

The Highland Council

17th December

Agenda Item	15(i)
Report No	HC/59/15

Scheme of Delegation Revisions for the new Local Committees

Report by the Head of Policy and Reform

Summary

This report seeks early revisions to the Scheme of Delegation to establish the new Local Committees in five localities. Further revisions to the Scheme will be brought to future Council meetings as work progresses to localise Council decision-making, notably for local decision-making and resources for Community Services with effect from 1.4.16. All partners have now confirmed support for new local community planning experiments, although further work on establishing and resourcing them is required, along with a view on how they can be evaluated from the outset.

1. Background

- 1.1 The Council's Highland First programme contains commitments to strengthen local democracy and review local community planning arrangements with partners.
- 1.2 Members agreed the localism action plan at the Council meeting in October 2015. A key change agreed is to localise aspects of Council decision-making. Accordingly Members agreed to disband three Area Committees and in their place create five new Local Committees. Dates for the new Local Committees in 2016 were also set at the Council meeting, with quarterly meetings agreed. To enable the first meetings to take place, the Scheme of Delegation needs to be amended.
- 1.3 The new Local Committees will form in the following areas:
 - Caithness
 - Sutherland
 - Nairn
 - Badenoch and Strathspey
 - SkyeIn addition the Lochaber Area Committee will become a new style Local Committee as it redefines its relationship with the Lochaber Community Planning Partnership but retains the same geographical boundaries as the former Area Committee.
- 1.4 Members are currently considering how Council decision-making could be further localised in the Wards covering Ross and Cromarty and Inverness and surrounding area. A verbal up-date will be provided at the meeting.
- 1.5 In the five localities identified for new Local Committees above, there are to be

corresponding local community planning partnerships established. All partners have agreed to support these as local experiments but further work is needed to agree how these can be established, resourced and how we will evaluate them from the outset. We also need to agree the implications for District Partnerships (DPs) with NHS. In some localities the DP could continue as part of the broader community planning partnership (e.g. Caithness, Sutherland and Lochaber) and in other localities the DP needs to be reviewed (e.g. in Nairn, Badenoch and Strathspey and Skye).

- 1.6 It is recommended that these new local community partnerships are not convened before the end of March 2016 because we will need that time to:
- Clarify partner implications and resources (NB it is no longer the sole responsibility of the Council to facilitate community planning; that now falls jointly to five public bodies¹);
 - Consider any draft statutory guidance from the Government on the new requirements on community planning partners of the Community Empowerment Act;
 - Be clearer about Council resources to support them.
- Names for the new partnerships will be considered locally and Members so far have expressed a preference for naming them community partnerships, e.g. the Nairnshire Community Partnership.
- 1.7 The proposed revisions to the Scheme of Delegation at this time are modest and focus on:
- amending references to partners to fit with new local CPP arrangements to be developed;
 - adding in some new powers relating to localism (implementing the Council's localism action plan, productive relations with community councils and whether and how to use participatory budgeting locally);
 - enabling Local Committees to decide on the purchase and disposal of Common Good Fund Assets up to the value of 10% of the total CGF; and
 - grouping the current delegated powers by Service.
- 1.8 This is the beginning of amending the Scheme of Delegation as further localisation of decision-making is planned. Notably these include:
- Localising decisions on Community Services priorities and resource allocation for 1.4.16, to be reported to the Council in March 2016;
 - Ensuring compliance with Council's duties locally arising from the Community Empowerment Act, for which statutory guidance is awaited;
 - Other work agreed by the Council such as the review of Charitable Trusts which may well require further local decision-making through the Local Committees.

2. Proposed amendments to the Scheme of Delegation

- 2.1 The current scheme of delegation to City/Area Committees is attached at Appendix 1.

¹ That duty falls to the Council. NHS, HIE, Police Scotland and the SFRS.

- 2.2 The proposed scheme of delegation for the new Local Committees is attached at Appendix 2 for Members to consider.
- 2.3 At the time of writing, this revised Scheme would apply to the Local Committees in: Caithness; Sutherland; Nairn; Badenoch and Strathspey; Skye; and Lochaber. No change is identified at this time for the City of Inverness Area Committee. If other areas are identified through discussions with members in the Ross and Cromarty Wards this will be reported verbally at the meeting. Where no change is proposed, the current scheme relating to Area/City Committees will continue to apply. As agreed by the Council in September 2015, all Area/Local Committees will have delegated powers for specified Community Services, with the detail of that presented to Council in March 2016.
- 2.4 The revised Scheme of delegation will refer to Local Committees. Members have expressed a preference for particular naming of the Local Committees and for the avoidance of doubt the revised Scheme will refer to:
- The Caithness Committee
 - The Sutherland County Committee
 - The Nairnshire Committee
 - The Badenoch and Strathspey Committee
 - The Skye Committee.
 - The Lochaber Committee

3. Implications

3.1 Resource implications:

Given the Council's budget position, resource implications of creating 5 Local Committees to serve 2 of the Areas previously serviced by 2 Area Committees and another including Skye require careful consideration. Some costs are quantified as additional, some are opportunity costs, others are as yet unknown and ways of containing costs are proposed.

