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**Report to: Clackmannanshire Council**

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**Date of Meeting: 30 January 2025**

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**Subject: Mid-term Review of the Council's Decision-Making Framework  
and Councillor Responsibilities**

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**Report by: Chief Executive**

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## **1.0 Purpose**

- 1.1. The purpose of this report is to seek approval to further refine the Council's decision-making framework and to highlight those political roles which attract Special Responsibility Allowance under the proposed arrangements.
- 1.2. These proposals have arisen following the mid-term review of the revised arrangements that were put in place following the Local Government Election held in May 2022.

## **2.0 Recommendations**

- 2.1. Council is asked to agree to suspend Standing Orders per Standing Order paragraph 20.7, which requires notice of changes to Standing Orders to be given at a preceding meeting
- 2.2. Subject to agreement of Standing Order paragraph 20.7, it is recommended that Council:
  - a) agrees to the proposals in this report to change the Council's decision making framework as set out at sections 4, 5 & 6 of this report;
  - b) selects which option, if any, from those set out in Table 1, it wishes to adopt to further enhance the operation of the Audit and Scrutiny Committee functions and responsibilities
  - c) subject to agreement of these changes, Council:
    - i. appoints members to the new spokesperson and depute spokesperson positions
    - ii. approves the positions which are awarded senior councillor responsibility payments as set out in paragraph 4.2 of this report

- iii. notes that revisions to Standing Orders, which detail the consequential changes arising from approval of these proposals, will be made
- iv. notes the improvements proposed to further develop the implementation of the four Boards set out in Section 7, Table 2
- v. notes that a further implementation review will be undertaken, prior to the next Local Government elections in May 2027 (section 8)
- vi. notes that subject to approval of recommendations 2.2a) and b), consequential changes will be made to Council Champion roles , last approved in March 2023, and that these proposals will be submitted to the next scheduled meeting of Council.

### **3.0 Background**

- 3.1. Following the Local Government Election held on 5 May 2022, the Chief Executive submitted a report to Council proposing changes to the decision-making framework. These proposals were prepared following open and transparent cross-party engagement and discussion.
- 3.2. The aim of the proposed changes was as follows:
  - to maximise the participation of all elected members in decision making
  - to sustain maximum transparency over the Council's decision-making
  - to streamline the administration of Council business
  - to enhance the effective scrutiny of Council activity and decisions.
- 3.3. In the report to Council it was noted that the implementation and effectiveness of these new arrangements would be kept under review to ensure that the effectiveness of arrangements is improved /sustained. This paper to Council sets out a mid-term review of both the implementation and effectiveness of the revised arrangements, making further recommendations for improvement where appropriate.
- 3.4. Council will also recall that the revised arrangements are underpinned by an augmented/ more routine Programme of briefings/fora. The details of these arrangements were agreed by Council in a subsequent report to Council in August 2022. This paper established the following Briefing Fora:
  - Be the Future Transformation Board
  - Climate Change Emergency Board
  - Children and Young People's Board
  - Adult Social Care Board.

This review has also included these arrangements within its scope.

- 3.5. To facilitate this review, a series of interviews have been undertaken with the Chair/ Convener of relevant Committee/ Boards, as well as with Internal and External Audit. The interviews conducted followed the format of the questionnaire which was issued to all members during summer recess (2024) which is attached at Appendix A for reference.

## 4.0 Considerations

- 4.1. The effectiveness of the changes made with regards the running of both Council and Audit and Scrutiny Committee meetings were the two most significant aspects of discussion in the feedback received. The matters relating to Audit and Scrutiny Committee are set out in section 6 and Table 1. The following feedback was received in respect of Council meetings:

- Council conducts its business in a transparent way and councillors have full opportunity to participate
- agenda management has proved challenging with significant volumes of papers for Council approval and some occasions where some items have received less attention/scrutiny
- steps have been taken to improve the administration of Council meetings by the Convener and Clerk
- there is a perceived improvement in the management of the agenda and managing the significant volume of papers by careful attention to the running order of business, formalising breaks, lunchtime etc
- additional briefings held on more complex papers have been welcomed and are viewed as valuable
- no further proposals for improvement were made.

