



## **PARTNERSHIP & RESOURCES PDSP**

### **REVIEW OF DECISION-MAKING ARRANGEMENTS**

#### **REPORT BY GOVERNANCE MANAGER**

##### **A. PURPOSE OF REPORT**

Following previous consideration by the Panel, to consider improvements that may be made to the council's decision-making arrangements.

##### **B. RECOMMENDATIONS**

1. To note the updated note of themes and concerns that have emerged from officers' discussions with members and at PDSP meetings following council's instruction in February 2018 to review decision-making arrangements (Appendix 2)
2. To consider those issues to assist in identifying potential improvements and in taking the review forward for decision-making

##### **C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Being honest, open and accountable; making the best use of our resources
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Local Government (Scotland) Act 1973; Standing Orders
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None at this stage
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	N/a
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	N/a
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	N/a
<b>VII</b>	<b>Consideration at PDSP</b>	Partnership & Resources PDSP, 24 August and 5 October, both 2018

## **VIII Other consultations**

Relevant elected members; Committee Services; Corporate Management Team

### **D. TERMS OF REPORT**

#### **1 Background**

- 1.1 Part of council's decision on the revenue budget report on 13 February 2018 was "to review the economy, efficiency and effectiveness of its present decision-making arrangements and to report to Partnership and Resources PDSP for consideration of possible changes". The present committee and PDSP structure is shown in Appendix 1.
- 1.2 The council's decision-making arrangements are mainly found in Standing Orders. The elements within the scope of this review are principally Standing Orders for the Regulation of Meetings and the Scheme of Administration. They contain procedural rules and committee/PDSP remits and powers, respectively. Some changes to the Scheme of Delegations may come about as a result of decisions taken. There are other related procedures and arrangements that sit below Standing Orders but which may be considered for improvement, such as the Petitions Procedure.
- 1.3 A not dissimilar instruction was given by council on 11 May 2017, at the post-election statutory meetings. That was confined to the remit of Audit & Governance Committee and the number and remits of PDSPs. The resulting report led to the creation of the separate Audit Committee and Governance & Risk Committee, but no changes were made at that time to PDSPs.
- 1.4 Since then, the council's annual audit report and its Best Value Assurance Report have been dealt with. The Asset Transfer Committee and the Asset Transfer Review Body have been created. The remit of West Lothian Leisure Advisory Committee has been revised and updated. Changes have been agreed to the membership of Development Management Committee and the Local Review Body to address the risk of not having a quorum present due to declarations of interest and withdrawal from meetings.
- 1.5 A new process for involving elected members in setting council and budget priorities has been agreed. Arrangements for reporting and scrutinising service and financial performance have been revised and implemented. Proposals for Community Choices are in progress, as is a review of the Community Planning Partnership structure. All actions arising from the Best Value Assurance Report have been concluded.

#### **2 Discussions and progress**

- 2.1 The Group Leaders and the independent councillor were consulted before the summer recess in 2018. The Corporate Management Team and Committee Services were consulted too. All were provided with the same information to try to focus discussion. Separate meetings took place. There emerged some areas of common interest and/or concern, although not a consensus on how to address them all. Those common themes were fed back to all involved to inform further discussion and PDSP and committee and council reports.

- 2.2 The Panel considered a report on 24 August 2018. The report included as an appendix a note of the areas of concern and interest that had merged until that point. The Panel requested that officers consult again with members to see if there were any additional concerns or different views on what changes might be pursued. Those meetings have taken place. There were some further discussions around the points noted previously by the Panel. A small number of additional points emerged through discussions with members and from officers. Those additional points were added to the report to the PDSP on 5 October 2018.
- 2.3 After discussion at that meeting, officers were requested to circulate additional information to members (a) to identify the issues listed in Appendix 2 that would ultimately require changes to Standing Orders by full council, and (b) to suggest some issues where there seemed to be a consensus for change and so which might be taken forward. That information was provided to relevant members and has now been incorporated into Appendix 2 to this report.
- 2.4 As advised to the Panel before, the constraints which were explained to councillors during these meetings were as follows:-
- Statutory requirements. Some committees are a requirement of legislation (Asset Transfers) and some are an essential mechanism to make legislation work with appropriate member involvement (Licensing Committee, Development Management Committee)
  - Volume and timing of business. Especially in regulatory business, meetings have to be scheduled to make sure that statutory deadlines can be met (Development Management Committee). The volume of business often dictates the frequency of meetings (Council Executive, Licensing Committee)
  - Meeting dates and times. The Scheme of Administration now provides that meetings of bodies in the Scheme of Administration should not be timetabled to take place in the long school holiday periods. They also require that they do not start before 9.30 am or after 3.30 pm
  - Political composition. This is a political decision subject to change depending on political balance and decisions on party representation
  - Advice has been given and accepted at recent meetings on the need and/or desirability for some committees. The advice stands (Asset Transfer committees, Audit Committee and Governance & Risk Committee)
  - Council's responses to the 2016/17 external audit report and the Best Value Assurance Report. Actions were agreed in responding to these reports which have already resulted in changes. (West Lothian Leisure Advisory Committee, PDSPs)
  - Existing Senior Councillor posts and payments. Again, these are political decisions within statutory limits (14 posts, not counting the Leader or Provost; can have different additional payments but with the total contained within a fixed sum of money)

### **3 Moving forward**

- 3.1 This report represents another more formal step towards eventual decision-making. There may emerge some areas which can be progressed by officers for decision. There will also be areas of disagreement. Further PDSP reports may be required. Council Executive might be required to direct officers as to what should be taken forward. Final changes required to Standing Orders and the Scheme of Administration will have to be made at full council.
- 3.2 The contents of Appendix 2 are not necessarily exhaustive and additional ideas may still be brought forward in the course of any further PDSP or committee or council consideration.

## **E. CONCLUSION**

- 1 Discussion, comments and suggestions will help inform and progress the ongoing review of decision-making arrangements.

## **F. BACKGROUND REFERENCES**

- 1 Local Government (Scotland) Act 1973
- 2 Council's Standing Orders - <http://intranet.westlothian.gov.uk/article/6941/Councils-Standing-Orders-and-Corporate-Governance>
- 3 West Lothian Council – 11 May and 7 June 2017; 16 January, 13 February, 20 March, 22 May and 20 November, all 2018
- 4 Audit Committee, 8 October 2018
- 5 Partnership & Resources PDSP, 24 August and 5 October, both 2018

**Appendices/Attachments:** 1. Decision-making structure  
2. Updated common themes and areas for discussion

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