- 3.2 Additional resources are quantified for webcasting. A mobile webcasting kit will be required to ensure all Local Committees are webcast. Appendix 3 lists the capacity for webcasting Council meetings from local venues. By holding more local meetings there are significant concerns about relying on one mobile kit for the whole Council. An additional one-off capital cost of £20,700 is required for a second mobile kit. This brings additional annual revenue costs of £4,800 in respect of the increased number of webcasting hours required. The capital costs could be met from the carbon clever capital allowance in 2015/16. Revenue costs would have to be met from current resources, creating a pressure on the budget.
- 3.3 Webcasting requires Business Support effort (1.2fte). The costs are estimated at £25,841 per annum. The current position is that this work could be absorbed within the team but it is a real cost as without this workload savings would be taken.
- 3.4 Rather than incur these additional capital and revenue costs, Members could decide to cease web casting for all local committees. Average viewing figures

for live and archive views of all Council meetings is shown on Appendix 4. For the City/Area Committees live views range from 15 to 52 live views and 35 to 78 archive views.

- 3.5 Additional resource is required from Committee services staff to support the Local Committees meeting quarterly in: agenda preparation; collation and distribution of the papers for the meetings; increased travel and subsistence costs in officer attendance to clerk the meetings and thereafter preparation of the minutes. The Service intends to establish temporary acting up arrangements to support the new meetings and this will be met from within existing resources; although there will be opportunity costs. The costs are estimated at £20,000 per annum. The current position is that this work could be absorbed within the team but it is a real cost as without this workload savings would be taken.
- 3.6 Other costs relating to staff from Services to support local committee business are likely, but as yet unquantifiable. This can be monitored in the first year of operation.
- 3.7 To contain costs:
- Lead officer support for the new Local Committees will be drawn from the Ward Management team based locally. This will involve adjusting their workload priorities and met from existing budgets.
 - Local Committees are expected to last for less time than former Area Committees and be confined to either a morning or afternoon meeting. Consequently there will be no catering costs for lunches.
 - Video conferencing can be used to avoid officers having to travel to attend local committees. Video and Teleconferencing will be available in 2016 in most venues, which are proposed for the local committees. The roll-out of the Unified Communications Project at the end of next year will upgrade these facilities and ensure availability at all the venues listed in Appendix 3. Funding for this project is already within the capital budget.
- 3.8 Legal implications: Future revisions to the scheme will be recommended to the Council as the local implementation of the Community Empowerment (Scotland) Act 2015 is developed.
- 3.9 Equalities, Climate Change/Carbon Clever, and Gaelic implications: None are identified at this time.
- 3.10 Risk implications: The revised scheme is required to enable the first meetings of the new Local Committees to take place.
- 3.11 Rural implications: The Local Committees are so far all found in the rural areas of Highland.

4. Recommendation

4.1 Members are asked to note that this is the initial revision proposed to the Scheme of Delegation to establish the new Local Committees in five new localities plus Lochaber. Further revisions will be proposed as work is done to devolve Community Services budgets for 1.4.16 and as the implementation of the Community Empowerment Act is developed.

4.2 Members are asked to agree the revised Scheme of Delegation for Local Committees as set out in Appendix 2. This will apply to the five new Local Committees agreed to date and the Lochaber Committee, with a verbal up-date on any other areas proposed provided at the meeting. Members have expressed a preference for naming their Local Committee as set out in paragraph 2.4. For those Areas unchanged the current Scheme of Delegation to City/Area Committees will continue.

4.3 Members are asked to note that all community planning partners have agreed to support the local experiments in the localities identified so far. Given that further work with partners is needed to agree how these can be established, resourced and how we will evaluate them from the outset, it is recommended that these new local partnerships are not convened before the end of March 2016. Further work with NHSH is required to enable a transition from the current District Partnerships to align with new local community planning arrangements.

