

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.