

2007 COUNCILLOR INDUCTION PACK:

A Reference Handbook For New & Returning Councillors



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Preface

This pack has been written as an introductory guide for newly elected councillors. It is not intended to be a definitive guide to everything that an elected councillor needs to know. Rather it is intended to act as a starting point for all new councillors. Please use the pack as a guide and a source book for information. Flick through the pack at your leisure and please continue to refer to it as your career as a councillor develops.

The pack was produced as a result of the effort and commitment of too many people to list therefore we will not attempt to do so. However, we would like to thank those councillors and senior officers who through their contributions to COSLA's Modern Governance Executive Group commented upon and made suggestions for improvement on earlier drafts of this pack. Simply, on behalf of the Improvement Service, we offer our thanks to all who have contributed and we hope that you will find their efforts illuminating, stimulating and ultimately useful.

For more information about the pack or the Improvement Service's work to support Councillors please contact Mark McAteer at **Mark.McAteer@improvementservice.org.uk**

Please note the information contained in this guide was believed correct at the time of going to press. It does not purport to give legal opinion and councillors should raise any points of law with the relevant officer. The Improvement Service cannot take responsibility for errors or omissions and references to documents, websites, and government policy refer to their status at March 2007.

Introduction

Congratulations on becoming an elected member. You have achieved something very important of which you should be proud and it's important for three reasons:

- ▣ First, your community has trusted you and your ward colleagues to represent their interests in the Council and to ensure that all the public services in the area are well run.
- ▣ Second, as the only people who are actually locally elected rather than appointed, you have the right to scrutinise and challenge on all the public services in the areas, not just those run directly by the Council. So, if there are issues about the Health Service or Scottish Water, or other public services, your constituents will expect you to take up those issues on their behalf and you have the right to do so.
- ▣ Third and this is probably the most challenging to understand, you and your colleagues are now the Council. Yes, the Council has a Chief Executive, Directors, Managers and thousands of staff in some cases, but all of those are employees. You and your colleagues who have been elected, sitting as the Council, are the body that has the responsibility and the accountability for delivering to local communities. This is a major opportunity to make sure that your communities get the best possible services and that the issues they have are taken up and are addressed. It also carries significant responsibilities as well.

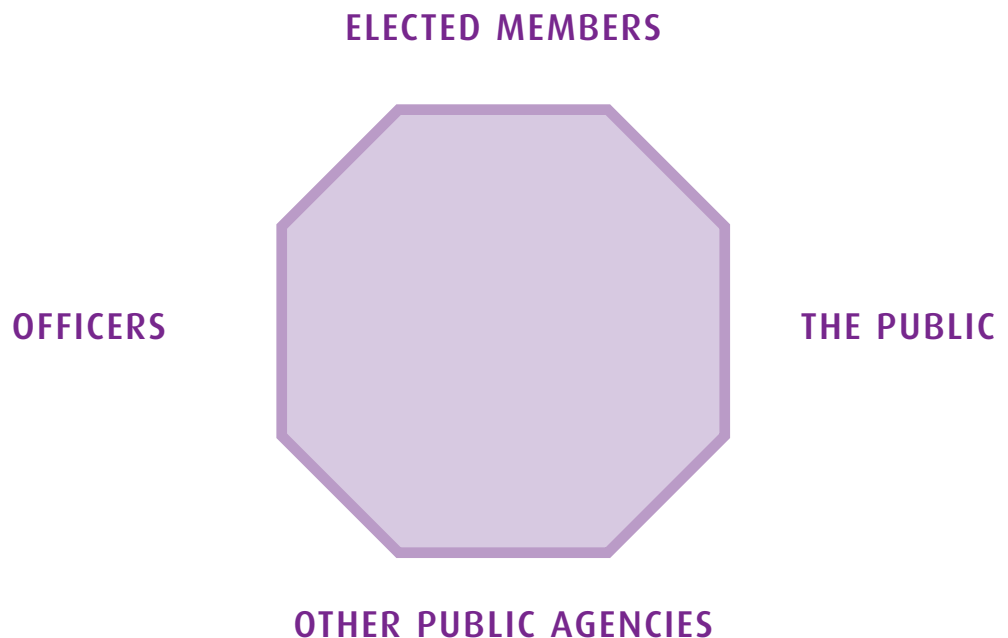
Much of the rest of this induction pack is concerned with what these responsibilities, accountabilities and powers you now have mean, but in this introduction it is worth reflecting just for a moment on what they don't mean. They don't mean that you are expected to be an expert on all the services offered by the Council. The Council offers hundreds of different services to the public and nobody – elected member, chief executive or manager – could possibly know in detail the nature of all of those services. Equally, it doesn't mean that you are expected to manage services on a day-to-day basis. The Council employs a large number of people to do that on its behalf. What it does mean is that you have to be satisfied that the right arrangements are in place to make sure these services are delivered efficiently and effectively. Where resources are limited, and that will often be the case, you must make sure priorities are clearly decided and that managers and staff understand those priorities.

To sum up, being elected and becoming the Council is to move into a highly empowered position in terms of your abilities to promote the interests of your communities and deliver the level and quality of service they need. However, that happens within the framework of law and it happens within the constraints of budgets. How Councillors lead within that context is the subject of much of the rest of this guide, but in this introduction we end with just three messages.

First, as you will always have to operate in a situation of relative resource constraint, knowing the expectations and the aspirations of your community is the critical starting point for setting priorities and using money to best effect on their behalf.

