information coming to his or her knowledge by virtue of his or her office as a councillor where such disclosure would be to the advantage of the councillor or of anyone known to him or her, or which would be to the disadvantage or discredit of the Council or anyone else.

42. APPOINTMENT OF STAFF (GENERAL)

- 42.1 In accordance with the provisions of section 7 of the 1989 Act, all appointments of staff will be made on merit, subject, however, to the provisions of those Acts specifically mentioned in section 7(2) of the 1989 Act.
- 42.2 The Council will comply with any Regulations made by the Scottish Ministers imposing a duty to adopt Standing Orders with respect to staff as contained in section 8 of the 1989 Act.

43. APPOINTMENTS MADE BY MEMBERS

- 43.1 The appointment of the Council's Chief Officers will be undertaken by the Appointments Committee.

44. EXECUTION OF DEEDS AND COMMON SEAL

- 44.1 Except where statute expressly requires otherwise, deeds requiring to be sealed by the Council will be sealed with the Common Seal of the Council and signed on its behalf by the Chief Executive or the Chief Governance Officer, the Depute Chief Governance Officer or the Legal Manager(s).
- 44.2 The Common Seal of the Council will be kept by the Chief Governance Officer who will be responsible for its safe custody and use.
- 44.3 An entry of the sealing of every deed and other document to which the Common Seal has been affixed will be made by the Chief Governance Officer in a register kept for this purpose.
- 44.4 The Chief Executive, the Chief Governance Officer, the Depute Chief Governance Officer and the Legal Manager(s) will have authority to execute any deed or document not required by law to be under seal which is necessary to effect the decisions of the Council.

45. CONTRACT STANDING ORDERS AND FINANCIAL REGULATIONS

- 45.1 The Council will make Contract Standing Orders and may make Financial Regulations for the regulation of the making by it or on its behalf of contracts and for the proper planning, execution and control of its financial affairs and such Standing Orders and Regulations will form part of these Standing Orders and will be read with them and with any Scheme of Delegation made by the Council.
- 45.2 Contract Standing Orders and Financial Regulations made by the Council in terms of this Standing Order will apply to committees, members of the Council, Officers and certain Agents of the Council as appropriate, (the question of whether any person or body is an "Agent" of the Council being determined by the Chief Governance Officer whose ruling will be final).

SCHEME OF DELEGATION TO COMMITTEES

COUNCIL

1. The following decisions are reserved to Council:-

(1) **Arrangements for the Discharge of Council Business**

- appointment of committees in terms of section 57 of the Local Government (Scotland) Act 1973
- determination, amendment or revocation of Standing Orders including Standing Orders in relation to meetings, Scheme of Delegation for the discharge of Council functions by committees or Officers and, in particular, to fix the constitution, functions and powers of committees and to amend the same from time to time as council may decide
- making, amendment or revocation of Financial Regulations and Contract Standing Orders
- appointment of the Leader of the Council, any Depute Leader and the Conveners and Depute Conveners of committees except as otherwise provided in these Standing Orders
- appointment of the Provost and Depute Provost
- appointment of portfolio holders and the determination of their remit
- establishment of any joint committee or joint board to carry out any of the functions of the Council
- appointment of members to (a) committees, (b) joint committees or boards, (c) any body where the Council is obliged or entitled to make an appointment under statutory authority and (d) any other appointment by the Council of a member to represent the Council on any body
- setting the remuneration framework for members

(2) **Finance and Budgets**

- setting of the council tax
- setting of the Council's annual revenue and capital budgets
- consideration of the annual accounts of the Council as made up at the end of the financial year and audited on behalf of the Accounts Commission together with the auditors' report on the accounts
- setting of the Council's Prudential Indicators
- approval of the level of council house rents

(3) **Corporate Plans**

- approval of the Community Plan for Falkirk
- approval of the Corporate Plan
- approval of the Falkirk Council Local Development Plan
- approval of any new policies or changes to policies that may have a significant impact on the Council's strategic objectives and corporate policies or its resources
- approval of the Council's Scrutiny Plan
- approval of the local police plan and the local fire and safety plan

(4) **Other Issues**

- determination of all planning applications which fall within section 38A(1) of the Town and Country Planning (Scotland) Act 1997
- promotion or opposition to private legislation
- consideration of reports by the Head of Paid Service or the Monitoring Officer in terms of sections 4 and 5 respectively of the Local Government and Housing Act 1989
- dealing with all matters relating to the conduct of members, other than that specifically described elsewhere in these Standing Orders
- consideration of any report the Controller of Audit may make to the Accounts Commission with respect to the accounts of the Council in terms of section 102 of the Local Government (Scotland) Act 1973 and subsequent report on recommendations which the Accounts Commission may make to the Scottish Ministers
- delegation of new powers and duties and exercise of new discretion not already delegated to a committee or officer
- any other matter which may not by law be delegated to a committee or officer.
- **[Any issue with significant impact on the Council area which the Provost considers is suitable for debate at Council]**

In addition, the Council may decide any matter referred to it by the Executive or the Education Executive.

2. THE EXECUTIVE

Composition of the Executive

- 2(1) The Executive will consist of the Leader of the Council and eight other members of the Administration together with three members not drawn from the Administration. The Leader will be the Convener of the Executive. The Depute Convener will be appointed by the Executive. The members of the Executive drawn from the Administration may be appointed as a portfolio holder by the Council. The role and remit of a portfolio holder is as described in the schedule to this section of the standing orders.

Powers of the Executive

- 2(2) The Executive will have the **[exclusive]** power to take all decisions on behalf of the Council other than those:

- (1) reserved to Council;
- (2) delegated to the Education Executive;
- (3) delegated to a regulatory, employment committee or common good committee or to the Pensions Committee or the Audit Committee; or
- (4) delegated to a Chief Officer,

subject only to such decisions being consistent with the Budget and the Corporate Plans agreed by the Council.

- 2(3) The Executive may refer any matter within its decision making competence to Council.

Policy Development Panels

- 2(4) The Executive will be responsible for developing the policies of the Council consistent with the Corporate Plans. The Executive has the power to establish Policy Development Panels to consider any policy area.
- 2(5) A Policy Development Panel will consist of the relevant portfolio holder who will chair the panel and such other members of the Council as the Executive decides to a maximum of five in number including the portfolio holder. In establishing the panel, the Executive will include within its members a member or members not drawn from the Administration.
- 2(6) A Policy Development Panel will operate within terms of reference agreed by the Executive and will report its findings to the Executive. A Policy Development Panel will have no decision making powers and is not a sub-committee of the Executive.

- 2(7) A Policy Development Panel will carry out its work in accordance with guidance issued from time to time by the Executive.

Relationship with External Bodies

- 2(8) As a principal decision-making body of the Council, the Executive will receive reports and take any necessary decisions within its decision-making competence from the following bodies:-
- (1) the Falkirk Community Trust
 - (2) the Falkirk Community Planning Partnership
 - (3) the Joint Consultative Committee.

3. EDUCATION EXECUTIVE

Composition of Committee

- 3(1) The Education Executive will consist of the same members of Council as the Executive with the addition of:
- (1) three religious representatives appointed in accordance with section 124 of the Local Government (Scotland) Act 1973;
 - (2) two parents nominated by the Parents Forum;
 - (3) two teachers chosen from among the Council's teaching workforce;
 - (4) two pupils nominated by the Falkirk Schools Council.

The parent, pupil and teacher representatives will not be entitled to vote but will in all other respects be members of the Education Executive.

Powers of Education Executive

- 3(2) The Education Executive will have the **exclusive** power to take any decision on behalf of the Council in the discharge of its functions as education authority except those reserved to Council or delegated to a Chief Officer. The Education Executive may establish Policy Development Panels in the same way as the Executive. Any Panel so established will operate in terms of the remit fixed by the Education Executive and in accordance with guidance issued from time to time by the Executive.
- 3(3) Paragraph 2(3) will apply to the Education Executive within its decision making competence as it applies to the Executive.

SCRUTINY COMMITTEE

Composition of the Scrutiny Committee

- 4(1) The Scrutiny Committee will consist of ten members with six drawn from the Administration and four members not drawn from the Administration (subject to the proviso that no member of the Executive may be a member of the Scrutiny Committee). The Convener and Depute Convener of the committee will be such members of the committee appointed as such by the committee.

Role of the Scrutiny Committee

- 4(2) The Scrutiny Committee will develop the annual scrutiny plan of the council and will submit it to Council for agreement. The Scrutiny Committee will also be responsible for overseeing the implementation of the plan. The scrutiny plan will identify the principal areas which it identifies as requiring detailed scrutiny. In order to undertake detailed scrutiny, the Scrutiny Committee may establish one or more Scrutiny Panels. The Scrutiny Committee will have no decision-making power but will make such recommendations as it considers appropriate to the Executive.

Scrutiny Panels

- 4(3) A Scrutiny Panel will consist of up to five members of the Council as determined by the Scrutiny Committee. Any member of the Council other than a member of the Executive may be appointed to a Scrutiny Panel. A Scrutiny Panel will consist of a member or members drawn from the Administration and a member or members not drawn from the Administration. The Scrutiny Panel will conduct its work in accordance with the remit fixed by the Scrutiny Committee and in accordance with guidance on scrutiny issued by the Scrutiny Committee from time to time. The Scrutiny Panel will have no decision-making power and will not be a sub-committee of the Scrutiny Committee.

Additional Roles

- 4(4) The Scrutiny Committee will consider:-
- (1) any report made in accordance with the Following the Public Pound framework;
 - (2) reports on performance by the Falkirk Community Trust;
 - (3) any performance reports in respect of the Local Police Plan or the Local Fire and Rescue Plan;
 - (4) any other matter referred to the committee for consideration by Council or the Executive.

Introduction

Like every other Local Authority, Falkirk Council's process of making decisions and actually carrying out its business is done in a variety of ways. In order to be as effective as possible in delivering services to members of the public or in responding to external parties engaged in dealings with it, the Council delegates these tasks to Committees or Officers. This is permitted in terms of the Law and allows for a speedier and more efficient delivery of Council business, as well as allowing those engaging with the Council to do so in the knowledge that the interaction will not be hampered by a lack of authority on the part of their relevant Council contacts.

Whilst there are some decisions reserved exclusively to the Council as a whole, where delegation does take place it is important to remember that every decision taken under delegated power, whether by a committee or an officer, is considered to be a decision of the Council.

This section of the Scheme describes how decision-making operates within the Council. The remaining sections detail some specific delegations that have been agreed by the Council.

Extent of Delegation

The Council can only delegate to a Committee or an Officer of the Council or any other local authority in Scotland. Unless the Council states otherwise, Committees may delegate further to Officers and it may be that such delegations are contained in reports on particular topics dealt with from time to time by the Council. As regards Officer delegation, broadly speaking matters are delegated in the first instance to Chief Officers.

Chief Officers may delegate any matter delegated to them with the expectation that day to day decisions should be delegated as close to the point of service delivery as possible. Any action or decision taken in these circumstances remains the responsibility of the Chief Officer. Chief Officers should keep a written record of this delegation.

Where a responsibility has been further delegated there is nothing to prevent the person who was originally given delegated powers under this Scheme from dealing with the responsibility themselves or from withdrawing or amending the delegation.

51. PLANNING COMMITTEE

Reservation to Council

1. It is important to note, prior to detailing the Terms of Reference and Powers of the Planning Committee, that under section 56(6A) of the 1973 Act, there is reserved to Council, the determination of all applications which fall within section 38A(1) of the Town and Country Planning (Scotland) Act 1997. These are applications which require a mandatory pre-determination hearing prior to determination and include “national developments” as set out in a National Planning Framework and major developments which are significantly contrary to the development plan. This reservation to Council is noted at paragraph 1(4) of this Scheme of Delegation to Committees.

Terms of Reference

2. To discharge the Council’s regulatory and enforcement functions as detailed at paragraphs 3 to 9 below.

Powers of the Planning Committee

3. In relation to development control matters, to determine applications for:-
 - (i) planning permission in relation to major and local developments in terms of section 26A(1) subsections (b) and (c) respectively of the Town and Country Planning (Scotland) Act 1997,
 - (ii) listed building and conservation area consent,
 - (iii) discharge, amendment or deletion of conditions,
 - (iv) certificates of lawfulness of existing or proposed development,
 - (v) advertisement consent,
 - (vi) hazardous substances consent, and
 - (vii) decisions on permitted development,all in circumstances where:-

- (a) the application has been made by a member of the Council or by an officer involved in the statutory planning process;
 - (b) determining the application (whether by grant or refusal) would result in a contravention of the development plan or a contravention of the Council's policies, whether or not objections have been made;
 - (c) it is proposed to approve the application and there is a formal objection from a statutory consultee which would trigger referral of the application to Scottish Ministers;
 - (d) there has been a request from an elected member to refer any matter to committee within 7 days of the periodical recommendations list being issued, in which case reasons must be stated; or
 - (e) for any other reason, the Director of Development Services considers it inappropriate to consider the application under delegated powers.

- 4. In relation to development control matters, to conduct pre-determination hearings required by section 38A of the Town and Country Planning (Scotland) Act 1997.

- 5. In relation to development control matters, to determine applications for modification or discharge of planning obligations or good neighbour agreements other than in circumstances where:-
 - (a) the original application was determined by Council in which case Council shall determine the application for modification or discharge;
 - (b) the original application was determined by the Planning Committee solely by reason of 3(a) above in which case the Director of Development Services shall have delegated power to determine the application for modification or discharge unless, for any reason, she considers it inappropriate to consider the application for modification or discharge under delegated powers and refers the matter back to Planning Committee for determination; or
 - (c) the original application was determined by the Director of Development Services in which case the Director of Development Services shall have delegated power to determine the application for modification or discharge unless her decision on the original application was subject to review by the Planning Review Committee and/or for any reason, she considers it inappropriate to consider the application for modification or discharge under delegated powers.

- 6. To hear and determine unresolved objections to any order proposed for the regulation of traffic and the implementation of traffic management schemes

under the Road Traffic Regulation Act 1984, the Roads (Scotland) Act 1984, the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 and any other relevant Acts or Regulations, and to conduct any hearings required under those Acts and Regulations.

7. To consider and determine any of the regulatory and enforcement matters relating to the Council's functions as Roads Authority, in terms of the Roads (Scotland) Act 1984, the Road Traffic Regulation Act 1984, the Town and Country Planning (Scotland) Act 1997 or any other relevant Acts or Regulations, where the nature of the matter has been deemed controversial by the Director of Development Services.
8. To conduct hearings under the Building (Scotland) Act 2003 and to make consequential determinations.
9. To agree the procedures relating to conduct of any review carried out by the Planning Review Committee, other than those already set out in regulations or a development order.
10. In carrying out any of their powers hereunder, the committee may:-
 - (i) conduct hearings in such manner as they consider appropriate, having regard to the subject matter under consideration and the requirements of law;
 - (ii) visit any site connected with a matter under consideration if it would assist the committee in the discharge of their functions;
 - (iii) authorise the institution, entering appearance in or defending of any proceedings before any Court, Tribunal or Inquiry (where not authorised elsewhere in these Schemes of Delegation) where Council involvement is necessary to protect or uphold the interests of the Council and its community in respect of any matter within the remit of the committee, provided that it will remain open to any Chief Officer to provide the foregoing authority where time limits or an emergency situation requires immediate action to ensure the Council's participation in the proceedings.

Powers Delegated to Chief Officer

11. Paragraphs 15 and 16 of the Scheme of Delegation to Officers detail the powers delegated to the relevant Chief Officer.

52. PLANNING REVIEW COMMITTEE

Terms of Reference

1. To discharge the planning authority's functions in terms of section 43A (8) of the Town and Country Planning (Scotland) Act 1997 in connection with the

review of any planning decision taken by an officer appointed for that purpose in terms of section 43A (1) of the said Act.

Powers of the Planning Review Committee

2. When required to do so by the applicant, to review any application which has been dealt with by an officer appointed in terms of section 43A (1) above where:-
 - (i) the application has been refused;
 - (ii) the application has been granted subject to conditions; or
 - (iii) the application has not been determined within such period as may be prescribed by regulations or a development order.
3. To uphold, reverse or vary any determination made in terms of 2(i) or 2(ii) above.
4. To determine any application which has not already been determined in terms of 2(iii) above.
5. To conduct any review in accordance with regulations or a development order made in terms of section 43A (10) of the said Act or as decided by the Planning Committee, which shall, without prejudice to the foregoing include the power to:-
 - (i) hold pre-examination meetings to determine the manner in which the review is to be conducted;
 - (ii) invite written submissions;
 - (iii) hold hearing sessions;
 - (iv) undertake site visits.

53. CIVIC LICENSING COMMITTEE

Terms of Reference and Powers of the Civic Licensing Committee

1. To discharge the Council's regulatory and enforcement functions in relation to all licensing matters under the Civic Government (Scotland) Act 1982 or other relevant Acts or Regulations covering personal or other licences, certificates, permits and the regulation of public processions so far as not delegated to another committee or a Chief Officer. In carrying out its powers the committee may:-

- (i) conduct hearings, in such a manner as it considers appropriate having regard to the subject matter under consideration and the requirements of law, in relation to the determination, suspension or revocation, as appropriate, of applications for licences, certificates, permits or orders;
- (ii) visit any site connected with a matter under consideration if this would assist the discharge of functions; and
- (iii) institute, become involved in, or defend, any proceedings before a Court, Tribunal or Inquiry where the Council's involvement is deemed necessary to protect or uphold Council or community interests. This is on the condition that it remains open to a Chief Officer to provide the foregoing authority where time limits or an emergency situation require immediate action to ensure the Council's participation in the proceedings.

Powers Delegated to Chief Officers

- 2.. Paragraphs 17, 18 19 and 20 of the Scheme of Delegation to Officers detail the powers delegated to the relevant Chief Officers.

54. PENSIONS COMMITTEE

Terms of Reference

1. The Pensions Committee will:-

- (1) exercise responsibility for the administration of the Superannuation Pension Fund;
- (2) monitor and review investment activity and Fund performance;
- (3) establish policies in relation to investment management and administration;
- (4) present an annual report to Council on the state of the Fund and on the investment activities during the preceding year.

Powers of the Pensions Committee

2. The functions delegated to and powers of this committee are:-

- (i) to oversee the Council's role as an Administering Authority in terms of the Local Government etc (Scotland) Act 1994 and the Superannuation Act 1972;
- (ii) to oversee the Council's role as scheme manager in terms of the Public Service Pensions Act 2013;
- (iii) to supervise the administration of the Fund in accordance with relevant legislation and codes of practice;
- (iv) to formulate and monitor policies in respect of the administration of the Fund;
- (v) to manage the investments of the Fund in accordance with relevant legislation and codes of practice;
- (vi) to formulate and monitor an investment policy and strategy for the Fund, including an asset allocation strategy;
- (vii) to formulate and monitor a funding policy for the Fund;
- (viii) to ensure that a Statement of Investment Principles, Funding Strategy Statement, Administration Strategy and Governance Compliance Statement are maintained in accordance with strategy and policy;
- (ix) to ensure that a risk register is maintained;
- (x) to ensure that the Fund is subject to actuarial valuations as required;
- (xi) to approve the Pension Fund Annual report and Accounts;
- (xii) to set a training policy on pensions matters for committee and Panel members;
- (xiii) to appoint external advisers, investment managers and custodians, as required;
- (xiv) to receive, consider and, as appropriate, make determinations in relation to reports from officers on matters of relevance to the running of the pension fund; and
- (xv) to ensure appropriate communication and consultation with Fund stakeholders.

55. APPEALS COMMITTEE

Terms of Reference and Powers of the Appeals Committee

1. The functions delegated to this committee are the consideration of appeals by individual employees on decisions of Chief Officers to dismiss, or issue a final written warning, following proceedings under the Disciplinary or Capability Procedures. In addition, the committee will exercise an appellate role in relation to grievances where required by any national terms and conditions to which the Council is a party.

56. APPOINTMENTS COMMITTEE

Terms of Reference of the Appointments Committee

1. The function delegated to this committee is to recommend to the Council, the appointment of the Chief Executive and Chief Officers.

57. AUDIT COMMITTEE

Terms of Reference

1. The purpose of the Audit Committee is to support the Council in its responsibilities for risk management, governance, and control. It does this by seeking assurance that an effective system of internal control is maintained, and that reasonable arrangements have been established to ensure that assets are safeguarded, waste or inefficiency is avoided, reliable financial information is produced, value for money is continuously sought, and that Council activities are within the law.
2. The main objectives of the Committee are to provide:
 - (i) independent assurance on the adequacy of the risk management framework and associated control environment within Falkirk Council;
 - (ii) independent scrutiny of the Authority's financial and non-financial performance to the extent that it affects Falkirk Council's exposure to risk and weakens the control environment; and
 - (iii) assurance that any issues arising from the process of drawing up, auditing, and certifying the Annual Accounts are properly dealt with.

Powers of the Audit Committee

3. Risk Management, Governance, and Control

- 3.1 To review and seek assurance on the framework of risk management, governance, and control.
- 3.2 To review and seek assurance on the system of internal financial control.
- 3.3 To review the Authority's Assurance Statements to ensure they properly reflect the risk environment, and to produce an annual report on the above to support these statements.
- 3.4 To take account of the implications of publications detailing best practice for audit, risk management, governance, and control.
- 3.5 To take account of recommendations contained in the relevant reports / minutes of external scrutiny agencies.

4. Internal Audit

- 4.1 To review and approve the Internal Audit Strategy and Plans ensuring that the process has due regard to risk materiality and coverage.
- 4.2 To monitor progress and review audit reports from the Internal Audit Manager.
- 4.3 To monitor management action taken in response to audit recommendations.
- 4.4 To consider the Internal Audit Manager's Annual Assurance Report.
- 4.5 To review the operational effectiveness of Internal Audit by considering its standards, resources, staffing, technical competency, and performance measures.
- 4.6 To ensure there is direct contact between the Audit Committee and Internal Audit, and the opportunity is given for discussions with the Internal Audit Manager (as required) without the presence of Executive Officers.

5. External Audit

- 5.1 To review the Audit Strategy and Plan, including the Performance Audit Programme.
- 5.2 To consider all statutory audit material, in particular:
 - Audit Reports (including Performance Audit Studies);
 - Annual Reports; and
 - Management Letters.