- 4.2. Feedback from both spokespeople and officers identified that there is an opportunity to better align political and managerial portfolios as part of the review process. This would ensure greater clarity in sustaining strategic and operational alignment of responsibilities. Council is, therefore, requested to make the following changes to political responsibilities:

- a) disestablish the post of spokesperson for Partnership, Third Sector and Digital Strategy
- b) disestablish the post of spokesperson for Education
- c) disestablish the post of spokesperson for Sport, Leisure and Active Living
- d) disestablish the post of spokesperson for Health and Social Care
- e) disestablish the post of spokesperson for Environment and Net Zero
- f) disestablish the post of spokesperson for Housing and Property
- g) establish the post of Spokesperson for People (Children's services (incorporating Education and Children's social work), Sport and Active Living)
- h) establish the Post of Depute Spokesperson for People (Health and Adult Social Care, Community and Criminal Justice)
- i) establish the post of Spokesperson for Place (Environment, Planning and Climate Change)
- j) establish the post of Depute Spokesperson for Place (Housing and Property)
- k) establish the post of Spokesperson for Partnership and Performance (Finance, Performance and Digital)
- l) establish the post of Depute Spokesperson for Partnership and Performance (Partnerships).

- 4.3 In accordance with Section 124 of the 1973 Act (inserted by Section 31 of the 1994 Act), the Council must also appoint three religious representatives. Religious representatives only have voting rights on matters relating to the

discharge of the authority's function as education authority. It is proposed that religious representatives would continue to be invited to attend such meetings as require a decision on education matters to be taken.

## **5.0 Political Responsibility and Special Responsibility Allowances**

5.1. In summary, the following senior political responsibilities are proposed as part of the revised decision-making framework:

- Provost
- Depute Provost
- Council Leader
- Depute Council Leader
- **Convener of Council**
- Vice Convener
- **Spokesperson for People (Children's services (incorporating Education and Children's social work), Sport and Active Living)**
- **Depute Spokesperson for People (Health and Adult Social Care, Community and Criminal Justice)**
- Spokesperson for Partnership and Performance (Finance, Performance and Digital)
- **Depute Spokesperson for Partnership and Performance (Partnerships)**
- **Spokesperson for Place (Environment, Planning and Climate Change)**
- **Depute Spokesperson for Place (Housing and Property)**
- **Chair of Audit and Scrutiny Committee** (subject to option approved per Table 1)
- **Chair of Planning Committee**
- Chair of Regulatory

Additionally, those posts presented in **bold** are proposed to be awarded senior councillor responsibility payments.

5.2 The proposals require that no single member receives more than one special responsibility allowance to remain compliant with the financial framework within which members allowances are administered.

5.3 Council is asked to appoint members to the positions set out in paragraph 4.2 g) to l) above.

## 6.0 Audit and Scrutiny Committee

- 6.1. The Audit and Scrutiny Committee has eight members and the Chair of the Committee is the Leader of the main Opposition, and the Vice Chair also comes from outwith the political Administration. In line with the previously agreed protocol, the majority of members of the Audit Committee also come from outwith the political Administration.
- 6.2. The current remit for the Committee is set out at Appendix B and the Agenda for meetings is clearly structured as follows:
- Part A: Audit and Finance
  - Part B: Scrutiny.
- 6.3. In undertaking this review, the Audit and Scrutiny Committee was one of the areas where specific comments have been received. The key comments are summarised as follows:
- the Committee conducts its business in a transparent way and councillors have full opportunity to participate
  - the additional briefings held on more complex papers have been welcomed and are viewed as valuable
  - the Committee is well run, developing an improvement agenda and enhanced by the operational escalation process developed by the Strategic Director (Partnership and Performance)
  - agenda management has proved challenging with significant volumes of papers for the Committee to consider on an increasingly frequent basis which has meant that some of the meetings have been extended
  - the running order of the Committee's agenda can mean that later items receive less attention/scrutiny
  - the steps to embed a Training Plan for the Committee are welcome.
- 6.4. Several options to enhance the smooth operation of the Committee have been suggested and these have been captured within Table 1 below.

**Table 1: options to enhance the operation of the Audit and Scrutiny Committee**

Option Reference	Classification	Comment
1	Increase frequency of Committee meetings	<p>There are currently 6 cycles of Council and committee meetings, with Council having an additional meeting fitted in at the end of June. As there is currently a 4/5 week lead in time for each and taking into account the 13 week impact of avoiding school holidays in February half term, Easter, Summer, October and Christmas it would be challenging to add additional meetings. There are on average 36 meetings to fit into the remaining part of the year.</p> <p>One option may be to change the day of the week on which Committee meetings are held, for instance, the deadlines for Tuesday meetings are different. However, officers are</p>

