

THE MORAY COUNCIL

WEDNESDAY 5 JULY, 2000

NOTICE IS HEREBY GIVEN that a Special Meeting of **THE MORAY COUNCIL** is to be held within the Council Chambers, Council Headquarters, High Street, Elgin on Wednesday, 5 July, 2000 at 9.30 a.m.

Roderick D. Burns
Chief Legal Officer

29 June, 2000

BUSINESS

1. Consider, and if so decide, adopt the following resolution:-

"That under Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for Items 5 to 7 of business on the grounds that they involve the likely disclosure of exempt information of the class described in the relevant Paragraphs of Part I of Schedule 7A of the Act", as shown against each Item.
2. Blackfriars Road Redevelopment Sub-Committee: Membership - Report by the Chief Legal Officer
3. Appointment Of Council Representative To Moray Housing Partnership Shadow Committee Of Management - Report by the Chief Legal Officer
4. Review of Political Management Arrangements - Report by the Depute Chief Executive

Items which the Council may wish to discuss with the press and public excluded

5. Staffing Structure for the Department of Environmental Services - Report by the Director of Environmental Services [Para 1]
6. Central Services Staffing Structures- Report by the Chief Executive [Para 1] – **TO FOLLOW**
 - (a) Corporate Resources - Report by the Chief Executive [Para 1] – **TO FOLLOW**
 - (b) Printing and Reprographics - Report by the Chief Financial Officer [Para 1] – **TO FOLLOW**
 - (c) Personnel Services - Report by the Chief Legal Officer [Para 1] – **TO FOLLOW**
7. Proposed Future Management Arrangements for Leisure Facilities - Report by the Chief Executive [Paras 6, 8 & 9] – **TO FOLLOW**

- NB
- Paragraph 1 - Information relating to staffing matters
 - Paragraph 6 - Information relating to the financial or business affairs of any particular person(s)
 - Paragraph 8 - Information on the amount of any expenditure proposed to be incurred by the Authority
 - Paragraph 9 - Information on terms proposed or to be proposed by or to the Authority

CONTACT PERSON:	Ron Ritchie
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Room No.	207

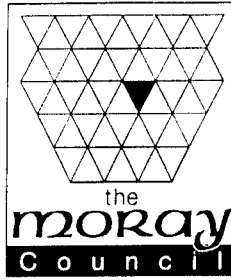
THE MORAY COUNCIL

SEDERUNT

**COUNCILLOR E. Aldridge
COUNCILLOR A. Bisset
COUNCILLOR A.R. Burgess
COUNCILLOR A.E. Coutts
COUNCILLOR J.A. Divers
COUNCILLOR M. L. Ettles
COUNCILLOR A. Farquharson
COUNCILLOR A.J. Fleming
COUNCILLOR W.J. Flynn
COUNCILLOR L.Gorn
COUNCILLOR J.C. Hogg
COUNCILLOR T.A. Howe
COUNCILLOR W. Jappy
COUNCILLOR A. Keith
COUNCILLOR J.A. Leslie
COUNCILLOR S.D.I. Longmore
COUNCILLOR R.F. McIntosh
COUNCILLOR P.B. Paul
COUNCILLOR J.M. Shaw
COUNCILLOR R.H. Shepherd
COUNCILLOR G.G. Towns
COUNCILLOR A. Urquhart
COUNCILLOR W.P. Watt
COUNCILLOR A.R. Wilson
COUNCILLOR I. Young**

CLERK TO THE MEETING - MR. A FANNING

Tel. 01343 563014 Room No. 203a



REPORT TO: THE MORAY COUNCIL ON 5 JULY, 2000

**SUBJECT: BLACKFRIARS ROAD REDEVELOPMENT SUB-COMMITTEE:
MEMBERSHIP**

BY: CHIEF LEGAL OFFICER

1. Reason for Report

- 1.1 To invite the Council to appoint a Member to the Sub-Committee from amongst the five Members who are not part of the Administration.

2 Background

- 2.1 At a special meeting of the Council on 17 April 2000 (para 2 of the Minute refers) it was agreed to establish a Sub-Committee to instruct the Council's Negotiating Team as appropriate, on behalf of the Council. The Sub-Committee to comprise of the Convener, Cllr Aldridge, the Vice-Convener, Cllr Jappy, the Chairman of the Policy and Resources Committee, Cllr Farquharson, the Vice-Chairman of the Environmental Services Committee, Cllr McIntosh and the Local Member, Cllr Bissett.
- 2.1 At the meeting of the Council on 21 June, 2000 the Chief Legal Officer reported orally that, given the Blackfriars Road Redevelopment Sub-Committee had delegated authority to instruct the Council's Negotiating Team, it would be appropriate to adhere to the previous practice to take account of political balance on the Sub-Committee as recommended by CoSLA.

3 Proposal

- 3.1 That the Council appoints a Member to the Blackfriars Road Redevelopment Sub-Committee from amongst the five Members who are not part of the Administration.

4 Financial, Staffing and Environmental Implications

- 4.1 There are no financial, staffing or environmental implications arising directly from this Report.


5 **Consultations**

5.1 None

6 **Recommendation**

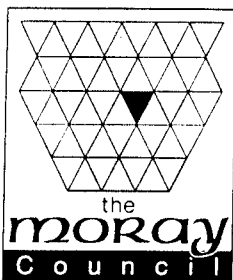
6.1 **That the Council appoints a Member to the Blackfriars Road Redevelopment Sub-Committee from the five Members who are not part of the Administration.**

Author of Report: Ron Ritchie, Senior Administration Officer
Background Papers: Paragraph 50 of the draft Minute of Meeting of The Moray Council dated 21 June 2000
Ref: RR/BR/h:/mcouncil/reports/blackfriars0507.doc

Signature:  _____

Designation: The Chief Legal Officer

Name: Roderick D. Burns



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REPORT TO: THE MORAY COUNCIL ON 5 JULY, 2000

SUBJECT: APPOINTMENT OF COUNCIL REPRESENTATIVE TO MORAY HOUSING PARTNERSHIP SHADOW COMMITTEE OF MANAGEMENT

BY: CHIEF LEGAL OFFICER

1. Reason for Report

- 1.1 To invite the Council to nominate a representative to the Moray Housing Partnership Shadow Committee of Management in place of Councillor Aldridge who has intimated that due to other commitments he finds it difficult to represent the Council at meetings of the Shadow Committee which are held every Monday evening.

2 Background

- 2.1 The Council has the right to nominate four representatives to the Shadow Committee of Management. The current representatives are Councillors Aldridge, Farquharson, Ettles and Towns.
- 2.2 The Shadow Committee of Management has been meeting weekly and is likely to continue to do so until early autumn, in order to achieve registration as soon as possible with Scottish Homes as a Registered Social Landlord.

3 Proposal

- 3.1 It is proposed that the Council nominate a representative in Councillor Aldridge's stead to the Moray Housing Partnership Shadow Committee of Management.

4 Financial, Staffing and Environmental Implications

- 4.1 There are no financial, staffing and environmental implications arising directly from this Report.

5 **Consultations**

5.1 Councillor Aldridge has been consulted and is in agreement with the recommendation. The Moray Housing Partnership Shadow Committee of Management has been made aware of the proposal.

6 **Recommendation**

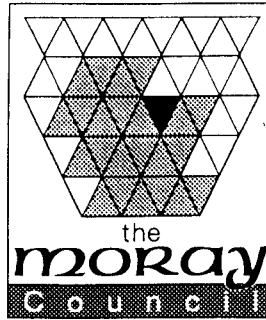
6.1 **It is recommended that the Council nominate a representative to the Moray Housing Partnership Shadow Committee of Management in Councillor Aldridge's stead.**

Author of Report: Ron Ritchie, Senior Administration Officer
Background Papers: none
Ref: RR/BR/h:/mcouncil/reports/appointment0507.doc

Signature:  _____

Designation: The Chief Legal Officer

Name: Roderick D. Burns



REPORT TO: THE MORAY COUNCIL ON 5th JULY 2000

SUBJECT: REVIEW OF POLITICAL MANAGEMENT ARRANGEMENTS

BY: DEPUTE CHIEF EXECUTIVE

1. Reason For Report

- 1.1 To invite the Council to consider how they wish to approach the review of political management arrangements as required by the recommendations of the Mackintosh Committee and Leadership Advisory Panel and to consider the attached consultation paper.

2. Background

- 2.1 As part of the Government's modernising agenda, the Government announced in line with a recommendation from the McIntosh Committee, the formation of a "Leadership Advisory Panel". The remit of the Panel is:-

"To advise councils on the review of their decision making and policy development processes and the working practices which support these processes. In addition, the Panel will provide advice to Ministers on the outcome of the reviews councils undertake".

The Panel has a wide and varied membership ranging from Union representation to Local Government Officers and Community representatives.

The Panel's membership is:-

Alastair MacNish, Retiring Chief Executive, South Lanarkshire Council (Chair)

Anne Middleton, Deputy Scottish Secretary for UNISON and Chair of Public Services Committee of STUC

Charlotte Stenhouse, Chair of Fife Health Board, former member of Local Government Staff Commission

Prof. Ian Percy, CBE, Chartered Accountant, Chair of the Accounts Commission for Scotland and Director of various Scottish companies.

Duncan McGhie, Partner in Price Waterhouse Coopers - Specialist in strategic planning and financial planning.

Margaret Ford, Chair of Lothian Health Board and Director of Eglinton Management Centre.

Oonagh Aitken, Chief Executive of COSLA

Pat Watters, Spokesperson for Personnel and Vice President of COSLA

Maggie Symonds, Managing Partner of Highlands-based Calico UK

2.2 In addition the Government has established a cross party Working Party under the chairmanship of Richard Kerley to:

- Look at ways in which Council membership could be made more attractive to a wider cross-section of the community;
- Advise on the appropriate number of Members for each Council, taking account of the different characteristics of city and rural authorities; and on electoral reform, taking into account the criteria suggested by the McIntosh Committee; and
- Advise on an appropriate system of remuneration for Councillors. The Government wants to see real leadership properly rewarded with an independent element in the setting of allowances, and taking account of available resources.

2.3 It is anticipated that the Kerley Committee will report shortly.

2.4 It is understood that the Government may publish a Consultation Paper on those aspects of the McIntosh Committee work not yet addressed in detail by other announcements. The Consultation Paper is likely to seek views on such issues as:-

- Community Councils
- Election of Council employees
- Power of general competence

2.5 The Minister for Communities has indicated that it is the Government's view that most Councils will require to at least consider establishing an Executive. The Government, both directly and through the Leadership Advisory Panel, wishes to understand the rationale behind each Council's plans to change its internal decision making processes. The Minister has indicated that the Government expects any proposal to:-

- Provide all Members of the Council with effective roles;
- Spell out the relationship between proposed new structures and any decentralised decision making or advisory forums and community councils;
- Strike a balance between giving any Executive the freedom it needs to operate effectively and the need for robust scrutiny through the Council and other appropriate forums; and

- Involve interested individuals and groups in the review process through a detailed consultation process. Consultation, as a minimum, should involve opposition groups and senior management teams.

