

ANGUS COUNCIL

14 DECEMBER 2023

GOVERNANCE REVIEW

REPORT BY THE DIRECTOR OF LEGAL, GOVERNANCE AND CHANGE

ABSTRACT

This report presents to elected members 1) revised Committee Terms of Reference; 2) a revised Scheme of Delegation to Officers; and 3) proposed new Member Officer Relations Protocol, for consideration and approval. Together with the revised Standing Orders previously approved by Council on 11 May 2023, it is proposed that these revised documents will form the governance framework of the Council (“the Scheme of Governance”) and will come into effect on 1 January 2024. A refreshed Council/Committee report template is also to be used as outlined in this report.

1. RECOMMENDATIONS

It is recommended that the Council: -

- (i) Notes that on 11 May 2023, Council approved revised Standing Orders and agreed that the revised Standing Orders would only take effect when the related governance framework documents including the Committee Terms of Reference and the Scheme of Delegation to Officers have been considered and approved by Council;
- (ii) Notes that the Standing Orders have been updated to reflect the Council decision of 11 May 2023 and are attached for information at Appendix 1;
- (iii) Considers the proposed revised Committee Terms of Reference attached at Appendix 2, the proposed revised Scheme of Delegation to Officers attached at Appendix 3B, and the proposed Member Officer Relations Protocol attached at Appendix 4, and approves them for implementation in terms of the timeframe at (vi) below;
- (iv) Notes that a refreshed Council/Committee Report template is to be introduced for all new reports drafted from 1 January 2024;
- (v) Notes that proposed Procurement Standing Orders are being reported in a separate report to Council;
- (vi) Agrees that the revised Scheme of Governance (comprising the Standing Orders, Committee Terms of Reference, the Scheme of Delegation to Officers, and the Protocol For Relations Between Councillors and Employees) will come into force on 1 January 2024, with the exception of any references therein to “Procurement Standing Orders” which, if approved, will not come into force until 1 April 2024;
- (vii) Agrees that relevant sections of the Financial Regulations pertaining to procurement, (namely section 16 and corresponding references in the Appendices) will remain in force until such time as the Procurement Standing Orders are approved and in place, anticipated to be 1 April 2024; and
- (viii) Agrees to hold the Governance Member/Officer Working Group (MOWG) in abeyance for it to reconvene in order to review the changes to the Scheme of Governance after being in operation for circa 12 months.

2. ALIGNMENT TO THE COUNCIL PLAN

This report contributes to the achievement of our priority that the council is efficient and effective as detailed in our Council Plan for 2023 – 2028.

3. BACKGROUND

- 3.1 Following the Local Government Elections in May 2022, a Governance Member/Officer Working Group, (Governance MOWG), was re-established to review a number of key documents that make up the governance framework of the Council, including the Standing Orders, the Order of Reference of Committees and the Scheme of Delegation to Officers.
- 3.2 The first part of the review by the MOWG was reviewing the Council's Standing Orders. In terms of the Local Government (Scotland) Act 1973 all local authorities may make Standing Orders. These comprise the rules for formal meetings of the council and are for each council to agree, albeit there are certain statutory requirements which apply.
- 3.3 Officers undertook an extensive re-write of the current Standing Orders to ensure that they reflected good practice and were compliant with legislative requirements. In some cases, they were simplified so as to assist members and the general public understand how meetings operated and the rules governing such meetings.
- 3.4 On 11 May 2023 Council agreed revised Standing Orders. These are attached for information at Appendix 1.
- 3.5 The MOWG has subsequently met on a number of occasions to discuss proposals for changes to the Order of Reference of Committees, the Scheme of Delegation to Officers and the introduction of a Member/Officer Protocol, all of which are further detailed below in Section 4, as well as the introduction of new Procurement Standing Orders, which are the subject of a separate report to Council today. The MOWG has also had sight of a proposed new Council/Committee report template which will be introduced for all new reports drafted from 1 January 2024.

4. PROPOSALS

Committee Terms of Reference

- 4.1 Proposed changes to the current Order of Reference of Committees are shown in red on the version attached at Appendix 2(a). A clean version without track changes is attached at Appendix 2(b) for ease of reference. It is appropriate to highlight in this report what might be regarded as the more significant changes as follows: -
 - Moving some of the current remit of the Policy & Resources Committee that relates to justice social work services and any other non-Health & Social Care Partnership social work matters to the Children & Learning Committee, and consequently, changing the name of the Committee to "Family, Education & Justice". This will enable the alignment of Council governance of social work functions. It is also intended that it will assist in balancing the volume of reports, as Policy & Resources Committee is often a very busy agenda, with Children & Learning having less reports. It is proposed that AHSCP-aligned council business will continue to be reported to Policy & Resources Committee as is presently the case, keeping Chief Officer reporting lines simple.
 - Added delegation to new Family, Education & Justice Committee that was already approved by Children & Learning Committee on 1 June 2023 - Mothballing Policy Report 160/23 – stating that C&L Committee can make the decision: -
 - *"To consider and thereafter to approve or reject recommendations on proposals for either: -*
 - *the temporary closure of schools or other educational establishments where the current or potential roll is very low or has fallen to zero (referred to as "mothballing" in Scottish Government guidance); or*
 - *the permanent closure of schools or other educational establishments."*
 - Moving the "Exclusions from Delegations to Committee" (i.e. Council reserved matters) from the Standing Orders to the Committee Terms of Reference as this is where they sit better.