		already reporting/observing difficulties meeting current deadlines with the volume of papers.
<b>2</b>	Standalone Audit and Scrutiny Committees	<p>This proposal would likely prove challenging for both councillors and officers as it effectively adds a new Committee to the calendar.</p> <p>It has the potential to undermine the aims set out at paragraph 3.2 which is an important consideration as the underlying rationale being addressed, at least in part, by the changes implemented in May 2022 was to streamline the number of separate meetings and to maximise the participation opportunity for all councillors. This rationale was unanimously supported on a cross-party basis at that time.</p>
<b>3</b>	Embed Audit Committee remit within Full Council remit and retain separate Scrutiny Committee	<p>Council has previously operated with a version of such arrangements with specific items such as the External Audit report, the Council's Financial statements and Best Value reports all being presented to Council.</p> <p>If Council were to adopt this option, the full Audit Committee remit would be embedded within the Council remit and agenda management adjusted accordingly. The existing Audit and Scrutiny Committee would be renamed the Scrutiny Committee, retaining only that part of the remit which relates to the scrutiny responsibilities. All other elements of the administration of the new Scrutiny Committee would continue as per those currently in place for the Audit and Scrutiny Committee.</p> <p>This option is likely to place an additional pressure on the management of the Council agenda which has, as noted, proved challenging previously.</p>
<b>4</b>	Further embed the pre-Committee briefing process whilst retaining the current Audit and Scrutiny Committee Format	<p>As part of the revised arrangements since May 2022, there has been a renewed focus on improving the briefing and training elected members receive to allow them to fulfil their roles in both Council and committees generally. This has also been the case for the Audit and Scrutiny Committee.</p> <p>A programme of training was undertaken after the 2022 Local Government Elections and a further round of training is being reviewed by Senior Manager (Legal and Governance) and Senior Manager (HR) and will be rolled out in due course. The Council has also engaged with the Improvement Service to undertake a Political Skills Assessment (PSA) for elected members.</p> <p>Continue the recently implemented changes to pre-agenda meetings where all Audit and</p>

		Scrutiny members attend with officers. This will continue to provide the opportunity to have high level overview and scrutiny of papers both in preparation for and during the Committee.
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## 7.0 Briefings and Boards

- 7.1. Following the approval of the four Boards in August 2022, officers sought to implement the arrangements as described in the remits agreed by Council. Table 2 sets out the Feedback received.

**Table 2: Feedback on the operation of new Boards**

Board	Comments
Be the Future Transformation Board	<p>Working with the Chief Executive and Senior Manager (Transformation and Capital), a number of improvements have been made to the operation of the Board since May 2022 with the aim of increasing transparency, awareness and the opportunity for participation for all elected members.</p> <p>Reporting has improved and is becoming more systematic and the Board has advanced the Benefits Realisation Framework which was also agreed by Council.</p> <p>No additional suggestions for improvement proposed.</p>
Climate Change Emergency Board	<p>This Board has experienced challenges in engagement resulting in a perception of a lack of clarity in focus. The Board has strong , committed leadership, however, has evolved into a good practice forum, rather than a catalyst/ driver of the Climate Change Strategy.</p> <p>The Board has the potential to refocus and re-establish its function as an oversight Board for the Council's agreed Climate Change Strategy and priorities. The Strategic Director (Place) will progress with the Chair and relevant officers.</p>
Children and Young People's Board	<p>This Board is amongst the most well-established and runs smoothly, providing appropriate briefing and improving broader awareness and understanding of issues in Clackmannanshire.</p> <p>No additional suggestions for improvement proposed.</p>
Adult Social Care Board.	<p>There have been challenges in consistently establishing and developing the Board and its associated agenda. Elected members still consider that there is scope for improved briefing to facilitate scrutiny and awareness.</p> <p>There has been a recent change in senior management within the Health and Social Care</p>

	Partnership, following the appointment of a new Interim Chief Officer. This provides an opportunity to reset the implementation of the Board. The Chief Executive will progress with the Interim Chief Officer.
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## 8.0 Future review

8.1. It is proposed that a further review will be conducted prior to the next Local Government elections in May 2027. As part of that review, amongst other matters, it is proposed that the following themes will be explored:

- progress and impact with the Council's Be the Future Target Operating Model and whether the Council's arrangements require amendment. For instance in respect of how the partnership portfolio is designed, structured, overseen and scrutinised
- the potential role and benefits or otherwise of reestablishing service committees.
- the implementation of a Tenant Participation Housing Board.

## 9.0 Sustainability Implications – N/A

**10.0 Resource Implications** - the proposals included in this paper are within the budget available for such purposes, that budget being £192,120 for special responsibility allowances (excluding the Provost and Leader).