3. Proposed Council Response

- 3.1 In order to formulate a Council response it will be necessary to review possible options for new political structures, including options for a “Cabinet” model of working relevant to Moray. It will also be necessary to look at the various constituency, executive and scrutiny roles of Councillors as well as reform of the committee systems and to report on the role and remit of a Standards Committee.
- 3.2 Attached is a report which covers these requirements. It would be appropriate to consult on these reports before any decisions are taken. As noted above, this is in line with Government thinking.
- 3.3 The report summarises the perceived defects of the traditional Committee system, describes the main features of the Executive or “Cabinet” model and identifies the issues and asks the questions which need to be addressed in developing such arrangements specifically for the Council. It also acknowledges that a reform of the existing Committee system may be attractive to the Council and invites views on issues relevant to this approach. Finally, it includes a section on the appointment of a Standards Committee, setting out the background to the proposal and inviting views on the form it might take.
- 3.4 The Consultation Paper has been drafted, in the first instance, to provide a framework for individual elected Members, Party Groups represented on the Council, heads of department and other Council staff and their representatives to submit their views on how new political management arrangements for the Council should be developed. As part of the consultation process, it will also be appropriate to obtain the views of partner organisations and others, using the Council’s existing consultation networks.
- 3.5 It is suggested that a target for the submission of responses should be the end of July, 2000. This should allow for more specific proposals to be drafted for the Policy and Resources Committee in August, with a view to a presentation being prepared for the Leadership Advisory Panel in September. Councils have until the end of the year to finalise their proposals but are expected to outline initial thinking to the Leadership Advisory Panel in September.

4. Consultations

- 4.1 The Chief Executive has been consulted and is in agreement with these proposals.

5. Financial Implications

- 5.1 None, other than the cost of printing and circulating the consultation paper.

6. Recommendations

6.1 It is recommended that the Council:-

- (i) Consider and approve the draft consultation paper attached to this report and invite Members, Officers and other organisations, as appropriate, to submit their views on it for the end of July, 2000.
- (ii) agree that the outcome should be reported again to Full Council in August with specific proposals.

Karen B Williams

Signature:

Designation: Depute Chief Executive

Name: Karen Williams

Background Papers: Report of the Commission on Local Government and the Scottish Parliament;
The Third Report of the Committee on Standards in Public Life: Standards of Conduct in Local Government in England, Scotland and Wales;
A New Ethical Framework for Local Government in Scotland.

Ref: AK/MJT/ce

THE MORAY COUNCIL

REVIEW OF POLITICAL MANAGEMENT ARRANGEMENTS

A CONSULTATION PAPER

JUNE, 2000

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1. SUMMARY OF KEY POINTS

1. Modern society needs effective, efficient and accountable local government.
2. How local Councils go about their business, how they make these decisions and how they reflect, represent, and respond to the needs and wishes of their local populations will determine how effective and accountable they are, and also how they are perceived and valued by citizens and the users of their services.
3. The Government has made plain its determination to see through a radical programme of modernisation in British local government.
4. The Moray Council is fully committed to playing its part in this modernisation programme.
5. This report has been prepared in response to the publication of the report of the Commission on Local Government and the Scottish Parliament.
6. This Consultative Paper focuses primarily on the issue of the conduct of Council business highlighted in the Commission's report.
7. The Council's political management and decision-making structure is a traditional Committee arrangement and was streamlined in April, 2000.
8. Internal management arrangements should be fit for the purpose they are expected to serve, and tailored to local circumstances, starting from a clear understanding and specification of the Council's needs.
9. The Commission requires Councils to consider, as part of its self review the formalisation of the political leadership of the Council as an Executive – the 'Cabinet' model – to replace most decision making by Committee.
10. The main features of such a model would be that:
 - the Council ultimately determines policy and budget;
 - the Executive drafts policy and budget proposals and takes executive decisions within the framework set by the Council;
 - Councillors who are not part of the Executive have a role in scrutinising performance.

11. The main issues to be addressed in considering whether an Executive model is appropriate for this Council are:-
 - balance of power between Council and Executive;
 - composition and operation of the Executive;
 - the scrutiny arrangements;
 - the use of the Party Whip;
 - the role of Officers.

12. Councils will also be able to consider other options. The Committee system may be more suited to an independent Council like Moray. The main issues to be addressed are:
 - the conduct of routine business;
 - the determination of policy;
 - the scrutiny of performance.

13. The Council may wish to establish a Standards Committee or sub-committee in the course of the review.

Your views are welcomed on any aspect of this Consultation Paper.

Through this Consultation Paper, the Council seeks the views of individual elected Members, staff, partner organisations and the public on the main issues, prior to developing a solution.

2. REVIEW OF POLITICAL MANAGEMENT ARRANGEMENTS

- 2.1 Local Councils in Scotland employ 295,000 people and spend £7 billion each year. Everyday local Councils take decisions and make choices about the allocation of scarce resources which affect the lives of families and communities in their areas.
- 2.2 How local Councils go about their business, how they make these decisions, and how they reflect, represent, and respond to the needs and wishes of their local populations will determine how effective and accountable they are, and also how they are perceived and valued by citizens and the users of their services.
- 2.3 The Government has made plain its determination to see through a radical programme of modernisation in British local government which will result in a more streamlined, more efficient, and more accountable system than has been perceived to have existed in the past, and which delivers guaranteed 'Best Value' services to local people and communities.
- 2.4 The Government's commitment to modernisation is characterised by a view that:
- ◆ modernising local government is at the heart of the plans to modernise Britain;
 - ◆ people should be given a real choice about how they will be governed locally;
 - ◆ new forms of local governance require:
 - strong leadership for local communities
 - roles for all Councillors
 - high standards throughout local government
- 2.5 The Government's modernisation programme is based on seven principles:
- Focusing on results – 'what matters is what works'
 - Rewarding success and not tolerating mediocrity
 - Working in partnership with the private and voluntary sectors
 - Organising services around the convenience of the people using them
 - Harnessing new information technology
 - Revaluing public service
 - Making policy strategically, for the long term and linking up across government to tackle problems in a genuine and joined up way

- 2.6 The Moray Council is fully committed to playing its part in this modernisation programme. The Council has established the Service Development Group to develop a programme of change, within which key areas of its services and operation are being reviewed and re-specified, with the aim of achieving efficiency improvements and cost reductions.
- 2.7 This report has been prepared in response to the publication of the report of the Commission on Local Government and the Scottish Parliament.
- 2.8 The Commission was appointed by the Secretary of State for Scotland with the remit:
- To consider how to build the most effective relations between local government and the Scottish Parliament and Scottish Executive; and
 - To consider how Councils can best make themselves responsible and democratically accountable to the communities they serve.
- 2.9 Summary details of the Commission and its report are contained in Appendices 1 and 2 to this paper.
- 2.10 The Commission's report covers relations between the Parliament and Councils, elections and the electoral system, the conduct of Council business, wider representational matters, and the ways in which the Report's recommendations can be enacted.
- 2.11 This Consultation Paper focuses primarily on the issue of the conduct of Council business highlighted in the Commission's report.

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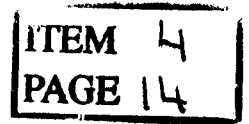
3. THE COMMITTEE SYSTEM

- 3.1 The Council's political management and decision-making structure was streamlined in April, 2000.
- 3.2 It is a traditional Committee structure comprising Service Committees linked to the main Service Departments of the Council and Policy and Resources Committee, all reporting to the Council (Appendix 3).
- 3.3 The suitability of the traditional Committee system for the political management of a modern Local Authority is under review. In Scotland, the debate has focused around the work of the Commission on Local Government and the Scottish Parliament, led by Neil McIntosh.
- 3.4 The final report of the McIntosh Commission recommends that every Council should carry out a review of its management of business and working practices, under the guiding principles of accountability and accessibility. One particular alternative model which is commended for consideration is the formalisation of the political leadership of the Council as an Executive – otherwise known as the “Cabinet model”.
- 3.5 The Minister for Communities has announced the establishment of a Leadership Advisory Panel, chaired by Mr. Alastair MacNish, to work with each Council on its plans to modernise. It is clear that the *status quo* without considering other options will not be an option.
- 3.6 The Consultation Paper seeks:
- to summarise the perceived defects of the traditional Committee system;
 - to described the principal alternative to it;
 - to identify the issues and ask the questions which need to be addressed in developing arrangements specifically for this Council;
 - to invite contributions and comments to assist in the further development.

4. THE CASE FOR REFORM

- 4.1 Dissatisfaction with traditional Committee arrangements is not new. A study by the Audit Commission in England and Wales published in 1990, noted the tendency for the Committee agendas to focus Members' attention on narrow areas of concern, operational aspects of a service and items for information, at the expense of policy direction and structured performance review.
- 4.2 In its Consultation Paper 2, the McIntosh Commission summarised the complaints it had heard as follows:-
- Council and Committee meetings can be perceived by the public as a charade; the business can be pre-packaged, usually from a Party Group; and the meeting can be either a pure formality, finished in minutes, or taken up by political debate.
 - There are complaints from some that the process generates an unmanageable volume of paperwork and takes up an inordinate amount of Councillors' time. Serving Councillors say that being a Councillor has inevitably become a full-time job; and would-be Councillors have confirmed that the time commitment makes it impossible for them to contemplate standing for election, so long as Councils continue to organise their business as at present.
 - Councils tend to be composed of people who have the time to work full-time at Council business; and this excludes most people in full-time employment and most self-employed people.
- 4.3 The McIntosh Commission has now submitted its report to the First Minister. The summary of what it has to say about the conduct of Council business is set out below (numbers in brackets refer to the relevant paragraphs in the McIntosh Report):
- ◆ Every Council should carry out a review of its management of business and working practices, under the guiding principles of accountability and accessibility (94). A prime aim of these reviews should be to set on a formal, open and accountable footing the political leadership within the Council, in whatever form is most appropriate to the circumstances of the individual Council, so that policy proposals and matters for decision by the Council should be subject to open debate, and so that the Council may scrutinise the actions of the leadership and hold it to account for its performance.
 - ◆ Councils should give particular consideration to formalising the political leadership as an Executive, but should also be able to consider other options (106, 110).

- ◆ We do not consider that it is necessary at present to legislate to permit delegation to a single Councillor nor direct election of a Council Leader; but we consider that the latter option should be kept in view, in the light of developments which may take place elsewhere in Great Britain (112, 113).
 - ◆ The political parties should review their advice to local parties on the application of the party whip to Council business, so as to ensure that it is not applied inappropriately or indiscriminately (123). Councils should incorporate in their Standing Orders rules to the effect that where whipping is applied in Council business it should be declared at the commencement of the relevant discussions and minutes for public information and record (124).
 - ◆ The reviews should also involve a close and critical examination of the nature, volume and timing of business; all with a view to organising the business so that a wider cross-section of the community could realistically consider taking on the responsibilities of Council Membership (128).
 - ◆ As part of their general review of their business, all Councils should produce a job description for Members (131).
 - ◆ A pay and conditions package for Councillors should be drawn up for the approval of Parliament, to be implemented on completion of Councils' internal reviews. Remuneration for Councillors should in future be subject to independent review.
 - ◆ Scottish Ministers and COSLA should jointly address the issue of the provision and resourcing of future arrangements for Member training and personal development (142).
 - ◆ COSLA should draw up a mutual protocol of understanding, governing the relationship between elected Members and Officers (146).
- 4.4 The Commission does not recommend that solutions should be imposed upon Local Authorities. The diversity of Local Authorities within Scotland is recognised. Councils should have the opportunity to address reform in ways which are relevant and meaningful to their own circumstances.



