

Agenda Item	<b>10</b>
Report No	<b>HC/43/23</b>

# The Highland Council

**Committee:** The Highland Council

**Date:** 26 October 2023

**Report Title:** Governance Review

**Report By:** Executive Chief Officer, Performance & Governance

## 1. Purpose/Executive Summary

1.1 On 29 June 2023, the Council agreed a refreshed membership and terms of reference for the Governance Review Steering Group ('the Steering Group'). This report presents options and makes recommendations arising from the Steering Group to improve governance arrangements for managing Council business. This report focusses on Standing Orders while future meetings of the Steering Group and reports to Council will address the remainder of the terms of reference **Appendix 1**.

1.2 A further revision to standing orders is recommended in relation to planning. In previous years this would have been picked up in the Autumn review which this report replaces for 2023.

1.3 **Appendix 2** Sets out current and proposed wording for various standing orders as considered by the Steering Group.

**Appendix 3** Sets out current and proposed wording to clarify some rules around the conduct of planning committees.

## 2. Recommendations

2.1 Members are asked to agree:

- i. the revised wording of Standing Orders – Steering Group **Appendix 2**;
- ii. the revised wording of Standing Orders – Planning **Appendix 3**; and
- iii. that officers format Standing Orders and include definitions and guidance notes in terms of paragraph 5.6.

2.2 Members are asked to note:

- i. That future reports will be taken to Council on the remainder of the Steering Group Terms of Reference **Appendix 1**.

### **3. Implications**

#### **3.1 Resource**

There are no implications arising from this report. Any financial implications arising from future Steering Group proposals will be assessed and included in future reports to Council.

#### **3.2 Legal**

The ongoing governance review will support the Council in meeting its legal duty of Best Value and continuous improvement through improved governance arrangements.

#### **3.3 Community (Equality, Poverty and Rural)**

There are no immediate community implications arising from this report. Screening for equality, rural and socio-economic implications will be undertaken on recommendations arising from future Steering Group proposals particularly if proposals to revise Area Committee structures are made.

#### **3.4 Climate Change/Carbon Clever**

There are no relevant implications arising from the recommendations in this report.

#### **3.5 Risk**

There are no immediate risk implications arising from this report. However, the Governance Review will focus on risk mitigation when making future recommendations to the Council on revised governance arrangements.

#### **3.6 Health and Safety**

There are no Health and Safety implications arising from this report.

#### **3.7 Gaelic**

There are no implications for Gaelic arising from this report.

### **4. Background & Summary**

4.1 In 2020, the pandemic interrupted a planned evaluation of the governance arrangements which the Council implemented following a Governance Review in 2019. On 29 June 2023 the Council agreed a refreshed membership and terms of reference (**Appendix 1**) for the Steering Group.

4.2 The reasons for the re-establishment of the Steering Group were fourfold: -

- i. to comply with the original intention to evaluate the implementation of the 2019 Review arrangements;
- ii. to consider the recommendations and actions arising from the September 2022 internal audit report 'Review of Local Democracy' **Appendix 4**;
- iii. to respond to the May 2023 Member Survey which supported a review of committee arrangements; and
- iv. to reflect the experience of Members elected for the first time in May 2022.

## 5. Steering Group Proposals

5.1 The Steering Group met on 2 August 2023. The focus was on those Standing Orders which required revision and the recommended updates are summarised below and detailed in **Appendix 2** of this report.

### 5.2 SO1 Order of Business

The Steering Group suggested that Council be presented with 3 options on when Notices of Motion should be taken on the Council agenda, with a recommendation in favour of Option 2. The options are: -

Option 1 – Following Questions at 14:00 (current)

Option 2 – At the end of the agenda

Option 3 – At another time to be agreed

Note: Option 2 – this would be at the conclusion of all scheduled business, including any private items.

### 5.3 SO12 Motions

#### 5.3.1 Para 8 – Resubmitting Motions

The Steering Group proposed that where Notices of Motions are not debated due to being timed out, they should not automatically be referred to the next meeting of the Council. Instead, such motions (if the Member is so minded) should be re-submitted in the usual way in terms of SO12 Para 1.

#### 5.3.2 Para 10 – Financial Implications

The Steering Group were of the view that the existing rules around Notices of Motion with financial implications were inefficient. It was proposed that a financial assessment should accompany the Notice of Motion at the outset and therefore avoid referral to Corporate Resources Committee and then back to Council.

### 5.4 SO19 Standing to Address the Chair

In recognition that Members are not always able to stand when addressing the Chair, the Steering Group suggested that SO19 be amended accordingly.

### 5.5 SO20 – Points of Order

The Steering Group agreed that it was sometimes difficult during a fast-moving debate for Members to reference a specific Standing Order when they raise a Point of Order. It is therefore recommended that Members need only provide a reason for raising the Point of Order.

5.6 The Steering Group also proposed that paragraph numbering be added to Standing Orders and that a definitions section and guidance notes for more complex matters be included e.g., Procedural Motions, Declarations of Interest. This will be developed following the Council's decision on the proposed changes.

## 6. Proposals for Planning Committees

6.1 The proposals in **Appendix 3** seek to clarify that where Non-Members are given the opportunity to speak by the Chair in a Planning Committee, they may only do so in relation to applications within the Ward to which they are elected to represent. The proposals further clarify that all Members must restrict their speech to their own

assessment of the planning merits of an application and cannot make representations on behalf of 3<sup>rd</sup> parties.

