

South Ayrshire Council

**Report by Chief Executive
to South Ayrshire Council
of 15 December 2022**

**Subject: Review of Political Decision Making Structure,
Members' Remuneration and Appointments to Panels**

1. Purpose

1.1 The purpose of this report is to seek consideration of changes to the Political Decision Making Structure, Members' Remuneration and Appointments to Panels.

2. Recommendation

2.1 It is recommended that the Council:

2.1.1 considers the contents of this report;

2.1.2 approves the amendments to the Political Decision Making Structure as outlined at 4.1;

2.1.3 approves the revisions to Members' Remuneration as outlined at 4.2 and 4.3;

2.1.4 requests that Group Leaders confirm appointments to the Service and Partnerships Performance Panel;

2.1.5 requests that the Head of Legal and Regulatory Services makes revisions to the proposed timetable of Panel meetings for the period August 2023 to June 2024;

2.1.6 requests that the Chief Executive arranges publication of the revised Scheme of Delegation incorporating any proposed amendments;

2.1.7 approves the change to membership of the Ayrshire Shared Services Joint Committee as detailed at 4.7; and

2.1.8 approves the change to the Vice-Chair of the Integration Joint Board as detailed at 4.8.

3. Background

3.1 A new decision-making structure was approved by the Council on 19 May 2022 (see [Appendix 1](#)) and appointments made to approved Panels.

3.2 In addition to the Leader of the Council and the Civic Head, each local authority may have a maximum number of Senior Councillors, and a total budget for paying them. The maximum set for South Ayrshire Council is 14 Senior Councillors within a budget of £342,524 for 2022/23.

3.3 On 19 May 2022, the Council approved 13 Senior Councillors – 7 members of Cabinet at £26,305 and 6 other members (Panel Chairs) at £23,704 – a total of £326,359. The number of Senior Councillors was reduced to 12 and cost reduced to £300,054 when Depute Leader was appointed to Ayrshire and Arran Health Board and reverted to receiving a basic allowance.

4. Proposals

4.1 Members of the Administration have requested the following changes to the Political Decision Making Structure:

- Cabinet - Creation of an additional Portfolio Holder for Developing South Ayrshire with oversight of future developments and special projects – Cllr Bob Shields;
- Merge Service and Performance and Partnerships Panels – Chair (SNP Group) and increase membership to 8 Elected Members including Chair;
- Membership of new Panel, Service and Partnerships Performance Panel, to comprise members as follows: Labour (1), SNP (4) and Conservative (3); and
- Chair of Appeals Panel be a member of the SNP Group rather than a member of the Labour Group.

4.2 The proposed changes outlined at 4.1 impact on the Members' Remuneration approved by Council in May 2022 and are summarised as follows:

- Additional Senior Councillor £26,305 (Portfolio Holder); and
- Reduction in Senior Councillor £23,704 (Panel Chair).

4.3 The Administration has also requested that the post of Depute Provost be a Senior Councillor and receive £23,704.

4.4 Group Leaders are requested to confirm the appointments to the Service and Partnerships Performance Panel.

4.5 Revisions to the proposed timetable of Panel meetings for the period August 2023 to June 2024 will be required if proposals contained within this report are approved.

4.6 Revisions to the Scheme of Delegation will also be required to reflect any proposed changes. The revised remit of the Service and Partnerships Performance Panel is detailed at [Appendix 2](#) (changes marked in **bold** text) and responsibilities of Portfolio Holder for Developing South Ayrshire at [Appendix 3](#).

4.7 The Administration have also requested that Councillor Bob Pollock replace Councillor Ian Davis on the Ayrshire Shared Services Joint Committee.

4.8 Councillor Lee Lyons is currently Vice-Chair of the Integration Joint Board (IJB). It is proposed that this role is now undertaken by Councillor Hugh Hunter who is a member of the Board. Councillor Lyons will remain as a member of the IJB.

5. Legal and Procurement Implications

5.1 There are no legal implications arising from this report.

5.2 There are no procurement implications arising from this report.

6. Financial Implications

6.1 The proposals outlined in this report will increase the cost of Members' Remuneration to £326,359 and the number of Senior Councillors to 13. This is within the permitted budget and overall number of Senior Councillors.