5. THE COUNCIL'S RESPONSE

- 5.1 The strength of support for the Executive or "Cabinet" model from the McIntosh Report demands that this option be given serious and thorough consideration. However, internal management arrangements should be fit for the purpose they are expected to service, and tailored to local circumstances, starting from a clear understanding and specification of the Council's needs. The Council hopes to achieve a consensus behind the ultimate solution. It recognises that there may be other options which will serve the purpose.
- 5.2 Through this Consultation Paper, the Council seeks the views of individual elected Members, staff, partner organisations and the public on the main issues, prior to identifying the political management arrangements which are appropriate for Moray.

6. **A SPECIFICATION FOR MODERN LOCAL GOVERNMENT**

6.1 Issues that require to be considered are:

- Providing community leadership
- Providing for open decision making
- Ensuring effective decision making
- Ensuring efficient decision making
- Undertaking and facilitating active consultation, promoting greater awareness of the work of the Council
- Providing for effective community planning dimension in decision making
- Policy development
- The representation of local communities
- Providing an effective capacity for internal scrutiny
- Allowing for effective external scrutiny
- The need to uphold public standards and probity
- Ensuring the systematic monitoring of performance and service delivery
- Decentralisation of operation
- Having structures and processes which attract community support and active engagement

6.2 The roles of elected Members in delivering this specification can be categorised in very broad terms as follows:-

- Individually, -
 - To assist their constituents, as required, in their dealings with the Council
 - To represent and advocate the interests of their Ward in Council decision making
 - To represent the Council in partnership arrangements and on outside organisations

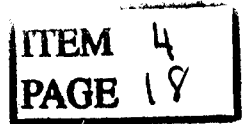
- Collectively, -
 - To provide strategic leadership
 - To determine policy aims and objective
 - To take executive decisions not delegated to officers
 - To review performance

6.3 Further issues that the leadership advisory panel have indicated require consideration are:

- Job profiles for Members
- Training and development for Members and Officers
- Member/Officer protocols
- Balance of workloads for Members between Committee business, policy development, scrutiny and ward functions

7. THE POLITICAL LEADERSHIP AS AN EXECUTIVE

- 7.1 Many Local Authorities in England are now experimenting with new forms of internal management based on the establishment of an Executive. A few Councils in Scotland are beginning to follow suit. It is apparent that each Authority has developed arrangements based upon its own perception of its requirements. There is no single model capable of general application in all Councils. While the Council can learn from the experience of others in how to tackle particular problems, it is important that the Council considers the general arrangements which will best suit itself in the first instance.
- 7.2 It would be helpful to indicate the main features of the Executive model:
- ❖ the Council retains ultimate responsibility for determining policy and establishing budgets
 - ❖ the Council appoints an Executive Committee or Cabinet with the following broad areas of responsibility:
 - prepare budget proposals
 - executive decisions within the policy and budget framework set by the Full Council.
 - initiate and prepare major policy proposals
 - strategic leadership of the Council
 - development of community planning and work in partnership with other organisations
 - co-ordination of corporate projects and activities
 - ❖ there are structured arrangements in place whereby Members of the Council who are not Members of the Executive can scrutinise the performance of Council services, the work of the Executive and new policy proposals.
 - ❖ Effective scrutiny of a Cabinet Model is imperative in ensuring that the Model operates effectively. Weak or ineffective scrutiny can lead to a polarisation of decision making and political power within the Executive and may lead the democratic choice of the electorate not being fully reflected.
- 7.3 A diagrammatic outline of the Executive Model is shown at Appendix 4.
- 7.4 A Cabinet Model does not necessarily eliminate all Committees and Sub-Committees, apart from the Executive Committee:



- the Executive itself may wish to establish Sub-Committees
- the traditional Committee system under this system still remains more appropriate for a range of semi-judicial functions such as Development Control, Licensing, and Appeals of various kinds. The Licensing and Review Boards would also continue.
- the scrutiny arrangements described above would probably involve the establishment of Groups resembling Committees, although they would expect to operate in a way different from the traditional format.
- Effective scrutiny can prove a difficult area for Councils who operate under an Executive Model.
- there could be a separate Standards Committee (see Section 10).

7.5 In the absence of any intention to change the law at the present time, new management arrangements would need to comply with existing legislation. In particular:

- the law does not provide for functions to be delegated to an individual Member
- the access to information legislation will apply
- the practice of taking decisions on the basis of reports by officials would need to be retained

8. ISSUES FOR MORAY

- 8.1 This section seeks to identify the issues and to ask the questions which need to be addressed in developing arrangements specifically for this Council.

Balance of Power between the Council and Executive

- 8.2 While, in general terms, the Council would be responsible for the determination of policy and the Executive for its implementation, there is no absolute definition of policy and there are choices which could make the Executive stronger or weaker in relation to the Council.
- 8.3 Under the Council's current Standing Orders, each Service Committee has delegated responsibility to determine policies for the provision of its services, express and interpret these policies as specific tasks and projects, set service standards and review performance. The Policy and Resources Committee, in particular, exercises extensive delegated authority on behalf of the Council in determining corporate policies. There are relatively few decisions which are not delegated to Service Committees or the Policy and Resources Committee and can only be decided by the Council. Examples include:
- ◆ high level strategic policy documents
 - ◆ the annual Revenue Budget/Council Tax (and the use of reserves)
 - ◆ appointment of Chief Officials
- 8.4 See Appendix 5 for a fuller list.
- 8.5 The manner in which the Executive is appointed also affects the balance of power.
- 8.6 Comments are invited in response to the following questions:
- 8.7 *Q1 The powers reserved to the Council to approve the policy framework within which the Executive would operate need to be clarified. Would the Executive have powers similar to the current Policy and Resources Committee? Or should the reserve powers of the Council be extended to include final approval of any or all of the following:*

- *the community plan*
- *all corporate strategies and single issue plans*
- *service plans*
- *service reviews*
- *definition of major capital and other projects*
- *major new policy initiatives or changes*
- *(any others)*

Q2 *What powers should an Executive have to re-allocate resources in the approved Revenue Budget and Capital Programme?*

Q3 *Should there be a provision for any decision of the Executive to be referred to the Council as a recommendation if, for instance, Opposition Groups so demand?*

Q4 *Should the Council appoint the Executive at one time? Or will it appoint a Leader who will nominate the membership, along with their respective portfolios, for approval by the Council? What should the powers be for the Council to remove Members of the Executive or to sack the whole Executive?*

Composition and Operation of the Executive

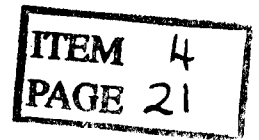
8.8 The McIntosh Report envisages an Executive as a formalisation of leadership arrangements which already exist in most politically controlled Authorities. Clearly, therefore, these arrangements become the starting point for this Council.

8.9 In the absence of any intention to change legislation:

- the Executive would need to operate as a Committee of the Council, be subject to the Access to Information legislation and be driven by an agenda with reports from officials circulated in advance.
- individual Members could not have delegated authority to take decisions. However, they would be allocated a special responsibility (portfolio) for leadership in defined areas.

8.10 The basis for determining these portfolios could be:

- ♦ the departmental structure of the Council, as is generally the case with the current Committee system – placing the emphasis on service delivery



- ♦ corporate policy areas, such as social inclusion, community safety, etc.
– placing the emphasis on strategic leadership
 - ♦ a combination of both
- 8.11 The number of these portfolios effectively determines the size of the Executive. The draft legislation for England provides that an Executive shall not be greater than 10, or 15% of the number of Councillors, whichever is less. Applying these principles to Moray would result in an Executive of 4 Members.
- 8.12 Currently, all Service Committees of the Council take executive decisions on behalf of the Council. It would be envisaged that Committees would be retained for Development Control, Licensing and for various forms of appeals. Otherwise, executive decisions not delegated to officers would be the responsibility of the Executive.
- 8.13 While it is likely that the Executive would meet weekly or at least fortnightly, it is essential that routine executive decisions do not compete for attention with its strategic leadership functions. Options to resolve this difficulty could be:
- establishing sub-committees of the Executive with delegated powers
 - extending the delegating of routine decisions to officers
- 8.14 The concept of an Executive or Cabinet, with collective responsibility for strategic leadership of the Council under policy direction from the Council is not easily compatible with the inclusion within it of minority Group Members, unless they are also entrusted with a portfolio and are willing to accept collective decisions. Opposition activity may be appropriately undertaken as part of the scrutiny arrangements.
- 8.15 The law requires that any Committee appointed by the Council whose purpose includes advising the Council on the discharge of its education functions or discharging these functions on the Council's behalf must include three persons representing the Churches and other religions. Options available to accommodate this requirement within the Executive Model include the following:
- religious representatives participate in the Executive when education matters are under consideration
 - establish a separate Executive for education
- 8.16 It would also be appropriate to include religious representatives in the scrutiny arrangements discussed below.

8.17 Comments are invited in response to the following questions:

Q5 How many portfolios should the Executive contain?

Q6 Should these be based on:-

- ◆ *the departments of the Council; or*
- ◆ *corporate policy areas; or*
- ◆ *a combination of both?*

Q7 Should the Executive attempt to encompass the workload of the existing Committee system? Or should there be a commitment to more significant delegation of routine decision making to officers?

Q8 Should there be representation from minority Groups on the Executive? If so, will Members of minority Groups also be allocated portfolios?

Q9 How should the statutory requirements to involve religious representatives in the discharge of education function be accommodated?

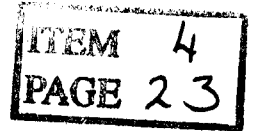
Scrutiny Arrangements

8.18 Monitoring of the performance of services and the implementation of policy has always been a prime function of elected Members. However, the traditional Committee system can be unhelpful to Members as a framework for exercising this responsibility.

8.19 Under the Executive or Cabinet model, this “scrutiny” actively becomes a prime responsibility of Councillors who are not Members of the Executive. It includes scrutiny of the performance of the Executive itself.

8.20 Scrutiny can take a number of different forms:

- to confirm or reject recommendations of the Executive to the Council
- to require further debate at Council on matters decided by the Executive (if Standing Orders so permit)
- to contribute to the development of policy and/or budget issues, prior to formalisation of final proposals for submission to the Executive or the Council (policy development)



- to review the performance of the Council's services and the effectiveness of Council strategies and policies in meeting needs
- 8.21 Structures would need to be developed to enable Members to exercise these responsibilities effectively. Examples listed below are taken from other Authorities which have sought to address this requirement.
- 8.22 The Full Council Meeting could incorporate a number of processes whereby Members could exercise scrutiny type functions:
- questions to Committee Chairs
 - debates on recommendations from Committees, including decisions referred under Standing Orders
 - motions to remit particular issues for consideration
- 8.23 Council Meetings could arguably develop a new and more purposive format, providing a setting where:
- policy proposals are presented and debated
 - the Executive gives an account of its activities
 - general debates are held on issues of concern in Moray
- This might continue to require monthly meetings.
- 8.24 To support the Council in its scrutiny role, many Councils have established Groups for Performance Review purposes, variously described as Select Committees, Scrutiny Panels, Review Commissions, Audit Committees, etc. Their roles encompass variously the following functions:
- to review the Executive's decisions relevant to their remit
 - to ask for Officer reports on the performance of relevant services
 - to question the relevant Executive spokesperson on the above
 - to invite "expert witnesses" to address them
 - to invite individuals from outside the Council to talk on the performance of other agencies

and thereafter

- to submit reports to the Council or the Executive with recommendations for action.