- 5.3 To monitor management action taken in response to External Audit recommendations, including Performance Audit Studies.
- 5.4 To have the ability to hold meetings with the External Auditors at least once per year without the presence of the Executive Directors.
- 5.5 To review the extent of co-operation between External and Internal Audit.
- 5.6 To note the appointment and remuneration of External Auditors.

6. Standing Orders and Financial Regulations

- 6.1 To periodically review Standing Orders and Financial Regulations.

7. Annual Accounts

- 7.1 To review significant changes in accounting policy.
- 7.2 To review and recommend approval to the Council of the Annual Accounts.

8. Other

- 8.1 The Committee has a duty to review its own performance, effectiveness, and terms of reference on an annual basis.
- 8.2 The Committee shall keep up-to-date with changes to topical laws and regulations.
- 8.3 An Annual Report of the work of the Committee shall be submitted to the Full Council (by the Convener of the Audit Committee).
- 8.4 The Committee has the power invite such persons with particular expertise in areas being considered by the Committee to address the Committee or to take part in meetings.
- 8.5 To report on the roles and responsibilities of the Audit Committee and actions taken to discharge those.

58. COMMON GOOD FUND COMMITTEES

Terms of Reference and Powers of the Common Good Fund Committees

- 1. The functions delegated to and powers of these committees are to consider and determine applications for grants and donations from organisations from Common Good Funds held by the Council as Trustees.

59. NOT USED

60. EMERGENCY COMMITTEE

Terms of Reference and Powers of the Emergency Committee

1. The functions delegated to and powers of this committee are:-

To take such immediate action as may be necessary (including consultation with such individuals or organisations as the committee may consider appropriate) to protect the interests of the Council in relation to:-

- (i) Emergencies arising from industrial action by employees of the Council; and
- (ii) Any other emergency the implications of which, in the opinion of the convener or the Chief Executive, require to be referred to the committee.

A Meeting of the Emergency Committee may be called with 24 hours notice.

SECTION 8

SCHEME OF DELEGATION TO OFFICERS

61. The Scheme of Delegation to officers is as follows:-

1. Chief Officers are the only officers specifically empowered to act and take decisions in the name of the Council.
2. The Chief Executive is the Head of Paid Service and has authority over all other Chief Officers so far as is necessary for efficient management and for carrying out the Council's functions. His or her principal responsibilities are:-
 - (i) to be the Council's principal adviser on general policy, and to ensure that all proposals are consistent with policy;
 - (ii) to make long term assessments of resources, needs and commitments and to co-ordinate advice on forward planning;
 - (iii) to ensure that the Council's policies and programmes are implemented and that the Council's staff is managed effectively having regard to statutory responsibilities,
 - (iv) to be responsible for management of the Council's operational buildings.
3. Subject to Paragraph 2 above, the Council's Chief Officers are answerable to the Council for the efficient management of the services provided by their staff and due performance of their statutory functions.
4. The Council's Chief Officers are hereby empowered to take operational decisions:-
 - (i) discharging any of the functions of the Council except for any matters specifically reserved to Council or Committee and provided that any such decision does not alter or depart from any Council policy or any procedure which has been approved by Council or any of its Committees and is consistent with the Budget;
 - (ii) on all managerial and professional matters incidental or ancillary to the discharge of functions delegated under (i) above or relating to lawful requirements imposed on them or their staff by third parties;
 - (iii) without exception, where an emergency requires that a decision under (i) above be taken without reference to Council or Committee .

5. The Council's Chief Officers may use whatever means they consider appropriate to discharge the functions of the Council allocated to or dealt with by them or their staff, including:-
- (i) incurring expenditure;
 - (ii) engaging and deploying staff provided that there shall be no increase in agreed staffing levels unless the increase is necessary to implement any decision of Council;
 - (iii) deploying other resources within their control;
 - (iv) placing contracts and procuring other resources within or outside the Council;
 - (v) determining any matter which is necessary to enable the Council to provide any service, to comply with any duty or requirement in the provision or management of any service, to assist the efficient and effective management of the Council or a function thereof or to implement any decision of the Council.
6. In exercising their delegated powers the Council's Chief Officers must:-
- (i) act within the law and the Council's Standing Orders, Contract Standing Orders and Financial Regulations and any Code of Conduct or Practice adopted by the Council from time to time;
 - (ii) ensure that no decision taken by them would impact significantly on service delivery across the whole of the council area;
 - (iii) ensure that decisions taken are compliant with agreed revenue and capital budgets;
 - (iv) have regard to the Corporate Plans;
 - (v) ensure the implementation of corporate policies and strategies, both at an area wide and local level;
 - (vi) ensure that the performance of their Service across the Council area in relation to agreed standards is reported appropriately;
 - (vii) ensure that Local Members are informed about the performance of their service in the ward; and
 - (viii) consult, as appropriate, with the Portfolio Holder for the service area involved and the Local Members.

7. The Council's Chief Officers may authorise other officers to exercise powers delegated to them. However, actions taken under that authority must be taken in the name of the chief officer concerned, and remain his or her responsibility.
8. Emergency action taken under delegated powers must be reported to the next meeting of the appropriate Committee.
9. The Council's Chief Officers will have full legal authority under Paragraph 4 above to take or authorise actions, decisions, expenditure and commitments on behalf of the Council. However, without qualifying that legal authority, conformance with Council policy should be assured in one of the following ways:-
 - (i) the matter involves the implementation of a Council policy approved by Committee; or
 - (ii) the matter was approved by Committee as part of the annual service plan and budget; or
 - (iii) the procedure set out in Paragraph 10 below is followed.
10. The procedure referred to in Paragraph 9(iii) above is as follows:-

The Chief Executive or Chief Officer concerned will:-

 - (i) consult the Convener of the relevant Committee or relevant Portfolio Holder as appropriate before exercising the delegated power;
 - (ii) consult the Chief Governance Officer, the Chief Finance Officer and any other Chief Officer involved as a matter of good administrative practice before exercising the delegated power;
 - (iii) keep a record of the exercise of the delegated power; and
 - (iv) make this record available to the Members of the relevant Committee.
11. Approval of the budget by Council provides authorisation for Chief Officers to incur expenditure and collect income in respect of revenue and capital budgets, subject to:-
 - (i) any restrictions or conditions included in service plans;
 - (ii) further approval from the Executive where sufficient detail has not been included in service plans;
 - (iii) compliance with the financial limits set from time to time.

12. All Directors, the Chief Finance Officer and the Chief Governance Officer must ensure to the satisfaction of the Chief Executive and the Chief Finance Officer/Director of Corporate and Neighbourhood Services that:-
- (i) appropriate systems for planning, monitoring, evaluating and reviewing performance are in operation for the Services for which they are responsible;
 - (ii) capital expenditure is planned and monitored continually to ensure that the Council's plans are actioned, including the prompt implementation of associated revenue elements;
 - (iii) revenue expenditure is planned and monitored continually to ensure that it is within approved estimates and continues to be justified by Service performance.
13. Where specific powers and duties are imposed upon specific Officers of the Council by operation of law, those powers and duties will be undertaken by the Officer so empowered having regard to the procedures set out by law, the Council's policies and this Scheme of Delegation. The statutory appointments which the Council is obliged to make are listed at clause 24 below.

Specific Delegation to Chief Officers

Notwithstanding the general nature of the delegations detailed above, relevant Chief Officers will have the following specific delegated powers:-

14. **Civic Events**

The Chief Executive and/or the Chief Governance Officer in consultation with the Provost will have authority to approve expenditure and determine ceremonial matters and hospitality in accordance with the policy of the Council.

15. **Regulatory and Enforcement Matters**

Any regulatory or enforcement powers or duties conferred or imposed on the Council in terms of law, apart from those in relation to Civic Licensing and those detailed herein as being within the remit of the Council, the Planning Committee or the Planning Review Committee will be executed by the Chief Officer for the relevant Service and, in the event of there being any conflict as to which is the relevant Service, the Chief Executive will be entitled to decide.

16. Without prejudice to the generality of the foregoing, it is specifically acknowledged that the Director of Development Services will have power to:-

- (i) appoint persons to determine planning applications in terms of section 43(A)(i) of the Town and Country Planning (Scotland) Act 1997
- (ii) vary or otherwise any planning permission where the variation sought is not material, under section 64 of the Town and Country Planning (Scotland) Act 1997;
- (iii) advertise applications for planning permission when required by law or otherwise deemed desirable;
- (iv) make Tree Preservation Orders and decide whether the topping, lopping or felling of trees subject to Tree Preservation Orders is necessary in terms of section 160 of the Town and Country Planning (Scotland) Act 1997 and the authorisation of such activities;
- (v) issue stop notices and instruct action for interim interdicts;
- (vi) issue breach of condition and planning contravention notices;
- (vii) pursue enforcement action;
- (viii) issue statutory notices including those in relation to environmental protection matters, food safety, trading standards, planning, building standards and roads;
- (ix) determine whether the prior approval of the Planning Authority is required.

Regulatory and Enforcement matters- Civic Licensing

17. The Chief Governance Officer is authorised to determine the following licensing matters:

Taxi/Private Hire

- (i) to grant taxi drivers and private hire car drivers licences, and taxi and private hire car operators licences, where there are no current convictions and where there have been no objections; provided that applications for second or subsequent operators licences for the same applicant will be referred to the Civic Licensing Committee;
- (ii) to renew taxi drivers and private hire car drivers licences, and taxi and private hire car operators licences, where there are no new convictions and where there have been no objections since the last consideration of the matter;
- (iii) to consider taxi driver and private hire car driver licence applications (both new applications and renewal applications) where an adverse

medical report has been received (suspensions on medical grounds recommended during the currency of a licence must be referred to the Civic Licensing Committee unless an immediate suspension is required);

- (iv) to issue Notice of exemption certificates to taxi/private hire car drivers who have demonstrated a medical condition that prevents them from assisting wheelchair bound passengers to enter/ exit the taxi/ private hire car or from carrying animals;

Other

- (v) to grant licences for boat hirers, booking office,, cinema, house in multiple occupation, hypnotism, indoor sports entertainment, knife dealers, late hours caterers, market operators, metal dealers, public entertainment, second-hand dealers, skin piercing and tattooing, street traders, theatres, venison dealers, window cleaners and zoos, where there are no current convictions and/or where no objections have been received;
- (vi) to renew licences (as per (v) above) where there are no new convictions and where there have been no objections, since the last consideration of the matter;
- (vii) to consider renewal applications under the 1982 Act which are submitted late (but within 28 days of the licence expiry date);
- (viii) to determine applications for approval of premises under the Marriage (Scotland) Act 1977 and any associated Regulations;
- (ix) to consider applications to vary any licence;
- (x) to order the suspension or revocation of a licence ;
- (xi) to issue permits and licences for cinema, public charitable collections and raised structures subject to no objections;
- (xii) to grant metal dealer exemption warrants if satisfied the applicant has met the financial threshold required; and
- (xiii) to make an order in relation to public processions where time does not allow for consideration of the matter at committee;

18. The Director of Corporate and Neighbourhood Services is authorised to exercise all decisions relating to the registration of Private Landlords except for the refusal of applications for registration and the revocation of registration which will be reserved to the Civic Licensing Committee.

19. The Director of Development Services is authorised to determine applications for licences for animal boarding establishments, breeding of dogs, caravan sites dangerous wild animals, performing animals pet animals, reservoirs and riding establishments.
20. The Chief Governance Officer, Director of Corporate and Neighbourhood Services and the Director of Development Services are authorised to undertake any necessary enforcement actions available to them under the appropriate legislation in the discharge of their functions detailed in paragraphs 17, 18 and 19.

21. **Local Government Pension Scheme (LGPS)**

- (i) The Chief Finance Officer will have authority to exercise all employer discretions available to the Council under the LGPS
- (ii) The Chief Finance Officer will have authority to determine the recipient of any death grant in circumstances where the scheme member has made a nomination and the payment is made to the nominee and in the absence of a nomination where the payment is made in accordance with a will, and in the absence of a will in accordance with the rules of intestate succession. In all other cases, the Chief Finance Officer and the Chief Governance Officer will have the authority to make the decision.

22. **Property Matters**

(i) **Land and Property surplus to Operational requirements**

Chief Officers will have the authority to make the decision on removal from operational service land and property no longer required for operational purposes for internal transfer or for disposal either on the open market or on a negotiated basis where the value of the asset is assessed to be less than £5,000.

Before any land or property is declared surplus by Chief Officers, they will consult the relevant Portfolio Holder and Local members and may, where deemed appropriate consult with any other Council Service.

(ii) **Disposal of Surplus Land and Property**

The Director of Development Services, in consultation with the relevant Chief Officer, will have authority to agree terms for the disposal or internal transfer of land and property, which has been declared surplus (whether in terms of paragraph 22(i) above or by the Executive), subject to a maximum value of £350,000 in any particular case.

(iii) **Leases and other Property Transactions**

The Director of Development Services will have authority:-

- (a) to agree terms for leases up to 25 years duration and up to an annual rental value of £100,000.
- (b) to agree terms for ground leases for a duration of up to 125 years with a capital value of up to £350,000 or equivalent rental value
- (c) to agree the terms of other property transactions eg assignments, subleases, licences, servitudes, wayleaves and the like subject to and consistent with the financial values detailed above.

(iv) **Acquisition of Land and Property**

- (a) The Director of Development Services, in consultation with the relevant Chief Officer, will have authority to approve any terms and conditions for the acquisition or internal transfer of land and property subject to a maximum value of £350,000 in any particular case provided that he or she is satisfied that the acquisition or transfer is consistent with the provisions of Paragraph 9 in relation to conformance with Council Policy, is contained within the approved capital programme or is otherwise approved by reference to a decision of the Executive or Council.
- (b) The Director of Development Services will have authority to instruct the Chief Governance Officer to conclude any relevant property transaction.

(v) **Demolition of Buildings**

Chief Officers, in consultation with the relevant Portfolio Holder, will have the authority to instruct the demolition of any building held under their operational remit in circumstances where the building is an imminent danger to health and safety or is beyond economic repair

23. **Statutory Appointments**

In terms of various Statutes the Council is obliged to appoint designated officers to certain roles as follows :-

- (i) The Chief Executive is appointed as the Head of Paid Service in terms of section 4 of the 1989 Act
- (ii) The Chief Governance Officer is appointed as the Monitoring Officer in terms of section 5 of the 1989 Act
- (iii) The Chief Finance Officer is appointed as the officer with responsibility for the financial affairs of the Council in terms of section 95 of the 1973 Act
- (iv) The Director of Social Work Services is appointed as the Chief Social Work Officer in terms of section 3 of the Social Work (Scotland) Act 1968
- (v) The Chief Executive is appointed as the Returning Officer in terms of section 41 of the Representation of the People Act 1983
- (vi) The Chief Governance Officer is appointed in respect of all other references to Proper Officer in legislation relating to elections
- (vii) The Chief Executive is appointed as Proper Officer for purposes in connection with Declarations of Acceptance of Office by Councillors in terms of section 33A of the 1973 Act
- (viii) The Chief Executive is appointed as Proper Officer for receipt of Councillors' resignations in terms of section 34 of the 1973 Act
- (ix) The Chief Governance Officer is appointed as Proper Officer for purposes in connection with meetings and proceedings of the Council, Committees and Sub Committees in terms of section 43 and schedule 7 of the 1973 Act
- (x) The Chief Governance Officer is appointed as Proper Officer for purposes in connection with access to agendas, reports and background papers of the Council, Committees and Sub Committees in terms of sections 50B-F of the 1973 Act
- (x) The Chief Governance Officer is appointed as Proper Officer for various purposes in connection with legal proceedings and service of notices etc on the Council in terms of section 190 of the 1973 Act
- (xi) The Chief Finance Officer is appointed as Proper Officer in respect of claims on behalf of the Council in sequestrations and liquidations in terms of section 191 of the 1973 Act
- (xii) The Chief Governance Officer is appointed as Proper Officer in respect of the authentication of documents in terms of section 193 of the 1973 Act
- (xiii) The Chief Executive, the Chief Governance Officer, the Depute Chief Governance Officer and the Legal Managers are appointed as Proper Officers in respect of execution of deeds and use of the Council Seal in terms of section 194 of the 1973 Act

(xiv) The Chief Governance Officer is appointed as Proper Officer for various purposes in connection with byelaws in terms of sections 202-204 of the 1973 Act

(xv) The Head of Human Resources is appointed as Proper Officer in respect of politically restricted postholders in terms of section 2 of the 1989 Act

(xvi) The Chief Governance Officer is appointed as Proper Officer in respect of management rules in terms of sections 112-113 of the Civic Government (Scotland) Act 1982

(xvii) The Chief Governance Officer is appointed as Proper Officer in respect of maintaining the register of members' interests in terms of The Ethical Standards in Public Life etc (Scotland) Act (Register of Interests) Regulations 2003

For the avoidance of doubt, any reference to the Chief Governance Officer and the Chief Finance Officer is deemed to include reference to their deputies.

24. In relation to the foregoing delegations, in the event that the relevant Chief Officer considers it inappropriate to deal with a matter under delegated powers, the matter may be referred by him or her for a decision to the relevant Committee.

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1. STATUS OF CONTRACT STANDING ORDERS

- 1.1 The Council's Contract Standing Orders are a requirement of section 81 of the Local Government (Scotland) Act 1973. They exist to ensure that uniform contracting procedures are laid down for use throughout the Council. Compliance with the Orders is mandatory. Use of the Orders promotes consistency, transparency, fair opportunity and equality of treatment. Proper application of the Orders affords protection to those dealing with contracts.
- 1.2 All contracts let by or on behalf of the Council, regardless of whether any such contracts are otherwise exempted from the application of the Orders, shall be subject to an obligation on the relevant Chief Officer to seek Best Value for the Council and to be able to demonstrate fairness and transparency in the contract procedure chosen to all parties having an interest in that procedure.
- 1.3 The Procurement Board will issue Corporate Procurement Procedures ("Procedures" – see definition in paragraph 2.2) which should be read alongside the Orders. The Procedures shall be reported to the Council for noting. Additionally, the Procurement Board will from time to time issue best practice guidance which should be read alongside the Orders and the Procedures.
- 1.4 Chief Officers must ensure that all officers involved with contracts within their Service understand the Orders and Procedures and have this confirmed in writing by them. Chief Officers must ensure that such officers are properly trained to undertake procurement in accordance with the Orders and Procedures. Chief Officers must ensure that such officers follow any best practice guidance on training issued by the Procurement Board.
- 1.5 In interpreting the Orders, reference should be made also to the Council's Policies and Procedures and, in particular, to the Falkirk Council Code of Conduct for Members and Officers.

- 1.6 The Orders shall be applied in such manner as will comply with European Community Law, UK and Scottish Law.

2. DEFINITIONS

- 2.1 The Interpretation Act 1978 will apply to the interpretation of these Contract Standing Orders as it applies to the interpretation of an Act of Parliament.
- 2.2 These definitions should be read in conjunction with those at [paragraph 2] of Standing Orders Relating to Meetings. In the Contract Standing Orders the followings words and phrases shall be given the meanings stated hereafter.

“Best Value” shall be interpreted by reference to the Local Government in Scotland Act 2003 (*see para. 10*).

“Chief Officer” means a Director or a Head of Service with specific delegated authority to act on behalf of a Director in relation to the Orders, or the Chief Executive.

“Community Benefits in Procurement” includes (but is not limited to) targeted recruitment and training, equal opportunities, training for the existing workforce, supply-chain initiatives, community consultation, “considerate contractor” schemes, contributions to education and resources for community initiatives. (see paragraph 10)

“Contract Value/s” has the meaning given in para. 9.

"contracts" includes arrangements for the execution of works, the supply of goods or the provision of services “in-house” by significant trading activities of the Council.

“contractor” includes supplier and service provider.

“Contracting Service” is the Service directly letting a particular contract.

“EC Directives” means Directives 2004/17/EC and 2004/18/EC.

“European Rules” means the requirements of the public procurement regime of the European Community, including (a) the principles of transparency, equal treatment and non-discrimination, proportionality and mutual recognition set out in the EC Treaty of Rome, (b) the detailed procedural rules set out in the EC Directives applying to higher value contracts, as implemented in Scotland by the Procurement Regulations and (c) relevant European Court of Justice and national case-law.

“Information Bulletin” means the standing item on the Council’s agenda where, among other things, contract decisions taken under delegated authority are reported for information.

“Orders” means these Contract Standing Orders unless the context indicates otherwise.

“Procedures” are the Corporate Procurement Procedures relating to the Orders issued, and updated from time to time, by the Procurement Board. The Procedures explain and expand upon the context in which procurement is carried out within the Council, and include detailed procedures and best practice guidance.

“Procurement Board” means the group of Chief Officers, which reports to the Council’s Chief Executive, responsible for championing procurement best practice across the Council and ensuring the necessary availability of resources, support and commitment.

“Procurement Team” means the team of officers within the Council’s Corporate and Neighbourhood Services responsible for developing best practice procurement guidance and providing professional procurement advice and support across the Council.

“Procurement Regulations” means the Public Contracts (Scotland) Regulations 2006 as amended from time to time.

3. SCOPE OF CONTRACT STANDING ORDERS

The Orders do not apply to:

- 3.1 Contracts of employment.
- 3.2 Contracts for the funding of external organisations (e.g. voluntary/charitable organisations). These are situations where the Council provides funding to an organisation to assist them to operate on their own account. These funding situations are governed by the Financial Regulations (Regulation 10 – Following the Public Pound). Normally this will require the use of a Joint Working Agreement which will set out the conditions for the funding and the objectives to be achieved. This is distinct from the organisation providing goods, services or works for the Council or on behalf of the Council, which will be subject to the Orders.
- 3.3 Contracts for the engagement of the services of artists (including performing artists).
- 3.4 Contracts where the Chief Officer certifies it is necessary to enter into a contract urgently for the prevention or alleviation of an emergency situation.
- 3.5 In addition to procurement the Council will on occasion require to sell. Surplus moveable property will be disposed of by competitive tender, public auction or equivalent as detailed in Para 19.4 of Financial Regulations.
- 3.6 Contracts where the Executive decides that there are special circumstances for some or all of the Orders not applying.