7. Human Resources Implications

7.1 Not applicable.

8. Risk

8.1 *Risk Implications of Adopting the Recommendations*

8.1.1 There are no risks associated with adopting the recommendations.

8.2 *Risk Implications of Rejecting the Recommendations*

8.2.1 There are no risks associated with rejecting the recommendations.

9. Equalities

9.1 The proposals in this report have been assessed through the Equality Impact Assessment Scoping process. There are no significant potential positive or negative equality impacts of agreeing the recommendations and therefore an Equalities Impact Assessment is not required. A copy of the Equalities Scoping Assessment is attached as [Appendix 4](#).

10. Sustainable Development Implications

10.1 ***Considering Strategic Environmental Assessment (SEA)*** – This report does not propose or seek approval for a plan, policy, programme or strategy or document otherwise described which could be considered to constitute a plan, programme, policy or strategy.

11. Options Appraisal

11.1 An options appraisal has not been carried out in relation to the subject matter of this report.

12. Link to Council Plan

12.1 The matters referred to in this report contribute to Commitment 1 of the Council Plan: Fair and Effective Leadership/ Leadership that promotes fairness.

13. Results of Consultation

- 13.1 There has been no consultation on the contents of this report.
- 13.2 Consultation has taken place with Councillor Martin Dowey, Portfolio Holder for Corporate and Strategic, and the contents of this report reflect any feedback provided.

14. Next Steps for Decision Tracking Purposes

- 14.1 If the recommendations above are approved by Members, the Chief Executive will ensure that all necessary steps are taken to ensure full implementation of the decision within the following timescales, with the completion status reported to the Leadership Panel in the 'Council and Leadership Panel Decision Log' at each of its meetings until such time as the decision is fully implemented:

<i>Implementation</i>	<i>Due date</i>	<i>Managed by</i>
Publish details of membership of Panels, etc	23 December 2022	Service Lead – Democratic Governance
Publish updated meeting timetable	23 December 2022	Service Lead – Democratic Governance
Updated Scheme of Delegation to be published and notified to employees	23 December 2022	Chief Executive