Other features of these groups are:

- they are appointed by the Council, not the Executive
- they may have a one-to-one relationship with the portfolios of the Executive or be otherwise as determined by the Council
- they tend to comprise only Councillors who are not Members of the Executive
- in some cases, they are chaired by a Councillor from a minority Party Group
- whether or not they are constituted as statutory Committees of the Council, they tend to meet in public

Emphasis is on discussion rather than the formal processing of an agenda. There is a general recognition that the exercise of their functions is not compatible with tight Party discipline.

Policy Development Group

8.25 Councils have also established Groups for the purpose of policy development. Their functions may be broadly described as:

- ❖ to identify and comment on issues relevant to the development of policy and/or
- ❖ to develop specific policy proposals for consideration by the Executive and/or
- ❖ to comment on specific policy proposals provisionally agreed by the Executive, but prior to submission to the Council

Features of these Groups are:

- ❖ they tend to be appointed by the Executive and have limited life
- ❖ they tend to consist of Councillors who are not Members of the Executive, but may be led by the Member of the Executive with the relevant portfolio
- ❖ they are more likely to meet in private

As with the Performance Review Groups, the use of the party whip is not considered appropriate.

- 8.26 The effective operation of Performance Review and Policy Development Groups as described above will probably demand as much Officer support as the current Committee system, for the production of reports and attendance at meetings. Arguably, however, the added value in support of Members' effective exercise of their scrutiny functions would be significantly greater.
- 8.27 Members will be concerned to ensure that their effectiveness as Ward Councillors is in no way diminished. It would remain imperative that local Members are consulted on proposed decisions relevant to their Ward.
- 8.28 Councillors are currently in a position to raise directly matters relevant to their Wards as Members of Service Committees, through the facility to put down motions and contributing to the debate on agenda items.
- 8.29 Members need also to pursue their Ward interests on the Service Committees on which they are not Members. Generally, Councillors are notified and have the opportunity to speak on any local issue affecting their Ward at a Committee of which they are not Members. Arrangements will be required to ensure that Ward Councillors are able to have issues of concern considered by the Executive and their own views heard.
- 8.30 **Scrutiny of any Executive would have to be robust to be effective and to avoid "closed door" policy making. The Committee process currently operating in Moray provides an open environment in which all committee members can participate. Comments are invited in response to the following questions:**

Q10 If the case for an Executive supported a more scrutiny role is the case for developing for the Full Council Meeting accepted?

Q11 Is the concept of a Performance Review Group as outlined in paragraph 8.23 appropriate?

Q12 Is the concept of a Policy Development Group as outlined in paragraph 8.24 appropriate?

Q13 What arrangements should be retained or developed to ensure that local Members can make their views known to the Executive?

The Party Whip

- 8.31 The McIntosh Report identifies the unselective use of the party whip as a major problem in Council politics. Its effect is that decisions are taken outside the proceedings of the Council and cannot be effectively debated in Council. It can be at the root of the present weakness of the Committee system but it could equally undermine the alternatives.
- 8.32 Party discipline is entirely legitimate on issues of major policy, on decisions in respect of the allocation of resources among services and on general budgetary strategy. However, indiscriminate whipping is not easily compatible with other values which underpin an open democratic local government system, in particular, accountability and Ward representation.
- 8.33 A decision-making process based on the Executive model may make easier the definition of appropriate whipping, for example, for major strategic decisions proposed by the Executive and within the Executive itself. However, it would be impossible to develop a credible scrutiny role for the Council if the party whip were to extend to the processes of scrutiny and performance review. These processes can only work if they are based on cross-party activity and individual, rather than whipped, voting.
- 8.34 **Comments are invited in response to the following questions:**
- Q14 Is the McIntosh Report right in its condemnation of the party whipping process and its effect on open decision-making?*
- Q15 Should political parties codify their whipping arrangements and make them available to the public?*
- 8.35 Under existing arrangements, Council Officers are available to support and give advice to all Members of the Council. Mechanisms would need to be in place to ensure that this system continued.
- 8.36 Greater difficulties might be envisaged if it were proposed to invest individual elected Members with specific Executive responsibility, but this would require a change in the law, which is not support by the McIntosh Commission. Perhaps what is required is the development of a protocol which sets out how the key relationships will work, how information and policy advice is actioned and how scrutiny roles are fulfilled.
- 8.37 **Comments are invited in response to the following questions:**
- Q16 Is it inevitable that the introduction of an Executive model will inhibit Senior Officers from serving the whole Council? If so, how?*

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Q18 Should a protocol be developed to set out the framework for the relationship between elected Members and Officers?

9. THE COMMITTEE SYSTEM

- 9.1 While the McIntosh Commission recommends that particular consideration be given to the Executive model, Councils should also be able to consider other options. Where an Executive is not set up, the existing Committee structure should be reviewed against the criteria of accountability to the public, accessibility, openness and responsiveness. Many Councils have overburdened themselves and their Members with Committees, and have overloaded the Committees with routine business which could be handled under delegated authority. This inefficiency does not serve democracy and has brought the whole Committee system into disrepute.
- 9.2 The Report goes on to say that Councils should re-examine their Committee structures to see that they have the Committees they need, to eliminate Committees they could do without and, in all cases, see that Committee time is freed up for open debate. There should be a bigger role for Councillors in scrutinising the performance and governance of their Authorities.
- 9.3 The Council is generally satisfied with the new streamlined structure. If the Executive model is not attractive, there may be need for some streamlining or more radical reform. The Council could, for instance, take on board elements of the scrutiny arrangements described in 8.17 – 8.29 above, while retaining traditional Committees for executive decisions and approval of policy.
- 9.4 A simplistic approach to streamlining might involve:
- ◆ a reduction in the number of Committee meetings by mergers;
 - ◆ adjustment to the frequency of meetings;
 - ◆ adjustments to the number of Members serving on Committees.

The Conduct of Routine Business

- 9.5 A reduction in the volume of routine reports coming before Committees would permit decisions on operational matters not delegated to Heads of Department to be taken by fewer Service Committees, consuming less paper and time.

Q19 How should this be achieved?:

- *By eliminating reports not requiring a decision? Reports submitted to facilitate scrutiny of performance or service delivery would be exempt.*
- *By a fundamental review of the Scheme of Delegation to Officers?*
- *How else?*

Determination of Policy

9.6 Currently, each Service Committee is responsible for determining policy within its own territory. Policy and Resources Committee is responsible for strategic policies and policies which cut across Service Committee boundaries. Policy proposals tend to come before Committee at a relatively advanced stage of development.

Q20 In formal decision making, is it right to leave policy determination with the Committees which are also responsible for executive decisions, within approved policies?

Q21 Or should the determination of policy be centralised on the Policy and Resources Committee or the Council, on the advice of the Policy and Resources Committee, to ensure that policy is approached in a structured and corporate manner, which also maintains a long-term strategic view?

Q22 Or should new Committees be established breaking the traditional link between Committees and Departments, focusing attention on cross-departmental policy areas based, for example, on Childcare, Social Inclusion, etc?

Q23 Is there support for the appointment of short life Member/Officer Groups to scrutinise the development of policy proposals and then report to Committee?

Scrutiny of Performance

9.7 Currently, each Service Committee is responsible for monitoring the performance of the services within its own territory. Information reported to Committee provides only limited opportunity for Members to exercise this function. At the same time, the Council is positively embracing a performance management regime, based on service planning and best value reviews.

9.8 A reformed Committee system will require to improve provision for the scrutiny of performance.

Q24 Would performance review be undertaken more effectively if done separately at a "special committee"?

Q25 If so, which of the arrangements is likely to be the most effective:

- ♦ *a Select Committee session within a normal business meeting;*

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- ♦ *dedicated Special Meetings of the Committee;*
- ♦ *the establishment of a separate Performance Review Committee(s) comprised of different Members from the Committee responsible for policy determination and/or executive decisions.*

9.9 Comments are invited in response to the questions raised above.

10. UPHOLDING STANDARDS: CREATING A STANDARDS COMMITTEE

- 10.1 The Third Report of the Committee on Standards in Public Life: Standards of Conduct in Local Government in England, Scotland and Wales (the Nolan Committee Report) recommended that all Councils should set up a Standard Committee, composed of senior Councillors.
- 10.2 It was envisaged that the Standards Committee would have the power to examine allegations of misconduct by Councillors and to recommend disciplinary action to the Full Council, including the punishment of an individual Councillor. At the time, the Council responded that the operation of the proposed Standards Committee should be given further consideration. In particular, further thought should be given to the Committee being composed of Councillors outwith the Authority or a greater role for the Local Government Ombudsman.
- 10.3 Subsequently, the Government produced a Consultation Paper in response to the Nolan Committee Report entitled "A New Ethical Framework for Local Government in Scotland". With regard to the Nolan Committee's specific recommendation on a Standards Committee, it saw considerable weakness in a disciplinary framework which involved any substantive allegation of misconduct by a Councillor being handled within his or her Council. Even with independent persons on a Standards Committee, there would be risks that allegations would not be handled objectively and fairly. There would also be difficulties for any Officer appointed to investigate allegations against one of his or her employers.
- 10.4 The Consultation Paper proposed instead to establish disciplinary arrangements centred on a new independent body - a Standards Commission. The Consultation Paper still considered that the Council should be required to have a Standards Committee. It should have responsibility for an effective standard "enforcement regime" within the Council including:
- continual monitoring of issues arising from the Code of Conduct;
 - training of Councillors in matters of conduct;
 - advice on the Code, particularly such issues as the treatment of personal interests.
- 10.5 In its response to the Consultation Paper, the Council considered and submitted a full response. Currently the Council does not operate with a separate standards committee or code of conduct other than the National Code of Conduct.

10.6 In England, the matter has been progressed further. The draft Local Government (Organisation and Standards) Bill will establish independent Standard Boards to deal with specific allegations of misconduct. Councils will be obliged to establish a Standards Committee with the following general functions:

- (i) promoting and maintaining high standards of conduct by the Members of the Authority; and
- (ii) assisting Members of the Authority to observe the Authority's Code of Conduct.

and the following specific functions:-

- (a) advising the Authority on the adoption or revision of a Code of Conduct;
- (b) monitoring the operation of the Authority's Code of Conduct;
- (c) advising, training or arranging to train Members of the Authority on matters relating to the Authority's Code of Conduct; and
- (d) considering matters referred to it by the Standards Board.

A Standards Committee will need to include at least two Members of the Authority and at least one person who is not a Member of the Authority.