4.4 The resource implications for the new Local Committees are set out in section 3 of the report. Given the budget savings to be found, Members are asked to agree that:

1. Web casting of all local and current Area/City Committees ceases to avoid the capital cost of £20,700 to purchase a further mobile webcasting kit and to avoid the revenue costs of £4800 for webcasting hours and an opportunity cost of redirecting staff time estimated at £25,481.
2. As Local Committee meetings would be shorter, no lunches would be required or provided.
3. The additional costs relating to staff time in Committee Services of approximately £20,000 are part of the 2016/17 budget. While the work required could be absorbed within the teams affected, it is a real cost as without this workload savings would be taken.
4. That any other additional costs will be monitored in 2015/16.
5. Costs will be contained by avoiding the need for additional staff travel to participate in Local Committees by using video conferencing and by the local Ward Management Team providing lead officer support.

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Date 1.12.15

City/Area Committees
Powers Delegated from the Council
Current

1. General

- 1.1 To appoint the Provost and Leader of Inverness and Area/Leader of the Area, responsible for the running of the Committee and the management of its functions.
- 1.2 To work with partners to achieve the effective promotion and future prosperity of the area including tourism and the delivery of efficient and effective services to its citizens.
- 1.3 To develop and work in partnership with Community Planning partners, including Community Councils, as appropriate, to achieve a co-ordinated approach to the provision of services and to deliver the objectives of the Highland Public Services Partnership.
- 1.4 To scrutinise and monitor the local delivery of services, within approved resources and strategy.
- 1.5 To monitor the delivery of Capital Projects within the local area, as agreed within the Council's Capital Programme.
- 1.6 To approve delegated local functions e.g. Road Traffic Orders; Road Construction Consents; and Upholding Access Rights.
- 1.7 To champion local initiatives which promote and support the traditional languages, heritage and culture of the Highlands.
- 1.8 To ensure that all decisions taken are within the terms of the legislation governing the work of the Council and the approved Scheme of Delegation to Committees and Officers.

2. Specific

- 2.1 To consider any proposals made by Council Services to review service delivery, other than annual revenue budget proposals, which would have a materially significant impact on the City/ Area.
- 2.2 To work in partnership to facilitate opportunities for inward investment, regeneration and economic development of the Area.
- 2.3 To allocate and monitor expenditure from agreed funds e.g. Deprived Area Fund.
- 2.4 To monitor the status of building projects and environmental works in the agreed Capital and maintenance programmes.
- 2.5 To recommend to Council any proposals for Business Improvement Districts.
- 2.6 To monitor the local delivery of the transport strategy and the performance of Quality Bus Partnerships.

- 2.7 To approve maintenance programmes for roads and bridges within the City/ Area and the budget and strategy agreed by Council.
- 2.8 To approve the winter maintenance plan within the strategy and budget allocated by Community Services Committee.
- 2.9 To approve local levels of service for grounds maintenance, street cleaning and public conveniences within the budget and strategy agreed by the Community Services Committee.
- 2.10 To approve local initiatives to encourage waste minimisation, reduce litter and increase recycling within the strategy and budget agreed by Community Services Committee.
- 2.11 To consider the content of and approve Development Briefs and Master Plans (with the exception of those prepared as Statutory Supplementary Guidance) relating to land within their geographic area. In the case of Development Briefs and Master Plans relating to land within their geographic area and prepared as Statutory Supplementary Guidance, to consider their content and recommend them to the Planning, Development and Infrastructure Committee for adoption.
- 2.12 To monitor progress in the implementation of Local Development Plans in general, consider the content of Local Development Plans applicable to their geographic area that are being prepared or reviewed in accordance with the Development Plans Scheme and submit representations and recommendations on those Local Development Plans to the Planning, Development and Infrastructure Committee.
- 2.13 To deal with requests for and make nominations/ appointments to local outside bodies not covered by the Council or Strategic Committees e.g. Local Access Forums.
- 2.14 To invite groups/ bodies funded by Highland Council or with an Elected Member on their Board, to submit an update report to the relevant Area Committee should the Committee consider it necessary.
- 2.15 To approve Common Good Fund and Local Authority Trust costs and grant applications in excess of £10,000 and to administer Common Good Funds and the assets owned by Common Good Funds and Local Authority Trusts as required and agreed within Council policy. (For the avoidance of doubt, purchase and disposal of Common Good and Trust assets is reserved for Highland Council).
- 2.16 To agree the naming of buildings and streets within the Council's control.
- 2.17 To co-ordinate the work of the Ward Forums in relation to City/ Area-wide issues.
- 2.18 To facilitate and, where appropriate, make arrangements in relation to Town Twinning and ceremonial matters.
- 2.19 To undertake reviews of local community transport schemes, as approved by Community Services Committee.
- 2.20 To approve local Safer Routes to Schools projects within the strategy and budget agreed by Community Services Committee.