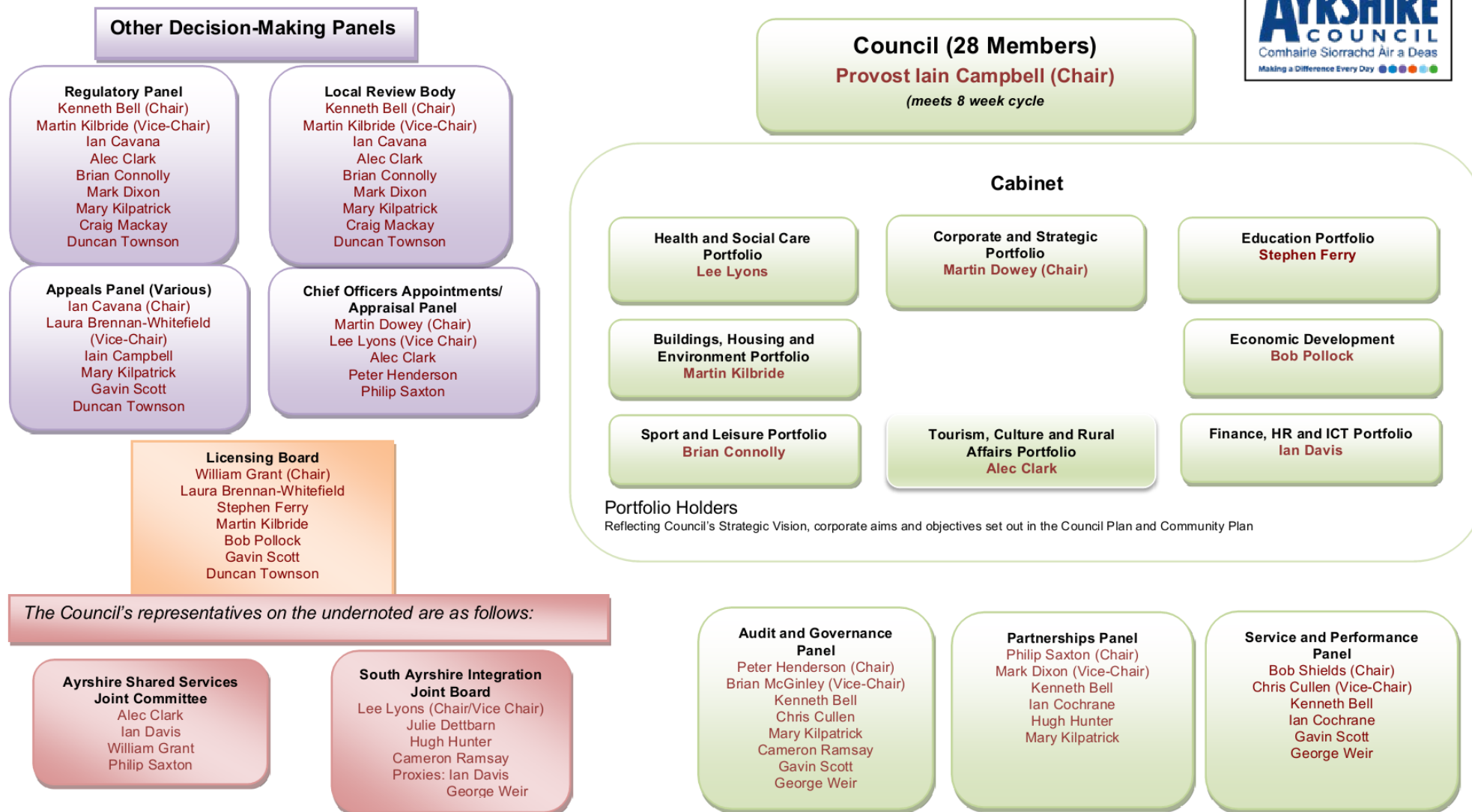
Background Papers **Report to South Ayrshire Council of 19 May 2022 – [Review of Political Decision Making Structure and Appointments to Panels](#)**

[Scheme of Delegation](#)

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Date: 7 December 2022

Political Decision Making Structure



Terms of Reference and Delegations to Scrutiny Panels

Scrutiny Panels will focus on issues being decided on by the Cabinet and which support the Council Plan and the Council's Strategic Objectives and Outcomes.

In *all but one case* the specific legislative powers of the Council have either been reserved to the Council itself or delegated to officers, Joint Boards, Committees, Sub-Committees, Joint Committees, Panels or the Cabinet. The *one exception* is in the case of the Council's statutory audit function which has been delegated to the Audit and Governance Panel.

The Audit and Governance Panel has a specific power to consider and determine call ins of decisions of the Cabinet (see section 4 below).

The **Service and Partnerships Performance** Panel will receive and consider petitions received by the Council from the public in accordance with the Petitions Protocol.

Otherwise the Scrutiny Panels' functions relate to the governance and scrutiny of decisions, performance and improvement activity and all recommendations arising from the carrying out of the scrutiny process are to be reported back to the Cabinet or Council for decision.

In any situation of uncertainty, it is for the Chief Executive to determine which Scrutiny Panel should undertake any particular scrutiny activity.

The Council has established ~~three~~ **two** Scrutiny Panels and their remits and terms of reference are as follows:

1. **Audit and Governance Panel**

- 1.1 To act as the Audit Committee of the Council within the remit and powers as set out in detail in the [Audit Committee Handbook](#) approved by Council, and including:
 - 1.1.1 considering the overall adequacy and effectiveness of the Council's framework of governance, risk management and control arrangements, including the associated anti-fraud and anti-corruption arrangements;
 - 1.1.2 undertaking regular scrutiny of the Council's risk register and challenging the effectiveness of the risk mitigations put in place by risk owners to reduce the risks in line with the Council's risk tolerance;
 - 1.1.3 receiving and considering the Council's unaudited Annual Accounts (including the statements which form part of the Annual Accounts) as submitted to the auditor by the Proper Officer (unless received and considered by full Council);
 - 1.1.4 receiving and considering the Annual Report to Members of the Council and the Controller of Audit in the annual audit;
 - 1.1.5 receiving, considering and approving the audited Annual Accounts (including the statements which form part of the Annual Accounts) by no later than 30 September immediately following the financial year to which the accounts relate (unless received, considered and approved by full Council), and in so doing to have regard to any report made or advice

provided on the Annual Accounts by the Proper Officer or appointed auditor;