10.7 The Scottish Executive has signalled its intention to bring forward Scottish legislation on a New Ethical Framework. While this cannot be pre-judged, it seems more likely that it will follow the line of the "New Ethical Framework" Consultation Paper and the English legislation, with an independent Standards Commission, than the original recommendations of the Nolan Committee. It is, however, open to the Council to take action in advance of this legislation.

10.8 Comments are invited in response to the following questions:

Q26 Should the Council proceed to appoint a Standards Committee in advance of legislation requiring it to do so?

Q27 If so, what form should the Standards Committee take? The principal choices are:

- (a) a Committee with the responsibility for promoting and maintaining high standards of conduct by Members through guidance, training and monitoring; and/or***

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(b) *a Committee with the specific power to examine allegations of misconduct by Councillors and recommend disciplinary action.*

Q28 *What is the appropriate size and composition of the Standards Committee? Should it include the appointment of independent persons from the Community?*

11. SUMMARY OF QUESTIONS FOR CONSIDERATION

The fundamental question posed by this Consultation Paper is as follows:-

Can the specification for modern local government set out in paragraph 6.1 be delivered best by political management arrangements based on:

- The Executive Model; or
- The Committee System?

Questions relevant to each of these models are summarised below:

THE EXECUTIVE MODEL

Balance of Power between the Council and Executive

Q1 The powers reserved to the Council to approve the policy framework within which the Executive would operate need to be clarified. Would the Executive have powers similar to the current Policy and Resources Committee? Or should the reserve powers of the Council be extended to include final approval of any or all of the following:

- *the community plan*
- *all corporate strategies and single issue plans*
- *service plans*
- *service reviews*
- *definition of major capital and other projects*
- *major new policy initiatives or changes*
- *(any others)*

Q2 What powers should an Executive have to re-allocate resources in the approved Revenue Budget and Capital Programme?

Q3 Should there be a provision for any decision of the Executive to be referred to the Council as a recommendation if, for instance, Opposition Groups so demand?

Q4 Should the Council appoint the Executive at one time? Or will it appoint a Leader who will nominate the membership, along with their respective portfolios, for approval by the Council? What should the powers be for the Council to remove Members of the Executive or to sack the whole Executive?

Composition and Operation of the Executive

- Q5 How many portfolios should the Executive contain?*
- Q6 Should these be based on:-*
- ◆ the departments of the Council; or*
 - ◆ corporate policy areas; or*
 - ◆ a combination of both?*
- Q7 Should the Executive attempt to encompass the workload of the existing Committee system? Or should there be a commitment to more significant delegation of routine decision making to officers?*
- Q8 Should there be representation from minority Groups on the Executive? If so, will Members of minority Groups also be allocated portfolios?*
- Q9 How should the statutory requirements to involve religious representatives in the discharge of education function be accommodated?*

Scrutiny Arrangements

- Q10 If the case for an Executive supported a more scrutiny role is the case for developing a new and more purposive format for the Full Council Meeting accepted?*
- Q11 Is the concept of a Performance Review Group as outlined in paragraph 8.23 appropriate?*
- Q12 Is the concept of a Policy Development Group as outlined in paragraph 8.24 appropriate?*
- Q13 What arrangements should be retained or developed to ensure that local Members can make their views known to the Executive?*

The Party Whip

- Q14 Is the McIntosh Report right in its condemnation of the party whipping process and its effect on open decision-making?*
- Q15 Should political parties codify their whipping arrangements and make them available to the public?*

The Role of Officers

- Q16 Is it inevitable that the introduction of an Executive model will inhibit Senior Officers from serving the whole Council? If so, how?*
- Q17 Should a protocol be developed to set out the framework for the relationship between elected Members and Officers?*

THE COMMITTEE SYSTEM

The Conduct of Routine Business

- Q18 How should this be achieved?:*
- *By eliminating reports not requiring a decision? Reports submitted to facilitate scrutiny of performance or service delivery would be exempt.*
 - *By a fundamental review of the Scheme of Delegation to Officers?*
 - *How else?*

Determination of Policy

- Q19 In formal decision making, is it right to leave policy determination with the Committees which are also responsible for executive decisions, within approved policies?*
- Q20 Or should the determination of policy be centralised on the Policy and Resources Committee or the Council, on the advice of the Policy and Resources Committee, to ensure that policy is approached in a structured and corporate manner, which also maintains a long-term strategic view?*
- Q21 Or should new Committees be established breaking the traditional link between Committees and Departments, focusing attention on cross-departmental policy areas based, for example, on the City strategy?*
- Q22 Is there support for the appointment of short life Member/Officer Groups to scrutinise the development of policy proposals and then report to Committee?*

Scrutiny of Performance

Q23 Would performance review be undertaken more effectively if done separately at a "special committee"?

Q24 If so, which of the arrangements is likely to be the most effective:

- ♦ a Select Committee session within a normal business meeting;*
- ♦ dedicated Special Meetings of the Committee;*
- ♦ the establishment of a separate Performance Review Committee(s) comprised of different Members from the Committee responsible for policy determination and/or executive decisions.*

A STANDARDS COMMITTEE

Q25 Should the Council proceed to appoint a Standards Committee in advance of legislation requiring it to do so?

Q26 If so, what form should the Standards Committee take? The principal choices are:

- (a) a Committee with the responsibility for promoting and maintaining high standards of conduct by Members through guidance, training and monitoring; and/or*
- (b) a Committee with the specific power to examine allegations of misconduct by Councillors and recommend disciplinary action.*

Q27 What is the appropriate size and composition of the Standards Committee? Should it include the appointment of independent persons from the community?

YOUR VIEWS

Your views are welcomed on any aspect of this Consultation Paper.

The Consultation Paper will be made available on the Council's Internet site at www.moray.org

Comments can be made direct to the Chief Executive or Depute Chief Executive at the following address:-

**Council Offices
High Street
ELGIN
IV30 1BX**

Or can be emailed to:

alexanj@chief.moray.gov.uk
carol.milne@chief.moray.gov.uk
hotline@moray.gov.uk

APPENDIX 1

COMMISSION ON LOCAL GOVERNMENT AND THE SCOTTISH PARLIAMENT

Remit and Membership

The Commission was appointed by the then Secretary of State for Scotland with the remit:

- To consider how to build the most effective relations between local government and the Scottish Parliament and Scottish Executive; and
- To consider how Councils can best make themselves responsible and democratically accountable to the communities they serve.

The Commission was instructed to present its final report to the First Minister of the Scottish Executive.

The members of the Commission are:

Neil McIntosh, CBE (Chairman)

Professor Alan Alexander

Andrew Cubie

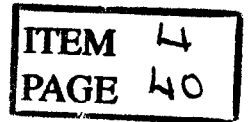
Graham Leicester

Eileen Mackay, CB

Margaret Millar

Matt Smith, JP

Maureen Watt



APPENDIX 2

REPORT OF THE COMMISSION ON LOCAL GOVERNMENT AND THE
SCOTTISH PARLIAMENT

General Principles, and Executive Summary of the Commission's Report

General Principles

The principles upon which we base our report and recommendations are these:

Local authorities and the Scottish Parliament have in common the democratic mandate; and share a common responsibility to the people of Scotland. In view of this their relations with each other should be conducted on a basis of mutual respect and parity of esteem.

The principle of subsidiarity, which underlies the legislation which has created the Parliament, is equally applicable to the relationship between the Parliament and local government. The onus of proof must always be on those who propose centralisation, to demonstrate that it will indeed bring greater benefit to the public at large.

Councils in their turn should respect the subsidiarity principle in their dealings with the local communities within their areas.

The programme of action stemming from the recommendations in this report is designed to bring about a quantum change in the character and quality of Scottish local government. We recommend that all those to whom the recommendations are addressed view them as a whole: we have deliberately designed them as a package, whose elements are intended to work together and reinforce each other.

Executive Summary of McIntosh

We recommend that:

Relations with Parliament and Ministers

1. The Parliament and the 32 councils should commit themselves to a joint agreement – which we call a Covenant – setting out the basis of their working relationship.
2. Parliament and local government should set up a standing Joint Conference to be a place where parliamentarians and local government representatives may hold a dialogue on a basis of equality.
3. A formal working agreement should be established between local government and the Scottish Ministers.
4. Legislation should be introduced to provide councils with a statutory power of general competence.
5. An independent inquiry into local government finance should be instituted immediately.
6. The option of transfer to local government should always be considered in any review of other bodies delivering public services; and likewise where new services are developed, prior consideration should always be given to whether local government should be their vehicle, subject to consideration of efficiency and cost effectiveness.

Electing the council

7. The rules and arrangements for conduct of local elections should be reviewed, with the general aim of simplifying procedures for the public and improving access and with particular reference to –
 - A rolling electoral register
 - More accessible polling places
 - Wider and easier access to postal voting
 - Electronic voting

8. Councils should be elected for a four-year term. This should take effect at the elections due to be held in 2005, midway through the second Parliament.

The electoral system

9. Proportional representation (PR) should be introduced for local government elections. A review should be set up immediately, to identify the most appropriate voting system for Scottish local government, with a view to legislation which should take effect in time to govern the next council elections in 2002.
10. The criteria to be used in determining the system or systems of PR to be adopted for Scottish local government should be –
 - proportionally
 - the councillor-ward link
 - fair provision for independents
 - allowance for geographical diversity and
 - a close fit between council wards and natural communities
11. Of the possible electoral systems, AMS, STV and AV Top-up should be given particular consideration.
12. The legislation governing the Local Government Boundary Commission should be reviewed with a view to providing greater flexibility in determining ward boundaries.

The conduct of council business

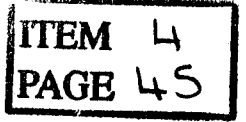
13. Every council should carry out a review of its management of business and working practices, under the guiding principles of accountability and accessibility. A prime aim of these reviews should be to set on a formal, open and accountable footing the political leadership within the council, in whatever form is most appropriate to the circumstances of the individual council, so that policy proposals and matters for decision by the council should be subject to open debate, and so that the council may scrutinise the actions of the leadership and hold it to account for its performance.

14. Councils should give particular consideration to formalising the political leadership as an executive but should also be able to consider other options.
15. We do not consider that it is necessary at present to legislate to permit delegation to a single councillor nor direct election of a council leader; but we consider that the latter option should be kept in view, in the light of developments which may take place elsewhere in Great Britain.
16. The political parties should review their advice to local parties on the application of the party whip to council business, so as to ensure that it is not applied inappropriately or indiscriminately. Councils should incorporate in their standing orders rules to the effect that where whipping is applied in council business it should be declared at the commencement of the relevant discussions and minuted for public information and record.
17. The reviews should also involve a close and critical examination of the nature, volume and timing of business; all with a view to organising the business so that a wider cross-section of the community could realistically consider taking on the responsibilities of council membership.
18. As part of their general review of their business, all councils should produce a job description for members.
19. A pay and conditions package for councillors should be drawn up for the approval of the Parliament, to be implemented on completion of councils' internal reviews. Remuneration for councillors should in future be subject to independent review.
20. Scottish Ministers and COSLA should jointly address the issue of the provision and resourcing of future arrangements for member training and personal development.
21. COSLA should draw up a mutual protocol of understanding, governing and relationship between elected members and officers.
22. Subject to appropriate safeguards, employees other than the most senior and those in politically sensitive posts should be permitted to stand for election and to serve as elected members.