4. COMPETITION

- 4.1 Provision for securing competition is required by s.81(3) of the 1973 Act. Competition is a fundamental principle of public sector procurement. Through competition the Council can demonstrate fairness and transparency in its procurement activities. Through competition the Council can demonstrate Best Value. Standard procurement will normally be through competition.
- 4.2 There will be circumstances where competition is not necessary or appropriate. Procurement without competition will be the exception and may only be done in accordance with the Orders.

5. EXCEPTIONS TO COMPETITION

Nothing in the Orders shall require competitive tenders to be invited in any of the following situations provided the Chief Officer ensures that Best Value is obtained and the use of an exception is made in the best interests of the Council. The Chief Officer must clearly document in an auditable form their reasons¹ for using a particular exception and how they can nonetheless demonstrate Best Value (e.g. through benchmarking). These exceptions do not apply where the European Rules regime requires competition.

- 5.1 The estimated value of the contract is less than £50,000.
- 5.2 The Chief Officer of the Contracting Service deems it desirable to negotiate with an in-house service provider.
- 5.3 The contract consists of repairs to, or the supply of parts for, existing plant or equipment where the original contract of supply or hire does not permit maintenance by a body other than the supplier or his nominee.

¹ That an exception exists is not necessarily a reason for using an exception. For example, competition will still be the norm for contracts below £50,000 in value and the fact that a contract is specialised does not mean there is only one specialised contractor.

- 5.4 The contract is an extension of one year or less of an existing contract and the consequential increase in value is 10% or less of the Contract Value of the original contract, up to a maximum increase of £100,000.
- 5.5 Where the proposed contract forms part of a serial programme of work, the terms may be negotiated with the contractor on the basis of the rates and prices contained in an initial contract awarded competitively following an invitation to tender in accordance with of the Orders, the initial tender having been stipulated to be the first part of a serial programme.
- 5.6 The contract is one for specialised work or the supply and installation of specialised equipment, where the Chief Officer of the Contracting Service in respect of contracts up to £100,000, or the Executive in cases above that amount, considers it in the best interests of the Council.
- 5.7 The contract is for the supply of goods or materials up to a Contract Value of £50,000 and is certified by the Chief Officer as exceptionally available for purchase at advantageous rates in circumstances where the advantage to the Council would be lost by delay in inviting tenders (such contracts to be reported in the next Information Bulletin). Such contracts may not give rise to a continuing relationship between the Council and the supplier.
- 5.8 The Chief Governance Officer in consultation with the Chief Finance Officer and the Chief Executive gives specific exemption on the basis of special circumstances. If this exemption is employed, a report must be made to the next meeting of the Executive detailing the reasons for the exemption being made.

6. AWARD OF CONTRACTS

6.1 No contract shall be awarded unless:

- (i) There is an approved budget for the expenditure (whether from an approved general budget for certain types of expenditure or from a budget specifically approved by Committee for any particular procurement).
- (ii) The Chief Officer is satisfied as to the technical capability and/or professional competency of the contractor.
- (iii) Where the Contract Value is £1 million or more (or where the Chief Officer considers it appropriate) the Chief Finance Officer is satisfied as to the financial standing of the contractor.
- (iv) The Chief Officer is satisfied that the contractor is adequately insured with an approved insurance company in respect to employers' liability, public liability, product liability and/or professional indemnity as may be required.

6.2 Authority for the award of Contracts, including (a) framework agreements and (b) call-offs under framework agreements, shall be provided as follows

(i) **Chief Officer**

Where the Contract Value **does not exceed £100,000²**.

(ii) **Chief Officer in consultation with the Chief Governance Officer**

Where the Contract Value **does not exceed £350,000²**.

(iii) **Chief Officer in consultation with the Chief Governance Officer (subject to referral to the Executive)**

² This includes contracts where Best Value dictates acceptance of a tender other than the lowest (provided the economically most advantageous tender has been the evaluation method chosen).

Where the Contract Value is **£350,000 or over²**, the Chief Officer, in consultation with the Chief Governance Officer, shall have authority to award the contract, subject to the following proviso:

No authority to award such a contract shall be given until notification of the proposed award has been included in the contract award list notified periodically to members of the Executive. A member of the Executive may request, by not later than noon on the 7th calendar day after the date of issue of the list, that any proposed contract award be referred to the Executive for authority to award the contract. If no referral is made, the Chief Officer has authority to award the contract.

(iv) Chief Officer in consultation with the Leader or appropriate Portfolio Holder and the Chief Governance Officer

Where the Contract Value is **£350,000 or over²** and it is necessary to expedite the contractual process between committee cycles and/or during the summer recess. The contract shall be reported to the next appropriate meeting of the Executive for information.

In all cases the Chief Officer shall properly document the procurement process, the basis of the evaluation and the reasons for the selection of the successful tender. This information shall be incorporated into a report format appropriate to the level of authority required. All delegated decisions, other than those with a Contract Value of less than £10,000, shall be reported in the next Information Bulletin unless already reported to the Executive as in (iv) above and notified to the Procurement Team for inclusion in the contracts register.

- 6.3 Where the appropriate authority for the award of any contract has been obtained, the contract may be signed by the Director or a Head of Service of the Contracting Service (or of the client Service, if different), the Chief Executive, the Chief Governance Officer and the Depute Chief Governance Officer.
- 6.4 If the Procurement Regulations apply, a standstill period must be imposed between the notification of the decision to award the contract and the contract being entered into. Further detail can be found in the Procurement Regulations.

7. ADVERTISING

- 7.1 Advertising is encouraged to promote competitiveness, fair opportunity and transparency.
- 7.2 If the Procurement Regulations apply, contracts must be advertised in the Official Journal of the European Union (OJEU). OJEU adverts may be supplemented by advert in newspapers, trade journals and websites as the Chief Officer considers necessary. In this case such adverts must not precede or contain additional information to that contained in the OJEU advert.
- 7.3 Even if the Procurement Regulations do not apply, the Chief Officer must consider, on a case-by-case basis, the need to advertise contracts. If it is estimated that the Contract Value will be £50,000 or more, and the contract is for goods or services, the contract must be advertised on the Public Contracts Scotland website, unless there is a strong business case for not advertising. The Chief Officer must clearly document in an auditable form their reasons for not advertising a goods or services contract with a Contract Value of £50,000 or more.
- 7.4 In all cases, advertising should be sufficient to ensure competition and may include use of local and national newspapers, trade journals and websites.

8. TENDERING PROCEDURES

8.1 Contracts above European thresholds

If it is estimated that the Contract Value will equal or exceed the monetary limits fixed from time to time under the EC Directives and as set out in the Procurement Regulations, the Council must comply with all requirements specified in the European Rules, and in particular the Procurement Regulations. The relevant thresholds (January 2012)³ at the date of the making of these Contract Standing Orders are:

- supplies contracts - £ 173,934
- services contracts - £ 173,934
- works contracts - £ 4,348,350

The types of tendering procedures are:-

- **open procedure** - where all contractors who have responded to an advert are invited to tender.
- **restricted procedure** - where a selection process is applied to those who have responded to an advert in order to restrict the numbers that are invited to tender.
- **negotiated procedure** - where a selection process is applied to those who have responded to an advert and the Council is permitted to enter into negotiations with those selected to finalise the contractual arrangements.
- **competitive dialogue procedure** – where a selection process is applied to those who have responded to an advert and the Council is permitted to enter into dialogue on all aspects of the proposed contract with the selected contractors with the aim of working up solutions with each contractor.

³ These are generally updated every two years. Therefore, next expected date for revised figures is January 2014. The Procurement Team will advertise current figures on the website.

The Council will normally use either the open or restricted procedure. The negotiated procedure and the competitive dialogue procedure can only be used in very limited circumstances and only with the approval of the Chief Governance Officer.

Framework agreements may also be set up under the Procurement Regulations. A framework agreement is an agreement between a supplier or suppliers on the one hand and a contracting authority or authorities on the other which sets out the terms and conditions under which call-off contracts can be made through-out the term of the agreement. This will normally involve use of the open or restricted procedures but the negotiated and competitive dialogue procedures are also permitted where the conditions for their use are met. Further information is included in the Procurement Regulations and the Procedures.

8.2 **Contracts below European thresholds**

Where the estimated Contract Value is **below** the European limits the following tendering procedures may be adopted as an alternative to the European procedures.

- **open tenders** - similar to the European open procedure but with reduced requirements in relation to advertising and timescales.
- **restricted tenders** - similar to the European restricted procedure but with reduced requirements in relation to advertising and timescales.
- **framework agreements** - Similar to framework agreements under the European Rules.

Use may also be made of externally maintained lists of contractors where approved by the Chief Officer, the Chief Finance Officer and the Chief Governance Officer. An example is Constructionline maintained by the Department for Business Innovation and Skills.

8.3 Contracts below £50,000

For contracts below £50,000 there is the option to invite tenders under the Orders, seek quotations under Financial Regulation 13 or use Quick Quote, the online quotation facility on the Public Contracts Scotland website.

8.4 External Frameworks

Where approved by the Chief Officer, the Chief Finance Officer and the Chief Governance Officer, procurement may be through Government central purchasing agencies. Such agencies allow contractors to be selected direct from an existing framework arrangement which has already been subject to competition in compliance with European Rules. Purchasing through such agencies may or may not require further tendering depending on the particular contract. In all cases value for money checks should be considered as Best Value cannot be assumed. Consultation with the Procurement Team is required.

8.5 Scottish Procurement and Scotland Excel

Scottish Procurement is part of the Scottish Procurement Directorate of the Scottish Government and puts in place national contracts which can be used by Scottish public authorities.

Scotland Excel is the centre of procurement expertise for the local government sector. It is run by Joint Committee and the Council is a member. It puts in place contracts which can be used by Scottish local government authorities.

The Council may procure supplies, services and works via Scottish Procurement and Scotland Excel where this offers Best Value for the Council and where authority to award the contract has been obtained pursuant to paragraph 6.2 of the Orders.

8.6 Consortia

Where the Council participates in a Council-approved buying consortium with other local authorities and the tendering process has followed one of the other authority's contract standing orders, compliance with that other authority's orders will be deemed compliant with the Orders. It will still be necessary to obtain authority to award the contract pursuant to paragraph 6.2 of the Orders and the signing of any contract binding upon the Council shall still require to be by, or authorised by, a Chief Officer of the Council in terms of paragraph 6.3 of the Orders.

8.7 Nomination of Sub-Contractors

Where a contract provides for the nomination by the Council of a sub-contractor, the Orders shall apply to the selection for nomination in the same ways as for the award of contract. That is, tenders or quotations must be invited or sought for the nomination.

8.8 Special Arrangements

Separate procedures will apply for contracts in the following areas. These procedures will be developed by the relevant Service Director in consultation with the Chief Governance Officer. The procedures will be reported to the Executive for approval. Compliance with the procedures is mandatory. The Orders shall apply in so far as not amended or excluded (expressly or impliedly) by the special arrangements.

(1) Interests in land: sale, acquisition and lease – Director of Development Services

(2) Appointment of Consultants – Chief Governance Officer

8.9 Social Care Procurement

Social care procurement is an evolving area. Tendering procedures for social care should be in line with best practice guidance. Advice should be obtained from the Procurement Team.

9. CONTRACT VALUES

- 9.1 The values stated in the Orders are the total estimated value of the contract concerned and not the estimated annual value of the contract. Where it is likely that a supply of goods or services will be required on a continuing basis over a number of years, for example with maintenance contracts, the Chief Officer shall take into account the anticipated duration of the continuing supply when estimating the value of the contract for the purposes of the Orders, including any options for extension of the contract period beyond its original duration.
- 9.2 It is not permitted to deliberately divide any procurement exercise or disposal into two or more contracts if the intent in doing so is to avoid the application of any financial thresholds in the Orders or the Procurement Regulations.
- 9.3 The values stated are exclusive of any Value Added Tax that may be levied.

10. EVALUATION

- 10.1 The Council has a duty to secure Best Value by virtue of the provisions contained in Part 1 of the Local Government in Scotland Act 2003. Best Value represents continuous improvement in the performance of the Council's functions and in securing Best Value the Council must maintain an appropriate balance among –
 - (a) the quality of its performance of its functions;
 - (b) the cost of the Council of that performance; and

- (c) the cost to persons of any service provided by it for them on a wholly or partly rechargeable basis.

In maintaining that balance, the Council shall have regard to -

- (a) efficiency;
- (b) effectiveness;
- (c) economy; and
- (d) the need to meet the equal opportunity requirements.

The Council must also discharge its duty to secure Best Value in a way which contributes to the achievement of sustainable development. Sustainable development includes sustainable procurement, one element of which is Community Benefits in Procurement to which Falkirk Council has committed in its Strategic Community Plan. Chief Officers should consider whether such benefits could be achieved through the procurement process and seek advice from the Procurement Team.

- 10.2 Evaluation will be based on the concept of Best Value and will normally be on the basis of the economically most advantageous tender. This allows quality as well as price to be considered and may mean acceptance of a tender other than the lowest priced.

Tenders must be evaluated fairly and objectively in accordance with pre-determined criteria. There is an overriding obligation of equal treatment between tenderers. This might require non-compliant bids to be rejected.

- 10.3 In relation to Works, officers should comply, to the extent compatible with the Orders and the European Rules, with either the NEC Engineering and Construction Contract Guidance Notes or the JCT Practice Note 6, Main Contract Tendering.

11. RECEIPT, CUSTODY AND OPENING OF TENDERS

11.1 Receipt of Tenders

Where tenders are invited, no tender will be considered unless:

- contained in a plain envelope which is securely sealed.
- bearing an approved label, provided by the Council which shows the word “Tender” followed by the subject to which the tender relates.
- the envelopes has no distinguishing mark intended to indicate the identity of the sender, and prospective tenderers shall be notified accordingly.
- the tender envelope is addressed impersonally to the Chief Governance Officer.

The member of staff receiving the envelope containing the tender must:-

- mark the time and date of receipt on the approved label;
- record the receipt of the envelope in the designated triplicate receipt book recording all the required information;
- where possible hand the top copy of the receipt to the person delivering the envelope and attach the second copy to the tender envelope; and
- give the envelope to the Officer designated by the Chief Governance Officer as custodian of tenders, and ensure that that Officer initials and dates the third copy of the receipt as confirmation that he/she has custody of the envelope.

Until the time appointed for its opening, the tender shall remain in the custody of the Chief Governance Officer.

11.2 Opening of Tenders

Tenders shall be opened at one time by two Officers designated for the purpose at least one of whom shall be so designated by the Chief Governance Officer.

No Officer who has an interest in any company may attend the opening of tenders.

Immediately after a tender has been opened, it shall be stamped and/or perforated, where appropriate, with the official stamp and the Officers in attendance shall sign the relevant page of the tender document.

The tender opening form, stamped and initialled by the Officers present, shall be retained by the Chief Executive Office - Governance. A copy of the form shall be held by the Contracting Service.

A register of all tenders opened stating:

- date,
- contract description,
- names of tenderer, and
- tender prices,

shall be kept by the Chief Executive Office - Governance.

11.3 Late Tenders

Any tender received after the time specified for the receipt of tenders will be considered if no other tender has been opened, and in the opinion of the Chief Governance Officer there are good and sufficient reasons for the late receipt of the tender, provided the late receipt of the tender does not place any tenderer at an advantage over any other tenderer.

Any tender received after the official opening has commenced, or rejected under the provisions above, will be returned to the tenderer by the Chief Governance Officer. It may be opened to ascertain the name of the tenderer but no details of the tender shall be disclosed.

11.4 **Confidentiality**

During the period between the opening of tenders and any report on the award of the contract being made public, an absolute obligation will lie with Members and officers not to disclose any details regarding the tenders and the possible outcome of the tendering process.

11.5 **Eprocurement**

Eprocurement via the Public Contracts Scotland website is permissible. Other eprocurement is permissible to the extent that the system used contains sufficient safeguards to protect the integrity of the tendering process and, in particular, in relation to the issue and return of tenders. Any systems will require to be agreed by the Chief Governance Officer

12. **CONTENT OF TENDER DOCUMENTS**

Unless the Chief Governance Officer, on the submission of a Chief Officer, approves otherwise the following information must be contained in all tender documents:-

- (1) the **nature and purpose** of the contract for which tenders are invited;
- (1a) the **selection and award criteria** for the award of the contract
- (2) the **last date and the time** by which tenders should be **lodged**;
- (3) the **Officer** to whom and the **address** to which tenders are to be **returned**;
- (4) that the Council reserves the right to accept a tender **other than the lowest tender** or **not to accept any tender** at all;
- (5) **details of the specification** relating to the contract. Where there is an appropriate European Standard current at the date of the tender, the specification must require the tenderer to meet the requirements of the European Standard.

Where there is no such European Standard then if there is an equivalent International Standard that shall be used. In the absence of either a European or an International Standard an appropriate British Standard “or equivalent” shall be used;

- (6) provision for the insertion by the tenderer of **the price** to be paid with a statement of discounts or other deductions;
- (7) the date of **commencement** of the contract or provision for the insertion of such date by the tenderer, as appropriate;
- (8) the **time or times within which the contract is to be performed** or provision for the insertion of such information by the tenderer, as appropriate;
- (9) that the Council will be entitled to **cancel** the contract and to recover from the tenderer the amount of any loss resulting from such cancellation if the tenderer or their representative (whether with or without the knowledge of the tenderer) shall have practised **collusion** in tendering for the contract or any other contract with the Council or shall have employed any **corrupt or illegal** practices either in the obtaining or execution of the contract or any other contract with the Council or shall have provided **misleading or inaccurate** information in tendering for the contract or any other contract with the Council;
- (10) that the tenderer shall be **prohibited from transferring or assigning** directly or indirectly, to any person or persons, whomsoever, any portion of the contract without the written permission of the Council and that sub-letting of any part of the contract, except to the extent permitted in writing by the relevant Head of Service, shall be prohibited;
- (11) in the case of contracts where the Chief Officers deem that the date of completion or the date of delivery is of importance, that specified **liquidated damages** will be payable for failures to comply with the date of completion or delivery;

- (12) that before entering into a contract, the tenderer shall give an assurance, in writing, that to the best of their knowledge and belief they have complied with all statutory requirements in respect of ensuring **equal opportunity** in employment;
- (13) that before entering into a contract, the tenderer shall give an assurance, in writing, that to the best of their knowledge and belief they are **not unlawfully discriminating** within the meaning and scope of the equal opportunity requirements;
- (13a) that before entering into a contract, the tenderer shall give an assurance, in writing, that (i) any **payments to the tenderer's sub-contractors** (if any) in respect of the contract will be paid timeously and that, as a minimum, invoices rendered by sub-contractors will be paid within 30 days of receipt, unless formally disputed and (ii) the tenderer will impose a similar condition on its sub-contractors in respect of payments due to sub-sub-contractors (if any),
- (14) that the contract will be **subject to the law of Scotland**;
- (15) in the case of contracts where the Chief Officer deems it appropriate tenderers shall be required to enter into a **Bond** with a Bank or Insurance Company for a sum as stipulated by the Chief Officer for the due performance of the contract and/or in such circumstances as the Chief Officer may decide, a **parent company guarantee**. In the case of works contracts, a bond and/or parent company guarantee shall be obtained where the Contract Value is **over £1 million** unless the Chief Officer considers it unnecessary.
- (16) that the tenderer shall be **adequately insured** with an approved Insurance Company in respect of Employers Liability, Public/ Products Liability and/or Professional Indemnity as may be required. Copies of the relevant policies and premium renewal receipts shall be produced by the tenderer whenever required for inspection by the Council;

- (17) that, before entering into a contract, satisfactory evidence has been exhibited to confirm a **Health and Safety Policy** is in place and operational within the contractor's organisation.
- (18) that all contracts made with the Council shall provide that the conditions and obligations to be observed by contractors shall likewise apply to any permitted **sub-contractor** and that a tenderer shall be responsible for the observance of such conditions by any sub-contractor;
- (19) that the contractor shall confirm an awareness of the Council's **Environmental Policy** (or any other policy adopted by the Council) and intimated to the contractor) and adhere to the philosophy of that policy;
- (20) that, in so far as carrying out functions of the Council, the contractor will comply with the **Human Rights Act 1998** and will indemnify the Council in respect of any claims arising due to a contractor's breach of that Act;
- (21) where a contract requires data processing on the part of a contract it will be a condition of the contract that the contractor complies with the security obligations of the **Data Protection Act 1998**.
- (22) that the contract is subject to the requirements for disclosure under the **Freedom of Information (Scotland) Act 2002**. Acceptance of conditions which unreasonably restrict disclosure is prohibited. In dealing with FOI requests, the Council subscribes to the guidance of the Scottish Procurement Directorate on Scottish Public Sector Procurement and Freedom of Information.
- (23) where the **Transfer of Undertaking (Protection of Employment) Regulations 2006 (TUPE)** are likely to apply in a change of service provision, a clause imposing a contractual obligation on the contractor to provide TUPE information in good time prior to the termination of the contract and potential future service provision change.

- (24) that, in so far as carrying out functions of the Council, the contractor will comply with the **Public Records (Scotland) Act 2011** and indemnify the Council in respect of any claims arising due to a contractor's breach of that Act;

13. CONTRACT MONITORING

- 13.1 The Chief Officer will establish a contract monitoring process which will review all contracts during the contract term and after their completion. This review will not only consider financial aspects of the contract but other relevant operational issues to establish a measure of the performance of the supplier in relation to the contract requirements. The degree of monitoring will be determined by the Chief Officer and take account of the Contract Value, the frequency and complexity of the contract and relevant market conditions.

Records will be maintained of the monitoring process to provide evidence that Best Value has been addressed and that an assessment is taking place to enable continuous improvement of the process.

14. CONTRACT PAYMENTS BY INSTALMENTS

- 14.1 Where contracts provide for payment to be made by instalments, the Chief Finance Officer shall arrange for the keeping of a contract register or registers to show the state of account on each contract between the Council and the contractor together with any other payments and the related professional fees. Services shall provide the necessary information to the Chief Finance Officer.
- 14.2 Payments on account of the contract sum shall be made by the Chief Finance Officer within the time specified in the contract upon production of authorised certificates by the Chief Officer. Such certificates shall be in a form approved by the Chief Finance Officer.

