Richard Marsh

This briefing provides an overview of the decision making structures of local authorities in Scotland. The briefing includes the structure and role of decision making committees, recent developments in governance and four case studies of local authorities.
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EXECUTIVE SUMMARY

Each of Scotland’s 32 local authorities is governed by a council comprised of councillors elected directly by local residents, normally every four years. The elected members are headed by the Leader of the Council, usually the leader of the largest single political grouping in the council.

Councils in Scotland are autonomous bodies, independent of central government and are accountable to their electorates for the delivery of services. The services provided by local councils include education, social work, roads and transport, economic development, housing, regulatory functions, the environment, libraries, waste management, arts, culture and sport.

Traditionally, authorities have tended to operate through a structure of committees and sub-committees. The Local Government (Scotland) Act 1973 allows local authorities to devolve most decision-making to committees, sub-committees or council officers. Each council decides the most appropriate structure suited to its particular circumstances.

In recent years a number of local authorities have altered their decision-making structures, in attempts to achieve more efficient, accountable and transparent arrangements. Some councils, for example, have streamlined their committee structures, by reducing the number of service-specific committees, and instead concentrating on broader, more cross-cutting thematic areas.

Other Councils have dispensed with traditional committee structures in favour of executive structures, with responsibility for most strategic decisions delegated to an executive committee. For example, Fife Council recently adopted the executive committee structure with 20 members drawn from the 78 elected councillors. In this kind of structure, it is the role of non-executive elected members to scrutinise the executive’s activities.

The majority of committee members are drawn from elected councillors. Some committees and groups appoint unelected members to draw on external expertise, knowledge and experience. Section 124 of the Local Government (Scotland) Act 1973 requires all local authorities to appoint three persons representing churches and other religions to committees or groups either advising the council on education or discharging education functions of the council on its behalf.

There is no requirement for councils to adopt a particular political decision-making and scrutiny structure and the four case studies presented in this briefing demonstrate a diverse approach to decision making. Orkney Islands Council operates just 16 committees and groups compared to 48 in the Scottish Borders Council. Glasgow City Council maintains 21 area committees compared to just 7 area committees in Fife Council.
LOCAL GOVERNMENT ORGANISATION

Local government in Scotland consists of 32 local authorities, responsible for the provision of a range of public services. Each of the local authorities is governed by a council comprised of councillors elected directly by local residents. Local government elections are normally held every four years\(^1\) and at the last elections (2012) 1,223 council seats were contested.

The elected members are headed by the Leader of the Council, usually the leader of the largest single political grouping in the council. Additionally, each local authority elects a civic leader, the Provost or Convenor, who chairs council meetings and acts as a figurehead for the area. The Scottish Government provides an online overview of local government in Scotland.

ROLE AND FUNCTION OF LOCAL GOVERNMENT

Councils in Scotland are autonomous bodies, independent of central government and are accountable to their electorates for the delivery of services. The powers of local councils are conferred by statute and include:

- **mandatory powers** such as providing schooling for 5-16 year olds and social work services;
- **permissive powers** such as economic development, recreation services; and
- **regulatory powers** such as trading standards and environmental health and issuing licences for taxis and public houses.

The main services provided by local councils include:

- Education
- Social work
- Roads and transport
- Economic development
- Housing and the built environment
- Regulatory and licensing functions
- The environment
- Libraries
- Waste management
- Arts, culture and sport
- Other recreational and leisure services

Police and fire & rescue services were previously funded by local councils. Responsibility for funding these services transferred to the Scottish Government following the **Police and Fire Reform (Scotland) Act 2012**. **Police Scotland** and **Fire & Rescue Scotland** were established on 1 April 2013 with responsibility for policing and fire & rescue services across the whole of Scotland.

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\(^1\) The Scottish Parliament legislated to separate local government and Scottish Parliament elections by temporarily extending the terms of office of councillors elected in 2007 and 2012 from four years to five years. The electoral commission provides a summary of the 2012 council elections in Scotland.
The **Local Government in Scotland Act 2003** gave a statutory basis to partnership working between all agencies responsible for delivering public services in an area, including health boards, benefits agencies, further and higher education institutions. Local councils are responsible for facilitating the community planning approach.