- 1.1.6 ensuring that any issues arising from the process of drawing up, auditing and certifying the Annual Accounts are properly dealt with;
 - 1.1.7 undertaking the same role and remit as set out in paragraphs 1.1.2, 1.1.3, 1.1.4 and 1.1.5 above in relation to the Annual Accounts of charitable trusts administered by the Council and of which Councillors are Trustees;
 - 1.1.8 receiving and reviewing summary Internal Audit reports and the main issues arising, and seek assurance that action has been taken where necessary;
 - 1.1.9 receiving the annual report of the Chief Internal Auditor and monitoring the performance of the Internal Audit service;
 - 1.1.10 receiving and considering all reports of the external auditors, Audit Scotland, Accounts Commission (and other inspection agencies, where not within the remit of the Cabinet), including reports relating to charitable trusts administered by the Council and of which Councillors are Trustees, and, where appropriate, remit to another Scrutiny Panel for further detailed scrutiny;
 - 1.1.11 monitoring management action in response to the issues raised by the external auditors, including but not limited to the Strategic Audit Priorities and follow-up to any Best Value Audit reports.
- 1.2 To deal with called-in decisions of the Cabinet for further discussion, consideration and investigation, all in accordance with the provisions of the [Scrutiny Handbook](#), and to:
- 1.2.1 agree the Cabinet decision(s); or
 - 1.2.2 continue the matter to the next meeting of the Panel (which may include an additional meeting held in terms of Standing Order 35.3 (2)) for further discussion, consideration, investigation or agreement; and/ or
 - 1.2.3 refer the matter back to the Cabinet, with recommendations, for final deliberation.
- 1.3 To deal with applications for review of decisions in relation to Community Asset Transfer requests for further discussion, consideration and investigation, and to:
- 1.3.1 agree the Cabinet decision(s); or
 - 1.3.2 continue the matter to the next meeting of the Panel (which may include an additional meeting held in terms of Standing Order 35.3 (2)) for further discussion, consideration, investigation or agreement; and/ or
 - 1.3.3 refer the matter back to the Cabinet, with recommendations, for final deliberation.

- 1.4 To keep under review the Council's local Code of Corporate Governance (in terms of the Delivering Good Governance Framework) and ensure arrangements for its review and continuing relevance leading to the publication of an annual statement as part of the Council's Annual Accounts confirming how well the Council is complying with the framework.
- 1.5 To monitor and review the effectiveness of the Council's Scrutiny Panel arrangements having regard to the Council's powers and duties under Best Value, continuous improvement and effective resource management in the provision of services, performance management frameworks, value for money, and business improvement/ re-design.
- 1.6 To promote and maintain high standards of conduct by all Elected Members of the Council, including consideration of the management and operation of ethical standards as set out in the Councillors' Code of Conduct within the Council, and recommending to Council, if appropriate, the adoption of any protocols relating to Members' conduct supplementary to the Councillors' Code of Conduct, and to consider and advise the Council on any requirements for supplementary training or additional support for Members in relation to ethical standards or any other matters.
- 1.7 To consider any issues which are referred to it by the Council or Cabinet for detailed scrutiny.
- 1.8 To ensure that areas of concern arising from the Audit Committee function are reported to Council, including those that may require further scrutiny either by the Panel or Council.
- 1.9 To make recommendations to the Cabinet or Council (as appropriate) on matters arising from the outcome of the scrutiny processes carried out by the Panel including recommendations for areas for Service Review in accordance with the Council's approved [Framework](#).