- 2.21 To agree any Bye-Laws and Management Rules etc and their amendment or review.
- 2.22 To promote Road Traffic Orders, where there are statutory objections.
- 2.23 To approve the stopping up of roads and private means of access and the deletion of roads from the list of public roads and the adoption of roads (that are not constructed under the Road Construction Consent procedure) onto the list of public roads.
- 2.24 To review Core Path Plans and make recommendations to the Planning, Development and Infrastructure Committee.
- 2.25 To identify property which is non-operational or which may be declared surplus to requirements for referral to Asset Management Project Board.
- 2.26 To monitor the local delivery of the Highland Play Strategy as agreed by the Education, Children and Adult Services Committee.
- 2.27 To support local youth forums and to promote the engagement of young people in local democracy.
- 2.28 To scrutinise and monitor the performance of the Police Service and Fire Service against their local Ward Plans
- 2.29 To monitor the local delivery and outcomes from Curriculum for Excellence, including performance of schools.
- 2.30 To scrutinise and monitor HMIE school inspection reports.
- 2.31 To monitor local housing performance in relation to voids, arrears, maintenance and prevention of homelessness.

3. City of Inverness Area Committee Only

- 3.1 To appoint the Depute Provosts of Inverness.
- 3.2 To receive annual reports on the following companies, including financial reports and accounts – Inverness Business Improvement District Ltd, Inverness City Heritage Trust and Destination Loch Ness.
- 3.3 To work with partners to realise the “Inverness City Vision” including identification of opportunities for development within the City (including assets within the ownership of the Common Good Fund) and, where appropriate, implementation of action plans.

Local Committees
Powers Delegated from the Council
Proposed

1. General Powers

- 1.1 To appoint the Chair of the Local Committee, responsible for the running of the Committee and the management of its functions. To appoint a Civic Leader where appropriate.
- 1.2 To develop appropriate connections with, and ensure Council support for, the local community planning partnership for the area covered by the Local Committee.
- 1.3 To ensure implementation of the Council's localism action plan as it relates to the locality.
- 1.4 To scrutinise and monitor the local delivery of Council services, within approved resources and strategy.
- 1.5 To scrutinise the performance of, and engage with, Police Scotland and the Scottish Fire and Rescue Service.
- 1.6 To monitor the delivery of Council Capital Projects within the local area, as agreed within the Council's Capital Programme.
- 1.7 To approve delegated local functions e.g. Road Traffic Orders; Road Construction Consents; and Upholding Access Rights.
- 1.8 To champion local initiatives which promote and support the traditional languages, heritage and culture of the Highlands.
- 1.9 To deal with requests for and make nominations/ appointments to local outside bodies not covered by the Council or Strategic Committees e.g. Local Access Forums.
- 1.10 To agree any local community engagement, including the work of Ward Forums in relation to Council business in the locality.
- 1.11 To ensure that all local decisions taken are within the terms of the legislation governing the work of the Council and the approved Scheme of Delegation to Committees and Officers.

2. Specific Powers

Corporate, cross service and civic powers

- 2.1 To consider any proposals made by Council Services to review service delivery, other than annual revenue budget proposals, which would have a materially significant impact on the Locality.
- 2.2 To agree any Bye-Laws and Management Rules etc. and their amendment or review.
- 2.3 To recommend to Council any proposals for Business Improvement Districts.

- 2.4 To ensure productive relations with Community Councils within the locality and to agree any Community Council boundary changes.
- 2.5 To support local youth forums and to promote the engagement of young people in local democracy.
- 2.6 To facilitate and, where appropriate, make arrangements in relation to Town Twinning and ceremonial matters.
- 2.7 To invite groups/ bodies funded by Highland Council or with an Elected Member on their Board, to submit an update report to the Local Committee should the Committee consider it necessary.

Finance Services

- 2.8 To allocate and monitor expenditure from agreed localised funds e.g. Deprived Area Fund, Carbon Clever Community Capital Grants and to allocate Ward Discretionary Grants where individual grant awards exceed £10,000 (individual awards of up to £9,999 are delegated to the Ward Manager following consultation with local Ward members).
- 2.9 To oversee the management of any Common Good Fund (CGF) assets for the locality by: scrutinising CGF budget monitoring; approving costs and grant applications for any local CGF as required and agreed within Council policy; and to purchase and dispose of Common Good Trust assets up to 10% of the value of the CGF. (For the avoidance of doubt, the purchase and disposal of Common Good and Trust assets of more than 10% of the value of the CGF is reserved for Highland Council).
- 2.10 To approve any Local Authority Trust costs associated with the locality and to approve grant applications in excess of £10,000 as required and agreed within Council policy.
- 2.11 From the resources that are agreed to be delegated to the Local Committee, for the Local Committee to agree which resources are to be allocated through participatory budgeting and the methods to use.