The voice of the people

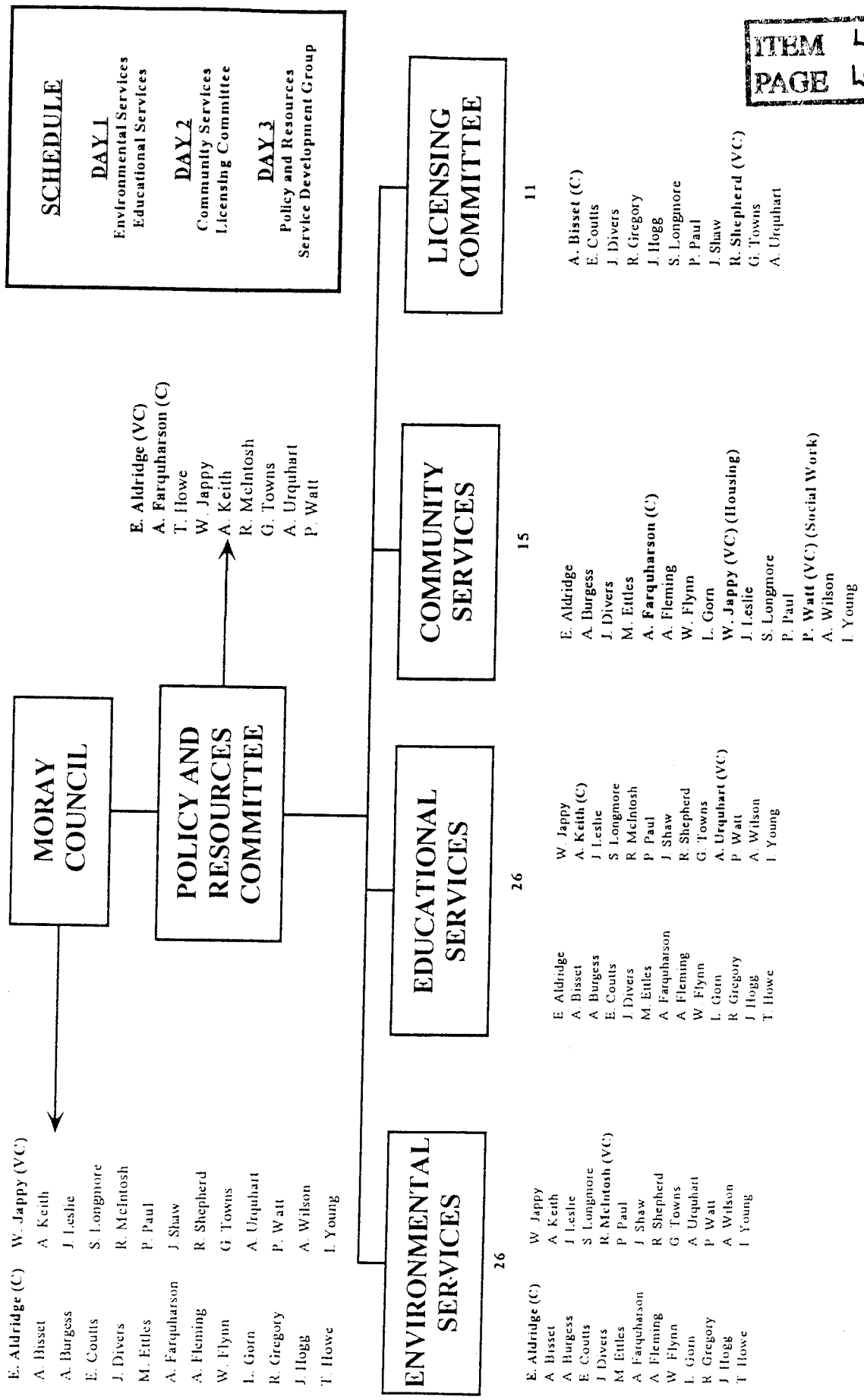
23. The system of community councils should be retained and should be regarded as a valuable asset to the democratic life of Scotland. Their role should be seen within the wider context of the area approach being adopted by many councils, as a means of obtaining the fullest possible consultation at local level.
24. Local authorities, in conjunction with their reviews of their management arrangements should also review their local consultation arrangements with particular reference to the issue of meaningful consultation and feedback of information to community and voluntary organisations. Community councils should be involved in this review process. Local authorities should also address:
- The general resourcing of community councils, including not only levels of financial support but also the provision of and access to accommodation, equipment and office facilities.
 - Improvements in electoral arrangements, taking into account examples of good practice already evident, and including use of postal ballots and electronic voting.
 - The development of civic education.
25. Community councils, for their part, should undertake a process of renewal, specifically addressing their own representative nature and how effectively they establish public opinion within their own area; how they involve and establish links with other communities of interest; and how they involve young people in their work and in their organisation. The possibility of extending the vote in community council elections to 16 year olds should be given particular consideration.
26. The Association of Scottish Community Councils should be provided with a level of core funding sufficient for the development of that body to play a full role in the representation of community council interests and in the dissemination of best practice.
27. Parliament and local authorities alike should give further study to the development of civic education.



What should happen next

28. The Joint Conference should be established, and every council should give a commitment to the self-review process, by 1 January, 2000. Councils should complete their reviews by the end of that year.
29. Councils' self-reviews should be formally assessed and validated, so that Parliament and public can have confidence that the process has been carried out thoroughly and in good faith. To this end, a panel of advisers should be appointed, by Ministers jointly with COSLA and subject to the approval of the Parliament, to scrutinise the results of the reviews and to report to Ministers, and through them to the Parliament. The panel should include strong representation from local government, both elected members and officers, and also a strong independent element.
30. Our final recommendation is that all those to whom the recommendations are addressed view them as a whole; we have deliberately designed them as a package, whose elements are intended to work together and reinforce each other.

THE MORAY COUNCIL COMMITTEE STRUCTURE



- E. Aldridge (C)** W. Jappy (VC)
 A. Bisset
 A. Burgess
 E. Coultis
 J. Divers
 M. Ettles
 A. Farquharson
 A. Fleming
 W. Flynn
 L. Gorn
 R. Gregory
 J. Hogg
 T. Howe
- W. Jappy (VC)
 A. Keith
 J. Leslie
 S. Longmore
 R. McIntosh
 P. Paul
 J. Shaw
 R. Shepherd
 G. Towns
 A. Urquhart
 P. Watt
 A. Wilson
 I. Young

- SCHEDULE**
- DAY 1**
 Environmental Services
 Educational Services
- DAY 2**
 Community Services
 Licensing Committee
- DAY 3**
 Policy and Resources
 Service Development Group

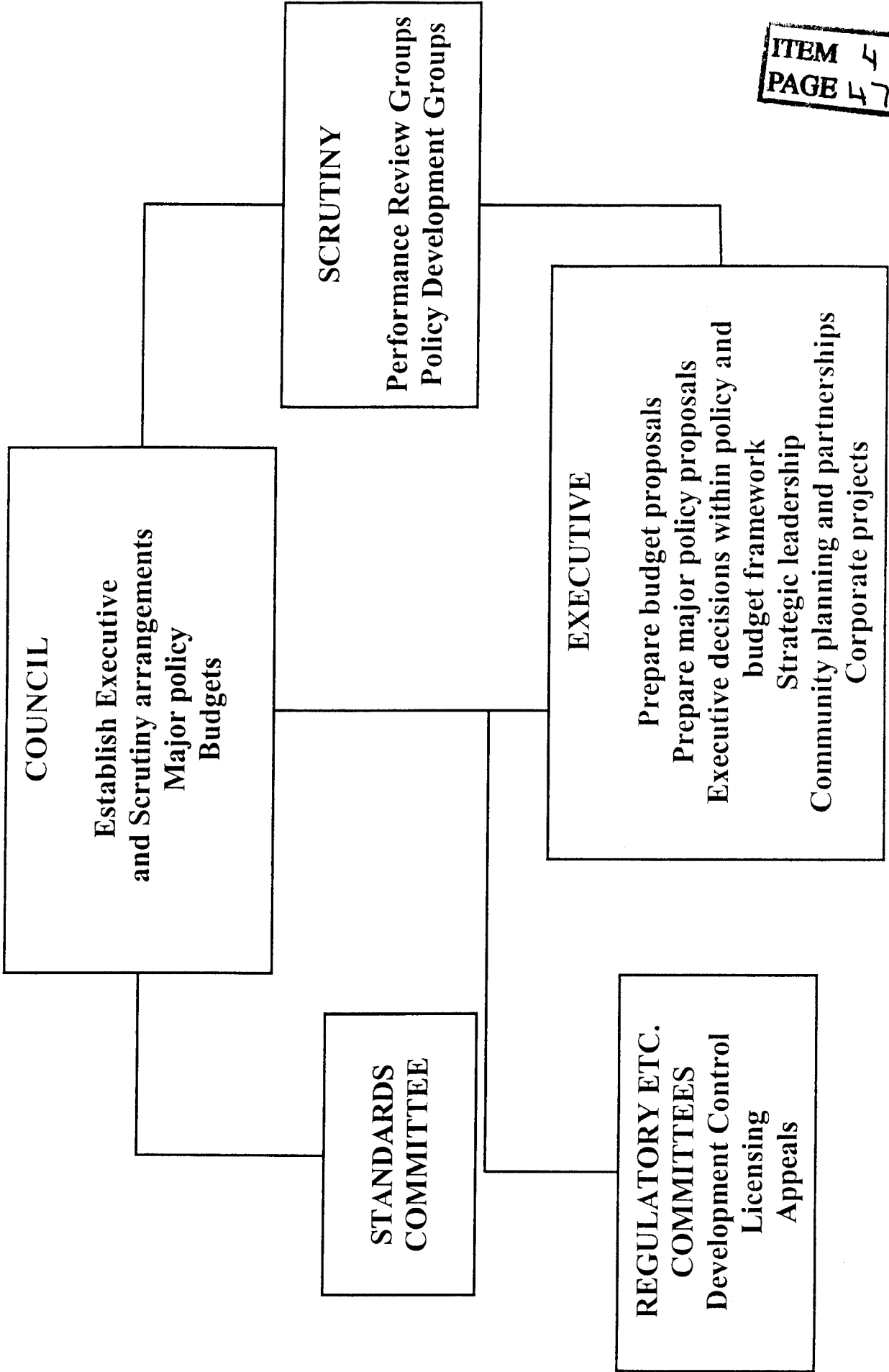
- ENVIRONMENTAL SERVICES**
 26
- E. Aldridge (C)
 A. Bisset
 A. Burgess
 E. Coultis
 J. Divers
 M. Ettles
 A. Farquharson
 A. Fleming
 W. Flynn
 L. Gorn
 R. Gregory
 J. Hogg
 T. Howe
- W. Jappy
 A. Keith
 J. Leslie
 S. Longmore
 R. McIntosh (VC)
 P. Paul
 J. Shaw
 R. Shepherd
 G. Towns
 A. Urquhart
 P. Watt
 A. Wilson
 I. Young