2. Service and Partnerships Performance Panel

- 2.1 To monitor, review and challenge the performance of the Council's services and service delivery having regard to the Council Plan, the Council's strategic objectives and outcomes, corporate improvement programme, the approved Service and Improvement Plans and performance targets, across all service areas, ~~(but excluding the delivery of services by or in partnership with external bodies falling within the remit of the Partnerships Panel)~~, in accordance with the [Scrutiny Handbook](#) and including:
 - 2.1.1 receiving and considering regular reports in relation to performance in terms of the approved Service and Improvement Plans and corporate improvement programme;
 - 2.1.2 receiving and considering service benchmarking information; and
 - 2.1.3 reviewing the effectiveness of performance reporting arrangements.
- 2.2 To consider external inspection agency reports relating to services which have been referred to this Panel by the Cabinet or the Audit and Governance Panel.
- 2.3 To undertake in-depth reviews of particular issues of concern in areas of service provision where performance issues have been identified through the Panel's

consideration of the Service and Improvement Plans or other performance reports, all as detailed in, and in accordance with, the [Scrutiny Handbook](#) and as set out in the Panel's annual work programme, and to refer any recommendations arising from such review to the Cabinet for consideration.

2.4 To receive and consider regular reports on public complaints handling and information governance arrangements within the Council.

~~2.5 Where necessary, to remit reports to the Partnerships Panel for detailed scrutiny of matters falling within the terms of reference of that Panel.~~

2.65 To consider any issues which are referred to it by the Council, Cabinet or the Audit and Governance Panel for detailed scrutiny.

2.67 To make recommendations to the Cabinet or Council (as appropriate) on matters arising from the outcome of the scrutiny processes carried out by the Panel, including recommendations for areas for Service Review in accordance with the Council's approved [Framework](#)

~~3. Partnerships Panel~~

~~3.12.7~~ To monitor, review and challenge the performance of services in South Ayrshire which are delivered through or in partnership with external bodies, including improvement actions and performance targets, where applicable, having regard to the Council Plan and the Council's strategic objectives and outcomes, and its duties of Best Value, Following the Public Pound, continuous improvement and effective resource management, in accordance with the [Scrutiny Handbook](#), and including (but not limited to) performance of and in relation to:

~~3.12.7.1 Ayr Renaissance LLP and~~ any Leisure trusts and other arm's length external organisations in which the Council participates;

~~3.12.7.2~~ Police Scotland;

~~3.12.7.3~~ the Scottish Fire and Rescue Service;

~~3.12.7.4~~ the use of Common Good funds and assets;

~~3.12.7.5~~ Community Planning (including funded projects);

~~3.12.7.6~~ Ayrshire Shared Services Joint Committee;

~~2.7.7~~ **hub South West Scotland Ltd;** and

~~3.12.7.87~~ any other South Ayrshire Council funded projects and organisations.

~~3.22.8~~ To receive and hear Petitions addressed to the Council from members of the public, in accordance with the Council's Petitions Protocol, and to determine the appropriate action to be taken within the terms of that Protocol, including, where considered appropriate by the Panel, to report to Cabinet with recommendations.

~~3.3 Where necessary, to remit reports to the Service and Performance Panel for detailed scrutiny of matters falling within the terms of reference of that Panel.~~

- ~~3.4 To consider any issues which are referred to it by the Council, Cabinet or the Audit and Governance Panel for detailed scrutiny.~~
- ~~3.5 To make recommendations to the Cabinet or Council (as appropriate) on matters arising from the outcome of the scrutiny processes carried out by the Panel including recommendations for areas for Service Review in accordance with the Council's approved [Framework](#)~~

Proposed Responsibilities of Portfolio Holder for Developing South Ayrshire

4.12 *Developing South Ayrshire Portfolio*

- 4.12.1 To exercise strategic and political leadership and to formulate appropriate strategic and operational plans to achieve the Council's objectives in relation to the development of South Ayrshire area.
- 4.12.2 The following functions comprised within this Portfolio are hereby delegated to the Cabinet as specific delegations (subject to the exceptions at para 1.1 above and in addition to the general delegation to the Cabinet at para 3.1 above and on the basis that the Cabinet will make recommendations to Council as appropriate in accordance with the provisions set out in Section 1 of this Scheme):
- 4.12.3 In pursuit of this remit, the Portfolio Holder will oversee the following functions/ services to ensure their effective management and continuous improvement:
- Special Projects.