15. VARIATIONS TO CONTRACTS/CLAIMS

- 15.1 Any material variation to a contract, whether it be by an addition or an omission, shall be authorised by the Chief Officer who having consulted with the Capital Co-ordinator, Chief Executive Office - Finance shall notify the contractor in writing by issuing an official variation order specifying the addition or omission and include the financial effect of any variation order on the contract price in any progress reports on that contract submitted to other Chief Officers.
- 15.2 All such variations shall be reported to the Executive as soon as possible if the cumulative effect of these is to increase or decrease the Contract Value by:
- £35,000 if the value of the original contract is £350,000 or less; or
 - 10% if the value of the original contract is over £350,000
- 15.3 Claims from contractors in respect of matters not clearly within the terms of any existing contract shall be referred to the Chief Governance Officer for consideration of the authority's legal liability and, where necessary, to the Chief Finance Officer for consideration, before a settlement is reached.

16. RETENTION OF DOCUMENTS

The provisions relating to the retention of tender documentation are set out in the Council's Retention Schedule.

- (1) All unsuccessful tenders will normally be retained for one year.
- (2) Successful tenders and consequent contracts shall normally be retained for five years after completion of the contract.
- (3) Contracts with historical significance should be referred to the Council's Archivist.

- (4) The Chief Officer may decide to retain contracts beyond the normal periods if particular circumstances require, for example, the risk of latent defects appearing in works.

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SECTION A: INTRODUCTION

1. STATUS OF FINANCIAL REGULATIONS

- 1.1 These Financial Regulations form part of the Standing Orders approved by the Council and must be read in conjunction with the Standing Orders.
- 1.2 The Council's Standing Orders and Financial Regulations form a key element of the Council's code of Corporate Governance, that is, the framework of guidance and control that allows the Council to demonstrate that it is doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest, and accountable manner.
- 1.3 All Falkirk Council elected Members and Officers are required to ensure that they maintain the highest standards of probity in dealing with public money and in demonstrating that all appropriate steps have been taken to ensure that best value is achieved. While compliance with these Financial Regulations should provide a framework to facilitate this, the overriding principles of best value should be borne in mind at every stage of Members' and Officers' decision making process.
- 1.4 The Chief Finance Officer is, for the purposes of Section 95 of the Local Government (Scotland) Act 1973, the Proper Officer, under the general direction of the Council and the Chief Executive, for the administration of the Council's financial affairs.
- 1.5 In addition to these Financial Regulations, the Chief Finance Officer may issue financial guidelines. Subject to the approval of, and in collaboration with, the Chief Finance Officer, Chief Officers may also issue financial guidelines, as appropriate, for their Service.
- 1.6 Any exemptions from the principles and procedures set out in these Financial Regulations must be authorised, in writing, by the Chief Finance Officer. Consideration will only be given to exemptions where there are alternative, efficient, and effective control arrangements in place.
- 1.7 Every Committee, Member and Officer of the Council must adhere to these Financial Regulations (in exceptional circumstances the principles of best value may override these Regulations, in which case advice should be sought from the Chief Finance Officer).
- 1.8 Chief Officers must ensure that all Officers are made aware of the Regulations and the requirement to comply with them. All new staff should be made aware of the Financial Regulations through the induction process.
- 1.9 All staff must report any breach of these Financial Regulations that they become aware of to their line manager or to the Chief Finance Officer immediately. Failure by any Officer to comply with the Regulations or, in the case of staff with supervisory responsibilities, failure to ensure the compliance of others, may give rise to disciplinary consequences.

- 1.10 In addition to these Financial Regulations, Members and Officers must follow the Council's policies and procedures. Of particular relevance are the Councillors' Code of Conduct, the Code of Conduct for Members and Officers, and employees' Conditions of Service. These contain rules on issues such as gifts, hospitality, use of Council resources and conflicts of interest.
- 1.11 Wherever practical, financial transactions should be aggregated for the purposes of these Financial Regulations and, therefore, financial limits must not be avoided by deliberately splitting transactions into smaller components.
- 1.12 In exceptional circumstances, an Officer may make an expenditure commitment which is essential to meet any immediate need created by an emergency, subject to any such action being reported to, and retrospectively approved (or otherwise) in writing by, the relevant Chief Officer at the earliest opportunity.

SECTION B: FINANCIAL STEWARDSHIP AND BUDGETING

2. FINANCIAL STEWARDSHIP

- 2.1 Council and the Executive are responsible for regulating and controlling the finances and resources of the Council in conformity with these Regulations. Council and the Executive will be kept informed of the state of the Council's finances and Council will consider the Annual Accounts as made up to the end of the financial year and audited on behalf of the Accounts Commission, together with the auditors' report on the accounts.
- 2.2 In addition, the Audit Committee has a role in monitoring the adequacy of the Council's arrangements for risk management, governance, and control. The Audit Committee is responsible for reviewing the Annual Governance Statement, which provides a report on the adequacy of the Council's corporate governance arrangements, including financial governance, prior to its inclusion in the Council's Annual Report, on an annual basis.
- 2.3 The Chief Finance Officer is responsible for:
- reporting to Council on the level of financial resources proposed to be used in each financial year;
 - keeping Council and the Executive informed with respect to the Council's finances and financial performance;
 - informing Committees about the financial implications of their activities.
- 2.4 Chief Officers must consult with the Chief Finance Officer on the financial aspects of any report to any Committee, and before any commitment is incurred, which may significantly affect the finances of their Service and / or the Council.

3. BUDGETS

- 3.1 The detailed form of capital and revenue budgets will be determined by the Chief Finance Officer under the general direction of the Executive. Council is responsible for setting of the Council's annual revenue and capital budgets
- 3.2 Each Chief Officer will, in good time and in line with the timetable set by the Chief Finance Officer, submit proposed programmes of budgeted revenue and capital expenditure and income for the ensuing financial year(s) to the Chief Finance Officer.
- 3.3 The draft revenue budgets must be submitted to the Council for approval no later than the date prescribed by statute, currently 11th March in each year. In practice, as the Council collects the first direct debit from Council Tax payers in April, approval requires to be provided by mid-February.
- 3.4 The inclusion of items in approved revenue or capital budgets will constitute authority to the Committee or Chief Officer, as appropriate in terms of the Scheme of Delegation, to incur such expenditure during the period covered by that budget.

4. BUDGETARY CONTROL

- 4.1 It is the responsibility of each Chief Officer to monitor and control revenue and capital income and expenditure within the limits of the budgets approved by the Council.
- 4.2 In terms of the Local Government in Scotland Act 2003, the Council has agreed that a statutory trading account is required for trading operations with a turnover greater than 2% of the Council's total revenue spending. The Directors of Corporate and Neighbourhood Services and Development Services are responsible for ensuring that the Building Maintenance and Roads and Civil Engineering trading operations maintain statutory trading accounts and meet the requirements laid down by the Local Government in Scotland Act 2003. In order to demonstrate best value, Directors are responsible for ensuring that appropriate accounts are maintained for the Council's non-statutory trading operations.
- 4.3 To facilitate the monitoring and control of revenue and capital expenditure, and income, the Chief Finance Officer will provide Services with access to the corporate financial systems. The Chief Finance Officer may also provide statements of income and expenditure to Services where this is deemed necessary to maintain sound financial control.
- 4.4 The Chief Finance Officer, after consultation with each Chief Officer will, in good time, ensure that the Executive is informed if it is forecast that the total revenue or capital expenditure or income for a Service is likely to vary significantly from the approved budget.
- 4.5 The Chief Finance Officer will submit regular statements of revenue and capital expenditure and income against budgets to the Executive, as well as a report on the projected (and actual) year-end outturn.

5. BUDGET TRANSFERS (Virement)

- 5.1 Virement is the transfer of whole or a part of a Council or committee approved revenue or capital budget to a different budget heading through the Council's financial ledger. For the avoidance of doubt, this definition applies to transfers between Divisions or between Services.
- 5.2 Except as detailed below, virements of up to £350,000 between budgets can be proposed by Chief Officers and approved by the Chief Finance Officer. A clear and documented trail of the proposal, including the reasons for the proposed virement, must be prepared by the Chief Officer and submitted in writing to the Chief Finance Officer. Formal written approval, or otherwise, of virements must be retained by the Chief Finance Officer. Virements in excess of £350,000 must be approved by the Executive.
- 5.3 For capital budgets, the Executive must approve any individual changes to the approved project or expenditure block of more than £350,000.

- 5.4 If unbudgeted revenue or capital income of more than £50,000 is received from a single external organisation over any 12 month period, details of the source, amount, and intended use should be reported to the relevant Chief Officer, the Chief Finance Officer, and the Executive.
- 5.5 Schools must adhere to the budget virement and carry forward rules contained within the Devolved Schools Management Scheme.

6. ACCOUNTING

- 6.1 All accounts and accounting records of the Council must be compiled under the direction of the Chief Finance Officer. The Chief Finance Officer will exercise supervision and control over all financial records and systems maintained by other Services, particularly with regard to ensuring uniformity. Services must inform the Chief Finance Officer of any issues in this regard at the earliest opportunity.
- 6.2 The Chief Finance Officer is responsible for ensuring that the Abstract of Accounts is produced in accordance with accounting requirements and that it is submitted to the Controller of Audit by the required statutory deadline, currently 30th June. Chief Officers must promptly provide the Chief Finance Officer with all relevant information to meet this deadline.

SECTION C: CONTROL ARRANGEMENTS

7. DOCUMENT RETENTION

- 7.1 Chief Officers must put in place, and enforce, proper arrangements to ensure that all financial, legal, and other documents are retained in accordance with the Council's retention schedules. This requirement applies equally to those documents stored electronically.
- 7.2 Where there is any doubt, Services must seek advice from the Governance: Records Management Section as to the retention periods for specific documents.

8. ICT SECURITY

- 8.1 All Officers of Falkirk Council, Elected Members, and Officers and agents of external organisations who in any way access or have responsibility for any Council information system, or have access to Council owned data, must adhere to the Council's Information Security Policy issued by the Director of Corporate and Neighbourhood Services. All new staff should be made aware of the Information Security Policy through the induction process.
- 8.2 The purpose of the Information Security Policy is to ensure that:
- all groups of staff are aware of the Policy statement and associated legal and regulatory requirements, and of their rights and responsibilities in relation to Information Security;
 - all Council assets, including equipment and data, are adequately secured and protected;
 - a high level of awareness exists of the need to comply with Information Security measures;
 - where appropriate, monitoring arrangements are put in place to ensure compliance with Policy objectives, guidelines and standards.
- 8.3 The Information Security Policy and associated guidelines for specific areas of Information Security will be developed by Policy, Technology, and Improvement in conjunction and consultation with the Corporate ICT Strategy Group (or equivalent) and agreed and implemented through the Corporate ICT Strategy.
- 8.4 While it is the responsibility of each member of staff to adhere to the Policy, all Chief Officers are directly responsible for implementing the Policy within their Service and for adherence to the Policy by their staff. Failure to comply with defined Policy and procedures, which are based on the security principles set out in ISO27001, the international standard for the establishment, implementation, control, and improvement of the Information Security Management System, may be treated as a disciplinary offence, irrespective of whether there is any compromise of systems or data.

9. SEGREGATION OF DUTIES

- 9.1 No Officer should have sole responsibility for all elements of a financial transaction, for example the requisition, order, receipt, and payment for a good or service. It is Chief Officers' responsibility to ensure that appropriate segregation is applied between the key stages of every transaction, from beginning to end.
- 9.2 Ideally, there should be segregation between the Officers ordering and receipting / paying for goods and services. In exceptional circumstances, however, this may not be practical and, in those instances, the Chief Finance Officer may approve exceptions (submitted formally and in writing), provided adequate compensating control and monitoring procedures are in place.
- 9.3 Officers involved in calculating and / or recording any income due to the Council should not collect or process the related income.
- 9.4 All cash collection and cash accounting records should be examined and checked by a second Officer, with periodic sample checks by line management as appropriate. All checks must be documented. Particular care must be taken to implement proper controls in all Council offices where Officers are required to collect and handle cash or valuables, in order to protect those individuals from suspicion or accusation.

10. FOLLOWING THE PUBLIC POUND

- 10.1 Services must adhere to the Council's 'Funding at Falkirk' guidance for allocating funds to external organisations. This guidance incorporates the "Code of Guidance on Funding External Bodies and Following the Public Pound" issued jointly by COSLA and the Accounts Commission, and applies where funding is provided or transferred to arms-length bodies such as companies, trusts, and voluntary organisations. Contractual arrangements which have been agreed via a process of competitive tendering are exempt, and Contract Standing Orders apply.
- 10.2 Prior to the allocation of funding to an external organisation, advice should be sought from the Council's External Funding Unit. In summary, the process for the allocation of funding will be as follows:
- determine whether funding is to be provided in line with Following the Public Pound or Contract Standing Orders (External Funding Unit will provide assistance as required);
 - Undertake a financial and risk assessment ("risk assessment") based on the level of funding to be provided, the period over which funding is to be provided, and other risk factors as per Following the Public Pound Guidance;
 - Based on the results of the risk assessment, the following will apply:
 - **Single year** support of **<£10,000** and risk assessment **low/medium/high**: apply small grants terms and conditions. Authorisation by small grants panel and Chief Executive and no requirement to report to Scrutiny Committee;

- **Single year** support of >£10,000 and <£20,000 and risk assessment **low**: apply small grants terms and conditions. Authorisation by Chief Officer and no requirement to report to Scrutiny Committee;
- **Single Year** support of >£10,000 and <£20,000 and risk assessment **medium/high**: Joint Working Agreement and Executive approval required. Annual report to Information Bulletin;
- **Multi-year** support of <£20,000 and risk assessment **low**: Joint Working Agreement and Executive approval required. Annual report to Information Bulletin;
- **Multi-year** support of <£20,000 and risk assessment **medium/high**: Joint Working Agreement and Executive approval required. Annual monitoring report must be submitted to Scrutiny Committee;
- **Single year** support of >£20,000 and risk assessment **low/medium/high**: Joint Working Agreement and Executive approval required. Annual report to Information Bulletin;
- **Multi-year** support of >£20,000 and risk assessment **low/medium/high**: Joint Working Agreement and Executive approval required. Annual monitoring report must be submitted to Scrutiny Committee.

SECTION D: INCOME AND EXPENDITURE

11. INCOME

- 11.1 Chief Officers will, at least annually and in consultation and agreement with the Chief Finance Officer, review all scales of charges or tariffs relating to their Service. Appropriate steps will be taken to publicise all fees and charges.
- 11.2 Chief Officers are responsible for identifying all sources of income within their Service, for calculating and collecting the income due to the Council, and for monitoring to ensure all income is duly and timeously received (all significant shortages must be immediately brought to the attention of the Chief Finance Officer). Chief Officers are also responsible for retaining clear and formal records relating to amounts due, received and outstanding.
- 11.3 Finance Services and Governance Services may provide assistance to Services in the collection and monitoring of income.
- 11.4 Chief Officers must promptly provide the Chief Finance Officer with the details necessary to raise accounts for sums due to the Council.
- 11.5 All income received by an Officer of the Council must be immediately acknowledged by the issue of an official receipt, or other such document as approved by the Chief Finance Officer. An exception to this rule may be permitted with the specific written approval of the Chief Finance Officer.
- 11.6 All receipts and other forms of stationery used to record income will be in a form approved by the Chief Finance Officer. They should be treated as accountable stationery and will be ordered, controlled, and issued under secure arrangements approved by the Chief Finance Officer.
- 11.7 All money received by an Officer on behalf of the Council must be paid in full and without delay into an official nominated bank account. Appropriate arrangements must be made for ensuring that all monies are banked securely. Where possible, the Council's contract with an appointed security company should be utilised. Where this is not possible, alternative arrangements should be put in place in consultation with the Council's Revenue Manager (arrangements will be dependant on factors such as location, amount banked, and staffing).
- 11.8 A clear, documented audit trail must be maintained as evidence of proper income handling, administration and banking.

12. DEBT WRITE-OFF

- 12.1 It is the responsibility of Chief Officers to manage and monitor debts accruing, and to take all reasonable steps, within a reasonable timescale, to ensure that all monies due are collected. A formal and balanced assessment of the likelihood of full or partial debt collection should be carried out, and this should inform the debt recovery action to be taken. There may be occasions where this assessment concludes that it would be uneconomical or impractical to commence or pursue recovery action. Appropriate evidence must be retained to support the results of the assessment.

- 12.2 In those cases where recovery action is pursued, there may be instances where, despite all reasonable steps having been taken, the debt remains outstanding and, in these cases, advice should be sought from the Chief Finance Officer.
- 12.3 Only properly raised sundry accounts can be written off (Note that in the case of outstanding sums in respect of deceased pensioners there is no requirement to raise a sundry account). Where there is to be write-off, this should take account of the following financial limits:
- Chief Finance Officer (or delegated Chief Officer): authority to write-off any individual debt of £5,000 or less;
 - Executive: authority to write-off any individual debt of more than £5,000.
- 12.4 Accurate and complete records must be retained by the Chief Finance Officer for all debts written off, with documentation retained in line with the Council's retention schedule.

13. PURCHASING OF GOODS AND SERVICES

- 13.1 The Chief Finance Officer and the Chief Governance Officer must be consulted before any contract, lease, rental, hire purchase arrangement, or equivalent is entered into that will result in significant future financial commitment.
- 13.2 Contract Standing Orders specify the circumstances and value of contracts for which formal competitive tenders are mandatory. All contracts above this value, currently £50,000, must comply with the Contract Standing Orders. All Officers responsible for contracts, whatever their value, must read, be familiar with, and apply the requirements of the Contract Standing Orders and all associated guidance.
- 13.3 The total contract value of orders for similar goods and services must be used when assessing financial limits for purchasing, ie the total cost over the lifetime of the contract. Only in exceptional circumstances should one-off order values be used.
- 13.4 The Council has a Procurement Strategy and operates a Central Purchasing Service (CPS) and User Intelligence Groups (UIG) to co-ordinate and undertake purchasing. The role of the CPS and UIGs is to co-ordinate purchasing arrangements across and within Council Services, ensuring that purchasing decisions achieve best value and reflect the principles of the Council's Procurement Strategy and Policy.
- 13.5 To ensure that the objectives of the Procurement Strategy are achieved, Services must follow any purchasing policies issued by the Director of Corporate and Neighbourhood Services. These policies will also incorporate and cover areas such as environmental purchasing and community benefit.

- 13.6 For purchases below £50,000, Services should use the formal tendering process in which case they must follow the procedure in Contract Standing Orders. If a formal tendering process is not followed, then the Officer authorising the order should be able to demonstrate that best value has been achieved. This can be done by:
- use of contracts or catalogues prepared by the CPS/UIGs;
 - obtaining and retaining a minimum of 3 written quotations;
 - following the advice of the CPS, or Corporate and Neighbourhood Services ICT for computer equipment;
 - using the Quick Quote facility on the Public Contracts Scotland website.
- 13.7 Where no purchasing contracts are in place Services, in consultation with the CPS, may make their own purchasing arrangements:
- for orders below £1,000;
 - where there is demonstrably no genuine competition; or
 - for orders that require to be made in an emergency.
- 13.8 The principle of achieving best value in purchasing still applies, and Services must retain all relevant documentation relating to all purchases and purchasing decisions.

14. ORDERS FOR GOODS AND SERVICES

- 14.1 Official orders will be in a form approved by the Chief Finance Officer. They should be treated as accountable stationery and will be ordered, controlled, and issued under arrangements approved by the Chief Finance Officer.
- 14.2 Official orders must be raised for all goods or services to be supplied to the Council except where:
- an acceptance letter has been written following a tendering process;
 - there is a prior written agreement which prescribes payment frequency;
 - periodic payments such as rates, subscriptions, and maintenance agreements have been agreed;
 - payment is based on metered use such as gas, telephone, water, and electricity;
 - payments are being made via imprest;
 - the supplier requests the completion of their own order stationery, such as for training courses and publications;
 - there are exceptional circumstances, and the specific approval of the Chief Finance Officer has been obtained.
- 14.3 Corporate purchasing cards may also be used by Services for making low value purchases which require instant payment and where there is no corporate contract in place. Appropriate controls over the issue and rescinding of cards, the imposition of transaction and monthly / annual authorisation limits, and the independent checking of transaction statements must be established and rigorously enforced.

- 14.4 For purchases made electronically via the Council's approved systems, appropriate controls over authorisation, ICT security, and pre-payment checks should be established and enforced.
- 14.5 Orders must be given to the supplier in advance of any work, goods, or services being provided to the Council. If a verbal order is given, this must be confirmed in writing as soon as possible and marked 'confirmation order'. Exceptions may be approved by the Chief Finance Officer.
- 14.6 All orders and internal requisitions to another Service will be authorised via the Council's approved electronic systems or be signed by an appropriate authorised signatory. Chief Officers will maintain lists of such authorised signatories.
- 14.7 The Officer authorising an order must be satisfied that:
- all appropriate procedures have been followed in the raising of the order;
 - the expenditure is legal and within the power of the Council;
 - there is sufficient budget provision;
 - best value has been achieved;
 - the timing of the order and the quantities ordered are appropriate;
 - the price has been agreed;
 - the nature and quantity of goods or services to be supplied is clearly stated on the order;
 - a correct ledger code has been provided.

15. PAYMENT FOR GOODS AND SERVICES

- 15.1 All payments, except those out of imprests (petty cash) and advances, will be by the automated transfer of funds from the Council's main bank accounts, cheque, or corporate purchasing card.
- 15.2 In the absence of a proper invoice (and matched purchase order), any request for payment must be supported by appropriate documentation signed by an authorised signatory. Chief Officers must, at least annually, supply and update the Chief Finance Officer with the names and specimen signatures of all such authorised signatories.
- 15.3 All invoices must be certified for payment by an authorised signatory. Chief Officers will maintain lists of such authorised signatories.
- 15.4 The authorised signatory must be different to the signatory of the related order. In exceptional circumstances, where this may not be practical, appropriate compensating controls must be in place.