- EDUCATIONAL SERVICES**
 26
- E. Aldridge
 A. Bisset
 A. Burgess
 E. Coultis
 J. Divers
 M. Ettles
 A. Farquharson
 A. Fleming
 W. Flynn
 L. Gorn
 R. Gregory
 J. Hogg
 T. Howe
- W. Jappy
 A. Keith (C)
 J. Leslie
 S. Longmore
 R. McIntosh
 P. Paul
 J. Shaw
 R. Shepherd
 G. Towns
 A. Urquhart (VC)
 P. Watt
 A. Wilson
 I. Young

- COMMUNITY SERVICES**
 15
- E. Aldridge
 A. Burgess
 J. Divers
 M. Ettles
 A. Farquharson (C)
 A. Fleming
 W. Flynn
 L. Gorn
 W. Jappy (VC) (Housing)
 J. Leslie
 S. Longmore
 P. Paul
 P. Watt (VC) (Social Work)
 A. Wilson
 I. Young

- LICENSING COMMITTEE**
 11
- A. Bisset (C)
 E. Coultis
 J. Divers
 R. Gregory
 J. Hogg
 S. Longmore
 P. Paul
 J. Shaw
 R. Shepherd (VC)
 G. Towns
 A. Urquhart

THE EXECUTIVE MODEL



Subject to any relevant statutory provisions and to the provisions of the Council's Standing Orders, there shall be excluded from the delegation to Committee:-

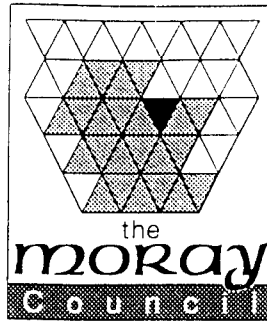
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- (1) Fixing of the Council Tax and Council house rents in each financial year.
- (2) Approval of the annual estimates of capital and revenue expenditure for all services.
- (3) the incurring of (a) any capital expenditure exceeding £50,000 not provided for in the estimates and (b) any revenue expenditure exceeding £50,000 not provided for in the estimates.
- (4) The compulsory acquisition of any interest in land or buildings.
- (5) The enactment, alteration or revocation of any Orders, Regulations, Bye-laws or Schemes other than Orders of an emergency nature, other than Road Traffic Orders.
- (6) The promotion or opposition of private legislation and the consideration of Provisional Orders or Private Bills affecting the interests of the Council.
- (7) The resolution of any conflict that may arise on any matter between Committees.
- (8) Alterations to the establishment, whether by way of increase or decrease, of posts graded on or above Principal Officer grade V (spinal column points 47 to 50).
- (9) All matters relating to elections including the appointment of a Returning Officer and electoral boundaries.
- (10) Changes in Committee structure, distribution of functions and responsibilities.
- (11) Appointment of Committees and the appointment of Chairmen and Vice-Chairmen thereof.
- (12) The approval of Council Reports and Strategies of a corporate nature including Structure, Local and Housing Plans, Local Transport and Environmental Charter.
- * (13) The approval of concessionary travel arrangements.
- (14) The closure of schools or other educational establishments.
- (15) The provision of office accommodation for all departments of the Council.

- (16) The preparation, review and amendment of the Administrative Scheme and Standing Orders.
- (17) Dismissal of the Chief Executive in terms of the relevant disciplinary procedures relating to the same.
- (18) All matters relating to emergency planning and home defence.
- (19) Any new policy matter which does not fall within the terms of reference of any Committee.
- (20) The determination of applications by businesses for assistance of whatever nature which fall outwith the terms of reference of the Environmental Services Committee or any other relevant Committee.

(III) TERMS OF REFERENCE TO COMMITTEES

NOTE - All items marked * can be considered by the Committee and subject to recommendations but are excluded from the full delegation to Committees.



REPORT TO: THE MORAY COUNCIL MEETING ON 5 JULY 2000

**SUBJECT: SUPPLEMENTARY NOTE: REVIEW OF POLITICAL
MANAGEMENT ARRANGEMENTS**

BY: DEPUTE CHIEF EXECUTIVE

1. Reason for Report

- 1.1 To invite the Council to consider whether they would wish to incorporate the recommendations from the Richard Kerley Working Group which was published last week and to consider incorporating the working group's recommendations into the public consultation paper submitted to the full Council under Item 4.

2. Background

- 2.1 As part of the Government's overall Modernising Agenda a Renewing Local Democracy Working Group was set up in the Summer of 1999 chaired by Richard Kerley. The Group was asked by Ministers to consider many of the recommendations and to suggest ways to try and make Council membership more attractive to a wider cross-section of the community. The Working Group made 36 recommendations which are attached for ease of reference in the CoSLA Briefing at **APPENDIX 1**. All Council Members should have already received a copy of the CoSLA Briefing paper.
- 2.2 A number of Councillors and Officers attended a Scottish Local Government Lecture given by Richard Kerley on Thursday 29 June, 2000 at The Robert Gordon University which consisted of a presentation by Richard Kerley and the overall work of the Group and a question and answer session.

3. The Proposals

- 3.1 It is proposed, subject to Council agreement, to incorporate the 36 recommendations into the consultation document, also for consideration under Item 4, and to invite responses by the end of July, 2000.

4. Financial Implications

- 4.1 None, other than the cost of printing and circulating the consultation paper.

5. Staffing and Environmental Implications

None.

6. Consultations

6.1 The Chief Executive has been consulted and is in agreement with these proposals.

7. Recommendations

7.1 It is recommended that the Council:-

- i) consider, and if so minded, approve the insertion of the additional questions at Appendix 2 into the Review of Political Management Arrangements consultation paper and to invite Members, Officers and other organisations to submit their views by the end of July, 2000; and
- ii) agree that the outcome should be reported again to full Council in August with specific proposals.

Author of Report: Karen Williams
Background Papers: The Renewing Local Democracy Working Group Report
Ref: KBW/ja/DCE/SpFC1/5/7/00

Signature: 

Designation: Depute Chief Executive Name: Karen Williams

MODERNISING LOCAL GOVERNMENT

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Kerley: the recommendations

The **Renewing Local Democracy Working Group**, appointed by Scottish Ministers in Summer 1999, chaired by Richard Kerley, published its report on Tuesday 27 June 2000. The Group was asked by Ministers to consider many of the recommendations from the McIntosh report and suggest ways in which council membership could be made more attractive to a wider cross-section of the community, and how councils could become more representative of the make up of the community they serve.

The Group was also asked to advise on the appropriate numbers of members for each council taking account of the new management arrangements and the particular characteristics of city and rural authorities and on the most appropriate system of election, taking account of the following criteria: - proportionality; and a ward-councillor link; fair provision for independents; allowance for geographic diversity; and a close fit between council wards and natural communities.

Finally, the Group was asked to advise on an appropriate system of remuneration for councillors, taking account of available resources.

What Happens Next

The Working Group's 36 recommendations are wide ranging and some more controversial than others. The Scottish Executive and COSLA have both welcomed the publication of the report as a means of focusing debate on how the modernisation of local government in Scotland is to be progressed.

The report has highlighted many interesting proposals some of which, if implemented, will require primary legislation through the Scottish Parliament, others following further discussion within local government and between local government, the Scottish Executive and other partner organisations can be taken forward by other means.

The immediate consequence of the report will be to initiate debate on its recommendations through the summer and beyond. COSLA, as part of its attempt to facilitate this debate, is holding

a seminar on 4 July for all Leaders of councils and Chief Executives at which the Chair of the Working Group and many of its members will add further comment to their recommendations, prior to individual councils discussing the recommendations within their own chambers. After the summer recess, COSLA has organised a series of regional seminars across Scotland to discuss the reports recommendations in greater detail. Further details on these regional seminars will follow.

Scottish Executive Ministers have established a Working Group chaired by the First Minister to consider the report.

A lot of debate is likely to take place before any of the Working Group's recommendations are included in the expected White Paper on local government and thereafter the expected Local Government Bill in 2001. COSLA is continuing to seek to shape the content of both of these documents

The Working Group's Recommendations

Making Council Chambers more Representative of their Communities

1. Councils should prepare and publish role descriptions which reflect what its members do.
2. Councils should carry out a review of its business arrangements to ensure that the majority of councillors can carry out their role effectively on a part time basis.
3. Councils should review the impact of its management arrangements on councillors' travelling time and should act to minimise its impact.
4. Councils should review the time that members are required to spend in meetings and in preparation for meetings and should take action to maximise the time-effectiveness of meetings.
5. Councils and representatives of employers and employees should discuss how to facilitate the participation of employees on councils. The Executive, with its wider interests in public service, should also be involved in these discussions. Specific practical issues that should be addressed include arrangements for individuals to alter their pattern of work on taking up, and on ceasing, council membership; and arrangements for protecting superannuation contributions.
6. The Executive should discuss, with COSLA, and representatives of employers and employees the possibility of establishing an employers' fund which could provide financial compensation to individual employers to assist them in meeting the costs of releasing staff to become councillors.
7. COSLA should play a role in encouraging the exchange of information and ideas about effective administrative support for councillors and in providing feedback on the benefits that such ideas can generate.
8. Councils should evaluate the current level of administrative support provided to councillors and the impact that this has on the councillor and should carry out an audit of the benefits that are brought about by new arrangements.

To assist councils in carrying out this review we have considered the components of the support package and recommend that the following should be considered for each councillor:
 - A dedicated phone line and answerphone or a mobile phone
 - A personal computer, printer and modem, together with appropriate software and technical support
 - Appropriate working accommodation within the community
 - Effective administrative support within the council
 - Stationery and postage.
9. Councils should review the support that is available to councillors in their ward in order to assist councillors in carrying out their representative duties effectively and efficiently.
10. COSLA should have a role in sharing information on the benefits of different types of administrative support to councillors. COSLA and councils should keep this area under review in order to benefit from future developments in both technology and organisational good practice.
11. Councils should review their arrangements to facilitate and encourage active and effective participation by councillors, and potential councillors, with a disability.
12. The Scottish Executive should review legislation that hinders councils from using information and communication technologies to streamline the conduct of council business.
13. Councils should prepare a short educational package to be made available to people who have an interest in standing as a councillor.

There should be information and training for candidates, by parties, councils and COSLA, aimed at equipping candidates to stand as councillors.

There should be systematic training to provide councillors with a good understanding of local government and their own role: this should equip them to carry out responsibilities such as chairing meetings and representing the council.

There should be training, by councils and COSLA, tailored to the needs of councillors who are taking on additional responsibilities, such as a responsibility for a significant area of policy.

14. Councils and representatives of employers and employees and the Scottish Qualification Authority should consider how to develop mechanisms to facilitate the development and recognition of transferable skills.
15. Councils should set aside a training budget which councillors can draw on to pay for approved training of their choice. COSLA should assist councils to exchange information on training and in facilitating training across councils.
16. An integrated communication strategy - involving local authorities, COSLA, political parties and the Scottish Executive - should be developed to explain why local government matters - what it does and how it affects people.
17. Councils should review their arrangements and organisation and consider whether these contain factors that impact on women's participation.

18. COSLA and representatives of people from ethnic minority backgrounds should draw up an action plan to encourage increased participation on councils by individuals from an ethnic minority background.

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19. Political parties should review their arrangements for selecting candidates in order to ensure that a diverse and representative range of men and women is selected in wards where they have a good chance of being elected, and we encourage them to publicise these arrangements.

