

The background of the slide features a large, light blue watermark of the Coat of Arms of the City of Edinburgh. The crest includes a crown with four thistles, a shield divided into four quarters (top-left: a saltire, top-right: a stag's head, bottom-left: a ship, bottom-right: an eagle), and a motto scroll at the bottom with the text 'A NE FOR A'.

## **Agenda Item 12**

**Arrangements for Carrying Out  
Council Functions March – May 2017**

**Falkirk Council**

**Title:** Arrangements for Carrying Out Council Functions March – May 2017  
**Meeting:** Falkirk Council  
**Date:** 29 March 2017  
**Submitted By:** Director of Corporate and Housing Services

**1. Purpose of Report**

- 1.1 The purpose of this report is to propose arrangements to allow Council to carry out its functions from the conclusion of today's meeting until the statutory meeting of the new Council in May 2017.
- 1.2 The report also sets out certain issues for consideration in advance of the statutory meeting and for decision following the Local Government elections on 4 May 2017.

**2. Recommendations**

**2.1. Council is asked to:-**

- (1) delegate powers to Chief Officers, in consultation, where applicable, with the Leader of the Council and/or the relevant portfolio holder or, as appropriate, the relevant Committee Convener, to determine urgent items of business from now until the statutory meeting of Council and to report the decisions thereon to the first meeting of the Executive 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
- (2) agrees an addition to the programme of meetings by adding a meeting of the Planning Committee (On Site) and Planning Committee on 3 April 2017, should they be necessary; and
- (3) note the provisional programme of meetings from 4 May to 30 June 2017

### **3. Background**

- 3.1. The Local Government elections will be held on Thursday 4 May 2017. The new Council must meet no later than 21 days after the election to appoint a civic head. The Council's decision making programme ends with today's meeting with the exception of its regulatory bodies (discussed later in the report) and the Appeals and Appointments Committees
- 3.2. While the formal meetings schedule of the Council is drawing to a close, the business of the Council will continue and urgent matters will still have to be dealt with. It is proposed, therefore, that Council delegates authority to deal with business between now and the date of the statutory meeting in the same way as it has been accustomed to doing over the summer recess periods.
- 3.3. Consequently, authority to determine urgent items that would otherwise have been considered by Council or a Council body (other than on planning matters) will be delegated to the Chief Executive and to Directors, in consultation, where applicable, with the Leader of the Council and/or relevant portfolio holder or, as appropriate, the Convener of the relevant Committee. Any such report would require to be submitted 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.
- 3.4. These exceptions are:-
  - (1) no officer shall be entitled to take decisions involving Council expenditure outwith the approved Revenue Budget and Capital Programme;
  - (2) no officer shall take decisions involving an increase in the permanent establishment of his/her Service; and
  - (1) no delegated decision shall be taken where there is a dispute as to the legality, propriety or the proper interpretation of Council policy arising from the matter to be decided.
- 3.5. A special meeting of the appropriate Council body would be convened if it was necessary to take a decision urgently in respect of any matter falling within one of the exceptions.
- 3.6. In taking any 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.

#### **4. Considerations**

##### Meeting Schedule – March to June 2017

- 4.1. In October 2016 Council agreed the January – April timetable of meetings. The final meeting of the Planning Committee was set as 22 March 2017. However having consulted with the Convener and the Director of Development Services, it is proposed that two further dates are added. The purpose of these meetings would be to allow consideration of any application continued for a site visit at the meeting on 22 March 2017.

- 4.2. The following meetings are proposed:-

<u>Meeting</u>	<u>Date</u>
Planning Committee On-Site (if required)	3 April 2017
Planning Committee (if required)	3 April 2017

- 4.3. In February 2017 Council agreed to progress the appointment of the Head of Social Work Children's Services. A programme of meetings for the Appointments Committee was established following the meeting of Council. The committee will meet on:-

<u>Meeting</u>	<u>Date</u>
Appointments Committee (short leet)	30 March 2017
Appointments Committee (interviews)	25 April 2017

#### **5. Standing Orders and Scheme of Delegation**

- 5.1. The new Council must meet within 21 days of the election. The latest the meeting could be held is Thursday 25 May. Council will be asked at this meeting to agree its decision making structure and adopt Standing Orders. It will also be invited to set a programme of meetings to the year end.
- 5.2. Provisionally the programme of meetings post election through to the recess are:-

<u>Meeting</u>	<u>Date</u>
Executive / Education Executive	13 June 2017
Civic Licensing Committee	20 June 2017
Planning Committee	27 June 2017
Council	28 June 2017

- 5.3 A report elsewhere on the agenda for today's meeting will present revised Standing Orders for approval. These have been revised to reflect the terms of the Community Empowerment (Scotland) Act 2015 and to reflect the position of the Integration Joint Board Chief Officer. It would be open to the new Council to review its decision making structures and the supporting Standing Orders.

## **6. Membership of Committees etc**

- 6.1 At the statutory meeting Council will be invited to appoint members to committees.
- 6.2 Previously Council has determined that training must be provided to members appointed to the following committees :-
- Executive / Scrutiny Committee ( in regard to treasury management );
  - Audit;
  - Planning Committee;
  - Civic Licensing;
  - Appeals Committee;
  - Appointments Committee; and
  - Pensions Committee.
- 6.3 The position in regard to training will be reviewed ahead of the statutory meeting to determine whether the approach to training taken is consistent and coherent.
- 6.4 Additionally, it is a requirement of the Licensing (Scotland) Act 2005 that each member of the Licensing Board must undergo training, by an accredited provider, within 3 months of their appointment, before they can sit on the Board.
- 6.5 More generally, an induction programme will be in place for new and returning Councillors. This will begin with an introduction to the Council for new members on 8 May and will be followed within the first two weeks with sessions on the Council's strategic framework and the decision making process. The latter will be aimed at providing practical guidance for new members on the committee process. There will also be sessions focussing on the Council Services. A structured programme of briefings addressed to new members but which may be useful to returning members will be delivered after the statutory meeting.
- 6.6 The new Council may also wish to consider its position in regard to the Protection of Vulnerable Groups (PVG) scheme as it applies to elected members. Currently all members of the Executive are required to have membership of the PVG scheme. However Council agreed in 2012 (and this was reaffirmed in 2013) that the cost of membership would be borne by all 32 members.

## **7. Implications**

### **Financial**

7.1 There are no financial implications arising from this report.

### **Resources**

7.2 There are no resource implications arising from this report.

### **Legal**

7.3 There are no legal implications arising from this report.

### **Risk**

7.4 There are no risks arising from this report.

### **Equalities**

7.5 Not required.

### **Sustainability/Environmental Impact**

7.6 N/A.

## **8. Conclusions**

8.1 The report sets out a number of considerations ahead of the first meeting of the Council after the Local Government Elections on 4 May 2017 and asks that authority is delegated to officers, as with the summer recess period, to take decisions under certain circumstances.

---

Director of Corporate and Housing Services

Author – Colin Moodie, Depute Chief Governance Officer 01324 506097,  
colin.moodie @falkirk.gov.uk

Date: 20 March 2017

## **Appendices**

None.

## **List of Background Papers:**

The following papers were relied on in the preparation of this report in terms of the Local Government (Scotland) Act 1973:

- None