## 7. **Next Steps**

- 7.1 Subject to Member approval, officers will update Standing Orders in line with Sections 5 and 6 and **Appendices 2 and 3** of this report.
- 7.2 The scheduled September 2023 meeting of the Steering Group was postponed and will be rearranged for a future date. In preparation for the next meeting, officers will engage in preliminary discussions with Area Committee Chairs to discuss Area Committee structure in general and more particularly with those committees that have already indicated an interest in reviewing their current composition.
- 7.3 The next meeting of the Steering Group will consider the remainder of the terms of reference **Appendix 1** and bring recommendations to a future meeting of the Council.

Designation: ECO Performance & Governance

Date: 10 October 2023

Author: Paul Nevin, Karen Lyons

Appendices: Appendix 1 – Terms of Reference

Appendix 2 – Proposed revision of standing orders- Steering Group

Appendix 3 - Proposed revision of standing orders - Planning

Appendix 4 - Internal Audit Report - 'Review of Local Democracy'

## GOVERNANCE REVIEW STEERING GROUP

### Terms of Reference

#### Purpose

To Review the current arrangements for managing the business of the Council and to present options for improvement to the Council for approval.

#### Remit

1. Democratic Structures
  - a. Role, remits, number, membership, and frequency of Strategic Committees
  - b. Role, remits, number, membership, and frequency of Local Committees
  - c. Role, remits and number of Sub Committees, Working Groups, Panels, and other meetings that require formal officer support
  - d. Conduct of Council and Committee Business – Standing Orders
2. Supporting members
  - a. Reports - templates, length, volume accessibility & alternatives to reports
  - b. Hybrid arrangements/protocols/webcasting etc.
  - c. Chairs' introduction – Code of Conduct, webcasting, protocols, etc.
3. Resourcing and Capacity Implications
  - a. Financial
  - b. Staffing
  - c. Organisational

#### Working Methods

- Initially the Steering Group will meet once in August (focus on Standing Orders) and once in September 2023 (focus on Scheme of Delegation & remainder of remit) to consider improvement options, having regard to the existing internal audit report "Review of Local Democracy" and arrangements elsewhere to compare/benchmark/identify best practice.
- A report will be brought to Council on 26 October 2023 which will coincide with the annual review of the Standing Orders and the Scheme of Delegation.
- The Steering Group will then reconvene annually to review the operation of the Council's Governance arrangements to inform the annual review of Standing Orders and the Scheme of Delegation.

#### Membership

- The Steering Group will comprise 10 elected members selected based on political balance: 3 Independent, 3 SNP, 2 Scottish Conservative & Unionist and 2 Scottish Liberal Democrat
- Officer support – Paul Nevin, Stewart Fraser & Jane MacLennan
- Admin Support – Kirsty Smailes

**SO1 – Ordinary Meetings of the Council (section)**

Existing

The business of the Council at ordinary meetings shall normally proceed in the following order following Time for Prayer and Reflection.

1. Recording of Members' Attendance and apologies intimated.
2. Declarations of Interest.
3. Minutes of the immediately preceding meeting and of any intervening special meeting.
4. Minutes of Headquarters Committees and City/Area Committees (including any Notices of Amendment under Standing Order 13 which will be dealt with on submission of the Minutes to which they refer).
5. Policy Items including, at 2pm, Questions and Notices of Motion.
6. Procedural, statutory and business type items.

Proposed

1. Recording of Members' Attendance and apologies intimated.
2. Declarations of Interest.
3. Minutes of the immediately preceding meeting and of any intervening special meeting.
4. Minutes of Headquarters Committees and City/Area Committees (including any Notices of Amendment under Standing Order 13 which will be dealt with on submission of the Minutes to which they refer).
5. Policy Items including, at 2pm, Questions and Notices of Motion.
6. Procedural, statutory and business type items.
7. Notices of Motion.

**SO12 Para 8 – Notice of Motions - priority**

Existing

If a Notice of Motion is not reached, it will be referred to the next meeting of the Council (or Committee) at the request of the original proposer and will be given priority in terms of the order of Motions to be taken forward to the meeting.

Proposed

If a Notice of Motion is not reached, it will require to be re-submitted in terms of paragraph 1 of this standing order.

(Note SO12 Para 1 reads – 'A relevant and competent Notice of Motion for submission to a future meeting of the Council (or Area Committee) will be in writing, signed by the Member of the Council giving the Notice and counter-signed by 1 other Member (entitled to exercise a deliberative vote in respect of the Motion) and sent to the Head of Legal and Governance. (Only individual emails from Members and/or individual written signatures will be accepted in each case).'

## **SO12 Para 10 – Notice of Motions – financial implications**

Existing

Where relevant, Notices of Motion and Starred Items coming before Council (and Notices of Motion coming before Area Committees) for consideration shall be accompanied with a factual assessment completed by the "Chief Financial Officer" being the person designated by the Council for the purpose of Section 95 of the 1973 Act identifying whether there are financial implications arising from adopting the Motion/Starred Item. If financial implications have been identified, the proposal will be referred to the next meeting of the Corporate Resources Committee for a full assessment and referral back to the next Council.

Proposed

Where Notices of Motion or Starred Items coming before Council (and Notices of Motion coming before Area Committees) **have financial implications they must be accompanied by a financial assessment completed by the 'Proper Officer' appointed in terms of Section 95 of the 1973 Act. Members must provide sufficient notice to facilitate completion of the financial assessment. If no financial assessment has been carried out, then the Motion will be tabled but not debated.**

## **SO19 Para 1 – Standing to Address Chair**

Existing

A Member wishing to speak will attract the Convener/Chair's attention by raising their hand and when called upon will rise in their place to address the Chair. The Member will direct their speech strictly to the matter under discussion or to the Motion or Amendment to be proposed or seconded or to a question of order.