**STRUCTURE AND DECISION MAKING**

**Committees**

Traditionally, authorities have tended to operate through a structure of committees and sub-committees. The **Local Government (Scotland) Act 1973** allows local authorities to devolve most decision-making to committees, sub-committees or council officers.

The full council meeting is the sovereign body of the council, where all councillors meet to debate and take the key decisions of the authority. These decisions include electing the convenor and deputy convenor, appointing councillors to all committees and panels, deciding on strategic objectives and corporate policies and setting the annual budget and council tax.

The council is headed by the Leader of the council and each local authority elects a civic leader, the Provost or Convenor. In the cities of Glasgow, Edinburgh, Aberdeen and Dundee, the Provost is known as the Lord Provost.

Local authorities in Scotland must take corporate decisions as there is no legal provision for policies being made by individual councillors. There is no requirement for councils to adopt a particular political decision-making and scrutiny structure. Each council decides the most appropriate structure suited to its particular circumstances.

The Improvement Service published an introduction to local government showing, in recent years, reviews of local democracy sponsored by the Scottish Government have prompted a number of local authorities to alter their decision-making structures. These changes have attempted to achieve more efficient, accountable and transparent arrangements. Some councils, for example, have streamlined their committee structures, by reducing the number of service-specific committees, and instead concentrating on broader, more cross-cutting thematic areas.

Other Councils have dispensed with traditional committee structures in favour of executive structures, in which responsibility for most strategic decisions is delegated to an executive committee. For example Fife Council recently adopted the executive committee structure with 20 members (including non-voting members) drawn from the 78 elected councillors. In this kind of structure, it is the role of non-executive elected members to scrutinise the executive’s activities.

**Committee members**

As outlined above the majority of committee members are drawn from elected councillors, some committees and groups appoint unelected members. For example, Section 124 of the Local Government (Scotland) Act 1973 requires all local authorities to appoint three persons representing churches and other religions to committees or groups either advising the council on education or discharging education functions of the council on its behalf.
In the chosen case studies local authorities both Fife Council and City of Glasgow Council have implemented an executive committee structure. The persons representing churches and other religions are voting members of the executive committee when the committee advises or discharges its education functions.

Scottish Borders Council operates an education committee in addition to an executive committee and the three members representing churches and other religions are members of the education committee. For Orkney Islands Council the three members representing churches and other religions are members of the education, leisure and housing committee.

Committees with responsibility for education also often appoint other non-elected members. For example, Scottish Borders Council education committee also includes two teachers and two representatives from parent councils as non-voting members.

The college management council sub-committee of Orkney Islands Council includes four representatives from the business community four representatives from the community and voluntary agencies. Glasgow City Council’s policy development committees and scrutiny committees are entitled to appoint up to four people (non-voting) to bring access to external expertise, knowledge or experience, as necessary.

CASE STUDIES

The case studies below outline the structure of a selection of local authorities and how local decisions are made. The scheme of administration published by local authorities provides the details and different functions of committees and other groups of each council and the delegation of authority to carry out the functions of the council. A short description of the councils is outlined in Table 1.

Table 1 – Case study councils

<table>
<thead>
<tr>
<th></th>
<th>Fife</th>
<th>Glasgow City</th>
<th>Orkney Islands</th>
<th>Scottish Borders</th>
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<tbody>
<tr>
<td>Population (2012)</td>
<td>366,200</td>
<td>595,100</td>
<td>21,500</td>
<td>113,700</td>
</tr>
<tr>
<td>Councillors</td>
<td>78</td>
<td>79</td>
<td>21</td>
<td>34</td>
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<tr>
<td>Governance</td>
<td>Executive Committee</td>
<td>Executive Committee</td>
<td>Full Council</td>
<td>Executive Committee</td>
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<tr>
<td>Area committees &amp; forums</td>
<td>7</td>
<td>21</td>
<td>-</td>
<td>5</td>
</tr>
<tr>
<td>Policy groups</td>
<td>6</td>
<td>5</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Other committees &amp; groups</td>
<td>11</td>
<td>18</td>
<td>16</td>
<td>43</td>
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<tr>
<td>All committees and groups*</td>
<td>24</td>
<td>44</td>
<td>16</td>
<td>48</td>
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<tr>
<td>Links to schemes</td>
<td>Committees Delegation</td>
<td>Committees Delegation</td>
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Source: General Register Office for Scotland and council schemes of administration
* Number of committees and groups cited in the scheme of administration
Fife Council

The **Fife Council Scheme of Administration** (August 2013) outlines the functions of Fife Council, committees, sub-committees, committee membership and the role of scrutiny. The **Fife Council Scheme of Delegation** (April 2013) outlines the authority and decision making delegated to the Chief Executive and Executive Directors\(^2\). For example, the Executive Director of Education & Learning can appoint head teachers (recommended by committee) and determine school placing requests.