- 15.5 The Officer certifying an invoice or other payment must be satisfied that:
- the goods or services have been received and are of the agreed quantity and quality;
 - the invoice price matches the agreed price;
 - the arithmetic is correct including discounts, credits, and VAT;
 - appropriate entries have been made in inventories or stock records;
 - the invoice has not previously been authorised for payment;
 - the invoice is in the name of Falkirk Council (or an integral part of it);
 - the invoice is a proper liability of the Council.
- 15.6 Care must be taken not to make duplicate payments, especially if the invoice is a fax, copy invoice, or photocopied invoice. Payments must not be made on the basis of suppliers statements.
- 15.7 Goods and services should not be paid for in advance. In exceptional circumstances, pre-payment may be appropriate, but should only be undertaken after discussion with the Chief Finance Officer, and where it has been established that the advantages clearly outweigh the risks.
- 15.8 Invoices will be promptly input to the creditors system and matched to an order and goods received note. Non-purchase order invoices should be registered in the creditors system and promptly authorised.

16. SALARIES, WAGES, PENSIONS, AND EXPENSE CLAIMS

- 16.1 The payment of all salaries, wages, pensions, and other payments to employees or former employees of the Council and pensioners of the pension schemes administered by the Council shall be made by the Chief Finance Officer, or under alternative arrangements approved and controlled by the Chief Finance Officer.
- 16.2 All documents which form the basis of a payment must be in a format approved by the Chief Finance Officer.
- 16.3 All documents, including electronically generated documents, which form the basis of a payment, must be signed by the person completing the form and certified by an authorised signatory(s) as required. The completing and certifying signatures can be either manual or electronic. Chief Officers must supply and update the Chief Finance Officer with the names, designations, and specimen signatures of such authorised signatories on at least an annual basis. In the case of electronic signatures and certification, Chief Officers must supply and update the Chief Finance Officer with the names and designations of Officers authorised to complete and certify electronic documents, again on at least an annual basis. Other than in exceptional circumstances, and with the prior approval of the Chief Finance Officer, documents that form the basis of a payment cannot be completed and certified by the same person.

16.4 The certifying Officer must be satisfied that:

- forms and claims have been completed fully, accurately, and in line with all relevant guidance;
- claims are valid;
- claims are not excessive or anomalous;
- in the case of expense claims, journeys were necessary and authorised, expenses were properly and necessarily incurred, and allowances were properly due;
- evidence of expenditure, such as petrol VAT receipts, is provided where appropriate;
- in the case of overtime claims, the Officer was authorised in advance to work the additional hours, and the claimed hours were actually worked.

16.5 Each Chief Officer must keep records to support claims for payment and provide information in a format agreed with the Chief Finance Officer. Each Chief Officer is responsible for the accuracy and authenticity of such information.

16.6 Each month, the Chief Finance Officer shall provide each Chief Officer with a report of the payments that were made to their employees in the preceding calendar month. The purpose of the report is to provide Chief Officers with information that will enable them to identify any matters that may need further investigation and / or correction. For example, an employee who:

- appears to be wrongly coded to the Chief Officer's budget;
- has an unexpectedly high payment; or
- has left employment but continues to receive payments.

16.7 Each Chief Officer shall certify to the Chief Finance Officer, before the end of the calendar month following receipt of the report, that the report has been checked and that any exceptional or anomalous payments have been explained and corrected if necessary.

16.8 The monthly payroll report process is a key financial control that will be subject to scrutiny by both Internal and External Audit. Chief Officers must ensure that documentation is retained to confirm that the report has been checked and that any necessary investigation and / or corrective action has been taken.

16.9 Chief Officers will notify the Director of Corporate and Neighbourhood Services and the Chief Finance Officer as soon as possible of all matters affecting the payment and pension entitlement of employees.

16.10 Appointments of all employees and changes to grades will be made in accordance with approved establishments, grades, and rates of pay, and any procedures approved by the Director of Corporate and Neighbourhood Services.

16.11 Overtime must be authorised prior to it being worked. Chief Officers must have regard to the reasonableness of the amount of overtime worked, and must ensure that Working Time Regulations, as well as the principle of best value, are adhered to.

16.12 Claims for payment of salaries, wages, overtime, and other allowances, including travel and subsistence, must be submitted to the Payroll Section within the deadlines specified by the Chief Finance Officer from time to time. In addition:

- claims must relate to a single pay period;
- claims for travel and subsistence and expenses must be submitted with appropriate receipts attached, including petrol VAT receipts;
- in exceptional circumstances, claims submitted more than two months after the end of the calendar month to which the claim relates will only be paid if authorised by the Chief Officer, and accompanied by a memo from the Chief Officer outlining the reason for the delay.

16.13 The Director of Corporate and Neighbourhood Services and the Chief Finance Officer will keep all Chief Officers informed of changes to conditions of service, pension benefits, and other relevant matters.

17. PAYMENTS TO MEMBERS

17.1 Payments to Members of the Council, including co-opted Members and Justices of the Peace, will be made by the Chief Finance Officer, or under arrangements approved by the Chief Finance Officer. For claims relating to expenses, properly completed standard claim form must be submitted in accordance with:

- Guidelines issued on Members Expenses and Allowances; and
- any relevant legislation.

17.2 As per paragraph 16.12:

- claims must relate to a single calendar month; and
- claims for travel and subsistence and expenses must be submitted with appropriate receipts attached, including petrol VAT receipts.

SECTION E: ASSETS AND SECURITY

18. INVENTORIES

- 18.1 Chief Officers must make arrangements for inventory lists to be drawn up for all areas of their Service. The inventory should include details and location of office equipment, furnishings, plant and machinery, and any other valuable property. As a guide, a purchase price of £200 may be used to determine if an item should be included on an inventory list. Other factors, such as attractiveness and portability should, however, also be taken into consideration.
- 18.2 For insurance purposes, a copy of all inventory lists should be kept off site. Where manual inventories are held, a separate copy should be held electronically, as part of Services' business continuity arrangements. Where inventories are held electronically, a back-up copy should be held at a different location or on a different server.
- 18.3 Inventories must be kept up to date, with at least an annual check of all items. Any significant discrepancies should be reported to the Chief Finance Officer.
- 18.4 Wherever practical, valuable property should be clearly marked as the property of the Council. All ICT equipment should be clearly marked with an asset number, with guidance available from the Director of Corporate and Neighbourhood Services.
- 18.5 Council property should not be removed from Council premises, other than in the course of proper Council business, except with the specific authority of the relevant Chief Officer.
- 18.6 The Director of Corporate and Neighbourhood Services should be consulted before disposing of any ICT equipment. The disposal of other inventory items should be undertaken in accordance with Financial Regulation 19.4.

19. STOCKS AND STORES

- 19.1 Chief Officers are responsible for the control of any and all stocks and stores held within their Service. Chief Officers must ensure that:
- stock is securely stored;
 - stock levels are maintained at the minimum level required to meet operational requirements;
 - stock records are sufficient and reliable taking into consideration the value and risk associated with the stock;
 - stocks are counted at least once per year and checked by a person independent of the day to day administration of the stock.
- 19.2 All stock write-offs must be authorised in writing by a manager independent of the day to day administration of the stock. Chief Officers should consider the value of individual stock items held in making arrangements for such write-off.
- 19.3 Any significant stock losses or write-offs should be reported to the Chief Finance Officer.

19.4 Surplus stocks can be disposed of as follows:

- if the income realised is expected to be under £5,000, Chief Officers may authorise its disposal (while taking cognisance of 19.5 below);
- if over £5,000, disposal must be by competitive tender, public auction, or equivalent, in consultation with the Central Purchasing Service.

19.5 Where surplus stocks are not suitable for sale or auction, the methods of disposal should follow the priority order below:

- Reuse: Clarify whether there is an interest in the reuse of the surplus stocks, firstly within the disposing Council Service, then with other Council Services and then finally with charity or voluntary groups. The stocks should be transferred to those intending to reuse them following any necessary treatment, for example removal of Council markings;
- Recycle: If there is no demand for reuse then the surplus stocks, where practical, should be appropriately recycled;
- Disposal: if the surplus stocks cannot practically be reused or recycled then they should be disposed of in an appropriately licensed landfill facility.

19.6 Officers disposing of waste must ensure compliance with the 'duty of care' legislation in the Environmental Protection Act 1990.

20. VEHICLES, PLANT, AND EQUIPMENT

20.1 The Waste and Fleet Manager is responsible for ensuring that all vehicles are maintained in a satisfactory state of repair, and will take action or issue advice to ensure that all legal and safety requirements are complied with. Vehicles includes all those owned, leased, hired by, or otherwise in the custody or control of, the Council.

20.2 Each Chief Officer is responsible for the operation and control of all vehicles, plant, and equipment in use within their Service, and for compliance with any guidance and instruction issued by the Fleet Manager, or their Service.

20.3 Chief Officers are also responsible for ensuring that best value is achieved through the use of all vehicles, whether owned, leased, or hired, and for ensuring that Service fleet size and structure, and vehicle usage, is commensurate with business need.

20.4 Vehicles must only be used for the purposes of the Council, and by such persons and in such a manner as the Chief Officer directs.

20.5 No Officer may take a vehicle home unless on official stand-by duty, or where prior formal and written permission has been granted by the relevant Chief Officer. Permission will only be given if use of the vehicle is essential for the conduct of Council business. The unofficial or unauthorised use of a vehicle, including the carrying of unauthorised passengers, is prohibited, and so doing may result in disciplinary action.

- 20.6 If any vehicle is involved in an accident, whether or not there is injury or damage, the person in charge of the vehicle at the time of the accident must complete an accident report on the standard form and forward it immediately to the Waste and Fleet Manager and to the Chief Finance Officer. Where there is personal injury the Director of Corporate and Neighbourhood Services should also be notified.
- 20.7 All use of vehicles must be recorded in log books provided by the Waste and Fleet Manager.
- 20.8 All vehicles surplus to the requirements of the Council will be disposed of by public auction, or by such other method as the Waste and Fleet Manager, and the Central Purchasing Service, may jointly determine.

21. ESTATES AND PROPERTY SECURITY

- 21.1 The Director of Corporate and Neighbourhood Services must maintain a complete, accurate, and up to date register of all Council houses.
- 21.2 The Director of Development Services must maintain a complete, accurate, and up to date register of all other properties, owned or leased by the Council, in line with an agreed Property Management Plan.
- 21.3 The Chief Governance Officer must keep custody of all title deeds under secure arrangements.
- 21.4 Responsibility for ensuring that there is an effective management system for overseeing the control and maintenance of individual operational Council properties' security systems rests with the appointed Premises Manager. Chief Officers are responsible for ensuring that a Premises Manager has been formally appointed for all buildings within their Service, and for ensuring that the appointed Premises Manager fulfils their obligations as per the Premises Manager's Handbook.

22. CASH SECURITY

- 22.1 Chief Officers must advise the Chief Finance Officer of all new circumstances within the Service where cash is held or is otherwise under the control of Officers of the Council. Chief Officers must ensure that the minimum level of cash is held, subject to the practicalities of individual circumstances.
- 22.2 The transfer of cash, incoming cheques, or valuables, from one Officer to another should be evidenced by a receipt or written record. Chief Officers are responsible for ensuring that Officers are provided with the appropriate guidance and documentation to allow the evidencing of all transfers.
- 22.3 Chief Officers are responsible for the security of safes and similar receptacles. Access must be controlled and limited, and security should be commensurate with risk. A register of keyholders should be maintained and the loss of any key should be reported immediately to the Chief Officer.

23. DATA PROTECTION

- 23.1 The Director of Corporate and Neighbourhood Services, in consultation with the Chief Governance Officer, is responsible for ensuring that proper privacy and security is maintained in respect of information held on manual or computer records, and that the requirements of relevant legislation, such as the Data Protection Act 1998, are complied with.
- 23.2 Chief Officers must ensure that all personal information held on manual or computer records is confined solely to the purposes detailed in the relevant data protection register entry. No person will communicate any such personal information to a third party except where the information is being communicated in compliance with the data protection register entry and where the third party is entitled to receive it in terms of that entry.

SECTION F: INTERNAL AUDIT, RISK MANAGEMENT, AND INSURANCE

24. INTERNAL AUDIT

- 24.1 The Chief Finance Officer will make arrangements for a continuous and effective Internal Audit of the financial and other operations of the Council and, in doing so, will not be subject to the control or direction of any person.
- 24.2 The aim of the Internal Audit function is to provide an independent and objective opinion to the Council on the risk and control environment, comprising risk management, governance, and control, by evaluating its effectiveness in achieving the Council's objectives. It objectively examines, evaluates, and reports on the adequacy of the framework of internal controls as a contribution to the proper, economic, efficient, and effective use of resources.
- 24.3 Internal Audit must comply with relevant professional guidance, currently the CIPFA / CIIA Public Sector Internal Audit Standards.
- 24.4 The Internal Audit Manager has access to report directly to the Audit Committee, Chief Executive, Chief Finance Officer, and all other Chief Officers of the Council.
- 24.5 Internal Auditors have authority, on production of identification, to:
- enter at all reasonable times any Council premises or land;
 - access any records, documents, correspondence, and any data held on computer storage media;
 - request and receive such explanations as are necessary concerning any matter under examination; and
 - require any Officer to produce cash, stores, or any other Council property under their control or to which they have access.
- 24.6 Chief Officers are responsible for identifying and managing the risk of fraud and corruption, for ensuring that appropriate risk management, internal control, and governance arrangements are in place, and that best value is achieved. The Internal Audit Manager's Annual Assurance Report to the Audit Committee will provide an opinion on the overall adequacy and effectiveness of these arrangements.
- 24.7 During the course of each financial year, Internal Audit will review and report on the adequacy and effectiveness of internal controls, in particular:
- the safeguarding of assets;
 - the economic, efficient, and effective use of resources;
 - the suitability and reliability of management information; and
 - compliance with approved Council policies, plans, and procedures.
- 24.8 Where Internal Audit write a report incorporating recommendations aimed at improving the existing framework of internal control Chief Officers must confirm, in writing and within the specified timescale, details of the action taken or to be taken, or give an explanation as to why no action is to be taken.

- 24.9 Chief Officers are required to notify Internal Audit of all significant proposed changes to systems, or the establishment of new systems.
- 24.10 In respect of partner organisations, Chief Officers are required to inform Internal Audit where:
- key systems are being operated, or key services provided, to other organisations by the Council;
 - key systems are being operated, or key services provided, by other organisations on behalf of the Council.
- 24.11 The Internal Audit Manager will decide, in consultation with all relevant parties, whether Internal Audit conduct the necessary audit work to derive the required opinions themselves, or rely on the opinions provided by other auditors or inspectors.
- 24.12 Chief Officers are required to promptly notify the Chief Finance Officer of all financial irregularities or of any circumstances which may suggest the possibility of irregularities.
- 24.13 Any Officer has the right to use the Council's Confidential Reporting Policy or contact the Chief Finance Officer or Internal Audit Manager on any financial irregularity or issue which gives them cause for concern.
- 24.14 The Chief Finance Officer will form an opinion on the process to be followed on notification of an irregularity. This decision will be made with due regard to the Council's Anti-Fraud and Corruption Strategy and guidance on Financial Irregularity Investigations. The Chief Executive and the Chief Governance Officer will be informed in all significant cases, and the Director of Corporate and Neighbourhood Services will be informed where formal disciplinary action is likely.

25. RISK MANAGEMENT AND BUSINESS CONTINUITY

- 25.1 The Corporate Risk Management Group is responsible for ensuring that there is a consistent approach to risk management across the Council. The Corporate Risk Management Group will be chaired by a Chief Officer, and is responsible for the ongoing review and update of the Corporate Risk Register. The Chair will report periodically to CMT and to the Audit Committee on the status of the Council's Risk Management arrangements.
- 25.2 Chief Officers must ensure that appropriate Risk Management arrangements are established within their Service. A Service Risk Register must be drawn up and maintained by each Chief Officer. This may be supported by subsidiary divisional Risk Registers. Services will operate their risk management systems in accordance with corporate guidance.
- 25.3 Chief Officers must have a comprehensive Business Continuity Plan(s) in place for their Service, covering all operational activities and locations. The relevant staff must be aware of, and properly trained to ensure the effectiveness of, the Plan. Plans should be tested at least annually.
- 25.4 Updated copies of Business Continuity Plans must be passed to the Emergency Planning Section of Development Services which will act in a corporate co-ordinating capacity for the Plans.

- 25.5 The Emergency Planning Section will maintain the Council's Emergency Plan for dealing with emergencies affecting the public in the Falkirk Council area. Chief Officers must assist with this plan, for example, by providing regular updated information.

26. INSURANCE

- 26.1 The Chief Finance Officer will make appropriate insurance arrangements and negotiate all claims.
- 26.2 Chief Officers will notify the Chief Finance Officer promptly of any changes in properties, vehicles, equipment, and other assets, any new or increased risks, and any activities which might result in claims against the Council.
- 26.3 Chief Officers will immediately notify the Chief Finance Officer in writing of any loss, liability, or damage, or any event likely to lead to a claim. Chief Officers will inform the Police where there is a legal liability to do so, or where the Insurance Section has advised them to.
- 26.4 Chief Officers will notify the Director of Corporate and Neighbourhood Services of all cases involving personal injury.
- 26.5 All appropriate Officers of the Council will be included in suitable fidelity guarantee insurance.
- 26.6 Chief Officers will consult the Chief Finance Officer and the Chief Governance Officer regarding the terms of any indemnity which the Council is requested to give.

SECTION G : BANKING AND TREASURY

27. BANKING ARRANGEMENTS AND CHEQUES

- 27.1 All arrangements with the Council's bankers, including indemnities, will be made by, or under arrangements approved by, the Chief Finance Officer, who is authorised to operate such bank accounts as may be considered necessary.
- 27.2 Bank accounts must not be opened unless authorised in writing by the Chief Finance Officer.
- 27.3 Any direct debits or standing orders must only be set up in accordance with procedures put in place by the Chief Finance Officer.
- 27.4 The Chief Finance Officer will ensure that secure arrangements are in place for the ordering, storage, and printing of cheques.
- 27.5 Cheques drawn on the Council's main bank accounts will bear the facsimile signature of the Chief Finance Officer or be signed by the Chief Finance Officer or other Officers formally authorised by the Chief Finance Officer.
- 27.6 All arrangements for transfer, receipt, or payment using any form of automated bank transfer will be made by, or under arrangements approved by, the Chief Finance Officer.
- 27.7 Personal cheques must not be cashed out of money held on behalf of the Council, or substituted for cash collected on behalf of the Council.

28. PENSION FUND INVESTMENTS

- 28.1 All pension fund investments will be made in the name of the Council, or in the name of nominees approved by Committee. Bearer securities are excepted from this regulation, but the purchase of bearer securities must be reported to Committee.
- 28.2 All securities other than heritable securities will be deposited with the Chief Finance Officer, or the nominees approved by Committee.
- 28.3 The Chief Finance Officer will report periodically on investment strategy, and on the progress of investments, to the Pensions Committee.

29. TREASURY MANAGEMENT

- 29.1 The Council adopts the key recommendations of CIPFA's Treasury Management in the Public Services: Code of Practice 2009 (as subsequently revised).
- 29.2 Accordingly, this Council will create and maintain, as the cornerstones for effective treasury management:
- a Treasury Management Policy Statement, stating the policies, objectives and approach to risk management of its treasury management activities;

- suitable Treasury Management Practices, setting out the manner in which the Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.
- 29.3 The Council will receive reports on the Council's treasury management policies, practices, and activities, including, as a minimum, an annual strategy and plan in advance of the year, a mid-year report, and an annual report after its close, in the form prescribed in its Treasury Management Practices.
- 29.4 The Executive shall have responsibility for the implementation and regular monitoring of the Council's treasury management policies and practices. The Chief Finance Officer shall be responsible for the execution and administration of treasury management decisions. The Chief Finance Officer will act in accordance with the Council's Policy Statement and Treasury Management Practices, and CIPFA's Standard of Professional Practice on Treasury Management.
- 29.5 The Executive shall be responsible for ensuring effective scrutiny of the treasury management strategy and policies.
- 29.6 All borrowing and lending will be effected in the name of the Council.
- 29.7 The Chief Finance Officer will be the Council's registrar of stocks, bonds, and mortgages granted by the Council, and will maintain records of all borrowing of money by the Council.
- 29.8 The Chief Finance Officer will be responsible for ensuring the Council's compliance with CIPFA's Prudential Code for Capital Finance in Local Authorities, including the preparation and monitoring of prudential indicators.

SECTION H : IMPRESTS, ADVANCES, AND OTHER FUNDS

30. IMPRESTS / PETTY CASH

- 30.1 The Chief Finance Officer will provide an amount of money, called an imprest, to nominated Officers of the Council, for the purpose of paying for minor petty cash expenditure.
- 30.2 Imprests will be operated in accordance with detailed procedures issued by the Chief Finance Officer.

31. ADVANCES

- 31.1 An advance may be issued to an Officer who is likely to incur expenditure on behalf of the Council out of their own pocket.
- 31.2 Advances will be issued and operated in accordance with detailed procedures issued by the Chief Finance Officer.

32. INDEPENDENT FUNDS

- 32.1 Independent funds are those operated by Council Officers by reason of their employment with the Council. Examples include school funds and donation accounts.
- 32.2 Such funds should be operated in accordance with any specific guidance issued by the Chief Finance Officer.
- 32.3 Chief Officers are responsible for:
- authorising the establishment of funds;
 - maintaining a register of all funds and bank accounts;
 - ensuring all funds with their own bank accounts are audited annually.

33. CLIENT FUNDS

- 33.1 Any Officer who, by reason of their employment with the Council, is responsible for the custody or management of cash or property belonging to a third party, must employ standards of stewardship no less than those laid down elsewhere in these Regulations.
- 33.2 Officers must adhere to any guidance issued by their Chief Officer.
- 33.3 Each Officer must, if so required by the Chief Finance Officer or Chief Officer concerned, provide immediately a full account of all cash and property received from, or on behalf of, a third party.

34. PROTECTION OF PRIVATE PROPERTY

- 34.1 Circumstances may arise where the Council is required to assume legal responsibility over the moveable property of a third party. For example, personal possessions left in an abandoned house or where a client is moving into care.
- 34.2 Chief Officers must prepare a detailed inventory of all such property. The inventory should be assessed for items of value or legal importance, and arrangements made for their safe custody and eventual disposal in line with operational Service guidance.