Proposed

A Member wishing to speak will attract the Convener/Chair's attention by raising their hand and when called upon will rise in their place, **if they are able**, to address the Chair. The Member will direct their speech strictly to the matter under discussion or to the Motion or Amendment to be proposed or seconded or to a question of order.

## **SO20 Para 2 – Points of Order**

Existing

During discussion, a Member may raise a point of order or, with the sanction of the Convener/Chair, provide an explanation relating to the item under discussion at that time. In doing so, reference should be made to the specific Standing Order in question.

Proposed

During discussion, a Member may raise a point of order or, with the sanction of the Convener/Chair, provide an explanation relating to the item under discussion at that time. In doing so, reference should be made to ~~the specific Standing Order in question~~ **the reason for raising the point of order.**

## Proposals in relation to planning committees

### SO 4 Paras 1-4 - Non-Members of Committee/Substitute Members

#### Existing

Non-Members of Committees and Sub Committees can attend meetings and may be given the opportunity to speak (but, with the exception of Substitute Members not vote) at the discretion of the Chair.

With specific reference to Planning Applications Committees, Local Members may only speak to express their own assessment of the planning merits of an application. Speaking rights cannot be used to make representations on behalf of constituents or other parties.

For Planning Application Committees, 1 Substitute Member can be nominated from each Ward to provide cover in the event that a Substantive Member is unable to attend or a vacancy exists for that Ward.

Notification of the attendance of a Substitute Member must be given to the Head of Legal and Governance at least 3 working days in advance of the meeting date.

#### Proposed

Non-Members of Committees and Sub Committees can attend meetings and may be given the opportunity to speak (but, with the exception of Substitute Members not vote) at the discretion of the Chair.

With specific reference to Planning Applications Committees: *[Note – it is proposed that an amended version of the following words that have been struck through are better placed as a final paragraph to SO 19 - Speeches]* ~~Local Members may only speak to express their own assessment of the planning merits of an application. Speaking rights cannot be used to make representations on behalf of constituents or other parties.~~

**(i) Non-Members may only speak in respect of applications within their Ward. See also Standing Order 19 regarding Speeches; and**

**(ii) 1 Substitute Member can be nominated from each Ward to provide cover in the event that a Substantive Member is unable to attend, or a vacancy exists for that Ward. Notification of the attendance of a Substitute Member must be given to the Head of Legal and Governance at least 3 working days in advance of the meeting date.**

### SO 19 new Para 7 – Speeches

#### Proposed

With specific reference to Planning Applications Committees, all Members, Substitutes and Non-Members may only speak to express their own assessment of the planning merits of an application. Speaking rights cannot be used to make representations on behalf of constituents or other parties.

## AGENDA ITEM 6.6



### Internal Audit Final Report

Performance and Governance

Review of Local Democracy

Description	Priority	No.
Major issues that managers need to address as a matter of urgency.	High	0
Important issues that managers should address and will benefit the Organisation if implemented.	Medium	4
Minor issues that are not critical but managers should address.	Low	3

#### Distribution:

Executive Chief Officer for Performance and Governance  
Executive Chief Officer for Communities and Place  
Head of Corporate Governance, Performance and Governance  
Head of Community Support and Engagement, Communities and Place

#### Audit Opinion

The opinion is based upon, and limited to, the work performed in respect of the subject under review. Internal Audit cannot provide total assurance that control weaknesses or irregularities do not exist. It is the opinion that **Reasonable Assurance** can be given in that whilst the system is broadly reliable, areas of weakness have been identified which put some of the system objectives at risk, and/or there is evidence that the level of non-compliance with some of the controls that put some of the system objectives at risk.

**Report Ref:** HPG01/001  
**Draft Date:** 03/03/2022  
**Re-Draft Date:** 29/06/2022  
**Final Date:** 17/08/2022

## 1. Introduction

- 1.1 The objective of the audit was to ensure that the Council's Area Committees function effectively in accordance with good governance principles and best practice. The audit specifically considered: the number, functions and responsibilities of Area Committees; and the resources and costs associated with Area Committee decision making.
- 1.2 The scope of the review involved an assessment of the Area Committees to ensure that they were operating in accordance with the Council's constitution (Standing Orders and Scheme of Delegation). Additionally, best practice was identified through a comparison of the activities of each Area Committee and with the 5 other Scottish local authorities (Aberdeenshire, Fife, South Lanarkshire, Dumfries & Galloway and Argyll & Bute) that operate local committees.
- 1.3 The audit covered the period 2020/21 and 2021/22 and the Area Committees that were in place at 31 August 2021, namely:

Area Committee	First Meeting	Wards	Members
Badenoch & Strathspey	23/02/2016	1	4
Black Isle	05/08/2021	1	3
Caithness	13/01/2016	2	8
Dingwall & Seaforth	16/08/2021	1	4
Easter Ross	20/02/2020	2	7
City of Inverness	03/06/2013	7	23
Isle of Skye & Raasay	29/02/2016	1	4
Lochaber	26/08/2013	2	7
Nairnshire	27/01/2016	1	4
Sutherland	09/02/2016	2	6
Wester Ross, Strathpeffer & Lochalsh	11/02/2020	1	4

## 2. Main Findings

- 2.1 *Number, functions and responsibilities of Area Committees*

The audit objective was partially achieved. 6 (55%) of the Council's Area Committees are single Ward committees with comprising of 3 Members (1 Committee) or 4 Members (5 Committees). By comparison, the 5 other Scottish local authorities where there are Area Committees, each Committee covers no less than 2 wards with a minimum of 8 Members. The Council's Standing Orders require that "in the case of any Committee, Sub-Committee or other Group, the quorum will be one quarter of the Membership, subject to a minimum of 3". Even with all Members present, with the exception of the City of Inverness, 55% of the Council's Area Committees are close to quorum. For the 5 other Scottish local authorities the difference between quorum and Membership ranged between 4-11 which demonstrates that the Council is out of step when benchmarked against the others.

