

WEST DUNBARTONSHIRE COUNCIL SUB-COMMITTEE ON SCHEME OF DELEGATION

At a Meeting of the Sub-Committee on Scheme of Delegation held in Committee Room 3, Council Offices, Garshake Road, Dumbarton on Tuesday, 6 February 2018 at 2.00 p.m.

Present: Bailie Denis Agnew, Provost William Hendrie, Councillors Jim Bollan, Jonathan McColl, John Mooney and Sally Page.

Attending: Angela Wilson, Strategic Director of Transformation & Public Service Reform; Peter Hessematt, Strategic Lead – Regulatory; and George Hawthorn, Manager of Democratic and Registration Services.

APPOINTMENT OF CHAIR

The Strategic Lead – Regulatory welcomed everyone to the meeting and invited the Sub-Committee to nominate a Chair.

Bailie Agnew, seconded by Provost Hendrie, moved that Councillor Jonathan McColl should be appointed as Chair of the Sub-Committee.

As an amendment, Councillor Bollan, seconded by Councillor Page, moved that Councillor John Mooney should be appointed as Chair of the Sub-Committee.

On a vote being taken, 3 Members voted for the amendment, and 3 for the motion.

In terms of Standing Order 17 (c), Councillor Mooney, seconded by Councillor Bollan, moved that the meeting be adjourned to a later date.

On a vote being taken, 2 Members voted for the adjournment and 4 against and accordingly the meeting continued.

There being an equality of votes as to the appointment of a Chair, the Strategic Lead – Regulatory informed the Sub-Committee that the matter would be determined by the toss of a coin. Following the toss of a coin, Councillor Jonathan McColl was appointed as Chair of the Sub-Committee.

Councillor Jonathan McColl in the Chair

Apologies: An apology for absence was intimated on behalf of Councillor John Millar.

DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest in any of the items of business on the agenda.

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A report was submitted by the Strategic Lead – Regulatory on the Council's Scheme of Delegation.

The Strategic Lead - Regulatory was heard in further explanation of the report and in answer to Members' questions.

Councillor McColl informed the Sub-Committee that it was his intention to go through the Scheme page by page and record all questions and proposals raised with a view to officers preparing a report on these issues for consideration at a future meeting.

The Sub-Committee agreed to proceed on this basis.

Having heard the Strategic Lead – Regulatory and the Strategic Director of Transformation & Public Service Reform in answer to Members' questions and following discussion, the Sub-Committee agreed to instruct officers to bring a report back to its next meeting answering the queries and providing information on the implications of the proposed changes to the Scheme of Delegation as follows:-

- (1) Page 10, Paragraph 1.4 - remove the first sentence or replace with 'All powers are reserved to Council unless otherwise specified in this scheme, standing orders or legislation.'
- (2) Page 10, paragraph 1.5 - amend to reflect proposed changes to paragraph 1.4 above.
- (3) Page 11, paragraph 1.10 – add the following wording to the end of the paragraph: 'Council reserves the right to change any non-operational decision taken by officers, with adherence to Standing Orders and paragraph 2.1(iv) of this scheme'.
- (4) Page 11, paragraph 2.1 (iv) - change 'Chief Executive' to 'the Sub-Committee on Scheme of Delegation'.
- (5) Page 12, paragraph 2.2, line 1 - replace the word 'should' with 'will'.
- (6) Page 13, paragraph 2.2.2 (I) – the Sub-Committee seeks further clarification from officers on the meaning and implications of this paragraph.
- (7) Page 14, paragraph 2.3.3 – add the following wording to the end of the paragraph: 'A special meeting may be called for this purpose at the discretion of the Convener'.

- (8) Page 16, paragraph 2.5.2 – replace ‘Strategic Lead – Regulatory’ with ‘Chief Legal Officer’.
- (9) Page 17, paragraph 3.11 – after the words ‘subsequent committee’ on line 8 of this paragraph, add ‘and the Council Leader, Leader of the Opposition and relevant Spokesperson should be informed as soon as practicable’.
- (10) Page 18, paragraph 3.13 – officers to provide the Sub-Committee with more information about the consultation protocol.
- (11) Page 19, Section 4(A), paragraph 18 – officers to provide the Sub-Committee with more information about the process for changing contracts and job descriptions.
- (12) Page 19, Section 4(A), paragraph 21 – replace the word ‘defalcation’ with a plain English alternative form of wording.
- (13) General point – officers to provide the Sub-Committee with information on the Planning Scheme of Delegation, relating to the number of houses that an application can include before the Planning Committee must determine the application, and confirm that this is consistent with this Scheme of Delegation.

Note: For ease of reference all page references stated above relate to the Scheme of Delegation as published as an Appendix to the report contained within the Agenda of this meeting.

Following further discussion, it was noted that the Sub-Committee could receive deputations from any interested groups and that the Chair would consult with all Members of the Sub-Committee prior to setting the date of the next meeting.

The meeting closed at 3.50 p.m.