35. TRUST FUNDS

- 35.1 Trust funds are money or other assets to be used for the purpose(s) specified in the trust deed. Trust funds are commonly used as a method of donating money for the benefit of a community or project, for example bequests from the public.
- 35.2 Trust funds must be operated under the directions of the Chief Finance Officer and the Chief Governance Officer.
- 35.3 A trust deed setting out the terms and conditions of the trust should be deposited with the Chief Governance Officer.
- 35.4 Trustees are bound by the terms of the trust deed and trust legislation, and when they have responsibility for cash or other assets, should employ standards no less than those laid down elsewhere in these Regulations.

FALKIRK COUNCIL

SUBJECT: ANNUAL REPORT OF THE CHIEF SOCIAL WORK OFFICER
MEETING: FALKIRK COUNCIL
DATE: 26 JUNE 2013
AUTHOR: DIRECTOR OF SOCIAL WORK SERVICES

1. INTRODUCTION

- 1.1 This annual report provides Members with an overview of how the statutory duties of the Chief Social Work Officer (CSWO) have been fulfilled over the year 2012/13. It also updates Members on how the wider responsibilities of the CSWO have been fulfilled as they relate to the promotion of values and standards and in the provision of professional leadership.

2. GOVERNANCE ARRANGEMENTS

- 2.1 On 1st September 2009, Members of the Housing & Social & Care Committee endorsed a draft policy statement on the Role of the CSWO. This policy was subsequently approved by the Policy & Resources Committee on 8th September 2009 with agreement that it be reviewed on an annual basis. The policy was reviewed by the Housing and Social Care Committee on 24th May 2011 and again on 28th August 2012. For the purposes of this year's review no changes are proposed to the current policy which is attached at **Appendix 1**. It should be noted, however, that the policy may require to be amended over the next year to reflect any changes arising from Health & Social Care Integration and Redesign of Community Justice.
- 2.2 Since the last annual report, the role of the CSWO has been continued to be fulfilled by Margaret Anderson, Director of Social Work Services. During any period of absence, formal arrangements have been in place for Heads of Service to deputise.
- 2.3 The CSWO is required to ensure the provision of appropriate professional advice in the discharge of the local authority's statutory Social Work duties. The CSWO has fulfilled this by;
- Participating as a member of Falkirk Council's Corporate Management Team and contributing directly to policy development;
 - Reporting directly to the Chief Executive and in so doing ensuring that the Chief Executive is appropriately advised in Social Work matters;
 - Meeting regularly with Elected Members to ensure they are appropriately advised on Social Work matters;
 - Providing regular reports on Social Work matters and Social Work performance to appropriate Committees and to the Best Value Forum within Falkirk Council;
 - Contributing to the Community Health Partnership governance arrangements through attendance at the Partnership Board and co-chairing the Joint Management Team; taking a leadership role in the Falkirk Child Protection Committee;

- Participating in the Forth Valley Adult Support and Protection Committee.
- Taking final decision on behalf of the local authority in relation to a range of Social Work matters, as required by legislation.

3. PROMOTION OF VALUES AND STANDARDS

3.1 Values and Standards are promoted in a variety of ways most notably through;

- Service Planning
- Workforce Regulation
- Workforce Development
- Inspection & Continuous Improvement Plans
- Statutory Decision Making
- Assessment and Management of Risk
- Consideration of feedback from service users

3.2 Service Planning

The Social Work Service Performance Plan for 2013 – articulates our vision for Social Work Services which is that;

- We deliver, through our competent and confident workforce, high quality care and protective services which make a real and positive difference to the quality of people's lives.
- We do this by working with the people who need/use our services and by developing services that can, as far as possible, meet their unique circumstances.
- We aim to make services integrated and straightforward by working with other agencies and communicating clearly and effectively.
- Our values of courtesy, care and respect are evident in everything that we do.

3.3 Staff are encouraged and enabled to participate in the development of service wide plans and in plans for their own areas of service in order to promote wider ownership of this vision and of turning this into a daily reality. The service plan will be presented for members approval along with those of other council services.

3.4 Participation and Engagement

In late 2011 Social Work Services published a Participation and Engagement Strategy outlining our commitment to involving service users in planning and developing Social Work Services. We have since developed action plans to outline how different parts of the service will implement these. Examples of actions taken over the last year to improve participation and engagement include:-

- Involvement of service users in the development of a training pack relating to how they can be involved in recruitment and selection.
- Involvement of young people in selection process for residential staff.
- Young people who are looked after or on the child protection register have provided their views through the use of an electronic tool called Viewpoint.
- Birth parents have provided feedback on the operation of the Adoption Panel.

- A large scale engagement programme relating to older people has been initiated, to help to inform our commissioning strategy for older people.
- A further engagement programme relating to how self directed support can be developed has commenced.

The Social Work Senior Management Team will monitor and review the implementation of the strategy and Members will be updated on progress in this area through the CSWO annual report.

3.5 Workforce Regulation and Development

Values and standards have also been promoted through approaches to workforce development. The following range of staff have been required to register with the Scottish Social Services Council (SSSC) and have done so successfully;

- Social Workers
- Social Work students
- Managers of Residential Child Care Services
- Supervisors in Residential child Care Services
- Residential Child Care workers
- Managers of Adult Day Care services
- Managers of Care Home Services for Adults
- Supervisors in Care Home Services for Adults
- Practitioners in Care Home Services for Adults

Practitioners in Care Home Services for Adults were required to register by 29th March 2013. The Service supported this group to register and we now have 100% registration. Newly appointed practitioners(social care worker) have to register as soon as possible after commencing the post and have what is called a 'six months grace' period to do so. The service has high levels of qualification in this job role and so only a small number require to be assessed for and complete a SVQ level 3 in Health and Social Care. The Service has its own SVQ Assessment Centre and so has the resources to provide these awards.

The following groups require to register with SSSC by specific dates and are completing the required awards to enable them to do so.

- Managers of Care at Home Services (by 31st January 2014)
- Managers of Housing with Care Services (by 31st January 2014)

The Managers attended a briefing session on registration in April 2013 and have been given a guidance pack. Their managers will support them to make their application by 31 July 2013 in order to ensure registration by the deadline of 29 January 2014

- Supervisors of Care at Home Services (by 2017)
- Workers in Care at Home Services (by 2020)

The Service has increased capacity to provide assessment of the large number of staff in Home Care to enable them to complete the required SVQ awards in preparation for

registration by these deadlines. A second Assessor for Home Care for Level 2 and level 3 awards will start on 24 June 2013

As Registered Workers, these staff members are required to comply with the SSSC's 'Code of Practice'. Falkirk Council, as an employer, is also required to comply with 'The Code of Practice for Employers'.

3.6 The Codes of Practice set out the standards and professional conduct and practice required of Social Services Workers and Employers. Social Work Services workers must:

- Protect the rights and promote the interest of service users and carers
- Strive to establish and maintain the trust and confidence of service users and carers
- Promote the independence of service users while protecting them as far as possible from danger or harm
- Respect the rights of service users whilst seeking to ensure that their behaviour does not harm themselves or other people
- Uphold public trust and confidence in social services
- Be accountable for the quality of their work and take responsibility for maintaining and improving their knowledge and skills

To meet their responsibilities in relation to regulating the social services workforce, the Council, as an employer, must;

- Make sure people are suitable to enter the workforce and understand their roles and responsibilities
- Have written policies and procedures in place to enable social service workers to meet the Scottish Social Services Council (SSSC) Code of Practice for Social Services Workers
- Provide training and development opportunities to enable social service workers to strengthen and develop their skills and knowledge
- Put in place and implement written policies and procedures to deal with dangerous, discriminatory or exploitative behaviour and practice
- Promote the SSSC's Code of Practice to social service workers, service users and carers and co-operate with the SSSC's proceedings.

3.7 Social Work Services have had a good track record in facilitating access to appropriate SVQ training which facilitates registration. Social Work Services also provide practice learning experiences for Social Work students and over the year ending March 2013, 11 placements were provided. In addition, a range of training is provided to staff across the Service to promote their continued professional development.

3.8 Inspection & Continuous Improvement

Over the course of 2012 - 2013 Social Work Services have continued to implement the improvement actions arising from the scrutiny process which the Care Inspectorate concluded in 2012. Likewise, the service has also contributed to the implementation of the improvement plans relating to the Child Protection Committee and Adult Support & Protection Committee.

The Council's 31 registered social care services are subject to regular inspection by the Care Inspectorate Appendix 2 contains a summary of the most recent inspection results on each of these services.

There has been an increase in the proportion of very good or excellent gradings achieved from 39% to 50%. The proportion of weak/adequate grades has dropped slightly from 16% to 15%, with the remaining results being graded as good. All services have action plans in place relating to how services can be improved.

The Service have also refreshed its programme of self evaluation using the corporate REFLECT process and has developed a detailed calendar of audit and improvement activity.

3.9 Complaints

Social Work Services are required to operate a complaints procedure for the handling of complaints which conforms to national guidance. The Social Work Complaints procedure differs from the Council's corporate procedure in that there is a final stage which may involve a complaint being heard by a Complaints Review Committee consisting of Elected Members and an independent Chairperson. Over the course of 2012/13 a total of 458 complaints were received in relation to Social Work Services, a rise of 99 from previous years. Detailed data relating to complaints is contained in Appendix 3.

Table 1 indicates by whom and to whom complaints had been lodged, with the teams/service areas with the highest volume of service users recording the highest proportion of complaints.

Table 2 provides a breakdown of the type of complaints.

Table 3 provides information on the stage of which complaints were resolved or concluded. It should be noted that 95% of complaints were resolved at stage 1 of the complaints process with only 2 proceeding to stage 3, one of which was considered by the Complaints Review Committee.

The Service remains committed to using learning from complaints more generally to improve practice.

3.10 Statutory Decision Making

The CSWO is responsible for taking final decisions on behalf of the Council in certain circumstances involving high levels of risk and vulnerability for service users.

3.10.1 Interim Placement/Moves to Secure Accommodation

In terms of the Children (Scotland) Act, the CSWO is the decision maker who requires to determine whether a child subject to a supervision requirement with a secure authorisation is placed in secure accommodation. In addition, the CSWO has significant powers under the Secure Accommodation (Scotland) Regulations 1996, including the power to place children in secure accommodation on an interim basis pending consideration by a children's hearing, and moving children committed to the care of the Local Authority by the criminal courts to secure accommodation. Because of the significance of the decisions to be taken, Parliament has required that the decision be taken by the most senior Social Work Officer in Falkirk Council (i.e. the CSWO.)

Three young people required to be accommodated in Secure Accommodation over the period April 2012 – March 2013.

3.10.2 Temporary Placement Changes

Under the Children (Scotland) Act 1995 the CSWO may decide that a child requires to be moved to a new placement, notwithstanding that the child requires to reside there by virtue of a condition on a supervision requirement made by the Children's Hearing.

Decisions are usually linked to moves from one residential care or foster care placement or to another, and can be triggered by concerns within the care setting

In making the decision the CSWO has to be satisfied that these powers require to be used, rather than requesting a review children's hearing. It usually relates to situations where it is clear that the current placement has broken down irretrievably. Over the last year 7 section 72 transfers were approved.

3.10.3 Statutory Functions (Adults With Incapacity)

The Adults with Incapacity (Scotland) Act ascribes a number of significant roles to the CSWO. These roles emphasise the importance of the exercise of social work professional skills in relation to Falkirk Council's functions in respect of the guardianship of adults with incapacity. The statutory framework does not, however, require the CSWO to exercise a personal decision making function.

The roles of the CSWO under the 2000 Act are:-

1. To act as guardian to an adult with incapacity where the guardian's powers relate to the welfare of the adult;
2. To act as the recipient of notices that applications for guardianship or intervention orders are to be made, and to ensure that appropriate reports are provided for the court process; and
3. To provide reports to court on the appropriateness of a guardianship or intervention order where the incapacity relied upon is not a mental disorder.

Falkirk Council currently has 65 Local Authority Welfare Guardianship orders for which the CSWO is the appointed guardian. There are a further 65 private Welfare Guardianship Orders and 39 private Financial Guardianship Orders (18 of which are joint welfare and financial guardianship orders). There is 1 joint Local Authority and private Welfare Guardianship Order. The Local Authority has a duty to supervise the appointed private guardians and review the continued need for the powers granted under the order. This is an area of work where year on year increases are evident.

At this time there are 30 guardianship orders at the "work in progress" stage. These may or may not result in an application to the sheriff court and a guardianship order being granted. There is also 1 Private Intervention Order in progress.

The CSWO is the appointed guardian for Falkirk Council Welfare Guardianship orders and as such has responsibility to ensure that the welfare powers granted under the order are exercised within the principles of the Adult with Incapacity (Scotland) Act 2000. This responsibility is completed through delegation to a supervising Mental Health

Officer and/or the case manager and the Order is reviewed every 6 months to ensure the Order is still required and that it continues to be relevant to the adult's needs.

The CSWO is required to allocate a MHO to complete a suitability report for a Private Welfare Guardianship Order application. The CSWO also has a responsibility to ensure the supervision of all Private Welfare Guardianship Orders within the Falkirk Council area. Within Falkirk Council this supervision is carried out by the full-time MHO team exclusively. This supervision involves an initial 3 month review followed by 6 monthly reviews of the continued need for the powers granted by the Guardianship Order and the continued fitness of the named guardian/guardians to exercise those powers in keeping with the principles of the Act.

Under Section 32 of the Mental Health (Care and Treatment) (Scotland) Act 2003 the Local Authority has a responsibility to appoint a sufficient number of approved (as detailed within the Act) Mental Health Officers to discharge the duties and responsibilities under the Mental Health (Care and Treatment) (Scotland) Act 2003, the Criminal procedure (Scotland) Act 1995 and the Adults with Incapacity (Scotland) Act 2000. Currently Falkirk Council Social Work Service has 12 accredited and practising Mental Health Officers (MHOs) Four of these are employed exclusively to carry out statutory work (full-time MHO team) the remaining eight are on the MHO duty rota and carry some designated MHO cases.

3.11 Assessment and Management of Risk

The CSWO has specific responsibilities for ensuring effective governance arrangements for the management of risk. Risk Assessment and Risk Management is a particularly complex area of Social Work practice which involves balancing needs, risk and civil liberties in accordance with professional standards. The exercise of such responsibilities is fundamental to work with children on the Child Protection Register, Looked after Children, vulnerable adults who may be in need of support and protection and work with high risk offenders, including registered sex offenders.

Over the course of the last year we have updated a range of policies and procedures to take account of national guidance relating to Adult Protection, Child Protection and Public Protection. We have also provided a range of training in respect of risk assessment and risk management to front line staff.

Risk assessment and risk management training continues to be provided by Stirling University and rolled out across both Community Care and Children & Families whilst the Risk Management Authority is responsible for the provision of risk assessment training for Criminal Justice. All front line Criminal Justice staff have been trained in the use of LSCMI.

As of 31st March 2013 there were 59 children on the Child Protection Register and 382 children looked after, 219 of who were looked after away from home.

4. LEADERSHIP

4.1 The CSWO has responsibility for;

- Supporting and contributing to evidence based decision-making and practice at professional or corporate level by providing appropriate professional advice
- Promoting social work values across corporate agendas
- Seeking to enhance professional leadership and accountability throughout the organisation to support the quality of service and delivery.
- Support the delivery of social work contribution to achieving local outcomes
- Promote partnership working across professions and agencies to support the delivery of suitably integrated Social Work Service.

4.2 The provision of appropriate professional advice at a corporate level and the promotion of Social Work values across corporate agendas has been taken forward through the Corporate Management Team and through reports to Members.

4.3 Professional leadership and accountability has been promoted through the Services management systems. The last year has been a challenging one as Falkirk Council has continued to face budget pressures which has required all Services to manage resources effectively.

All employees are acutely aware of the financial pressures facing Falkirk Council and of the particular pressures on Social Work budgets and Managers have worked hard to control spending whilst continuing to provide services within agreed Falkirk Council policies.

4.4 The Social Work Service has contributed significantly to the Single Outcome agreement and to corporate priorities. Examples include:

Further Developing a Thriving, Sustainable and Vibrant Economy

We supported the development of a skilled workforce, and maintained our commitment to provide placements for modern apprenticeships through our trainee social care worker programme.

Continuing To Improve the Health, Safety and Wellbeing of our Citizens and Communities

Our Mobile Emergency Care Service has been successful in reducing the number of falls experienced by their service users to a level which is substantially below the national average. The Falkirk Falls Management Team were the winner of a Care Accolades Award under the Working Better Together category on 31 May 2013.

We have continued to enhance our capacity to look after children locally by recruiting an additional 5 foster carers.

We have implemented the National Outcomes & Standards for Criminal Justice Services.

We have increased awareness of private fostering and the requirement for such arrangements to be notified to and monitored by the local authority and are currently monitoring 1 such arrangement.

Our Children with Disabilities Team have forged links with children's disability services in Tajikistan and have hosted a very successful study tour for colleagues in Tajikistan.

Increasing our Efforts to Tackle Disadvantage and Discrimination

In the last financial year (2012/13), our Community Advice Service and partners achieved welfare benefit gains for people in the Falkirk Council area of £7.5 million. In the same period, the team lodged a total of 800 appeals against unfavourable decision by benefits agencies and achieved a success rate of 76% decisions overturned. The Service also provided advice or negotiated debts for 893 local people on debts amounting to £22.3 million.

Enhancing and Sustaining and Environment in which People Want to Live, Work and Visit

We have completed on a major refurbishment exercise in Burnbrae Care Home, which has provided will provide a much improved living environment for residents.

Our Community Payback by Offenders Service has delivered 56,102 hours of Unpaid Work in communities. They have also embarked on a very ambitious project to restore the Walled Garden in Dollar Park with is already beginning to transform that area of the park.

- 4.5 Partnership working is fundamental to the work of the Social Work Service and has been demonstrated through our active involvement in the following key partnerships;

- Community Health Partnership
- Child Protection Committees
- Adult Support & Protection Committee
- Adult Strategic Planning Group
- Forth Valley Community Justice Authority Management Group
- MAPPA Steering Group
- Children's Commission
- Integrated Teams
- Forth Valley Giftec Group

5. FUTURE CHALLENGES

- 5.1 Social Work Services and the Social Work profession continue to face a number of significant challenges.

- We are operating in an increasingly difficult financial climate in which we must strive to deliver services within available budgets whilst promoting and maintaining professional value and standards.
- We are facing rising public expectations and, in many areas, rising levels of need relating to demographic changes within our communities.
- Related to this we are continuing to work through cultural shifts away from traditional models of care which assumed that service users would continue to have high levels of dependency towards models built on the need to maximise independence and to achieve personalised approaches to care.

- We are facing significant legislative changes. The Children's & Young People's Bill will bring additional responsibilities in relation to looked after children and the implications of the Getting it Right for Every Child programme.
- We are facing considerable organisational change in relation to the integration of Health & Social Care and potential change in arrangements relating to Criminal Justice Social Work.

All of the above has the potential to impact on frontline service delivery and a key management priority will be to continue to support effective frontline delivery of services through effective support to the staff who provide these.

- 5.2 The work which Social Work Services staff undertake on behalf of Falkirk Council is life changing work. Our work enables vulnerable citizens to gain independence, to be safe and to be cared for and it contributes to the overall safety and well being of our communities. Although not often publicly recognised, our staff are skilled, experienced and highly committed to delivering the best possible services to the people in Falkirk, and as such, are our greatest asset in facing the challenges which lie ahead.

6. RECOMMENDATIONS

Members of the Executive are asked to;

- 6.1 Note the contents of this report
- 6.2 Acknowledge the commitment, skills and experience of staff in continuing to deliver high quality Social Work Services for the benefit of Falkirk citizens
- 6.3 Request the Chief Social Work Officer to bring forward further reports on an annual basis

.....
Director of Social Work Services/Chief Social Work Officer

Date: 31 May 2013

Contact Officer: Margaret Anderson, (506021)

LIST OF BACKGROUND PAPERS

**FALKIRK COUNCIL POLICY STATEMENT ON THE
ROLE OF THE CHIEF SOCIAL WORK OFFICER**

Revised 2013

1. Legal Context

Section 3 of the Social Work (Scotland) Act 1968 requires the local authority to appoint a professionally qualified Chief Social Work Officer. The qualifications which apply to this post are governed by the qualifications of Chief Social Work Officers (Scotland) Regulations 1996.

2. National Guidance

National guidance on the role of the Chief Social Work Officer was published in February 2009. This policy reflects the published national guidance.

3. Appointment of the Chief Social Work Officer and Deputies

- 3.1 The role of the Chief Social Work Officer will be fulfilled by the Director of Social Work Services. The appointment process for this and any subsequent position will take account of the need to include an independent, professional perspective on candidate's suitability to undertake the role of Chief Social Work Officer.
- 3.2 The Director of Social Work Services will designate a suitably qualified senior manager who can deputise during any periods of absence and will advise the Chief Executive of these details.
- 3.3 In the absence of the Director of Social Work Services, the responsibilities of the Chief Social Work Officer falls to the designated Depute.

4. Responsibility of the Chief Social Work Officer

The Chief Social Work Officer will;

- promote values and standards of professional practice and provide a clear statement of expectation of Social Services workers and employers.
- ensure that these values and standards are communicated on a regular basis, adhered to and reviewed periodically.
- work with Human Resources to ensure that all Social Services workers meet the requirements of the SSSC Code of Practice and that all registered workers meet the requirements of their regulatory body.

- support and advise Managers in maintaining and developing high standards of practice and supervision.
- ensure that only registered social workers undertake those functions reserved in legislation or are accountable for those functions described in Guidance.
- ensure that there are effective governance arrangements for the management of the complex balance of need, risk and civil liberties, in accordance with professional standards. Where the Council's corporate policy on risk does not reflect this balance, the CSWO is required to bring this to the attention of the Chief Executive and to contribute to the development of appropriate governance arrangements.
- ensure appropriate advice is provided on corporate workforce and planning and quality assurance, including safe recruitment practice, probation/mentoring arrangements, managing poor performance and promoting continuous learning and development for staff.
- actively promote continuous improvement, raising standards and evidence-informed good practice, including the development of person-centred services that are focussed on the needs of the service user.
- oversee the quality of practice learning experiences of social work students and effective workplace assessment arrangements, in accordance with SSSC Code of Practice for Employers of Social Service workers.
- ensure that appropriate systems are in place both to promote good practice and to identify and address weak and poor practice.