There are risks associated with small Area Committees, particularly so where it is 1 ward including:

- Difficulty in achieving a quorum, often the absence of a single Member results in this occurring. Consequently, meetings have been cancelled at short notice and required to be rescheduled;
- Decisions could not be taken by the Committee due to Member declarations meaning the meeting was inquorate and items then being referred to the Full Council;
- Members are closely connected to their communities and Area Committees which are just quorate can leave Members exposed where there is disagreement on local matters;
- There is scope for confusion both for Members and the general public as to the difference between Ward Business Meetings (which are held in private for the purpose of local discussion and have no decision-making powers) and Area Committees; and
- There are resource implications which is discussed further at section 2.2.

The Standards Commission has recently revised and updated the Councillors' Code of Conduct. The associated advice notes have introduced more stringent requirements for declarations of interest which has already impacted on quorate numbers (See

Action Plan Reference: M1). As many Members live in their local communities and serve on community bodies such declarations are likely to become more common place. Presently, due to the small size of local committees, the only option is to refer such decisions to the Strategic Committee or Council, removing the ability to make local decisions.

The Council’s Scheme of Delegation outlines up to 68 powers (12 general and 56 specific) for the 10 Area Committees and the City of Inverness Area Committee. The Council’s local committees have the greatest number of powers when compared to the 5 other Scottish local authorities. The reports presented to the Area Committees during the review period (over the COVID period) were mapped against the scheme of delegation specific powers (see Appendix 1), which can be summarised as:

Specific Powers	No.	Used		Useable	
		Yes	No	Yes	No
Corporate	8	1	7	4	4
Finance	4	4	0	4	0
Communities & Place	16	4	12	14	2
Housing & Property	7	6	1	6	1
Economy & Infrastructure	14	10	4	13	1
Education	7	4	3	7	0
<b>Total</b>	<b>56</b>	<b>29</b>	<b>27</b>	<b>48</b>	<b>8</b>

Management stated that 48 (out of 56) powers could be exercised if needed, with 29 having been used. (See Action Plan Reference: M2)

Area Committees unlike the City of Inverness Area Committee do not have the specific Scheme of Delegation power 2.8: *“To allocate and monitor expenditure from any agreed and delegated localised funds 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)”*. (See Action Plan Reference: M3)

The review identified 5 occasions where the business of the Area Committee was discussed at the Ward Business Meetings and not subsequently reported to the next Area Committee for approval or for information. 1 (garage rent increase) was an error. The remaining items were winter maintenance plans which were not reported because there were no changes to the previously agreed plans. However, this was inconsistent with other Areas where these plans, which also required no changes, were submitted to the Area Committee for approval at the request of members. (See Action Plan Reference: L1)

## 2.2 Resources and costs associated with Area Committee decision making

The audit objective was partially achieved. On average 7 Members attended Area Committee meetings with an average of 8 officers also in attendance. By comparison for the 5 other Scottish local authorities more Members than officers attended local meetings (range 1.1 to 9.5 more Members than officers). As the review period covered the pandemic this allowed more Highland Council officers than usual to attend remotely. In the future, officer attendance may depend on whether committees are in person, virtual or a hybrid. This is because: i) the geography of the Highland area, the distances required to travel and the need to reduce our carbon footprint; and (ii) as some managers cover more than one Area Committee and more than one committee takes place on the same day.

The officers who were the authors of the most frequent reports to Area Committees were contacted to establish the time taken to prepare a single report. 6 of the 8 officers provided a response of the time taken and their hourly rates were used to calculate the costs involved which was then averaged. There are normally 4 scheduled meetings per annum with an average of 5.5 items resulting in an estimated annual cost of £180,506. However, the total cost will be higher as it does not include all officers who have provided reports to Committee, does not include the time travelling to and attending meetings, and does not account for any special meetings held outside the normal Committee timetable.

A similar exercise was undertaken for the Committee Clerks and Ward Managers. The annual costs were estimated as £27,569 and £79,500 respectively. (See Action Plan Reference: M4)

The Head of Community Support and Engagement provided a time analysis for 3 meetings of a typical Area Committee, which estimated that an average of 78.6 hours was required to prepare, support and attend a meeting. The estimated cost of this time analysis equates to £113,520 per annum.

Analysis of the 386 agenda items presented to the 70 Area Committee meetings showed that less than half (176) were for decision and the remaining 210 for information or scrutiny only. The latter included: Police/Fire performance (54), where scrutiny is currently delegated to each Area Committee for them to fulfil the terms of the Police and Fire Reform Act; Housing performance (35); Education overview (28); and Community Presentations (26). (See Action Plan Reference: L2)

For 1 Area Committee the roads capital programme was not fully approved until August 2021, which may have risked the delivery of the programme, the attainment of best value and led to revenue budget pressures. On this occasion the unusually mild autumn weather allowed for the timely completion of this programme. (See Action Plan Reference: L3)

### **3. Conclusion**

- 3.1 The effective operation of Area Committees is key to the Council's commitment to local decision making but the audit review has identified that there is scope for improvement. This includes the need to review the Scheme of Delegation to reflect the actual remit of the Area Committees. There are challenges and risks associated with making democracy too local and particularly the functioning of single Ward Area Committees, which include the financial and non-financial costs of officers who are required to attend. The delivery of Effective Governance in Local Decision Making is recognised as a Corporate Risk(link: [Corporate Risk CR5](#)). Management should work with Members in order to address the identified risks and the issues from this report in order to ensure that local democracy is working as effectively as possible and can demonstrate Best Value.