## 11.0 Exempt Reports

11.1. Is this report exempt? No

## 12.0 Declarations

**The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.**

(1) **Our Priorities** (Please double click on the check box ☒)

- |  |                          |
|--|--------------------------|
| Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all | <input type="checkbox"/> |
| Our families; children and young people will have the best possible start in life                | <input type="checkbox"/> |
| Women and girls will be confident and aspirational, and achieve their full potential             | <input type="checkbox"/> |
| Our communities will be resilient and empowered so that they can thrive and flourish             | <input type="checkbox"/> |



(2) **Council Policies**

Complies with relevant Council Policies Yes ☒

**13.0 Equalities Impact**

13.1. Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes ☐ No ☒

**14.0 Legality**

It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes ☒

**15.0 Appendices**

15.1. Please list any appendices attached to this report. If there are no appendices, please state "none".

**APPENDIX A: Review of Council decision-making questionnaire**

**APPENDIX B: Audit and Scrutiny Committee Remit**

**16.0 Background Papers**

16.1. Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

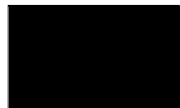


Yes ☒ (please list the documents below) No ☐

- **The Council's Decision-Making Framework and Special Responsibility Allowances** – Paper to Council, 25 May 2022
- **Councils Decision Making Framework - Boards and Briefing Framework** – Paper to Council, 11 August 2022

**Author(s)**

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**Approved by**

NAME	DESIGNATION	SIGNATURE
Lee Robertson	Senior Manager, Legal and Governance and Monitoring Officer	
Lindsay Sim	Chief Finance Officer	
Nikki Bridle	Chief Executive	

**Review of Streamlined Decision-making arrangements June 2024**

<p><b>Question 1</b></p> <p><b>Does the Council's Decision-making Framework maximise your opportunity to participate in decision-making?</b></p> <p><b>YES/ NO</b></p>		
<b>Name of Forum (for instance Council, Audit and Scrutiny, CYP Board etc)</b>	<b>Role at Forum (Convener, Chair, Member etc)</b>	<b>Comments</b>
<p><b>Question 2</b></p> <p><b>Is the Council's business conducted in a transparent way?</b></p> <p><b>YES/ NO</b></p>		
<b>Name of Forum</b>	<b>Role at Forum</b>	<b>Comments</b>
<p><b>Question 3</b></p> <p><b>Is the management of agenda items ensuring that appropriate business is considered in each forum?</b></p> <p><b>YES/ NO</b></p>		
<b>Name of Forum</b>	<b>Role at Forum</b>	<b>Comments</b>
<p><b>Question 4</b></p> <p><b>Do the Council's arrangements provide appropriate opportunity for the scrutiny of performance and decision-making?</b></p>		

<b>YES/ NO</b>		
<b>Name of Forum</b>	<b>Role at Forum</b>	<b>Comments</b>
<b>Question 5</b> <b>Is the frequency of meetings appropriate?</b> <b>YES/NO</b>		
<b>Name of Forum</b>	<b>Role at Forum</b>	<b>Comments</b>
<b>Question 6</b> <b>ARE there any gaps in the current arrangements?</b> <b>YES/ NO</b>  <b>IF YES, please provide further details below</b>		
<b>Name of Forum</b>	<b>Role at Forum</b>	<b>Comments</b>
<b>Question 7</b> <b>Are there any improvements you would suggest to enhance the current arrangements?</b> <b>YES/ NO</b>  <b>IF YES, please provide further details below</b>		
<b>Comments</b>		

## **APPENDIX B – Audit and Scrutiny Committee remit**

### **PART A Agenda: Audit & Finance**

- a) Receive, review and consider reports on the Council's finance
- b) Receive, review and consider reports on value for money and best value
- c) Consideration and monitoring of the Council's Annual Governance Statement
- d) Consider internal audit reports and results of internal audit investigations
- e) Consider external audit and resultant action plans
- f) Monitor and review actions taken on internal and external audit recommendations
- g) Consider the effectiveness of the Council's risk management procedures and the control environment
- h) Receive and consider reports on countering fraud and corruption.

### **PART B Agenda: Scrutiny**

- a) Monitor council services, including the Health and Social Care Partnership (HSCP) against agreed outcomes, standards and targets
- b) Monitor the achievement of organisation-wide agreed outcomes, standards and targets
- c) Monitor the achievement of agreed outcomes, standards and targets by the community planning partnership
- d) Monitor Police and Fire performance against Plans approved by the Council
- e) Scrutiny of Council decision-making, with the ability to call in decisions
- f) Initiate or undertake scrutiny reviews
- g) Deal with matters referred by the Council for scrutiny purposes.