The CSWO should work with Managers to ensure these systems are effective and, where this is not the case, the CSWO has the responsibility for bringing this to the attention of the Chief Executive and contributing to the development or improvement of such systems.

- ensure that significant case reviews are undertaken into all critical incidents either resulting in – or which may have resulted in – death or serious harm.
- take final decisions on behalf of the local authority in relation to a range of Social Work matters, including adoption, secure accommodation, guardianship and other statutory decisions required from time to time.
- contribute to reports to the Chief Executive and Elected Members – providing independent comment where necessary – on the findings of relevant performance reports setting out:
 - implications for the local authority, for services, for service users and carers, for individual teams/members of staff/Partners as appropriate implications for delivery of national and local outcomes;
 - proposals for remedial action;
 - means for sharing good practice and learning;

- monitoring and reporting arrangements for identified improvement activity.
- report to the local authority on any other Social Work related issues
- prepare an annual report to the local authority on all of the statutory, governance and leadership functions of the role.

5. Accountability of the Chief Social Work Officer

As Director of Social Work Services, the Chief Social Work Officer has overall line management responsibility for Social Work Services, which ensures clear lines of accountability. The Chief Social Work Officer, in turn, is accountable to the Chief Executive and Elected Members.

6. Access Arrangements

- 6.1 As Director of Social Work Services, the Chief Social Work Officer will influence corporate issues through membership of the Corporate Management Team.
- 6.2 As Director of Social Work Services, the Chief Social Work Officer will provide reports to Elected Members on matters relating to the delivery of Social Work Services. Reports will highlight any areas where the advice of the Chief Social Work Officer may be in conflict with other aspects of Council policy.

7. Review of Policy

- 7.1 This Policy will be reviewed on an annual basis, as part of the Chief Social Work Officer annual report to the Local Authority.

March 2010

APPENDIX 2

<u>Service</u>	<u>Quality of Care & Support</u>	<u>Quality of Environment</u>	<u>Quality of Staffing</u>	<u>Quality of Management and Leadership</u>
Bainsford Day Centre	Very Good - 5 17 April 2012	Good - 4 17 April 2012	Very Good – 5 17 April 2012	Good – 4 17 April 2012
Burnbrae Day Service	Very Good -5 21 February 2013	Very Good - 5 21 February 2013	Good - 4 21 February 2013	Good - 4 21 February 2013
Burnbrae Care Home	Good - 4 11 February 2013	Good - 4 11 February 2013	Adequate - 3 11 February 2013	Adequate - 3 11 February 2013
Camelon Day Service	Very Good - 5 23 November 2010	Good - 4 31 March 2010	Very Good - 5 31 March 2010	Good - 4 31 March 2010
Cunningham House	Adequate - 3 29 January 2013	Good - 4 29 January 2013	Adequate - 3 29 January 2013	Adequate - 3 29 August 2012
Dundas Resource/Day Centre	Very Good - 5 12 January 2012	Good - 4 26 June 2008	Very Good -5 04 February 2010	Very Good - 5 12 January 2012
Falkirk Activity Scheme (Support Service)	Excellent - 6 01 August 2011	Excellent - 6 05 August 2009	Very Good - 5 17 August 2010	Very Good - 5 01 August 2011
Falkirk Community Day Service	5 – Very Good 07 September 2010	5 – Very Good 04 September 2009	5 – Very Good 04 September 2009	4 – Good 07 September 2010
Falkirk Home Care Service (Support Service)	Adequate – 3 17 August 2012	No Assessment Done	Adequate – 3 17 August 2012	Adequate – 3 17 August 2012

APPENDIX 2

<u>Service</u>	<u>Quality of Care & Support</u>	<u>Quality of Environment</u>	<u>Quality of Staffing</u>	<u>Quality of Management and Leadership</u>
Grahamston House	Good – 4 26 February 2013	Good - 4 29 May 2012	Good – 4 26 February 2013	Good - 4 26 February 2013
Leaving Care Service	Excellent - 6 20 July 2011	No Assessment Done	Excellent - 6 20 July 2011	Very Good - 5 20 July 2011
Adoption Service	Very Good - 5 07 September 2012	No Assessment Done	Good - 4 07 September 2012	Very Good - 5 07 September 2012
Fostering Service	Very Good - 5 07 September 2012	No Assessment Done	Very Good - 5 07 September 2012	Very Good - 5 07 September 2012
Housing with Care Service (Support Service)	Very Good - 5 28 November 2012	No Assessment Done	Very Good - 5 28 November 2012	Very Good - 5 28 November 2012
Housing With Care Service (Housing Support Service)	Very Good - 5 28 November 2012	No Assessment Done	Very Good – 5 28 November 2012	Very Good - 5 28 November 2012
Mobile Emergency Care Service (Support Service)	Very Good - 5 27 July 2012	No Assessment Done	Very Good - 5 27 July 2012	Very Good - 5 27 July 2012
Grahamston House Day Service	Good - 4 13 April 2010	Good - 4 13 April 2010	Good - 4 23 July 2009	Good - 5 23 July 2009
Joint Dementia Initiative (Dollar Park)	Very Good - 5 17 December 2012	No Assessment Done	Good - 4 17 December 2012	Good - 4 17 December 2012
Joint Dementia Initiative (Camelon Road)	Very Good - 5 17 December 2012	No Assessment Done	Good - 4 17 December 2012	Good - 4 17 December 2012
Joint Dementia Initiative (Cunningham House)	Very Good - 5 17 December 2012	Very Good - 5 17 December 2012	Good - 4 17 December 2012	Good - 4 17 December 2012

APPENDIX 2

<u>Service</u>	<u>Quality of Care & Support</u>	<u>Quality of Environment</u>	<u>Quality of Staffing</u>	<u>Quality of Management and Leadership</u>
Joint Dementia Initiative – Time to Share	Very Good - 5 13 September 2012	No Assessment Done	Good - 4 13 September 2012	Good - 4 13 September 2012
Oakbank	Weak - 2 21 December 2012	Weak - 2 21 December 2012	Adequate - 3 21 December 2012	Weak - 2 21 December 2012
INSPECTION 19/07/12 - REPORT PENDING				
Oswald Avenue Day Centre	Very Good - 5 19 January 2012	Very Good - 5 18 February 2010	Very Good - 5 18 February 2010	Very good - 5 19 January 2012
Summerford Day Service	Good - 4 01 November 2011	Good - 4 24 August 2010	Good -4 09 March 2010	Good - 4 01 November 2011
Summerford House	Adequate – 3 19 November 2012	Weak – 2 19 November 2012	Adequate – 3 19 November 2012	Adequate – 3 19 November 2012
Supportive Carers Scheme (Adult Placement Service)	Very Good - 5 07 September 2012	No Assessment Done	Very Good -5 07 September 2012	Very Good - 5 07 September 2012
The Rowans	Good - 4 22 February 2013	Good - 4 22 February 2013	Good - 4 22 February 2013	Good - 4 22 February 2013
Torwood Hall	Good - 4 6 March 2012	Very Good - 5 07 September 2010	Very Good - 5 19 February 2010	Good - 4 6 March 2012
The Braes – Wallace Cres.	Very Good - 5 14 February 2013	Very Good - 5 25 May 2012	Very Good - 5 14 February 2013	Good - 4 14 February 2013
Tremanna	Very Good - 5 26 October 2012	Very Good - 5 26 October 2012	Very Good - 5 26 October 2012	Very Good - 5 26 October 2012

Social Work Services: Analysis of Complaints April 2012 - Mar 2013									
COMPLAINTS BY CALLER TYPE									
Details of who initiated the complaint									
	<i>3rd Party</i>	<i>%</i>	<i>Customer</i>	<i>%</i>	<i>Elected Member</i>	<i>%</i>	<i>MSP</i>	<i>%</i>	
CHILDREN & FAMILY TEAMS	12	35%	10	29%	5	15%	7	21%	34
CRIMINAL JUSTICE TEAMS	1	17%	4	67%	1	17%	0	0%	6
HQ BASED CF/CJ	12	32%	9	24%	12	32%	5	13%	38
HOME CARE TEAMS	99	60%	62	37%	2	1%	3	2%	166
ASSESSMENT & CARE MANAGEMENT TEAMS	24	21%	15	13%	61	53%	16	14%	116
COMMUNITY CARE UNITS	0	0%	2	100%	0	0%	0	0%	2
HQ BASED COMMUNITY CARE STAFF	24	25%	23	24%	38	40%	11	11%	96
TOTALS	172	38%	125	27%	119	26%	42	9%	458

Social Work Services: Analysis of Complaints

April 2012 - Mar 2013

COMPLAINTS BY REASON

		%
SW Handling of Case	112	24%
Staff Conduct	18	4%
Delay in Processing referral	15	3%
Request for Assistance/Raising Concerns	104	23%
Funding Issue	5	1%
Quality of Care	119	26%
Charging/Financial Assessment	28	6%
Transport Provision	3	1%
Lateness of carer	4	1%
Medication	6	1%
Continuity of Care	19	4%

Carer Never arrived	18	4%
Other	7	2%
TOTAL	458	

Social Work Services: Analysis of Complaints April 2012 - March 2013							
COMPLAINTS RECEIVED FOR PERIOD							
	<i>Stage 1</i>	<i>%</i>	<i>Stage 2</i>	<i>%</i>	<i>Stage 3</i>	<i>%</i>	
CHILDREN & FAMILY TEAMS	33	8%	1	5%	0	0%	
CRIMINAL JUSTICE TEAMS	6	1%	0	0%	0	0%	
HQ BASED CF/CJ	36	8%	2	10%	0	0%	
HOME CARE TEAMS	166	38%	0	0%	0	0%	
ASSESSMENT & CARE MANAGEMENT TEAMS	111	26%	5	24%		0%	
COMMUNITY CARE UNITS	2	0%	0	0%	0	0%	
HQ BASED COMMUNITY CARE STAFF	81	19%	13	62%	2	100%	
TOTALS	435	95%	21	4.6%	2	0.4%	458

FALKIRK COUNCIL

**Subject: ADDITIONAL CAPITAL GRANT FUNDING FOR 2012/13
AND 2013/14**
Meeting: FALKIRK COUNCIL
Date: 26 June 2013
Author: CHIEF FINANCE OFFICER

1. INTRODUCTION

1.1 As reported to Council on 13 February 2013, the Scottish Government announced additional capital funding for 'shovel ready' projects. The conditions of the funding are that the money should be spent on projects that are ready to go and are not already funded in the capital programmes for 2012-13 or 2013-14. A mechanism to provide assurance on this has been agreed with local government.

1.2 Additional funding for Falkirk Council has been confirmed as follows:

2012/13	£34k
2013/14	£1.168m

1.3 All councils must provide high level details of planned expenditure on significant projects or work areas likely to be brought forward as soon as possible but no later than 30th June 2013. A final confirmation will also be required at the end of the financial year 2013/14.

2. IDENTIFICATION & ASSESSMENT OF PROJECTS

2.1 Given the time pressure and small amount it was agreed that roads would receive the 2012/13 funding of £34k.

2.2 At a corporate meeting, Services were asked to provide a list of projects for the 2013/14 funding of £1.168m. These bids were subsequently reviewed by CMT.

2.3 This exercise resulted in the following projects being recommended for approval:-

<u>Project</u>	<u>Cost £'000</u>
Falkirk High Station Additional Car Park	415
Enhancements, upgrades and infrastructure works to various parks	209
Forth & Clyde Union Canal Towpaths	150
Grange Primary School Atrium	150
Helix Playpark Contribution	150
Dundas Day Centre – Roof Replacement	85
85 Grahams Road – Office Space – Social Work	9
TOTAL	1,168

3. FURTHER INFORMATION

- 3.1 The Falkirk High Station Car Park has been prioritised due to the economic stimulus that an improved transport hub would provide for the area. The Forth & Clyde Union Canal Towpath also fits within the goals and priorities of the Corporate Plan. Both these projects fit our goal of further developing a thriving, sustainable and vibrant economy.
- 3.2 There are various projects listed in Appendix 1, which relate to playparks in Local Parks and other important areas of open spaces. These projects accord with our priority to improve the quality of our local environment, which is set out in the Open Space Strategy and the Parks Development Plan.
- 3.3 The Grange Primary School Atrium is a project to replace the existing atrium. The existing atrium is in a poor condition and temporary measures have been put in place to make it safe. This funding would allow a permanent replacement to be installed and accord with our priority to improve our infrastructure.
- 3.4 The Helix is specifically mentioned in our Corporate Plan as helping to achieve the Council's goal of enhancing and sustaining an environment in which people want to live and visit. It also fits with our wider aspirations to market the area to visitors from Scotland, the UK and internationally. Inclusion of a playpark will assist in supporting the operation of the adjacent plaza café which is an important source of revenue to offset the Helix park operational costs. This facility was included in the original project scope but had to be removed at the project review stage when the expected level of external funding was not realised. It has, however, remained a high level priority for the Helix partners and external match funding to complete the project is currently being sought.
- 3.5 The two Social Work projects listed above – additional office space at 85 Grahams Road and the Dundas Day Centre roof replacement, aim to make sure our assets are fit for purpose and will improve our infrastructure.

4. CONCLUSION

- 4.1 Proposals have been presented for the allocation of £1.168m extra capital funding in financial year 2013/14.

5. RECOMMENDATION

- 5.1 Members are invited to approve the list of projects to which the additional funding should be allocated.**

Chief Finance Officer

Date: 4 June 2013

Contact Officer: Amanda Templeman

LIST OF BACKGROUND PAPERS

NIL

APPENDIX 1

PARKS DEVELOPMENT PLAN – PRIORITIES

	Park Name	Indicative Project Value	Comments
1	Victoria Park - Falkirk	£30k	Enhancements or upgrades to existing play park provision
2	Bothkennar Park – Carronshore	£20k	Enhancements or upgrades to existing play park provision
3	Dunmore – Village Green	£10k	Enhancements or upgrades to existing play park provision
4	Dalgrain Park - Grangemouth	£30k	Enhancements or upgrades to existing play park provision
5	Ure Crescent – Bonnybridge	£25k	Enhancements or upgrades to existing play park provision
6	Glenyards – Public open space	£25k	Enhancements or upgrades to existing play park provision
7	Hayfield – Head of Muir	£30k	Enhancements or upgrades to existing play park provision
8	Childrens Playparks	£20k	Various works
9	Westquarter Glen Park	£15k	Signs and Safety Fencing
	Infrastructure	£4k	Essential infrastructure works e.g. pathworks, drainage, groundworks & miscellaneous works & fencing where appropriate.
	TOTAL	£209K	

FALKIRK COUNCIL

Subject: TREASURY MANAGEMENT ANNUAL REVIEW 2012/13
Meeting: FALKIRK COUNCIL
Date: 26 June 2013
Author: CHIEF FINANCE OFFICER

1. INTRODUCTION

- 1.1 The Council is required by regulations issued under the Local Government Scotland Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators for 2012/13. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).
- 1.2 During 2012/13 the reporting requirements were that the full Council should receive the following reports:
- an annual treasury strategy in advance of the year (Council 14/03/2012)
 - a mid-year treasury update report (Council 05/12/2012)
 - an annual review following the end of the year describing the activity compared to the strategy (this report)
- 1.3 The regulatory environment places responsibility on members for the review and scrutiny of treasury management policy and activities. This report is therefore important in that respect, as it provides details of the outturn position for treasury activities and highlights compliance with the Council's policy and strategy previously approved by members.

2. ECONOMIC AND INTEREST RATE REVIEW

- 2.1 The Treasury Management Strategy 2012/13, approved by Council in March 2012, noted that the outlook for the global economy remained uncertain with the UK economy struggling to recover. The original expectation was that the bank rate would start gently rising from quarter 4 of 2014. However, economic growth in the UK was disappointing during the year due to the UK austerity programme, weak consumer confidence and spending, a lack of rebalancing of the UK economy to exporting and weak growth in our biggest export market – the European Union (EU). The bank rate is now not expected to rise until March 2015.

- 2.2 There had been previous warnings from two credit rating agencies that the UK could lose its AAA credit rating. Moody's followed up this warning by downgrading the rating to AA+ in February 2013 and Fitch then placed their rating on negative watch after the budget statement in March. Key to retaining the AAA rating from Fitch and S&P will be a return to strong economic growth in order to reduce the national debt burden to a sustainable level, within a reasonable timeframe. At this time, the UK Coalition Government has maintained a tight fiscal policy stance.
- 2.3 Weak UK growth resulted in the Monetary Policy Committee increasing quantitative easing by £50bn in July to a total of £375bn. The bank rate ended the year unchanged at 0.5%. CPI inflation fell from 3% at the start of the year to end at 2.8% in March, with a forecast fall back to below 2% pushed back to quarter 1 of 2016.
- 2.4 The EU sovereign debt crisis was an ongoing issue during the year with first Greece and then Cyprus experiencing crises which were met with bailouts after difficult and fraught negotiations. This resulted in fluctuations in safe haven flows into and out of UK gilts and therefore oscillating gilt yields. This in turn meant a volatile year for PWLB rates.
- 2.5 The investment environment remains challenging with low investment returns and continuing heightened levels of counterparty risk.

3. BORROWING STRATEGY 2012/13 – OUTCOME

- 3.1 The Council's longer term borrowing requirement for the year is set out below:

	2012/13 Original Estimate £m	2012/13 November Estimate £m	2012/13 Actual £m
Capital Programme (net of receipts)	40.5	41.8	25.9
Service Payments	(18.1)	(18.4)	(18.7)
Longer Term Loans maturing in year	20.6	20.6	20.6
Total Longer Term Borrowing Requirement	43.0	44.0	27.8

- 3.2 The reduction in borrowing was factored into the budget approved by Members in February 2013. This reduction relates to slippage in both the General and Housing Capital Programmes and utilisation of reserves. The expenditure and related borrowing will now fall into the current financial year.
- 3.3 The Strategy noted that whilst short term rates were likely to be more favourable, all borrowing periods would be considered. The longer term loans noted above matured in December 2012 when PWLB rates were low. Consequently, £20m of loans were therefore replaced with PWLB borrowing (10 and 11 year maturities).

- 3.4 As noted in previous Strategy updates, the long term borrowing requirement over the last three years has been mainly funded from internal balances and we have therefore been in an under-borrowed position. In 2012/13, internal balances were no longer sufficient to sustain this position. As a result, borrowing of £22m was required. This borrowing has been concluded on a short term basis for periods of up to 3 months. It is anticipated that PWLB rates will fall again and at that point, longer term borrowing may be carried out. This borrowing remains within the prudential indicator limits approved by Members.
- 3.5 The Strategy noted that the Council has £26m of Market Loans which could be repaid during the year should any of the lenders invoke a rate change. However, these rate changes were not made and the Market Loans remain on existing terms.
- 3.6 There was no debt rescheduling activity during the year.

4. INVESTMENT STRATEGY

- 4.1 Members are reminded that the primary objectives of the Council's investment strategy remain first and foremost to ensure timeous and full repayment of principal and interest, then securing adequate liquidity of funds invested and finally optimising investment returns consistent with those counterparty risks.
- 4.2 Consistent with the requirement of the investment regulations and as part of the Strategy Report, Council approved a list of "Permitted Investments" setting out the types of investments to be used and monetary/time limits applied to each type of investment. The Council has during the year breached the limit of £8m with the Clydesdale Bank. This is due to difficulties in the selection of investment counterparties noted in section 2.5 of this report.
- 4.3 There was no change to the counterparty selection criteria nor the list of eligible counterparties as advised in the Strategy Report to Council in March 2012. However, in the light of the position outlined at 4.2, action is now being taken to utilise AAA rated Money Market Funds as allowed under the approved counterparty list.
- 4.4 The Council held £10.7m of investments, available on instant access in three UK Banks at 31 March 2013.

5. TREASURY MANAGEMENT PRUDENTIAL INDICATORS

- 5.1 Financing of the Capital Programme is a key driver of Treasury Management activities which in turn is managed by a series of treasury management prudential indicators. The purpose of the indicators is to contain the activity of the treasury function within specified limits, thereby managing risk and reducing the impact of an adverse movement in interest rates.
- 5.2 The three treasury indicators are set out at Appendix 1 and show comparison with the Council's actual exposure as at 31 March 2013. This confirms that the Council's treasury operations were operating well within the set parameters during financial year 2012/13.

6. CONCLUSION

- 6.1 Treasury objectives consistent with the Strategy have been met in terms of both borrowing and investment. The legacy of the financial crisis means that market conditions remain challenging.

7. RECOMMENDATION

- 7.1 Council notes the contents of the Annual Review 2012/13.

Chief Finance Officer

Date: 11 June 2013

Contact Officer: Amanda Templeman/Carole McGhee

LIST OF BACKGROUND PAPERS
NIL

APPENDIX 1

TREASURY MANAGEMENT PRUDENTIAL INDICATORS

1. INTEREST RATE EXPOSURE

These limits set the maximum for fixed and variable interest rates based on the debt position net of investments and seeks to control the level of debt exposed to short term movements in interest rates.

	2012/13	
	UPPER LIMIT	POSITION (31/03/13)
	100%	99%
Fixed Interest Rates		
Variable Interest Rates	40%	1%

2. MATURITY STRUCTURE ON FIXED INTEREST RATE BORROWING 2012/13

These gross limits are set to control the Council's level of exposure to loans expiring in any one period.

	Lower %	Upper %	Position (31/03/13) %
Under 12 months	0	25	0
12 months – 2 years	0	25	19
2 years – 5 years	0	50	0
5 years – 10 years	0	75	6
10 years – 20 years	0	75	21
20 years – 30 years	0	75	10
30 years – 40 years	0	75	21
40 years – 50 years	0	75	23
			100%

3. PRINCIPAL SUM INVESTED > 364 DAYS

The Council does not place investments for periods longer than 364 days.