#### 4. Action Plan

Ref	Priority	Finding	Recommendation	Management Response	Implementation	
					Responsible Officer	Target Date
M1	Medium	<p>Comparisons were made between the Highland Council and other Scottish Councils that have Area Committees. This showed that only Highland has Committees comprising of single wards and has significantly less members. Aberdeenshire Council has a similar number of councillors (70) and wards (19) to the Highland Council but operates with 6 local committees comprising of 10 - 15 Members and having a quorum of 3 or 4.</p> <p>There are a number of risks associated with operating small Area Committees including inability to achieve quorum and make decisions as a result of members declaring conflicts of interest requiring them to leave meetings.</p>	<p>Management should in accordance with the Council motion on improving local democracy continue to highlight the risks that the operation of 3 and 4- Member Area Committees has upon effective governance in local decision making (<a href="#">Corporate Risk: CR5</a>) and propose to Council that the amalgamation of some Area Committees is an option to mitigate these risks.</p>	<p>Options for taking forward the motion on improving local democracy agreed in December 2021, will be considered by the new Council. This will include the governance structures in place at a local level and the options to mitigate the risks of the current structures highlighted by the audit.</p>	Depute Chief Executive	31/03/2023
M2	Medium	<p>Part III of the Council's Scheme of Delegation outlines 62 and 66 powers respectively for the 10 Local Area Committees and the City of Inverness Committee. The powers are the greatest number when compared to the 5 other Scottish local authorities that operate Area Committees (Aberdeenshire: 50; Dumfries &amp; Galloway: 10; Fife: 27; Argyll &amp; Bute: 15; South Lanarkshire 10).</p>	<p>The powers listed within the Scheme of Delegation should be reviewed to ensure that these reflect the actual workings of the Area/ City Committees. It is recommended that these are then split to show those that will be exercised routinely and those that apply as and when required.</p>	<p>The list of powers will be reviewed during the next Scheme of Delegation review.</p> <p>A standing item on Area Business Meetings will be Area Committee agendas to enable Members to highlight what they may wish to come forward for consideration at Committee.</p>	<p>Head of Corporate Governance</p> <p>Head of Community Support and Engagement</p>	<p>31/10/2023</p> <p>Ongoing</p>

Ref	Priority	Finding	Recommendation	Management Response	Implementation	
					Responsible Officer	Target Date
		A number of the powers listed are unlikely to ever be needed and others are there if required.				
M3	Medium	Area Committees (not City of Inverness Area Committee) are making Finance decisions in relation to Ward discretionary COVID Funds, Town Centre Funds, Place Based Investment Funds. However, they do not have these powers within the Scheme of Delegation. Instead, the Area Committees were permitted to allocate ward discretionary COVID funds by a decision of Council on 17/12/20 and also to allocate the Place Based Investment Fund by Council (Budget) on 04/03/21.	Management should amend the Local Area Committee Scheme of Delegation to include a power covering localised funds and ward discretionary grants then present to Council for approval.	This is an administrative oversight and will be actioned at the earliest opportunity during the next Scheme of Delegation review in October 2022.	Head of Corporate Governance	31/10/2022
M4	Medium	There are significant costs associated with officer time preparing reports for Area Committees. The review period was during Covid-19 when meetings were held online meaning that these costs are lower as they do not include travel and also allowed greater officer flexibility for attendance that will not be possible for face-to-face meetings.	Management should work with Members to identify an appropriate and sustainable model for supporting local democracy.	Options for taking forward the motion on improving local democracy agreed in December 2021, will be considered by the new Council. This will include the governance structure in place at a local level and the resource implications.  All Area Committee will either continue to be held virtually or a hybrid model adopted to enable officers to attend remotely to reduce costs, reduce the carbon footprint and enable management of area committees taking place on the same day.	Depute Chief Executive  Head of Corporate Governance	31/03/2023  Ongoing

Ref	Priority	Finding	Recommendation	Management Response	Implementation	
					Responsible Officer	Target Date
L1	Low	A review of the Ward Business Meeting Action Notes identified that the setting of rents for local garages in Wards 1 & 4 was wrongly approved there on 15/3/21 rather than the Area Committee.	Management should clarify with Members what business can be discussed at ward business meetings and what business must be determined or ratified at the appropriate Area Committee meeting to comply with the Council's governance arrangements.	Over 99% of decisions were taken in the appropriate forum representing strong transparency in local decision making.  The Members' induction programme – both strategic and local – included where decisions of the Council are made and the purpose of Area Business meetings.	Head of Community Support and Engagement	Complete
L2	Low	During the period examined 46% of the agenda items were for decision with the remaining 54% for information and scrutiny only.	Management should consider whether there are more effective ways for the Council and its Members to receive service information and to scrutinise service performance.	Officers will work with Members in Area Business Meetings to identify appropriate items for Area Committees, noting that a key role for Members is scrutinising service performance.	Head of Community Support and Engagement	Ongoing
L3	Low	Two specific services areas – Area Roads and HRA: Housing – are primarily officer led collective procurements that are subject to Member approval. For 1 Area Committee the full approval of the roads capital programme was delayed (from 17/2/2021 to 12/8/21), which may have risked the delivery of the programme, attainment of best value and further revenue budget pressures.	Management should consider the effectiveness of pre-meeting consultation to ensure that annual work programmes are promptly agreed within the Area Committee meeting timetable.	Unless in exceptional circumstances, Services will present work programmes for agreement in the preceding year for implementation the following year.	Service Managers	Ongoing

**Analysis of Scheme of Delegation Powers Used by Area Committees**

The information below details the number of reports presented to Area Committee (Inverness City and Area or the Local Area Committees) together with the associated delegated powers that have been used. In some cases, there are differences in the powers delegated to the Inverness City and Area, and the other Local Area Committees, these are shown in italics below and an “x” is shown to denote that this power is not applicable. A “g” is shown where a general power may also have been also have used in addition to a specific power and an “n” indicates those powers that are not expected to be routinely used. In addition, a summary of the total number of other reports are shown at the bottom of the table to provide the complete picture of business items.