The delegation scheme states that “...decisions should be further delegated to as close to the point of service delivery as is appropriate in the circumstances.” For example, the Executive Director of Environment, Enterprise & Communities delegates the determination of planning applications to an appointed council officer.

Fife Council’s **decision making structure** (August 2013) is available online summarising the 24 committees and policy groups (including the main body of Fife Council) involved in decision making. Figure 2 provides a summary of Fife Council’s decision making structure\(^3\) and the roles of committees and groups. Some of the areas shown in Figure 1 comprise several committees and groups these include:

- Seven area committees
  - (1) City of Dunfermline, (2) Cowdenbeath, (3) Glenrothes, (4) Kirkcaldy, (5) Levenmouth, (6) North East Fife and (7) South West Fife
- Six policy advisory groups
  - (1) Education, children, young people and families, (2) social work and health, (3) housing, communities and local services, (4) environment and transportation, (5) finance and corporate services, (6) business, enterprise, economy and planning
- Three area planning committees
  - (1) Central Fife, (2) North East Fife and (3) West Fife
- Two scrutiny committees
  - (1) Education, social and communities and (2) environment, finance and corporate services

Fife Council established a new model of governance after deciding in May 2012 to replace the previous system of strategic committees with an executive-scrutiny decision making model. The executive committee is the key policy and decision making group, replacing all the previous strategic committees.

Fife-wide policy recommendations and performance reports are presented to the executive committee, which meets every three weeks, for decisions or monitoring. The new approach using the executive committee is intended to streamline decision making.

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\(^2\) These include the Executive Director of Corporate Services, Finance & Resources, Education & Learning, Social Work and Environment, Enterprise & Communities.

\(^3\) The Police and Fire & Rescue Transition Committees will be replaced by a Safer Communities Committee.
The executive committee has twenty members including the council leader, depute Provost and depute leader. The executive committee includes executive spokespersons for education, children, young people and families, social work and health, environment and transportation, finance and corporate services and business, enterprise, economy and planning (reflecting the policy advisory groups).

The executive committee includes the leader of the opposition and representatives from the political parties (currently Labour, SNP, Liberal Democrat and Conservative). The chairs of the area committees and scrutiny committees are also represented on the executive committee alongside Fife Council’s representative on NHS Fife Board and three education representatives.
Figure 1 – Fife Council decision making structure

**Fife Council**
Responsibilities include the election of the Provost, Depute Provost and some committee chairs. Approval of the annual budget, council tax, housing rents and strategic plans. The determination of national planning applications or major applications significantly contrary to the development plan.

**Executive Committee**
Responsible for discharging all of the Council’s functions except those reserved to the Council and delegated to other committees.

**Policy Advisory Groups**
The groups will give more councillors a chance to build up knowledge and influence strategic policy development in a given service area. These groups will develop policy proposals for the Executive.

**Area Committees**
The committees determine matters within their terms of reference which directly affect their areas. The committees also scrutinise service delivery and performance local and monitor the impact of council and other public services on their communities.

**Regulation & Licensing Committee**
Statutory and other licensing decisions including granting, suspending or cancelling licenses.

**Fife & Rescue Transition Committee**
Responsibilities include supporting the move to a national fire service.

**Area Planning Committees**
All planning decisions are made by committees covering West, Central and North East Fife.

**Standards & Audit Committee**
Responsible for adherence to the code of corporate governance. Additionally responsible for overview of service performance (referring to statutory performance indicators).

**Police Transition Committee**
Responsibilities include supporting the move to a national police service.

**Scrutiny Committees**
Both committees scrutinise Council policies, activities or decisions within their relevant areas.
Glasgow City Council

Glasgow City Council’s decision making structure is based on an Executive Committee, five Policy Development Committees and two Scrutiny Committees. In addition, the Council has retained regulatory type committees such as Licensing and Planning plus a small number of other committees. An overview of the Council’s decision making structure and committees is available online.

