

The background of the slide features a large, light blue watermark of the City of Vancouver's coat of arms. The crest is a shield divided into four quadrants. The top-left quadrant shows a city skyline with a bridge. The top-right quadrant depicts a beaver. The bottom-left quadrant shows a sailing ship on the water. The bottom-right quadrant features a grizzly bear. Above the shield is a crown with four maple leaves. A banner at the bottom of the shield contains the motto "A NE FOR A".

Agenda Item 8

Appointments

Falkirk Council

Title: Appointments
Meeting: Falkirk Council
Date: 8 May 2019
Submitted by: Director of Corporate and Housing Services

1. Purpose of Report

- 1.1. This report invites the Council to consider: reducing the size of the Licensing Board; amend Standing Orders to create an additional category of membership of the Education Executive for a care experienced young person; renaming the Education Executive, and appointing members to the Falkirk Community Trust Board.

2. Recommendations

2.1 Council is invited to:-

- (1) agree to temporarily reduce the size of the Licensing Board to comprise 8 members and its membership;**
- (2) agree to create a category of non-voting membership on the Education Executive for a care experienced young person;**
- (3) agree that the Education Executive be renamed the Children and Young People Executive, and**
- (4) appoint an independent member to the Falkirk Community Council Trust Board, note the appointment of the remaining Council Directors on the Board and authorise the Chief Executive to provide written notice to the Trust of this decision.**

3. Considerations

Licensing Board

- 3.1. The Licensing Board currently comprises ten members. The quorum of the Board is half the membership and therefore currently 5.
- 3.2. There have been two vacancies on the Licensing Board since 19 September 2018. Achieving a quorum of 5 from the 8 appointed members places additional burden on those current members; therefore, it is proposed to temporarily reduce the size of the Board from 10 to 8 members with a consequential change of quorum to 4.

3.3. The current membership of the Board is:-

Councillor Balfour	Provost Buchanan
Councillor Binnie	Councillor Coleman
Councillor Bissett	Councillor Patrick
Councillor Black	Depute Provost Ritchie
Vacancy	Vacancy

Education Executive

3.4 There are currently three categories of non-voting member on the Education Executive which are:-

- Teacher Representative
- Parent Representative
- Pupil Representative

3.5 At its meeting on 26 March 2019 the Education Executive, taking cognisance of the now wider remit of the Education Executive, expressed its interest in having a care experienced young person appointed to it. Council is invited to agree to create a new category of non-voting member on the Education Executive for a care experienced young person. It is proposed that appointment of the care experienced young person shall be by nomination by the Champions Board. Any such appointment would be until the next Local Government elections. It is also proposed that the nominee should be younger than 26 at the time of appointment.

Education Executive Title

3.6 Following the decision of Council on 9 May 2018 the remit of the Education Executive was widened to include the full remit of Children's Services. In recognition of this it is proposed that Council agrees that the Education Executive is renamed the Children and Young People Executive to better reflect the remit.

Falkirk Community Trust

3.7 Having agreed the application of political proportionality to the Trust Board appointments, Council agreed these can be by slate. The political proportionality is:-

SNP – 2
Labour – 1
Conservative – 1
Independent – 1

Council appoints five of its members to be Directors on the Trust Board. These appointments are made for periods of two years. Directors require to retire at the end of a two year period. Retiring Directors are eligible to be appointed for a further two year period provided that no Director serves more than three terms.

- 3.8 The current Council Directors are Councillors Binnie, Coombes, Flynn and Meiklejohn. These Directors were all appointed in June 2017 and accordingly are coming to the end of their two year term. Councillors Binnie, Flynn and Meiklejohn were appointed for their first term. Councillor Coombes is serving her second term. It is available to reappoint these Directors for a further two year terms as they are all eligible.
- 3.9 Provost Buchanan intimated his resignation from the Board on 22 March 2019 and there is therefore a vacancy on the Board for an independent member. Councillors Kerr, McLuckie and Spears are eligible to be appointed to the Board to fill this position. The independent members are not in agreement on the appointment; the decision accordingly lies with Council.
- 3.10 It should be noted that the SNP have advised that Councillor Coleman will replace Councillor Meiklejohn and the Labour Group have intimated that Councillor Coombes will continue on the Board.
- 3.11 The Office of the Scottish Charity Regulator recommended that consideration be given to the mix of skills and experience among Councillor Directors on the Board of an organisation such as the Trust when making appointments. The Trust was asked for its thoughts on this and highlighted experience and interest in the health and wellbeing agenda as well as community engagement and empowerment would be of benefit to the Board. They also advised that more generally experience in financial and business planning, mentoring and support and communication would be beneficial.

4. Consultation

- 4.1. There has been no consultation on this report.

5. Implications

Financial

- 5.1 There are no financial implications.

Resources

- 5.2 There are no resource implications.

Legal

- 5.3 There are no legal implications.

Risk

- 5.4 The quorum of the Licensing Board is currently 5. There is currently a risk that meetings will fail to achieve their quorum and therefore delay the consideration of business.

