

Item: 4

Policy and Resources Committee: 18 June 2019.

Corporate Charging Consultative Group.

Report by Chief Executive.

1. Purpose of Report

To consider the constitutional arrangements of the Corporate Charging Consultative Group and make appointments thereafter.

2. Recommendations

The Committee is invited to note:

2.1.

That, on 14 May 2019, the Policy and Resources Committee requested that the constitutional arrangements of the Corporate Charging Consultative Group be reviewed.

2.2.

The existing constitutional arrangements of the Corporate Charging Consultative Group as follows:

- Chair, Policy and Resources Committee.
- Vice Chair, Policy and Resources Committee.
- Six other members.

2.3.

The proposal that, as the Corporate Charging Consultative Group is integral to the budget setting process, the constitutional arrangements be amended to include representation from the four service Committees.

2.4.

That, as the term of this Council is five years, it is proposed that appointments to the Corporate Charging Consultative Group should last for the remainder of the term of this Council, namely for three years until May 2022.

It is recommended:

2.5.

That the Committee determine the constitutional arrangements in respect of the Corporate Charging Consultative Group, bearing in mind the options detailed in section 6 of this report.

2.6.

That, once the constitutional arrangements have been determined, to make appointments, if required.

2.7.

That appointments to the Corporate Charging Consultative Group should be for the remainder of the term of this Council, namely for three years to May 2022.

3. Introduction

3.1.

The following principles were agreed by Council as part of the governance review undertaken in 2016:

- A working group should be subject specific.
- A working group should have a short life, ideally no longer than six months.
- The relevant Executive Director should report the findings of the working group to the service committee, including a recommendation to disestablish.

3.2.

It was further agreed that member/officer consultative groups be established where the work of the group was to continue beyond six months and that all existing groups would be reviewed at the May 2017 cycle of meetings. In May 2017, when making appointments to working groups falling within the remit of the Policy and Resources Committee, this review was overlooked.

3.3.

Consequently, on 14 May 2019, when reviewing appointments to various sub-committees, working groups and other bodies within the remit of the Committee, the Policy and Resources Committee resolved that the Corporate Charging Member/Officer Working Group be renamed the Corporate Charging Consultative Group.

3.4.

The Committee further resolved that the Chief Executive should submit a report, to the next meeting of the Policy and Resources Committee, reviewing the constitutional arrangements of the Corporate Charging Consultative Group.

4. Background

4.1.

On 1 February 2011, when considering the budget and Council Tax levels for 2011 to 2012, the Policy and Resources Committee recommended inter alia:

- That all Directors should review and increase present charging income by at least 4%, or more where appropriate, from 1 April 2011, if possible to do so, or as early as possible thereafter.
- That, where proposed increases from charging were at a level lower than 4%, those proposals be revisited.
- That, where felt possible and appropriate, Directors should bring forward interim proposals for introducing new charges, on or shortly after 1 April 2011, on the basis that those charges be subject to further review when the charging policy had been updated and approved.
- That, in order to oversee and provide guidance on how the recommended interim charging measures, set out above, could best be implemented, a Member/Officer Working Group be established.

4.2.

The undernoted process was then agreed in respect of the introduction of new charges:

- Take report to the Member/Officer Working Group setting out new proposals.
- Take report to service committee with recommendations to consult or proceed with introduction.
- Consultation and engagement process, if required.
- Take report to Service Committee for final approval.

4.3.

To date, the Member/Officer Working Group has met to consider proposals from services for new and/or increased charges, prior to consideration through the budget setting process.

4.4.

Following the integration of health and social care services, charging for social work services was not delegated to the Integration Joint Board, but retained by the Council. Accordingly, in 2017, the Council determined that, rather than having a working group with a very specific remit, charging for all Council services be considered by the Corporate Charging Member/Officer Working Group. Accordingly, the working group established to examine current charging levels for social work services was disestablished and the remit subsumed within the corporate group.

5. Existing Constitutional Arrangements

5.1.

The existing constitutional arrangements for the Corporate Charging Consultative Group are as follows:

- Chair, Policy and Resources Committee.
- Vice Chair, Policy and Resources Committee.
- Six other members.

5.2.

In 2017, when the working group established to examine current charging levels for social work services was disestablished and the remit subsumed within the corporate group, no change was made to the constitutional arrangements for the Corporate Charging Consultative Group.

5.3.

The following members were thereafter appointed to the Corporate Charging Consultative Group:

- Chair, Policy and Resources Committee – Councillor James W Stockan.
- Vice Chair, Policy and Resources Committee – Councillor W Leslie Manson.
- Six other members:
 - Councillor Robin W Crichton.
 - Councillor David Dawson.
 - Councillor John T Richards.
 - Councillor John A R Scott.
 - Councillor Gwenda M Shearer.
 - Councillor Duncan A Tullock.

6. Proposed Revised Constitutional Arrangements

6.1.

As the deliberations of the Corporate Charging Consultative Group feed into the budget setting process, it is proposed that each of the four service committees should be represented on the Group.

6.2.

Accordingly, options for proposed revised constitutional arrangements include the following.

6.2.1. Option 1:

- Chair, Policy and Resources Committee.
- Vice Chair, Policy and Resources Committee.
- Chair, Development and Infrastructure Committee.
- Vice Chair, Development and Infrastructure Committee.
- Chair, Education, Leisure and Housing Committee.
- Vice Chair, Education, Leisure and Housing Committee.
- Chair, Orkney Health and Care Committee.
- Vice Chair, Orkney Health and Care Committee.

6.2.2. Option 2:

- Vice Chair, Policy and Resources Committee.
- Vice Chair, Development and Infrastructure Committee.
- Vice Chair, Education, Leisure and Housing Committee.
- Vice Chair, Orkney Health and Care Committee.
- Three other members.

6.3.

Option 1 would retain membership of the group at eight, whereas Option 2 would reduce membership to seven, which is similar to the Innovation Fund Consultative Group.

6.4.

The Committee is invited to determine the constitutional arrangements, bearing in mind the options outlined above.

6.5.

As this Council is for a five year term, it is proposed that appointments made to the Corporate Charging Consultative Group should last for the remainder of the term of this Council, namely for three years until May 2022.

7. Corporate Governance

This report relates to governance and procedural issues and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

8. Financial Implications

There are no financial implications arising directly as a result of the recommendations of this report.

9. Legal Aspects

9.1.

With limited exceptions, section 56 of the Local Government (Scotland) Act 1973 provides that a local authority may arrange for the discharge of any of their functions by a committee of the authority, a sub-committee, an officer of the authority or by any other local authority in Scotland. The discharge of functions also includes doing anything which is calculated to facilitate or is conducive or incidental to the discharge of any of these functions.

9.2.

There are no statutory rules in force in Scotland as to which councillors should be appointed to which committee. Councils have a free hand to decide the membership of their committees and sub-committees.

9.3.

A consultative group is not a committee or sub-committee of the Council. A consultative group does not have delegated authority to make decisions.

10. Contact Officers

Alistair Buchan, Chief Executive, extension 2101, Email
chief.executive@orkney.gov.uk

Karen Greaves, Head of Executive Support, extension 2202, Email
karen.greaves@orkney.gov.uk

Gareth Waterson, Head of Finance, extension 2103, Email
gareth.waterson@orkney.gov.uk.

Hazel Flett, Senior Committees Officer, extension 2208, Email
hazel.flett@orkney.gov.uk