
Report to Council

Date of Meeting: 23rd August 2018

Subject: Council Decision Making Framework - Update

Report by: Head of Resources and Governance

1.0 Purpose

- 1.1. To further develop the high level remits which were approved by Council on 12th April 2018 to allow the Council's new Committees structure to operate and to set a timetable for the review of Standing Orders and Scheme of Delegation.

2.0 Recommendations

It is recommended that Council:

- 2.1. agree that the Strategic Director Performance leads a review of the Scheme of Delegation and Standing Orders and brings forward proposals for agreement by Council for the start of the 2019-20 Financial Year.
- 2.2. agree "to amend the proposals for an amended decision-making framework" set out in the Council paper of 12 April, 2018 entitled "Council Decision Making Framework" by:
- 2.2.1. changing the "Scrutiny Committee" to the "Audit Committee" to align with recently published CIPFA Guidance on arrangements for Audit Committees in Local Authorities;
- 2.2.2. amending the remit of the previously proposed Scrutiny Committee to that of an Audit Committee and making consequential amendments to the remits of the People, Place and Performance committees;
- 2.2.3. re-naming the "Performance Committee" to "Partnership and Performance Committee" to reflect its amended remit.

3.0 Considerations

- 3.1. The current Scheme of Delegation dates back to the 1st of June 2012. It has been recognised that it is in need of revision but this not been possible to complete in the last couple of years due to Council restructuring.

- 3.2. The Council structure that was agreed on 12th April 2018 set out at a high level the remits of the People, Place, Performance and Scrutiny Committees. Further work has been undertaken by Resources and Governance to analyse the last 12 months of reports to Council, Scrutiny and the Audit and Finance Committees to provide elected members and officers with an indication of the types of issues and reports that will be considered by each of the new committees. The analysis is presented at Appendix 2.
- 3.3. Work will need to be taken forward, informed by this analysis, with elected members and officers to refine the functions and working arrangements with the aim of finalising the Council's Scheme of Delegation, Standing Orders and Committee remits by the start of 2019-20. The Strategic Director for Performance should be responsible for leading this work.
- 3.4. In the short term therefore, there may need to be flexibility in the way the committee business is conducted. The current Scheme of Delegation allows Officers to assign issues to the Committee with the remit that most closely matches the issue to be considered. Where there is significant ambiguity the matter can be remitted to Council either by the Strategic Director or by the Committee itself.
- 3.5. The remit of the Scrutiny Committee as agreed on 12th April does however require more immediate review. This in the light of a recently published update to the Chartered Institute of Public Finance and Accountancy's (CIPFA) publication Audit Committees – Practical Guidance for Local Authorities and Police.
- 3.6. The role of audit is quite distinct from "scrutiny" which generally focuses on areas such as the Council's budget proposals and financial performance. Audit focuses on governance, risk and the control environment. The role of scrutiny can properly be undertaken by the People, Performance and Place committees which will include the scrutiny of plans that look at performance and outcomes from the portfolio areas within the Committees' remits.
- 3.7. There is no fixed set of arrangements for an Audit Committee but the proposed arrangements, if taken forward, would not align with the recently agreed Local Code of Governance which strengthens the links between the Audit Committee and the Delivering Good Governance in Local Government Framework.
- 3.8. The Council's arrangements for the Scrutiny Committee composition would continue to be competent for an Audit Committee. The most important feature is that the Chair is independent of the Administration. However, in common with the People, Place and Performance Committees, work is recommended to be undertaken to develop a remit for the Audit Committee that reflects the CIPFA guidance for the start of 2019-20.
- 3.9. An interim remit for the Audit Committee and consequential amendments to the other 3 committees is proposed at Appendix 1. The key amendments are that the Audit Committee remit is based on CIPFA's position statement on Audit Committees and the Performance Committee will be responsible for reviewing the plans and performance of Community Planning Partners and other partnership arrangements, including the Health and Social Care Partnership. A consequent change in title of the Performance Committee to

“Partnership and Performance” is also recommended to reflect the role that the Committee has in overseeing partnership arrangements.

- 3.10. Standing Orders Section 3.0 will be amended to reflect the changes to the Committee structure as proposed in Appendix 1. Prior notice of changes to Standing Orders was intimated by the Council leader at the Council meeting on 28th June 2018 in accordance with paragraph 20.7 of Standing Orders. The Scheme of Delegation will be updated to reflect the change in Committees.