Community Services

- 2.12 To monitor local housing performance in relation to voids, arrears, maintenance and prevention of homelessness.
- 2.13 To approve maintenance programmes for roads and bridges within the Locality and the budget and strategy agreed by Council.
- 2.14 To approve the winter maintenance plan within the strategy and budget allocated by Community Services Committee.
- 2.15 To monitor the local delivery of the transport strategy and local community transport schemes.
- 2.16 To promote Road Traffic Orders, where there are statutory objections.
- 2.17 To approve the stopping up of roads and private means of access and the deletion of roads from the list of public roads and the adoption of roads (that are not constructed under the Road Construction Consent procedure) onto the list of public roads.
- 2.18 To approve local levels of service for grounds maintenance, street cleaning and public conveniences within the budget and strategy agreed by the Community Services Committee.

- 2.19 To approve local initiatives to encourage waste minimisation, reduce litter and increase recycling within the strategy and budget agreed by Community Services Committee.

Development and Infrastructure Services

- 2.20 To monitor the status of building projects and environmental works in the agreed Capital and maintenance programmes.
- 2.21 To consider the content of and approve Development Briefs and Master Plans (with the exception of those prepared as Statutory Supplementary Guidance) relating to land within their geographic area. In the case of Development Briefs and Master Plans relating to land within their geographic area and prepared as Statutory Supplementary Guidance, to consider their content and recommend them to the Planning, Development and Infrastructure Committee for adoption.
- 2.22 To monitor progress in the implementation of Local Development Plans in general, consider the content of Local Development Plans applicable to their geographic area that are being prepared or reviewed in accordance with the Development Plans Scheme and submit representations and recommendations on those Local Development Plans to the Planning, Development and Infrastructure Committee.
- 2.23 To agree the naming of buildings and streets within the Council's control.
- 2.24 To review Core Path Plans and make recommendations to the Planning, Development and Infrastructure Committee.
- 2.25 To identify property which is non-operational or which may be declared surplus to requirements for referral to Asset Management Project Board.
- 2.26 To approve local Safer Routes to Schools projects within the strategy and budget agreed by Community Services Committee.

Care and Learning Service

- 2.27 To monitor the local delivery and outcomes from Curriculum for Excellence, including performance of schools within the locality.
- 2.28 To scrutinise and monitor HMIE school inspection reports.
- 2.29 To monitor the local delivery of the Highland Play Strategy as agreed by the Education, Children and Adult Services Committee.

Appendix 3

Locations for local committees, VC and web casting capability

Local committee Venues	Does location have VC?	Webcast from this venue?
Market Square, Wick	Yes	Yes - Mobile
Drummuie, Golspie	Yes	Yes – but VC to HQ and then webcast from HQ required (staff set up microphones and connection)
Court House, Nairn	No	Yes - Mobile
Chamber, Fulton House, Fort William, Lochaber	Yes	Yes - Mobile
Tala nan Ros, Kingussie	No Note: Court House approx. summer 2016, VC will be available	Yes - Mobile
The Chamber, Dingwall	Yes	Yes - Mobile
Town House, Inverness	Yes	Yes - Mobile
The Chamber, Tigh na Sgìre, Portree	Yes	Yes – but VC to HQ and then webcast from HQ required (staff set up microphones and connection)
The Chamber, Inverness	Yes	Yes

Appendix 4

Average number of live and archive views for webcasts of Council meetings from January 2015

Committee	Live viewers	Archive viewers
Audit and Scrutiny	38	76
Caithness and Sutherland Area	38	78
City of Inverness Area	52	54
Communities and Partnerships	21	68
Community Services Committee	91	112
Education, Children and Adult Services	76	155
Gaelic	10	19
Highland Council	139	130
Licensing	6	38
Lochaber Area	15	35
Nairn and Badenoch and Strathspey Area	16	59
NPAC	48	86
Pensions	9	21
Planning Review Body	18	50
Planning, Development and Infrastructure	76	71
Resources	114	127
Skye, Ross and Cromarty Area	20	47
SPAC	45	79
Overall average	44	71