South Ayrshire Council Equality Impact Assessment Scoping Template

Equality Impact Assessment is a legal requirement under the Public Sector Duty to promote equality of the Equality Act 2010. Separate guidance has been developed on Equality Impact Assessment's which will guide you through the process and is available to view here: <https://www.south-ayrshire.gov.uk/equalities/impact-assessment.aspx>

Further guidance is available here: <https://www.equalityhumanrights.com/en/publication-download/assessing-impact-and-public-sector-equality-duty-guide-public-authorities/>

The Fairer Scotland Duty ('the Duty'), Part 1 of the Equality Act 2010, came into force in Scotland from 1 April 2018. It places a legal responsibility on Councils to actively consider ('pay due regard to') how we can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions. [FSD Guidance for Public Bodies](#) in respect of the Duty, was published by the Scottish Government in March 2018 and revised in October 2021. See information here: <https://www.gov.scot/publications/fairer-scotland-duty-guidance-public-bodies/>

1. Policy details

Policy Title	Review of Political Decision Making Structure and Appointments to Panels
Lead Officer (Name/Position/Email)	Eileen Howat, Chief Executive – eileen.howat@south-ayrshire.gov.uk

2. Which communities, groups of people, employees or thematic groups do you think will be, or potentially could be, impacted upon by the implementation of this policy? Please indicate whether these would be positive or negative impacts

Community or Groups of People	Negative Impacts	Positive impacts
Age – men and women, girls & boys	-	-
Disability	-	-
Gender Reassignment (Trans/Transgender Identity)	-	-
Marriage or Civil Partnership	-	-
Pregnancy and Maternity	-	-
Race – people from different racial groups, (BME) ethnic minorities and Gypsy/Travellers	-	-
Religion or Belief (including lack of belief)	-	-
Sex – (issues specific to women & men or girls & boys)	-	-

Community or Groups of People	Negative Impacts	Positive impacts
Sexual Orientation – person’s sexual orientation i.e. LGBT+, lesbian, gay, bi-sexual, heterosexual/straight	-	-
Thematic Groups: Health, Human Rights & Children’s Rights	-	-

3. What likely impact will this policy have on people experiencing different kinds of social disadvantage i.e. The Fairer Scotland Duty (This section to be completed for any Strategic Decisions). Consideration must be given particularly to children and families.

Socio-Economic Disadvantage	Negative Impacts	Positive impacts
Low Income/Income Poverty – cannot afford to maintain regular payments such as bills, food, clothing	-	-
Low and/or no wealth – enough money to meet Basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future	-	-
Material Deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure/hobbies	-	-
Area Deprivation – where you live (rural areas), where you work (accessibility of transport)	-	-
Socio-economic Background – social class i.e. parent’s education, employment and income	-	-

4. Do you have evidence or reason to believe that the policy will support the Council to:

General Duty and other Equality Themes Consider the ‘Three Key Needs’ of the Equality Duty	Level of Negative and/or Positive Impact (High, Medium or Low)
Eliminate unlawful discrimination, harassment and victimisation	Low
Advance equality of opportunity between people who share a protected characteristic and those who do not	Low
Foster good relations between people who share a protected characteristic and those who do not. (Does it tackle prejudice and promote a better understanding of equality issues?)	Low
Increase participation of particular communities or groups in public life	Low
Improve the health and wellbeing of particular communities or groups	Low
Promote the human rights of particular communities or groups	Low
Tackle deprivation faced by particular communities or groups	Low

5. Summary Assessment

Is a full Equality Impact Assessment required? (A full Equality Impact Assessment must be carried out if impacts identified as Medium and/or High)	YES NO
Rationale for decision: This report seeks Council approval of changes to the political decision making structure. Their decision on this has no specific equality implications	
Signed : Eileen Howat	Chief Executive
Date: 7 November 2022	