

**WEST DUNBARTONSHIRE COUNCIL
SUB-COMMITTEE ON SCHEME OF DELEGATION**

At a Meeting of the Sub-Committee on Scheme of Delegation held in Brock Meeting Room, Council Offices, 16 Church Street, Dumbarton, on Monday, 11 June 2018 at 11.30 a.m.

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

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

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

Councillor Jonathan McColl in the Chair

DECLARATIONS OF INTEREST

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

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Sub-Committee on Scheme of Delegation held on 6 February 2018 were submitted and approved as a correct record.

PROPOSALS TO AMEND THE SCHEME OF DELEGATION TO OFFICERS

A report was submitted by the Strategic Lead – Regulatory informing the Sub-Committee of responses provided by officers in relation to issues which were highlighted at the last meeting of the Sub-Committee.

After discussion and having heard the Strategic Director of Transformation & Public Service Reform and the Strategic Lead – Regulatory in answer to Members' questions, Councillor McColl, seconded by Bailie Agnew, moved:-

The Sub Committee recommends that Council make the following changes to the scheme of delegation:

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.'

Paragraph 1.5 - amend to reflect proposed changes to paragraph 1.4 above.

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'.

Paragraph 2.1 (iv) – Change to reflect the wording in Standing Orders, that being, 'Where clarification is required, the Chief Executive, in consultation with the Monitoring Officer and Leader of the Council will determine which matters are operational or otherwise.'

Paragraph 2.2, line 1 - replace the word 'should' with 'will'.

Paragraph 2.2.2 (l) – This paragraph refers to the provisions of s35 of the Local Government (Scotland) Act 1973 and relates to a member ceasing to be a member if for a period of 6 months the member fails to attend a meeting of the Local Authority. Council may approve, in advance, the reason for the non-attendance allowing the member to continue as a member. The wording should be changed to make the purpose of this paragraph clear.

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' and Council should amend Standing Orders accordingly.

Paragraph 2.5.2 – replace 'Strategic Lead – Regulatory' with 'Chief Legal Officer'.

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'.

Section 4(A), paragraph 21 – replace the word 'defalcation' with 'Business Irregularity Procedure' which is the current terminology used to describe this procedure.

For ease of reference for Council, the report should include a table with the original wording next to the proposed change.

As an amendment Councillor Bollan, seconded by Councillor Mooney, moved:-

The Sub-Committee recommends to Council the changes proposed in the motion by Councillor McColl with exception to the following amendments:-

Paragraph 2.1 (iv) – change 'Chief Executive' to 'the Sub-Committee on the Scheme of Delegation'.

Paragraph 2.3.3 – add the following wording ‘A special meeting may be called for this purpose at the discretion of the Convener’.

Paragraph 4 (A) (18) – change the wording ‘in conjunction with affected employees and trades unions’ to ‘with agreement of the trades unions’.

At the request of Councillor Bollan, the Sub-Committee proceeded by way of a roll call vote.

On a vote being taken, 2 Members, namely Councillors Bollan and Mooney voted for the amendment and 4 Members, namely Provost Hendrie, Bailie Agnew, Councillors McColl and Page voted for the motion which was accordingly declared carried.

After hearing the Strategic Lead - Regulatory, it was noted that a report presenting the Sub-Committee’s recommendations would be submitted to the first full Council meeting after the Recess.

The meeting closed at 12.25 pm