Equalities

- 5.5 An equality and poverty impact assessment is not necessary.

Sustainability/Environmental Impact

5.6 A sustainability assessment is not necessary.

6. Conclusion

6.1 Council is invited to temporarily reduce the size of the Licensing Board; create a category of care experienced young person on the Education Executive; change the name of the Education Executive to the Children and Young People Executive, and make appointments to the Falkirk Community Trust Board.

Director of Corporate and Housing Services

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Date: 18 April 2019

Appendices

Revised Standing Orders.

List of Background Papers:

No papers were relied on in the preparation of this report in terms of the Local Government (Scotland) Act 1973.

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 8 May 2019 subject to such amendments as may from time to time be made by Council.

STANDING ORDERS

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- 30.3 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 they have had the opportunity to consider the implications and give advice on them.

31. MOTIONS THAT STAND REFERRED

- 31.1 Motions submitted to Council that refer to matters within the remit of the Executive or Children and Young People Executive will stand referred to the next available Executive or Children and Young People Executive, as the case may be, and there shall be no discussion on them at the Council meeting unless:-
- (i) special circumstances exist which, in the opinion of the Provost, having consulted with the councillor who submitted the motion, the Council Leader and the Leaders of the Main Opposition Groups, requires an exception to be made to the general rule, or
 - (ii) two thirds of the members present at the meeting vote in favour of the matter being discussed
- 31.2 Where a motion to Council stands referred to the Executive or the Children and Young People Executive, the councillor who submitted the motion, if they are not a member of the Executive or the Children and Young People Executive, will be entitled to attend the Executive or the Children and Young People 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.
- 31.3 **Not used.**

32. QUESTIONS

- 32.1 At each ordinary meeting of Council, any councillor may put questions to the Leader of the Council or to the relevant portfolio holder on any matters relating to business transacted at any meeting of the Executive or Children and Young People 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 seven 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 clear days after the minute has been made available to members of the Council.
- 32.2 Questions may also be put to the Provost on civic and related matters. Written notice of the question(s) must be given to the Chief Governance Officer not later than 12 noon at least seven clear days before the meeting takes place.

SECTION 4

CONSTITUTION, MEETINGS AND PROCEEDINGS OF COMMITTEES

37. COMMITTEES

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

Committee	Membership	Quorum
Executive	12	4
Children and Young People Executive	12 plus 3 representatives of denominational bodies as required by section 124 of the 1973 Act; 2 non-voting teachers nominated from the serving staff of schools, 2 non-voting parental representatives nominated by the Parents' Forum and 2 non-voting young people to be appointed by such process as approved by the Children and Young People Executive and 1 non-voting care experienced young person nominated by the Champions Board.	4 elected members
Scrutiny Committee	8	3
Scrutiny Committee (External)	8	3
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.

38. CONDUCT OF MEETINGS AT COMMITTEES

38.1 Meetings of committees will be conducted in accordance with Standing Orders 3, 6 to 13, 15 to 30 (excluding 17.3) and 33 to 36, 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 37.1;
- (iii) Standing Order 7.1(iii) shall not apply to meetings of committees;
- (iv) Standing Orders 20.2 and 20.3 shall apply only to the Executive and the Children and Young People Executive;
- (v) Standing Order 29 shall apply only to the Executive, the Children and Young People Executive and the Scrutiny Committees;
- (vi) **Not used;**
- (vii) the time limit for meetings will not apply to the Appeals Committee, the Appointments Committee, Planning Committee or any of the bodies referred to in Standing Order 37.5
- (viii) the Conveners of the Civic Licensing, Planning and Scrutiny Committees 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. This power shall assume to be exercised unless the Convener states otherwise and may be recalled by the Convener should the requirements of good order and expeditious dispatch of business require it. The aim 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.
- (ix) 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 members of the Appeals Committee, or the 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 37.5 other than the Planning Review Committee may not attend any part of these meetings;

(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; and
- approval of the local police plan and the local Fire and Rescue 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; and
- any motion submitted in terms of SO 29 with significant impact on the Council area which the Provost, having consulted with the Leader and Leader of the Main Opposition Groups, considers is suitable for debate at Council.

In addition, the Council may decide any matter referred to it by the Executive or the Children and Young People Executive.

48. THE EXECUTIVE

Composition of the Executive

- 48.1 The Executive will consist of 12 members The Leader of the Council will appoint members of the Administration as Portfolio Holders and determine which will sit on the Executives. Any portfolio holder not appointed to an Executive may attend and speak on an item which is within their remit but not vote. The Leader of the Council will determine the number of portfolio holders to be appointed and their remit. The role and remit of a portfolio holder is as described in the schedule to this section of the standing orders together with descriptions of portfolio areas.

Powers of the Executive

- 48.2 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 Children and Young People Executive;
- (3) delegated to a regulatory, common good committee or to the Appeals, Appointments, Audit or Pensions Committees; 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.