Political parties should consider using a specific mechanism to increase the number of women selected as candidates.

Political parties, COSLA, and representatives of independents should work together on common issues, such as providing information on local government and the role of councillors, in order to encourage a diverse and representative range of candidates.

20. Councils should consider how they can work with community councils and other community groups, both to provide, through them, information about the role and responsibilities of councils and councillors, and to encourage their members to stand as councillors.
21. The age for standing for election should be brought into line with the voting age - currently 18.

Remuneration for councillors

22. The remuneration payable to councillors should be £12,000.

23. The current remuneration for MSPs is £41,255; the leaders of Glasgow and Edinburgh should receive the same amount. Other leaders should receive similar remuneration on a proportional basis.

Remuneration for council leaders

Edinburgh, Glasgow	£41,255
Fife, North Lanarkshire, South Lanarkshire	£38,367
Highland	£36,304
Aberdeen City, Aberdeenshire, Dundee City, Dumfries & Galloway, Renfrewshire	£34,242
Falkirk, North Ayrshire, West Lothian	£32,591
Angus, East Ayrshire, East Dunbartonshire, Perth & Kinross, Scottish Borders, South Ayrshire, West Dunbartonshire	£31,354
Argyll & Bute, Inverclyde	£29,291
East Lothian, East Renfrewshire, Stirling	£27,641
→ Midlothian, Moray	£26,816
Clackmannanshire, Comhairle nan Eilean Siar, Orkney Islands, Shetland Islands	£24,753

24. A small minority of councillors in each council will carry significant additional

responsibilities: their remuneration should reflect this.

Remuneration for councillors with significant additional responsibilities

	Civic Head (1 post)	Other councillors with significant additional responsibilities		Lead scrutiny and policy challenge role (1 post)
	£	No*	£	£
Edinburgh, Glasgow	30,000	8	25,000	20,000
Fife, North Lanarkshire, South Lanarkshire	27,900	8	23,250	18,600
Highland	26,400	8	22,000	17,600
Aberdeen City, Aberdeenshire, Dundee City, Dumfries & Galloway, Renfrewshire	24,900	8	20,750	16,600
Falkirk, North Ayrshire, West Lothian	23,700	6	19,750	15,800
Angus, East Ayrshire, East Dunbartonshire, Perth & Kinross, Scottish Borders, South Ayrshire, West Dunbartonshire	22,800	6	19,000	15,200
Argyll & Bute, Inverclyde	21,300	6	17,750	15,000
East Lothian, East Renfrewshire, Stirling	20,100	5	17,000	15,000
→ Midlothian, Moray	20,000	5	17,000	15,000
Clackmannanshire, Comhairle nan Eilean Siar, Orkney Islands, Shetland Islands	20,000	5	17,000	15,000

*maximum no of councillors with remuneration for significant additional responsibilities.

25. The Scottish Executive should initiate discussions with COSLA, councils and the UK Government with a view to providing for consistent taxation arrangements between councillors and other elected representatives.
26. A review of the arrangements for councillors' expenses would complement our work and we would encourage the Executive, COSLA and councils to carry out such a review.
27. Future increases in levels of remuneration for councillors should be linked directly to increases in MSPs' remuneration.

Electoral System for Local Government

28. A programme of voter education will be an essential component of the successful introduction of a new electoral system for local government.
29. STV best meets the requirements of our remit. *(Three members of the group dissented)*
30. It is highly desirable that wards should reflect natural communities and accordingly, there should be flexibility in ward sizes – ranging from 3 to 5 member wards – to allow natural communities to be maintained within wards. In sparsely populated parts of Scotland, exceptionally, wards comprising a minimum of 2 councillors may be appropriate.
31. We would urge the Scottish Executive to take an early decision on the date of implementation of a new electoral system.

Numbers of councillors per council

32. A council should have no fewer than 19 members.
33. In general terms no council should have more than 53 members.
34. We suggest the following 'families' of councils:

In the case of Highland Council a council of 53 members might place exceptional travelling demands on councillors and we consider that up to a further 10 members may exceptionally be necessary for that council.

Council	No of councillors
Aberdeenshire, Dumfries & Galloway, Edinburgh, Fife, Glasgow, North Lanarkshire, South Lanarkshire, Highland*	49-53
Aberdeen, Renfrewshire	39-43
Angus, Argyll and Bute, Dundee, East Ayrshire, Falkirk, North Ayrshire, Perth and Kinross, Scottish Borders, South Ayrshire, West Lothian	29-33
Clackmannanshire, Comhairle nan Eilean Siar, East Dunbartonshire, East Lothian, East Renfrewshire, Inverclyde, Midlothian, Moray, Orkney, Shetland, Stirling, West Dunbartonshire	19-23

*up to a further 10 councillors may be required to take account of geographical features

35. COSLA, councils and the LGBC should develop a protocol to cover their working relationships in developing proposals for electoral wards

36. The task of the LGBC, councils, and local communities would be eased in future if the following procedural requirements were the subject of direction by Ministers:

- Parity of electorate to be the clear first order consideration, with divergence from this to be accepted as a means of accommodating well established natural communities.
- Councils should be required to supply the LGBC with draft and final paper

and electronic copies of electoral registers on an annual basis at no cost. If appropriate councils should be required to allow the LGBC with remote networking to electoral registers, again at no charge.

- For the purposes of population/household projection all councils should be required to adhere to common standards of projection. For construction this should be full planning consents granted, for demolition of social or privately owned housing a combination of any proposals in the 5 year capital plan and any proposals for Housing Action Areas or similar.

If you should like to discuss any of the recommendations in the report with COSLA please contact Norman Murray, President (0131 474 9203), Oonagh Aitken, Chief Executive (0131 474 9203) or Andy O'Neill, Policy Officer (0131 474 9206).

The Renewing Local Democracy Working Group

Recommendations

In Summer 1999, a Working Group was appointed by Scottish Ministers to consider ways in which Council membership could be made more attractive to a wider cross-section of the community and how Councils could become more representative of the make-up of the community they serve.

The Group was also asked to advise on the appropriate number of Members for each Council (taking account of new management arrangements and any particular characteristics of city and rural authorities), the most appropriate system of elections (taking into account proportionality and the ward/councillor link) and better provision for Independents and allowance for geographic diversity.

The Group was also asked to advise on an appropriate system of remuneration for Councillors, taking account of available resources.

The synopsis of the document is available on the Scottish Executive website at www.scotland.gov.uk

The Council is committed to taking into account responses to this consultation paper and how it reviews its own political management decision-making structure and would find it informative to incorporate views from the public on the Working Group. The Working Group's recommendations are expected to be included in a White Paper on Local Government and could well be incorporated in a Local Government Bill in 2001.

Accordingly a number of questions are valid:-

1. Do you think that Councils should prepare and publish 'job descriptions' which reflect what Council Members do?
2. Should Councils carry out a review of the business arrangements to ensure that most Councillors can carry out their work on a part-time basis and should Councils also try and minimise travelling time for Councillors? (this is particularly relevant in a rural area).
3. Should Councils review the time that Members are required to spend in meetings, preparing for these and should Councils try and ensure the time effectiveness of meetings? The Council currently operates on an 8 week committee cycle basis.
4. Should Councils consider the possibility of establishing, in conjunction with the Scottish Executive and CoSLA, an employers fund which could provide financial compensation to individual employers to allow them to meet the costs of releasing staff to become Councillors?

5. Should Councils also review their arrangements to ensure and encourage active and effective participation by Councillors and potential Councillors with a disability?
6. Do you agree that the Scottish Executive should review legislation that stops Councils from using information and communications technology to streamline the conduct of Council business?
7. Do you consider that Councils should prepare educational information to be made available to people who have an interest in standing as a Councillor in order to try and make potential Councillors as well informed as possible?
8. Do you consider that there should be proper training for Councillors to ensure that they have a good understanding of Local Government and their own role and to equip them to carry out responsibilities such as chairing meetings and representing other Councils? One of the recommendations from the Working Group was that there should be training by Councils and CoSLA (Convention of Scottish Local Authorities) tailored to the needs of Councillors who are taking on additional responsibilities for significant areas of policy. Do you consider that Councils should set aside a training budget to ensure that Councillors can draw on this to pay for approved training of their choice? It is proposed that CoSLA should assist Councils to exchange information on training, to facilitate training across Councils.
9. It is proposed that there should be an integrated communications strategy involving local authorities, CoSLA and the Scottish Executive and political parties to be developed to explain why Local Government matters what it does and how it affects people. Do you think this would provide you with a better understanding of Local Government processes and be of benefit to you?
10. Do you consider that Councils should review their arrangement and organisation to try and facilitate women's participation and also participation from people from an ethnic minority background?
11. Do you consider that Councils should consider how they work with community councils and other community groups to try and provide proper information about the role and responsibilities of Councils and Councillors and to encourage people to stand as Councillors?
12. Do you consider that the age for standing for election should be brought in to line with the voting age, currently 18?

Remuneration for Councillors

The Renewing Local Democracy report recommended that the remuneration payable to all Councillors should be £12,000 in order to adequately reflect the responsibility of the roles carried out.

The Renewing Local Democracy report also recommended a set remuneration figure for the Leaders of various Councils with Glasgow and Edinburgh being proposed to receive £41,255 and smaller Councils such as Moray and Midlothian being recommended to receive for their Council Leaders £26,816. The lowest recommended allowance for Council Leaders being for the smaller Councils and the Islands Councils, being £24,753.

For Councillors with significant additional responsibilities e.g. Chairman etc it is recommended that in Councils the size of Moray Councillors should receive £17,000 for this role and there should be a maximum number of five Councillors who could receive remuneration for this additional responsibility. What would your views be on these proposals? The Moray Council currently has five committees and five committee chairmen.

Electoral System for Local Government

It is proposed that a programme of voter education be introduced if there is a new electoral system for Local Government. What would your views be on this?

The Group was also of the view that wards should reflect natural communities and that there should be flexibility in ward sizes, ranging from three to five Members in each ward to allow natural communities to be maintained within wards. What would your view be of one ward being represented by more than one Councillor?

The Working Group proposed a single transferable vote as being the best system to ensure that all voters are fairly represented. This means that an elector ranks the candidates in order of preference and votes one for first and second choice and so on. The votes either go to the first candidate or, if for some reason the first candidate does not require the vote either because he/she is already elected or because he/she has too few votes to be elected, then the voter's second choice candidate would collect that vote. This would maximise the uses made of each vote cast and is intended to ensure the representatives elected within a ward more or less reflect voting patterns. The greater the number of seats per individual ward the more proportionate the result is likely to be. Overall the Working Group therefore considered that single transferable vote (as described above) met the criteria of proportionality.

Numbers of Councillors per Council

It was recommended by the Working Group that a Council should have no fewer than 19 Members and that for Councils the size of Moray it was recommended that there should be between 19 to 23 Councillors which would result in a reduction of three from the existing 26. What would your views be on this as an appropriate number of Councillors?

The Working Group urged the Scottish Executive to take an early decision on the date of implementation of a new electoral system. Do you consider that a new electoral system other than the 'First Past the Post' existing system would be of benefit?

Are there any other comments you would like to make on the above?