The terms of reference for committees outlines the roles and structure of the decision making process with regards to committees. The Executive Committee makes decisions regarding all of the Council’s functions except those reserved to the Council and areas specifically delegated to other committees.

The five Policy Development Committees examine various policies, strategies and plans in draft relating to the Committee subject area and reporting on these to the Executive Committee. The Policy Development Committees also undertake reviews or policy development tasks in relation to any matters falling within the remit of this committee or as requested by the Executive Committee.

The Policy Development Committees include:

- Children and Families Committee
- Health and Social Care
- Public Petitions and General Purposes
- Regeneration and the Economy
- Sustainability and the Environment

The committee guidelines outlines the role of the Scrutiny Committees in the decision making process. Any five members of the Council can ‘call-in’ any decision of the Executive Committee and this will be placed on agenda of next appropriate Scrutiny Committee. If the majority of the Scrutiny Committee agrees with the Executive Committee decision then it is implemented without delay. If the majority of the Scrutiny Committee disagree with the decision then referred back to Executive Committee with recommendations for alternative action which may be accepted or rejected by the Executive Committee.

The two scrutiny committees are:

- Finance and Audit Scrutiny Committee
  - Responsible for monitoring the financial performance of the Council and its trading operations, the performance of audit and inspection within the Council and for promoting the observance by Councillors of high standards of conduct
- Operational Delivery Scrutiny Committee
  - Scrutinises and monitors the operational performance of all Council services in relation to the Council’s policy objectives and performance targets
Scottish Borders Council

Following the local government elections in May 2012, Scottish Borders Council reviewed its existing decision making structure in order to improve transparency and accountability. An amended scheme of administration was approved in August 2012 and the new structure came into effect in October 2012. An overview of the Scottish Borders Council decision making process is available online which outlines the scheme of administration and scheme of delegation.

The elected councillors make the decisions on how the Scottish Borders Council spends its money and which services it provides within bounds of legislation governing the Council. The Councillors make their decisions in various committees. Departments are managed by Directors who make sure that the decisions of the Councillors are carried out.

Scottish Borders Council has also adopted an Executive Committee structure comprising 16 members of the Council. The Executive Committee includes the Leader and Depute Leaders, executive members for a range of policy and service areas and three members of the opposition. The scheme of administration details the committees, boards and other groups of the Scottish Borders Council as follows:

- Scottish Borders Council, comprising all elected members
  - The full Council agrees the delegation of functions and committees and approves annual plans, accounts, policies and strategies

- Executive Committee
  - The Executive Committee, comprising 16 members of the Council, makes decisions on policy and performance, scrutiny, resources and services, financial management, property and accommodation, staffing and business transformation.

- Economic Development Group
  - Provides strategic leadership and vision for economic development in the Scottish Borders, developing and overseeing the delivery of economic development plans.
  - Scrutinises the effectiveness of the Council and other organisations in promoting the economic development and well-being of the Scottish Borders
  - Engages and involves the local business community

- Education Committee
  - The Education Committee makes decisions on policy and performance, scrutiny, resources and services, financial management and business transformation

- Environment and Infrastructure Committee
  - The Environment and Infrastructure Committee makes decisions on policy and performance, scrutiny, resources and services, financial management and business transformation
- Social Work and Housing Committee
  - The Social Work and Housing Committee makes decisions on policy and performance, scrutiny, resources and services, property, financial management and business transformation

- Appointment Committee
  - The Appointment Committee makes decisions related to the recruitment of staff to posts at Director and Head of Service level.

- Audit Committee
  - Assesses the adequacy and effectiveness of the Council’s systems of internal financial control, framework of internal control, risk management arrangements and corporate governance
  - Reviews of the Council’s audited Statement of Accounts and Annual Report
  - Involved in the monitoring and review of strategic plans, internal and external audits
  - Involved in response to and implementation of recommendations contained within internal and external audit reports
  - Scrutiny of treasury management strategy, assessment of the Pension Fund’s systems and review of the Pension Fund’s audited Statement of Accounts and the Annual Report from the external auditor

Other committees and groups include the Civic Government Licensing Committee, Licensing Board, Pension Fund Committee, Petitions Committee, Planning and Building Standards Committee, Standards Committee, Appeals Committee and the Children's Advisory Panel Committee.