4.0 Sustainability Implications

- 4.1. None

5.0 Resource Implications

5.1. *Financial Details*

- 5.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate.

Yes ✓

- 5.3. Finance have been consulted and have agreed the financial implications as set out in the report.

Yes ✓

5.4. *Staffing*

- 5.5. Staffing implications are as set out in the Council paper - General Services Revenues and Capital Budget 2018/19 (dated 8th March 2018)

6.0 Exempt Reports

- 6.1. Is this report exempt? Yes (please detail the reasons for exemption below) No ✓

7.0 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

✓

Our families; children and young people will have the best possible start in life

Women and girls will be confident and aspirational, and achieve their full potential

Our communities will be resilient and empowered so that they can thrive and flourish

(2) **Council Policies** (Please detail)

Clackmannanshire Council – Local Code of Governance

8.0 Equalities Impact

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

Yes No

9.0 Legality

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

10.0 Appendices

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

Appendix 1 – Interim Remit for Standing Committees

Appendix 2 – Past Reports to Committees and Councils and Proposed Future Alignment

Appendix 3 – Proposed Organisational Redesign

11.0 Background Papers

11.1 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

Chartered Institute of Public Finance and Accountancy's (CIPFA) Audit Committees – Practical Guidance for Local Authorities and Police 2018 edition



Report To Clackmannanshire Council - Council Decision-Making Framework (dated 12th April 2018)

Report To Clackmannanshire Council - General Services Revenues and Capital Budget r 2018/19 (dated 8th March 2018)

Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Stephen Coulter	Head of Resources & Governance	2022

Approved by

NAME	DESIGNATION	SIGNATURE
Stephen Coulter	Head of Resources & Governance	
Nikki Bridle	Chief Executive	

Interim Remit for Standing Committees

The proposed remits of the four standing committees are set out below:

People Committee

- (1) To determine policies for the promotion of care and protection, education and learning, community support and health and well-being
- (2) To set standards for service delivery in the abovementioned areas
- (3) To secure best value in the provision of these services
- (4) To monitor performance in the delivery of services including consideration of:
 - quarterly service performance reports
 - inspection or other similar reports
 - financial performance
- (5) To keep under review the impact of the Committee's policies on Clackmannanshire

Note - As the People Committee will be advising the Council on education matters and discharging functions of the Council in relation to education matters, the committee must also include among its membership:

- one member nominated by the Church of Scotland
- one member nominated by the Catholic Church
- one member nominated by a further denominational body or church (taking account of the comparative strength of all the churches and denominational bodies having duly constituted charges or other regularly appointed places of worship)

Place Committee

- (1) To determine policies for the environment, development and facilities and assets
- (2) To set standards for service delivery in the above mentioned areas
- (3) To secure best value in the provision of these services
- (4) To monitor performance in the delivery of services including consideration of:
 - quarterly service performance reports
 - inspection or other similar reports
 - financial performance
- (5) To keep under review the impact of the Committee's policies on Clackmannanshire

Partnership and Performance Committee

- (1) To determine policies for the resources, risk and governance and strategic support
- (2) To set standards for service delivery in the above mentioned areas
- (3) To secure best value in the provision of these services
- (4) To consider reports and plans from Community Planning Partners and other partnership arrangements and, where appropriate, to monitor the achievement of agreed outcomes, standards and targets
- (5) To monitor performance in the delivery of services including consideration of:
 - quarterly service performance reports
 - inspection or other similar reports
 - financial performance
- (6) To keep under review the impact of the Committee's policies on Clackmannanshire

Audit Committee

To ensure that the authority's assurance statements, including the annual governance statement, properly reflect the risk environment and any actions required to improve it.

In relation to the authority's internal audit functions:

- oversee its independence, objectivity, performance and professionalism
- support the effectiveness of the internal audit process
- promote the effective use of internal audit by approving the annual Internal Audit Plan

To consider the effectiveness of the authority's risk management arrangements and the control environment, reviewing the risk profile of the organisation and assurances that action is being taken on risk-related issues, including partnerships and collaborations with other organisations

To monitor the effectiveness of the control environment, including arrangements for ensuring value for money, supporting standards and ethics and for managing the authority's exposure to the risks of fraud and corruption

To consider the reports and recommendations of external audit and inspection agencies and their implications for governance, risk management or control

To support effective relationships between external audit and internal audit, inspection agencies and other relevant bodies, and encourage the active promotion of the value of the audit process

To review the financial statements, external auditor's opinion and reports to members, and monitor management action in response to the issues raised by external audit.