Previously, the dismissal of Directors was listed as being reserved to Council, however this is not competent and will instead be dealt with following the same process as for other employees. For Chief Executive dismissal, this would be dealt with as per the national scheme - the Scottish Joint Negotiating Committee Scheme of Salaries and Conditions of Service for Chief Officials.

- Removing the following Sub-Committees: -
 - (i) Special Cases Sub-Committee (powers have been delegated to Director of ELL for some time).
 - (ii) Education Records Review Sub-Committee (now dealt with through Complaints Procedure).
 - (iii) Sounding Board Sub-Committee (purpose of providing formal expressions of opinion to COSLA on matters such as the annual pay award historic, no longer meets and would not work in current practice).

- Adding the following Sub-Committees: -
 - (i) "Appointments Sub-Committee" which was previously only in Standing Order 49(2): - *"To make decisions on the appointment of the Chief Executive, the Depute Chief Executive and Directors and shall comprise the Leader and Depute Leader of the Council and four other Members (one Administration, three Non-Administration)."*
 - (ii) "Grants Sub-Committee" as approved by Policy & Resources Committee on 24 October 2023 with the remit: - *"To determine whether or not the Council shall (a) submit applications for non-core external funding of £500,000 or more; and (b) accept offers of non-core external funding of £50,000 or more, in respect of services which are not linked to or associated with functions referred or delegated to any other Committee or Sub-Committee."*

- Adding the following Joint Committees which already exist but had never been added to the Order of Reference: -
 - (i) Northern Roads Collaboration Joint Committee
 - (ii) Tay Cities Deal Joint Committee
 - (iii) Tayside Contracts Joint Committee

- Various changes to take account of new Planning legislation, e.g. the majority of development plan functions will now require consideration at Full Council.

- Council functions in relation to economic development and promoting regeneration moved from Policy & Resources Committee to Communities Committee.

- Proposed changes to the Scrutiny & Audit Committee remit, incorporating the CIPFA model Terms of Reference issued in 2022. This has not resulted in any major changes, but mainly just that headings have been added and the order changed. Provision for Petitions has also been moved from Standing Orders to Terms of Reference.

Scheme of Delegation to Officers

- 4.2 A proposed new Scheme of Delegation to officers is attached at Appendix 3B. Comparison tables have been prepared which summarise the proposed changes to each Chief Officer/Director Scheme of Delegation and these are shown in Appendices 3 a) to o) along with the proposed revised delegations. Appendix 3B shows the final proposed Scheme of Delegation to Officers.

Protocol For Relations Between Councillors And Employees

- 4.3 The Councillors Code of Conduct already has a "Protocol For Relations Between Councillors and Employees" which elected members are bound by. The Governance MOWG saw no need to have any further such protocol but did ask that a further clarification be added, Please see Appendix 4 to this report Councillors Code of Conduct Protocol For Relations Between Councillors and Employees with clarification added in red.

New Council/Committee Report Template

4.4 A new Council/Committee Report template is to be introduced for all new reports drafted from 1 January 2024. There will be a transition period where the old version is used for reports coming to Committee after 1 January 2024 because such reports will have been drafted prior to the new year. Guidance is being issued to report authors to ensure that the transition is as smooth as possible, and all authors will be instructed to use the new template for any reports drafted from 1 January 2024 onwards.

5. FINANCIAL IMPLICATIONS

5.1 There are no direct financial implications arising directly from this report. The proposals aim to deliver on our priority that the Council is efficient and effective as detailed in our Council Plan. This has the potential to reduce officer and member time spent on governance matters which has a positive financial impact.

6. EQUALITY IMPACT ASSESSMENT

6.1 A screening Equality Impact Assessment has been carried out and a full EIA is not required as the report is technical.

NOTE: No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

REPORT AUTHOR: Alison Watson, Service Leader – Legal & Procurement

EMAIL DETAILS: WatsonA1@angus.gov.uk

APPENDICES: -

Appendix 1: Standing Orders (approved by Council on 11 May 2023)

Appendix 2: a) Committee Terms of Reference - Proposed new Terms of Reference (with track changes shown in red)
b) Committee Terms of Reference - Proposed new Terms of Reference (clean version)

Appendix 3: Scheme of Delegation to Officers with tables of changes: -

- a) General Delegations
- b) Chief Executive
- c) Depute Chief Executive
- d) Director of Finance
- e) Director of Legal, Governance & Change
- f) Director of Children' Families and Justice
- g) Chief Social Work Officer
- h) Chief Integration Officer
- i) Director of Education and Lifelong Learning
- j) Director of Infrastructure & Environment
- k) Director of Vibrant Communities and Sustainable Growth
- l) Service Leader – Planning and Communities
- m) Service Leader – Housing
- n) Director of Human Resources, Organisational Development, Digital Enablement/IT and Business Support
- o) Service Leader – Digital Enablement & IT

Appendix 3B: Scheme of Delegation to Officers – final proposed version

Appendix 4: Protocol For Relations Between Councillors and Employees