The scheme of administration also cites the Joint Consultative Group for Staff, Joint Consultative Group for Teachers, Employee Council, Members Sounding Board: Political Management Arrangements, Community and Partnership Bodies, Police, Fire & Rescue and Safer Communities Board, Community Health and Care Partnership, Community Planning Strategic Board and Area Forums.

Orkney Islands Council

From May 2012, the Orkney Islands Council Committees were restructured to align with the revised management structure, with each executive directorate reporting to a distinct service Committee. The Scheme of Administration (April 2013) defines the decisions which Committees, and Sub-Committees, can make without any further reference to other Committees or the Council. The Scheme of Delegation (April 2013) shows how decision making is devolved to Council officers.

A Committee may further delegate to a Sub-Committee or an officer of the Council, any of the functions which have been delegated to the Committee by the Council. The Council may vary, add to, recall or restrict any delegation to any Committee or Sub-committee. The Committees described in the scheme of administration are as follows:
• Policy and Resources Committee
  o Responsible for the directorate planning, performance management reporting and financial monitoring for the Chief Executive’s services, corporate services, including and buildings and facilities.

• Development and Infrastructure Committee
  o Responsible for the directorate planning, performance management reporting and financial monitoring for transportation and amenities, strategic development and regeneration and planning and regulatory services.

• Education, Leisure and Housing Committee
  o Responsible for the directorate planning, performance management reporting and financial monitoring for schools, leisure and lifelong learning and housing and homelessness

• Orkney Health and Care Sub-Committee
  o Responsible for the directorate planning, performance management reporting and financial monitoring for health and community care and children’s services and criminal justice.

The executive directorates reporting to the above service committees are described in the scheme of delegation as follows:

• Executive Director of Corporate Services
  o Maintains and make appointments to the Complaints Review Committee
  o Exercises operational responsibility for the financial, legal, human resource, buildings and facilities, corporate policy and internal audit services of the Council
  o Manages all tender and procurement exercises (consulting the relevant Chief Official and the Solicitor to the Council)
  o Reviews, as required, the Contract Standing Orders (consulting the Solicitor to the Council)
  o In consultation with the Solicitor to the Council, to obtain valuations of property in order that the Council might consider possible acquisition or disposal and provide in-house valuations, in agreement with the Solicitor to the Council
  o Determines requests to lease sites within industrial estates and business parks for a period of 5 years or more, on terms to be agreed with the Solicitor to the Council
  o Exercises operational responsibility for the cleaning of Council buildings and facilities, including public conveniences
  o Exercises operational management of the provision of school meals
  o Exercises operational responsibility for the establishment and review of the Council's policies, including monitoring, to comply with statutory duties in terms of the Health and Safety at Work Act 1974, amendments thereof and regulations made thereunder
o Exercises day to day responsibility in respect of the Council’s functions relating to preparedness for a response to an incident/emergency

o In consultation with Convener and Vice Convener, makes necessary arrangements regarding individual citizenship ceremonies

o In consultation with the Solicitor to the Council, provides or withholds information in terms of the Freedom of Information (Scotland) Act 2002 and the Data Protection Act 1998 and reviews these decisions

- Executive Director of Development and Infrastructure
  
o Exercises operational management of the Council’s functions falling within the remit of development and infrastructure services

  o Implements schemes for the control of pollution, including taking necessary action to deal with sea-borne pollution within the harbour area and approaches, and affecting Orkney coastlines

- Executive Director of Education, Leisure and Housing
  
o Exercises operational management and responsibility for education, recreation services, heritage services, housing

- Executive Director of Orkney Health and Care
  
o Exercises operational management of the Council’s functions as social work authority
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Glasgow City Council. (May 2012) *Committee Terms of Reference*. Available at: http://www.glasgow.gov.uk/CHttpHandler.ashx?id=4535&p=0


Glasgow City Council. (September 2013) *Scheme of Delegated Functions*. Available at: http://www.glasgow.gov.uk/CHttpHandler.ashx?id=6762&p=0


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