FALKIRK COUNCIL

Subject: ANNUAL ACCOUNTS 2012/13
Meeting: FALKIRK COUNCIL
Date: 26 June 2013
Author: CHIEF FINANCE OFFICER

1. INTRODUCTION

- 1.1 In terms of the Local Government (Scotland) Act 1973 and the Local Authority Accounts (Scotland) Regulations 1985, Members are required to receive formal submission of the Unaudited Annual Accounts of the Council for the financial year ended 31 March 2013.

2. 2012/13 ACCOUNTS

- 2.1 Officers have been working on preparing the Unaudited Accounts for the past few months and the closure of accounts process is proceeding in accordance with the project plan to allow them to be lodged with the Controller of Audit by the due date of 30 June. The Unaudited Accounts will be posted on the Council's website from 2 July 2013. It is anticipated that the statutory three week public inspection period will commence on 22 July following public notice. The audit stage will commence formally at the beginning of July and is due to be completed by the end of September. Members should also note that following the wind up of Central Scotland Joint Fire & Rescue Board, similar procedures have now been put in place for submission of the Board's Unaudited Accounts to 31 March 2013.

3. RECOMMENDATION

- 3.1 That Members approve the submission of the Unaudited Annual Accounts to the Controller of Audit by the statutory deadline of 30 June 2013.

Chief Finance Officer
Date: 6 June 2013
Contact Officer: John Flannigan

LIST OF BACKGROUND PAPERS

1. 2012/13 Unaudited Annual Report and Accounts

Any person wishing to inspect the above background papers should telephone Falkirk (01324) 506371 and ask for Mr J Flannigan.

FALKIRK COUNCIL

Subject: ETHICAL STANDARDS IN PUBLIC LIFE ETC. (SCOTLAND) ACT
Meeting: FALKIRK COUNCIL
Date: 26 JUNE 2013
Author: CHIEF GOVERNANCE OFFICER

1. INTRODUCTION

- 1.1 Section 18 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 requires a Council in receipt of findings from the Standards Commission following a hearing, to consider those findings at a meeting of Council. It is not available to delegate this function to an officer or to a committee and the findings must be considered within three months of receipt. These provisions are repeated in Rule 10.8 of the Commission's Hearings rules which also require the outcome of any consideration to be reported back to the Commission.

2. HEARING AND FINDINGS

- 2.1 The Standards Commission met in Falkirk on 17 April 2013 for a hearing to consider a complaint against Councillor Buchanan. As required by the Act, a copy of the Commission's findings, which were issued on 18 April 2013, is attached to this report.

3. RECOMMENDATION

- 3.1 It is recommended that Council considers the findings of the Standards Commission as required by Section 18 of the Ethical Standards in Public Life etc (Scotland) Act 2000.

.....
Chief Governance Officer

Date: 19 June, 2013

LIST OF BACKGROUND PAPERS

Nil

**Decision of the Hearing Panel of the Standards Commission
for Scotland following the Hearing held at the Best Western
Park Hotel, Falkirk on 17 April 2013**

Panel Members: Mrs Julie Ward - Chair
Mr Ian Gordon OBE QPM
Ms Jan Polley

This Hearing arose in respect of a report by D Stuart Allan, Public Standards Commissioner for Scotland ("the PSC") further to complaint No. LA/FA/1264 ("the Complaint") concerning an alleged contravention of the Councillors' Code of Conduct ("the Code") by Councillor William F. Buchanan of Falkirk Council ("the Respondent").

The PSC was represented by Mr David Sillars, Senior Investigating Officer. The Respondent, who attended the Hearing, was not represented. No witnesses were called by either the PSC or the Respondent.

At the outset the Chair advised that Mrs Lindsey Gallanders was attending in an observational capacity as a newly appointed Member of the Commission.

The Complaint

The Complainant was Mr Thomas Coleman, a Councillor with Falkirk Council. The Complainant alleged that the Respondent had contravened the Councillors' Code of Conduct and in particular paragraph 3.16 which relates to Use of Council Facilities.

The PSC investigated the complaint and concluded that the Respondent had contravened:-

- (1) paragraph 3.16 of the Code by using Council staff and facilities in the distribution of campaigning material contrary to the Council's in-house protocols.

The relevant provisions are:-

Councillors' Code of Conduct

Section 3: General Conduct

Use of Council Facilities

3.16 *The Council will normally provide facilities to assist councillors in carrying out their duties as councillors or holders of a particular office within the Council. This may involve access to secretarial assistance, stationery and equipment such as telephones, fax machines and computers. Such facilities must only be used in carrying out Council duties in accordance with your relevant Council's information technology, communications and member support policies or for incidental personal use as authorised by your Council and not related in any way to party political or campaigning activities. Where the Council recognises party political groups, assistance to such groups is appropriate in relation to Council matters but must not extend to political parties more generally and you should be aware of and ensure the Council complies with the statutory rules governing local authority publicity.*

The PSC's Report ("the Report") (in full at Appendix 1) was submitted to the Standards Commission for Scotland ("Standards Commission") in accordance with section 14 of the Ethical Standards in Public Life etc. (Scotland) Act 2000.

Joint Statement of Facts

The PSC and the Respondent provided a Joint Statement of Facts signed on 26 March 2013 in respect of facts which were agreed.

Parts 1 – 5 of the PSC's Report were agreed.

Appendices A to K of the PSC's report were agreed as accurate records of the matters which they purport to record.

Annexes A and B of the PSC's report were agreed as accurate records of the matters which they purport to record.

There were no matters of dispute between the PSC and the Respondent in respect of the PSC's report.

Evidence Presented at Hearing

Mr Sillars outlined the facts and presented his case on behalf of the PSC, to the effect that on 4 April 2012, by asking a clerical assistant in the members' support service team at Falkirk Council to e-mail a press release and a newspaper article (originally published in the Sun newspaper on Saturday, 18 June 2011) to the Falkirk Herald and to Central FM a local radio station covering the Forth Valley area, the Respondent had used Council staff and facilities in the distribution of campaigning material contrary to the Council's in-house protocols and paragraph 3.16 of the Code.

Mr Sillars asked the Hearing Panel to adopt the findings and conclusions contained in the PSC's report.

The Respondent admitted to the breach as presented by the PSC and invited the Hearing Panel to consider the circumstances under which the breach had occurred.

The Decision

The Hearing Panel considered all of the evidence and submissions given both in writing and orally at the Hearing and found that:-

1. The Councillors' Code of Conduct applied to the Respondent
2. The Respondent had breached paragraph 3.16 of the Code in so far as he had used Council staff and facilities for campaigning activities in the distribution of political campaigning material.

Sanction

The Hearing Panel decided to censure the respondent, Councillor William F Buchanan. The sanction is made under the terms of Section 19 (1) (a) of the Ethical Standards in Public Life etc. (Scotland) Act 2000.

Reasons for Sanction

In reaching the decision, the Panel had taken into account that:

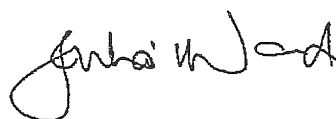
- INTEGRITY IN PUBLIC LIFE
1. Paragraph 3.16 is a fundamental principle of the Councillors' Code of Conduct. The requirement was established by the Local Government Act 1986 and was incorporated into the Code in 2003 and repeated in the revised Code issued in 2011.
 2. It is a personal responsibility of every Councillor to comply with the Code of Conduct.
 3. Councillor Buchanan has been a Councillor for 22 years and the Hearing Panel would have expected him to have a clear understanding of the Code and his own Council's protocol.
 4. Councillor Buchanan had apologised for his actions at an early stage and now accepted he had breached the Code of Conduct.

The Hearing Panel recommended that Councillor Buchanan should re-fresh his knowledge of the Code and the Council's own protocol and attend any training opportunities.

The Standards Commission applauded the Council's quick action in dealing with the issue and having a specific protocol for the guidance of councillors.

Right of Appeal

The attention of the Respondent is drawn to Section 22 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 which details the Right to Appeal in respect of this Decision



Date: 17th April 2013

Julie Ward
Chair of the Hearing Panel

FALKIRK COUNCIL

Subject: FALKIRK COMMUNITY TRUST – DIRECTOR APPOINTMENTS
Meeting: FALKIRK COUNCIL
Date: 26th JUNE 2013
Author: CHIEF EXECUTIVE

1.0 INTRODUCTION

- 1.1 This report relates to the Council's appointment of three Directors to the Board of Falkirk Community Trust ("the Trust").

2.0 BACKGROUND

- 2.1 In terms of the Articles of Association of the Trust, the Council has the right to appoint five Directors to the Board of the Trust. A Director on the Board of the Trust is required, under the Articles, to retire at the end of a two year period. It is available for a Director so retiring to be reappointed for a further two year period provided that no Director can be appointed for more than three such two year terms.
- 2.2 The current Council appointed Directors are Provost Reid and Councillors, Nicol, Gow, D Goldie and Paterson. The two year periods of appointment of Provost Reid and Councillor Nicol are shortly due to come to an end. They are the remaining members of the Council appointed to the Board at the establishment of the Trust at the start of July 2011. Councillor Gow's period of appointment comes to an end in October of this year having been appointed to the Board in October 2011. Councillors D Goldie and Paterson were appointed in June 2012 meaning they still have twelve months to run of their appointment.

3.0 APPOINTMENT OF DIRECTORS

- 3.1 In light of the two year periods of the Directorships of Provost Reid and Councillors Nicol and Gow approaching their end dates, it is recommended that Council take a decision to appoint three elected members to the Board of the Trust – two in respect of the positions currently held by Provost Reid and Councillor Nicol which would commence at the end of their two year term and one in respect of the position currently held by Councillor Gow which would commence at the end of her two year term in October.
- 3.2 It is available to the Council to reappoint Provost Reid and Councillors Nicol and Gow for further two year periods. It is equally available for the Council to appoint other elected members in place of any of them.

4.0 RECOMMENDATION

4.1 It is recommended that Council agrees:-

- (a) three elected members to be Council appointed Directors on the Board of the Trust – two in respect of the positions held by Provost Reid and Councillor Nicol and another in respect of Councillor Gow’s position; and**
- (b) that the Chief Executive be authorised to provide written notice to the Trust of the decision taken in terms of recommendation 4.1(a).**

.....
Chief Executive
28th May 2013

Contact Officer: Iain Henderson, Legal Services Manager (Telephone: 01324 506103)

LIST OF BACKGROUND PAPERS

Articles of Association of Falkirk Community Trust Limited

FALKIRK COUNCIL

Subject: APPOINTMENTS TO COMMITTEES AND OTHER BODIES
Meeting: FALKIRK COUNCIL
Date: 26 JUNE 2013
Author: CHIEF GOVERNANCE OFFICER

1. INTRODUCTION

1.1 The purpose of this report is to:

- (a) advise of (i) the resignation of Councillor Black from the position of Depute Leader of the Council and (ii) vacancies that have arisen on committees and other bodies;
- (b) appoint a Member to the Falkirk, Clackmannanshire, Stirling and West Lothian Area Support Team which will replace the Joint Children's Panel Advisory Committee.

2. APPOINTMENTS

2.1 Councillor Black was appointed a Depute Leader of the Council at the statutory meeting on 18 May 2012. She has now intimated her resignation from the position. It is a remunerated post.

2.2 Resignations have also been received as follows:

- (a) Councillor D Goldie has resigned from the Civic Licensing Committee and from the Licensing Board;
- (b) Baillie Paterson has resigned from the Pensions Committee; and
- (c) Councillor Black has resigned from the Planning Committee.

2.3 Council is invited to fill the vacant positions detailed above. In terms of the political balance of the Council, and as agreed at the statutory meeting and reconfirmed at the meeting on 24 April 2013, the positions referred to in paragraph 2.2 will fall to be filled by members of the Labour Group.

2.4 Any person appointed to the Licensing Board must complete and pass the mandatory training required under the Licensing (Scotland) Act 2005 before he or she can sit on the Board. This has to be done within three months of being appointed otherwise the appointment will fall. The other positions also have a training requirement in accordance with an earlier decision of Council, but the training is provided in house.

2.5 Resignations have also been received in respect of the following organisations:-

- (a) Baillie Paterson from Cornton Vale Over 21s Visiting Committee
- (b) Councillor G Goldie from South East Scotland Transport Partnership (SEStran)
- (c) Councillor Bird from the East of Scotland European Consortium (ESEC); and
- (d) Councillor Dr C R Martin from Falkirk and District Community Safety Panel.

3. CORNTON VALE OVER 21s VISITING COMMITTEE

- 3.1 Council will be aware of the Scottish Government's intention to abolish the current Prison Visiting system. The Government commissioned an independent review by Professor Andrew Coyle of the monitoring system and, following the publication of his report in 2013, the Cabinet Secretary indicated that he was minded to establish a monitoring service which will be in place by autumn 2014, run by Her Majesty's Inspector of Prisons and involving four part time Prison Monitors. The Government is keen that the current Prison Visiting Committees continue to operate until then.
- 3.2 There are fifteen members on the currently established Cornton Vale Over 21s Visiting Committee, of which the Council may appoint six. The other nine positions fall to be filled by Stirling and Clackmannanshire Councils. Currently, the committee has nine members, two being Falkirk Council appointees. While the government is keen for the current inspection regime to continue to operate at full capacity, it must be recognised that any new member is unlikely to have completed the necessary induction training by spring 2014 and Council may, in light of this, wish to consider whether there is value in appointing to the Visiting Committee.

4. JOINT CHILDRENS PANEL ADVISORY COMMITTEE (JCPAC)

- 4.1 Council will recall that Area Support Teams (ASTs) are to replace Children's Panel Advisory Committees and will support the national Children's Panels at the local level. An Area Support Team for the Falkirk, Clackmannanshire, Stirling and West Lothian Council areas will be established. Each of the local authorities within an AST may nominate a representative to the AST. Guidance from the Children's Hearings Scotland (CHS), as the governing body, highlights the valuable link role elected members play between the Children's Panel and the local authority and, in light of this, it is recommended that Council appoints an elected member to the local AST. Councillor Black was appointed as the representative on the JCPAC in May 2012. Mindful of the CHS guidance that in the transition to ASTs there should be continuity of existing knowledge and skills, Councillor Black has indicated a willingness to sit on the AST. It is therefore suggested that Councillor Black is appointed as the Council's representative on the AST.

5. RECOMMENDATIONS

5.1 It is recommended that Council:-

- 1) appoints a Depute Leader of the Council;**
- 2) appoints members to the vacant positions on the Licensing Board and on the Civic Licensing Committee, Pensions and Planning Committees;**
- 3) considers whether to make appointments to the bodies referred to in paragraph 2.5;**
- 4) appoints a member to the Falkirk, Clackmannanshire, Stirling and West Lothian Area Support Team.**

.....
Chief Governance Officer
Date: 18 June 2013

Contact Officer: Brian Pirie, Democratic Services Manager on extension 6110.

FALKIRK COUNCIL

Subject: EXECUTION OF DEEDS
Meeting: FALKIRK COUNCIL
Date: 26 June 2013
Author: CHIEF GOVERNANCE OFFICER

1. INTRODUCTION

- 1.1 The Deeds shown in the Appendix to this Report have been signed and sealed on behalf of the Council by the Chief Governance Officer.

2. RECOMMENDATION

- 2.1 That Council notes the signing and sealing by the Chief Governance Officer of the Deeds listed in the Appendix.

.....
Chief Governance Officer

Date: 13 June 2013
Contact Officer: Brian Pirie (Tel: 01324 506110)

LIST OF BACKGROUND PAPERS

Nil

AGREEMENT between FALKIRK COUNCIL and

Redding Park Development Company Limited Land owned by the Council in Reddingmuirhead Village,
Falkirk

CHARGING ORDER by FALKIRK COUNCIL

I Parker	30 Hazel Road, Banknock
J I Thomson	12 St Modan's Court, Falkirk
M Linn Connolly	28 Northfield Road, Dunipace

DISCHARGE by FALKIRK COUNCIL

Barony Housing Association Limited	63 Sylvan Grove, Bo'ness
Barony Housing Association Limited	14 South Philpingstone Lane, Bo'ness
Barony Housing Association Limited	3 Chestnut Grove, Bo'ness
Barony Housing Association Limited	63A Philpingstone Road, Bo'ness
M McLaren	25 Shannon Drive, Falkirk
Elizabeth Sneddon	85 Anson Avenue, Falkirk
Katherine W I Walker	39 Don Street, Grangemouth

DISCHARGE of CHARGING ORDER by FALKIRK COUNCIL

J Kilpatrick	3 St Giles Way, Camelon
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DISCHARGE of INHIBITION by FALKIRK COUNCIL in favour of

W Fairley	1 Laurmont Court, Laurieston, Falkirk
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DISPOSITION by FALKIRK COUNCIL in

H Morrow and LK Morrow	7 Ballinkier Avenue, Banknock
Marion Christine Cookson	34 Roberts Avenue, Polmont
H Docherty	64 Stewart Avenue, Bo'ness
T McCarron	17 Wilson Avenue, Falkirk
A Hannah Paterson and J Paterson	Ground at 8 Harris Place, Grangemouth
Dhillon Brothers Investments	19 Glasgow Road, Denny
C McCullie and S Buchan	13 St Andrews Court, Larbert
JA Sandilands and MD Sandilands	136 Bridgeness Road, Bo'ness
J Boyle	73 Main Street, Redding
MG Reid and DMC Reid	19 Slamannan Road, Avonbridge
C D Kirk	18 Webster Avenue, Carronshore, Falkirk
F Newns	18 Dundas Street, Grangemouth
Ladysgate Properties Limited	20 Melville Street, Falkirk
L Slaven	101 Kilbrennann Drive, Falkirk
P M Smith & G J Smith	1 Abbotsford Street, Falkirk
I F A Johnston	11-2 Corentin Court, Finistere Avenue, Falkirk

GRANT of SERVITUDE by FALKIRK COUNCIL in favour of

Scotland Gas Networks Plc	1 to 15 Thirlestane, Bo'ness
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LEASE between FALKIRK COUNCIL and

GS-Hydro UK Limited	15 Powdrake Industrial Estate, Grangemouth
R Jabbar	1 Garry Place, Hallglen
Alex Miller t/a Miller Properties	14 Dundas Street, Grangemouth

LICENCE AGREEMENT between FALKIRK COUNCIL and

BDW Trading Limited	Use of area at Cleuch Place, Rumford
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MINUTE of AGREEMENT among FALKIRK COUNCIL and

Cala Homes (West) Ltd and National House Building Council	Kinnaird Village, Bellsdyke Road, Larbert Sites 12 & 13
Kier Homes Limited and National House Building Council	Redding Road, Reddingmuirhead
Stirling Council, Kinsburn Wind Energy Limited, Neil Chambers & Others and Damon Maxwell Harvey	Proposed Wind Farm on Land at Earlsburn North, near Kippen, Stirling

MINUTE of AGREEMENT between FALKIRK COUNCIL and

Lloyds Pharmacy Limited	332 Main Street, Camelon
Bonaly Properties Limited	East Pier Street, Bo'ness

MINUTE of RENUNCIATION by FALKIRK COUNCIL in favour of

A D Limited	9 Central Boulevard, Central Business Park, Larbert
S & J Stores Limited	1 Garry Place, Hallglen, Falkirk
N Thomson	Stance at Kemper Avenue, Falkirk

MINUTE OF VARIATION between FALKIRK COUNCIL and

Saint Gobain Building Distribution Limited	4 Almond Court, Middlefield
Man Leung Lee	4 Weir Street, Falkirk
AM Deliveries Ltd	38 York Street, Falkirk
G McGowan	103.5 Grahams Road, Falkirk
Indesit Company UK Ltd	1D West Mains Industrial Estate, Grangemouth
Cairngorm Wild Limited	4 Castle Court, Bankside
Brammer UK Limited	13 Powdrake Road, Grangemouth
S J King	11 South Street, Bo'ness

MINUTE OF VARIATION among FALKIRK COUNCIL and

Ogilvie Homes Limited and National House Building Council	Stoneywood, Denny
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SECTION 75 PLANNING OBLIGATION among FALKIRK COUNCIL and

The Scottish Ministers and Strathyre Properties Limited	Subjects to the south of Larbert House, Larbert
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FALKIRK COUNCIL

**Subject: DELEGATION OF POWERS TO DETERMINE URGENT
ISSUES DURING THE SUMMER RECESS**
Meeting: FALKIRK COUNCIL
Date: 26 June 2013
Author: CHIEF GOVERNANCE OFFICER

1. INTRODUCTION

- 1.1 In order that urgent items of business, normally determined by Council or Committee, might be dealt with during the summer recess, it is proposed that Chief Officers be given delegated powers to determine such items, in consultation with the Leader of the Council and/or the relevant portfolio holder or, as appropriate, the relevant Committee Convener and/or Depute Convener. Where it is proposed that matters are to be so considered, the Chief Officer will require to submit these items to the Chief Governance Officer in the first instance. This is, however, a general principle of delegation and is subject to a number of important exceptions.
- 1.2 These exceptions are:-
- (a) no Officer shall be entitled to take decisions involving Council expenditure outwith the approved Revenue Budget and Capital Programme;
 - (b) no Officer shall take decisions involving an increase in the permanent establishment of his/her Service; and
 - (c) 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.
- 1.3 A special meeting of the appropriate Committee would be convened if it was necessary to take a decision urgently in respect of any matter falling within one of the exceptions.
- 1.4 In taking decisions under the auspices of this authority, Directors would be required to consult as widely as necessary and, in any event, with the Chief Executive and the Chief Governance Officer.

2. RECOMMENDATION

2.1 It is recommended that Chief Officers be given delegated powers, in consultation with the Leader of the Council and/or the relevant portfolio holder or, as appropriate, the relevant Committee Convener and/or Depute Convener, to determine urgent items of business during the summer recess (from 26 June 2013 to 6 August 2013) and to report the decisions thereon to the first meeting of the Policy and Resources Committee thereafter, provided that any such decision:-

- (a) is required to secure the proper delivery of Council Services and to comply with the Council's statutory duties;
- (b) does not involve expenditure of Council monies outwith the approved Revenue Budget and Capital Programme;
- (c) does not involve an increase in the permanent establishment of the particular Service, and
- (d) involves no dispute as to legality, propriety or the proper interpretation of Council policy as affecting the decision.

.....
Chief Governance Officer

Date: 20 June 2013

Contact Officer: Brian Pirie, Tel: 506110

LIST OF BACKGROUND PAPERS

None