- 48.3 The Executive may refer any matter within its decision making competence to Council.

Policy Development Panels

- 48.4 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.

- 48.5 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/ Children and Young People Executive decides to a maximum of five in number including the portfolio holder who will be the convener of the panel. In establishing the panel, the Executive will include within its members a member or members not drawn from the Administration.

- 48.6 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.

- 48.7 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

48.8 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, and
- (4) the Integration Joint Board.

49. CHILDREN AND YOUNG PEOPLE EXECUTIVE

Composition of Committee

49.1 The Children and Young People Executive will consist of 12 members of Council with the addition of:-

- (1) three religious representatives appointed in accordance with section 124 of the Local Government (Scotland) Act 1973 (whose voting powers are restricted to those functions discharged as education authority);
- (2) two non-voting parents nominated by the Parents Forum;
- (3) two non-voting teachers chosen from among the Council's teaching workforce;
- (4) two non-voting young people – to be appointed by such process as approved by the Children and Young People Executive; and
- (5) one non-voting care experienced young person.

The parent, pupil, care experienced young person and teacher representatives will not be entitled to vote or move motions and amendments but will in all other respects be members of the Children and Young People Executive.

Powers of Children and Young People Executive

49.2 The Children and Young People 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 powers of the Children and Young People Executive will include all matters within the remit of Children's Services. The Children and Young People 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 Children and Young People Executive and in accordance with guidance issued from time to time by the Executive.

49.3 The Children and Young People Executive may refer any matter within its decision making competence to Council.

SCRUTINY COMMITTEE

(a) The Scrutiny Committee

Composition of the Scrutiny

Committee

- 50.1** The Scrutiny Committee will consist of eight members (subject to the proviso that no member of the Executives may be a member of the Scrutiny Committee). Any member not appointed to the Scrutiny Committee may attend and speak when the committee is considering Service performance reports, but may not vote.

Role of the Scrutiny Committee

- 50.2** 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 implementation of the plan. The scrutiny will identify the principal areas which require detailed scrutiny. In order to undertake that 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 and Children and Young People Executive.

Scrutiny Panels

- 50.3** 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 within whose remit the review topic falls 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

- 50.4** The Scrutiny Committee will:-
- (1) consider Service performance reports;
 - (2) consider overview reports by Audit Scotland;
 - (3) consider reports from school inspections; and
 - (4) consider any other matter referred to the committee for consideration by Council, the Executive or Children and Young People Executive.

(b) The Scrutiny Committee (External)

Composition of the Scrutiny Committee (External)

- 50.5** The Scrutiny Committee (External) will consist of eight members (subject to the proviso that no member of the Executives may be a member of the Scrutiny Committee (External)).

Role of the Scrutiny Committee (External)

- 50.6** The Scrutiny Committee (External) will consider:-
- (1) any report 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) reports on performance by the Integration Joint Board; and
 - (5) any other matter referred to the committee for consideration by council or the Executive; and
- 50.7** The Scrutiny Committee (External) will have no decision-making power but will make such recommendations as it considers appropriate to the Executive and Children and Young People Executive.

Schedule referred to in Paragraph 48.1

PORTFOLIO HOLDERS

Portfolio Holders are councillors who have been allocated specific areas of responsibility known as portfolios to ensure greater political accountability for the decisions taken by the Executives.

Within the area of their remit, portfolio holders will:-

- exercise strategic and political leadership, having regard to the goals, outcomes and priorities set out in the Council's corporate plans;
- lead on policy development;
- lead on service issues at Executive/ Children and Young People Executive and Council meetings;
- meet on a regular basis with senior management to discuss service issues including performance, the requirement for continuous improvement and adherence to the budget set by Council;
- answer questions at Council;
- act as spokespersons on behalf of the Council; and
- promote the Council's equalities duties and exercise oversight of the arrangements in place to secure best value.

The Leader of the Council may appoint members of the Administration as portfolio holders, subject to the requirement that all of the areas listed below are covered and to determine which portfolio holders will be members of the Executives. The remit of each portfolio holder will be determined by the Leader of the Council and intimated to the Chief Governance Officer. All appointments and portfolio remits will be reported to Council for information.

The portfolio areas are detailed below. In any situation of uncertainty, it is for the Leader of the Council to determine which portfolio a delegation by Council lies within. For the avoidance of doubt, portfolio holders are not responsible for service management nor is there any delegation of decision making to any individual member of the 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.

(i) **Community Right to Buy**

Chief Officers, in consultation with the relevant portfolio holder and local members, shall be authorised to prepare and submit to the Scottish Ministers consultation responses on any applications by community bodies to register an interest in land owned by the authority under the Community Empowerment (Scotland) Act 2015.

60.22A Participation Requests

Chief Officers, in consultation with the relevant portfolio holder and local members (where appropriate), shall be authorised to respond to participation requests under the Community Empowerment (Scotland) Act 2015, where it is not practicable to bring the matter before the Executive or Children and Young People Executive.

60.23 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 Head of Social Work Children's 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;