Local Committee Decision as per Scheme		April 2020 to November 2021											
		Totals by power	Badenoch	Black Isle	Caithness	City of Inverness	Dingwall	Easter Ross	Isle of Skye	Lochaber	Nairnshire	Sutherland	Wester Ross
<b>1.</b>	<b>General Powers</b>												
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. <i>(Provost and Depute Provost for CIAC)</i>	<b>1</b>	x	x	x	1	x	x	x	x	x	x	x
1.2	To work with partners to achieve the effective promotion and future prosperity of the <i>(City/)</i> Area, facilitating opportunities for inward investment, regeneration and economic development of the <i>(City/)</i> Area. <i>This includes the realisation of the "Inverness City Vision".</i>	<b>6</b>	g	g	g	g	g	g	3	1	g	1	1
1.3	To develop appropriate connections with, and ensure Council support for, the local community planning partnership for the area covered by the Local Committee. <i>To develop appropriate connections with, and ensure Council support for, the local Community Partnership for the area</i>	<b>9</b>	g	g	g	g	g	g	g	g	g	g	g
1.4	To ensure implementation of the Council’s place-based approach to service design and delivery, involvement and participation to localism and place planning as it relates to the locality. <i>To ensure implementation of the Council’s approach to localism and place planning as it relates to the City/Area.</i>	<b>36</b>	5	1	4	g	1	6	4	6	4	2	3
1.5	To scrutinise and monitor the local delivery of Council services, within approved resources and strategy.	<b>9</b>	g	g	g	g	g	g	g	g	g	g	g
1.6	To scrutinise the performance of, and engage with, Police Scotland and the Scottish Fire and Rescue Service.	<b>54</b>	5	2	6	5	2	7	5	7	5	5	5
1.7	To monitor the delivery of Council Capital Projects within the <i>(City/Area)</i> local area, as agreed within the Council’s Capital Programme.	<b>9</b>	g	g	g	g	g	g	g	g	g	g	g
1.8	To approve delegated local functions e.g. Road Traffic Orders; Road Construction Consents; and Upholding Access Rights such as Notices applying to various sections of Part 1 of the Land Reform (Scotland) Act 2003.	<b>9</b>	g	g	g	g	g	g	g	g	g	g	g

1.9	To champion local initiatives which promote and support the traditional languages, heritage and culture of the Highlands.	4	1	g	2	1	g	g	g	g	g	g	g
1.10	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. In the case of Local Access Forums, only where multiple nominations or appointments are necessary.	2	g	g	1	g	g	g	g	g	g	g	1
1.11	To agree methods and approaches for local community engagement and participation in relation to Council business in the locality ( <i>in relation to City/Area business</i> ).	1	g	g	1	g	g	g	g	g	g	g	g
1.12	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 and the Council's Financial Regulations.	g	g	g	g	g	g	g	g	g	g	g	g
<b>2.</b>	<b>Specific Powers:</b>												
	<b>Corporate, cross service and civic powers</b>												
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. ( <i>City/Area</i> )	0	0	0	0	0	0	0	0	0	0	0	0
2.2	To agree any Bye-Laws and Management Rules etc. and their amendment or review.	n	n	n	n	n	n	n	n	n	n	n	n
2.3	To recommend to Council any proposals for Business Improvement Districts.	n	n	n	n	n	n	n	n	n	n	n	n
2.4	To ensure productive relations with Community Councils within the locality and to agree any Community Council boundary changes.	n	n	n	n	n	n	n	n	n	n	n	n
2.5	To support local youth forums and to promote the engagement of young people in local democracy.	0	0	0	0	0	0	0	0	0	0	0	0
2.6	To facilitate and, where appropriate, make arrangements in relation to Town Twinning and ceremonial matters.	0	0	0	0	0	0	0	0	0	0	0	0
2.7	To consider reports from external groups or bodies. To invite groups or local bodies to address the local committee on matters relevant to the local committee. To develop productive working relations with local community bodies in public service delivery.	26	5	1	4	3	1	2	3	2	1	2	2
2.8	For the Local Committee to consider how to adopt a participatory budgeting approach in order to support the greater involvement of communities in informing service design, delivery, priority setting and, where appropriate, deploying resources. NOT CITY	n	n	n	n	x	n	n	n	n	n	n	n
	<b>Finance Services</b>												
2.8	To allocate and monitor expenditure from any agreed and delegated localised funds 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). CITY ONLY	5	x	x	x	5	x	x	x	x	x	x	x
2.9	To oversee the management of any Common Good Fund (CGF) assets for the locality ... more than 10% of the value of the CGF is reserved for Highland Council following consideration by the Area Committee. To oversee the management of any Common Good Fund (CGF) assets for the locality by: scrutinising CGF budget monitoring; approving costs, project costs and grant applications for any local CGF as required up to 10% of the value of the CGF; and to purchase and dispose of Common Good Trust assets up to 10% of the value of the CGF. (For the avoidance of doubt, award of grant, project costs, grants and 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). 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.	45	2	2	2	13	2	12	0	0	7	5	0