Past Reports to Committees and Council and Indicative Proposed Future Alignment

Council	People	Place	Partnership and Performance	Audit
Application to Council for Financial Assistance	Business Gateway	Annual Property Review	Procurement Governance	Corporate Risk and External Audit Actions
Carers (Scotland) Act 2016 – Delegation of Functions to the IJB	Carers Report - Update	Clackmannanshire Local Development Plan Review	Annual Treasury Report	Final Audited Accounts
Appointment of Council Leader and other Member Appointments	Children and Young Persons Service Plan	Strategic Housing Investment Plan 2018 – 2023	Budget Strategy Update	Draft Internal Audit Plan
Appointments to Committees	CSWO Report	Strategy and Regeneration Update	Clacks Community Justice Outcomes Improvement Plan	Draft Management Report
Chief Officer Recruitment	Expansion of Early Learning and Childcare	Supported Buses	Community Asset Transfer	External Auditors Planning Report
City Deal	Housing Need and Demand Assessment HNDA	Tullibody South Campus	External Grant Funding	IA Annual Assurance Report
CoSLA Policy Boards - Council Nominations	Mixed Ownership and Common Repairs	Urgent Capital Works	Health and Safety Policy	Internal Audit Progress Report
Council's Decision Making Structure	Placing Requests	Service Complaints Report	HR Policies	Local Scrutiny Plan
Debt Policy	Social Services Review	Development and Environment Business Plan	Mid-Year Treasury Report	NFI
Debtors Report	The Carers Act - Implementation	Development and Environment Performance Reports	Pensions Transfer of Liability Report	Council Financial monitoring
Draft Accounts	Service Complaints Report	Scottish Local Authority Business Loans Fund	Police Plan	Report on Contract Overspend In Accordance with S53 of Contract Standing

Council	People	Place	Partnership and Performance	Audit
				Orders
Education Governance (Regional Collaboration)	Attainment and Positive Destinations	Charter for Household Recycling	PPP – Exempt	Outturn Reports
Elected Member Representation on Outside Bodies	Clackmannanshire Child Protection Procedures	Clacks Draft Conservation Area Appraisals for Consultation: Alloa Glebe, Clackmannan, Kennet and Tillicoultry	Procurement Strategy	Best Value Report – Clacks Council – Report by Audit Scotland
Proposed Budget Amendments	Education Business Plan	Clacks Local Development Plan Proposed Supplementary Guidance: SG8 – Woodlands and Forestry, SG10 – Domestic Developments and Associated Documents	Scheme for the Establishment of Community Councils	Best Value Assurance Report – Action Plan
Financial Regulations	Education Performance Report	Economic Development Update Report	Scottish Fire and Rescue Service – Clackmannanshire 3 Year Plan	External Auditors Interim report
HRA business plan (rent increase) – to be confirmed	Housing and Community Safety Business Plan	Energy Initiatives Update	Service Complaints Report	Annual Complaints Reports
Licensing Board Membership	Housing and Community Safety performance Reports	Roads Asset Management Plan Report	Fire Performance reports	LGBF 2016/17 annual report
Local Code of Governance	Scottish Attainment Challenge Report	Supported Bus Services	Police Performance Reports	
LOIP	Social Services Business Plan	European Structural Funds 2014-2015	Resources and Governance Business Plan 2017/18	
Member Appointments and Responsibility Allowances	Social Services Performance Report	Public Bodies Climate Change Duties: Clacks Council Annual Report	Resources and Governance Performance Reports	
Programme Governance	Social Services Review	Waste Collection Service and National Initiatives	SOA 2016/17 annual report	

Council	People	Place	Partnership and Performance	Audit
	Clacks Local Employability Partnership		Strategy and Customer Services Business Plan 2017/18	
	Developing Scotland's Young Workforce and Supporting Modern Apprenticeships		Strategy and Customer Services Performance Reports	
	Employability Strategy Final Report		Strategy and Development Update	
			Food Law Enforcement Policy	
			Health and Social Care Partnership – Annual Report	

Proposed Organisational Redesign

PROPOSED ORGANISATIONAL DESIGN



while Adult Care is the responsibility of the Integration Joint Board, the Council retains a role via resource transfer, the role of the Chief Social Work officer and membership of the IJB. There are links with other functions within People which need to be taken into account hence adult care being included in the design