2.10	To receive annual reports on the following companies, including financial reports and accounts – Inverness Business Improvement District Ltd, Inverness City Heritage Trust and Loch Ness and Inverness Tourism Business Improvement District Ltd CITY ONLY	2	x	x	x	2	x	x	x	x	x	x	
2.10	To allocate Crown Estate revenue to local projects and initiatives according to the criteria determined by the Economy and Infrastructure Committee. NOT CITY	13	0	1	1	x	1	1	2	2	1	1	2
2.11	From the resources that are agreed to be delegated to the City and Area Committee, for the Committee to agree which resources are to be allocated through participatory budgeting and the methods to use. CITY ONLY	n	x	x	x	n	x	x	x	x	x	x	
<b>Communities and Place</b>													
2.11	To agree local priorities within area operational budgets for Community Services, taking account of statutory requirements and Council policy and priorities.	1	0	0	0	0	0	1	0	0	0	0	0
2.12	To agree variations within local budgets between individual functional areas to meet local priorities as specified below.	0	0	0	0	0	0	0	0	0	0	0	0
2.14	To agree whether and to what extent non-statutory functions are delivered locally, and how these are funded within local budgets. CITY ONLY	0	x	x	x	0	x	x	x	x	x	x	x
2.15	To recommend local service delivery arrangements, including whether particular services should be delivered by communities, by in-house staff or through local procurement, for consideration by the Communities and Place Committee in terms of the Council's overall legal duties relating to procurement. CITY ONLY	0	x	x	x	0	x	x	x	x	x	x	x
2.13	To set and scrutinise local performance standards and monitor expenditure against local Communities and Place budgets.	0	0	0	0	0	0	0	0	0	0	0	0
2.14	To decide whether to have public toilets / Highland Comfort Scheme provision and, where they are provided, to adjust the opening times and seasons for toilets within overall local budget.	0	0	0	0	0	0	0	0	0	0	0	0
2.15	To approve new Highland Comfort Scheme providers according to Council policy and within the overall local budget.	0	0	0	0	0	0	0	0	0	0	0	0
2.16	To approve local priorities for grounds maintenance in accordance with overall Council policy, and to increase or reduce the local service within the overall local budget, in accordance with the Council's policies on grounds maintenance, legislation and good practice guidance.	0	0	0	0	0	0	0	0	0	0	0	0
2.17	To approve local priorities for play areas in accordance with overall Council policy and to increase or reduce the local service within the overall local budget or other local resources, in accordance with the Council's policies on play areas, legislation, health and safety and good practice guidance. NOT CITY	0	0	0	0	x	0	0	0	0	0	0	0
2.18	Duplication of 2.17 above												
2.19	To agree local priorities for street cleansing in accordance with legislation and Council policy and within the overall local budget.	0	0	0	0	0	0	0	0	0	0	0	0
2.20	To approve local initiatives to encourage waste minimisation, reduce litter and increase recycling within the strategy and budget agreed by Community Services Committee.	0	0	0	0	0	0	0	0	0	0	0	0

2.21	To approve Community Asset Transfers – by lease or sale - where the market value of the asset is between £10k and £100k. To align with the review process, including the ability of Community Bodies to appeal a Council decision to the Scottish Government, where the Local Committee’s decision is contrary to officer recommendations, the decision will be referred to the strategic committee. All Common Good assets, regardless of value, will be considered at the relevant Local Committee, subject to paragraph 2.9. • Where Council assets to transfer - by lease or ownership - are valued below £10k or the lease is less than 10% of the market sale value, this will be delegated to Officers, in consultation with Ward Members, and those valued above £100k will be delegated to the Strategic Committee.	4	2	0	0	0	0	0	1	0	0	1	0
2.22	To decide any changes in the arrangements for individual War Memorials. NOT CITY	0	0	0	0	x	0	0	0	0	0	0	0
2.23	To scrutinise an annual report on burial grounds in the locality. NOT CITY	1	0	0	0	x	0	0	1	0	0	0	0
2.24	To scrutinise an annual report on Environmental Health activity in the locality NOT CITY	1	0	0	0	x	0	0	1	0	0	0	0
2.25	To agree the naming of buildings within the Council’s control.	n	n	n	n	n	n	n	n	n	n	n	n
2.26	In accordance with the revised procedure for street naming, where no agreement between local Members and Community Councils can be reached, a decision on street naming will be made by the local committee.	n	n	n	n	n	n	n	n	n	n	n	n
<b>Housing and Property</b>													
2.27	To engage with tenants on local housing service standards and priorities and on enabling tenants to have a meaningful input to monitoring service quality.	1	0	0	0	0	0	0	0	1	0	0	0
2.28	Declare individual land and property held on the HRA surplus and available for disposal	1	0	0	0	0	0	1	0	0	0	0	0
2.29	Set rents for local HRA garages	7	1	0	1	1	0	1	1	1	1	0	0
2.30	To scrutinise housing service quality, cost and performance and taking into account tenant feedback.	35	5	1	3	3	2	4	2	3	5	2	5
2.31	To agree local priorities for housing capital and planned maintenance expenditure in line with overall Council priorities and within the local budget.	15	1	1	1	1	2	1	1	3	1	1	2
2.32	To agree the naming of buildings within the Council’s control.	n	n	n	n	n	n	n	n	n	n	n	n
<b>Economy and Infrastructure</b>													
2.33	To approve maintenance programmes for roads and bridges; approve surfacing and surface dressing schemes within the overall local budget; and to increase or reduce the local service within the overall local budget, in accordance with the Council’s road maintenance policies, legislation and good practice guidance.	26	3	1	1	2	1	3	4	4	2	2	3
2.34	To prioritise between the various reactive and planned cyclic road and bridge maintenance activities in accordance with Council Policy and the national Code of Practice (CoPHMM).	0	0	0	0	0	0	0	0	0	0	0	0
2.35	To monitor the local delivery of the transport strategy and local community transport schemes.	7	0	0	0	4	0	0	0	3	0	0	0
2.36	To promote Road Traffic Orders, where there are statutory objections.	7	0	0	0	4	1	0	0	0	0	2	0
2.37	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.	1	0	0	0	0	0	0	0	1	0	0	0
2.38	To approve the local winter road maintenance service in accordance with the Council’s overall Winter Maintenance Policy and to increase or reduce the local service within the overall local budget, in accordance with the Council’s overall Winter Maintenance Policy.	9	1	1	0	1	1	1	0	2	1	0	1

2.39	To approve any changes to local Parking Services, including introducing and varying charges, commissioning new car park provision and increasing or reducing the local service – all in accordance with the Council’s Parking Policy, approach to engagement and the disaggregated budget for car parking.	<b>4</b>	0	0	1	2	0	0	1	0	0	0	0
2.40	To approve Section 11 orders of 6 days or more for advertisement as required by Section 11(2)(b) of the Land Reform (Scotland) Act 2003 and where there are no outstanding objections to confirm such orders. Where objections are outstanding to a proposed order the area/local committee shall make a recommendation to the Economy and Infrastructure Committee.	<b>n</b>	n	n	n	n	n	n	n	n	n	n	n
2.41	In accordance with the Council’s Parking Policy, agree the prioritisation of spend of the local allocation of income generated as a result of car parking charges.	<b>0</b>	0	0	0	0	0	0	0	0	0	0	0
2.42	To monitor the status of construction projects and environmental works in the agreed Capital and maintenance programmes.	<b>6</b>	0	0	0	2	1	1	1	1	0	0	0
2.43	To prepare, monitor and review for the Council any place-specific Local Development Plans (and associated Action Programmes), Supplementary Guidance and other land use, transportation and environmental policies and guidance applicable to their geographic area, in accordance with the Development Plans Scheme, with adoption of such Local Development Plans being reserved to full Council. (Within the parts of Badenoch and Strathspey Area covered by the Cairngorms National Park Authority, responsibilities for the preparation of such documents are reserved to that authority. NOT CITY)	<b>15</b>	0	1	4	3	1	3	0	0	1	0	2
2.44	To review the Core Path Plan and approve amended and/or modified plans for public consultation. Adopt core path changes into the plan where there are no objections, to recommend modifications or to accept Scottish Government recommendations following a PLI. To make recommendations to the Economy and Infrastructure Committee where there are outstanding objections to an amended or modified amended core path plan.	<b>3</b>	1	0	0	0	0	0	0	1	0	0	1
2.45	To identify property which is non-operational or which may be declared surplus to requirements for referral to Asset Management Project Board.	<b>0</b>	0	0	0	0	0	0	0	0	0	0	0
2.46	To approve local Safer Routes to Schools projects within the strategy and budget agreed by Economy and Infrastructure Committee.	<b>2</b>	0	0	0	1	0	0	0	1	0	0	0
<b>Education</b>													
2.47	To monitor the local delivery and outcomes linked to the National Improvement framework in line with local school improvement plans and standards and quality annual reports, including performance of schools within the locality. NOT CITY	<b>27</b>	1	0	6	x	0	1	3	4	1	5	6
2.48	To scrutinise secondary school leavers data within the locality and in relation to:- <ul style="list-style-type: none"> <li>• Percentage of leavers attaining literacy;</li> <li>• Percentage of leavers attaining numeracy;</li> <li>• Attainment for All across the 3 cohorts (Highest 20%, Middle 60% and Lowest 20%);</li> <li>• Leaver Initial Destinations; and</li> <li>• Breadth and Depth analysis (Percentage of pupils achieving SCQF level awards) NOT CITY</li> </ul>	<b>2</b>	2	0	0	x	0	0	0	0	0	0	0
2.49	To scrutinise and monitor HMIE school inspection reports	<b>0</b>	0	0	1	0	0	0	0	0	0	0	0
2.50	To monitor and scrutinise ASG attainment over time in relation to numeracy, literacy and positive destinations. NOT CITY	<b>1</b>	0	0	0	x	0	0	0	0	0	0	0

2.51	To monitor the local delivery and outcomes from Curriculum for Excellence, including performance of schools within the City/Area. CITY ONLY	1	x	x	x	1	x	x	x	x	x	x	x
2.53	To consider an annual report on the attainment of young people from deprived backgrounds. CITY ONLY	0	x	x	x	0	x	x	x	x	x	x	x
2.54	To monitor the local delivery of the Highland Play Strategy as agreed by the Education Committee. CITY ONLY	0	x	x	x	0	x	x	x	x	x	x	x
	<b>Other</b>	<b>14</b>	0	1	0	4	1	1	2	2	1	1	2
	<b>Total items reported</b>	<b>386</b>	<b>35</b>	<b>13</b>	<b>39</b>	<b>59</b>	<b>17</b>	<b>46</b>	<b>35</b>	<b>45</b>	<b>31</b>	<b>30</b>	<b>36</b>
	<b>Total meetings between April 2020 and November 2021</b>	<b>70</b>	<b>6</b>	<b>2</b>	<b>8</b>	<b>9</b>	<b>2</b>	<b>8</b>	<b>6</b>	<b>8</b>	<b>7</b>	<b>7</b>	<b>7</b>
	Average number of items reported at city/ area local committee	5.5	5.8	6.5	4.9	6.6	8.5	5.8	5.8	5.6	4.4	4.3	5.1