Second, it is critical that elected members ensure that all of the resources available to the Council (the finances, the staff, the buildings, the assets the Council have) are used with maximum efficiency to deliver to the people of the area. Any money wasted in one area of operation is money denied to essential services in some other area. Efficiency is very much the elected members agenda.

Third, nobody is expecting that elected members alone should solve all the difficulties and challenges posed by delivering a complex range of services, within budget limits, to communities who often have very high expectations of what the Council should do for them. You have your officers to support and advise you on the best use of available resources, you have the community who can tell you what it thinks and what it values and you have public sector partners locally who, if you work with them closely, can support you to get the most out of the resources available across the public services in your area. The leadership of this partnership between the Council, the people and the other public agencies is a key role for elected members.





2007 COUNCILLOR INDUCTION PACK:

The First Few Days in Office

Becoming a councillor is a rewarding form of public service that puts you in a privileged position where you can make a difference to the quality of other people's lives and to the communities of which they are part. However, every day you will have to balance the needs and interests of voters, the broader community, interest groups and the Council. This will make demands on your time on top of your own personal responsibilities to family, workplace and friends.

Getting Started

If you have been elected on a party political platform, the group secretary will invite you to the first group meeting. Most political groups will use this first meeting or the first few meetings to decide which of their members they want to put forward for what positions at the full Council meeting. In general the group whip will probably ask you what interests you have and which committees you would like to serve on. If your council has no overall party in control then the final decisions regarding who holds which posts within the authority may well be decided as part of discussions to form a coalition between different parties or between parties and independent councillors.

If you are an Independent Councillor and if your council has traditionally been controlled by independents there will be a process in place for allocating committee places, other established councillors or member services will be able to advise you on this.

As a newly elected councillor you will be asked to sign the declaration of acceptance of office and be provided with a copy of the councillor's code of conduct. The Council's allowance system and the facilities that your Council provides to support councillors will also be explained to you. Member services will contact you to explain about the support that they can offer you, and about the Council's induction programme. You will also be given a diary indicating all meetings of the full Council and of the Council's committee meetings. You will also need to decide how you are going to hold surgeries or an alternative to enable your constituents to come to you with issues. You will be provided with information on how you may organise these surgeries from within your Council and the Council will provide publicity for your surgery meetings. You should also check what support you will be offered to help you process the casework that surgeries will generate for you. Typically you will be given administrative support and also support with IT but check with your own member services for full details of your Council's arrangements. Most Councils deliver mail to councillors either electronically or by a special delivery once or twice a week. Find out when these days are and programme a few hours for reading what comes in.

Your Council will also have put together an induction programme for new Members attend as many of the sessions as possible, read the information provided and if you are unsure of anything ask for clarification from your member services.

Becoming a councillor is a rewarding form of public service that puts you in a privileged position where you can make a difference to the quality of other people's lives and to the communities of which they are part.

Working with Council Officers

As a councillor, you are part of the corporate body that employs staff in the name of the council. Staff are employed to manage the Council on behalf of the councillors and to organise the provision of services, and to help councillors to achieve their policy goals. All officers have a duty to give unbiased professional advice to all councillors.

Officials are responsible for advising councillors and are responsible for implementing their decisions and for service performance. To help you learn about the arrangements in your authority you should ask to be given a chart showing the departmental structure and details of the senior officers.

Statutory Officers

Local authorities are required by law to designate a senior manager as the 'Head of Paid Service'. This will usually be the Chief Executive. This person is responsible to councillors for the staffing of the Council, ensuring the work of the different departments is co-ordinated, and making sure the organisation runs efficiently.

Councils must also have a Monitoring Officer responsible for warning councillors about the legal position of proposed actions. The Council must also have a Senior Financial Officer, usually the Director of Finance, whose task is to monitor all the financial affairs of the Council. This officer has the power to stop the council from spending money if they think it is unlawful.

Members' Support

To be effective as a councillor you will need a range of supports. All Councils offer support but what is offered will vary from Council to Council and may be dependent upon a councillor's specific role. Support may include any of the following:

- ▣ Office accommodation - including interview rooms, rooms for holding surgeries or public meetings
- ▣ Secretarial and word processing services
- ▣ Office equipment such as desks, chairs, filing cabinets
- ▣ Home telephones, answer phones, mobile phones, personal computers
- ▣ Information to help with responses to enquiries from constituents
- ▣ Help to manage casework
- ▣ Press office / public relations support
- ▣ Care facilities or support for carers
- ▣ Learning and development opportunities
- ▣ Financial support – described in more detail below
- ▣ Committee support
- ▣ Information briefings
- ▣ Research support / facilities

All officers have a duty to give unbiased professional advice to all councillors.

Getting to grips with your new role as a Councillor and its demands may be challenging to begin with. As part of your Council's Induction Programme, information on the Council's services, operational systems and procedures will be provided to you.

If you are in a political party, there may be an experienced Councillor who is willing to 'take you under their wing' and act as a mentor during your first few weeks in the Council. If you are an Independent Councillor you may be able to gain support from another more experienced Independent Councillor.

Financial Support

Different forms of financial support are available for Councillors. This includes direct remuneration as well as the reimbursement of expenses.

- ▣ The basic remuneration for councillors has been set nationally at £15,452. This applies to a councillor with no significant additional responsibilities in the Council's policy development or decision-making structures
- ▣ Individual councils have the capacity to make enhanced payments to a specified number of senior councillors, with significant additional responsibilities. These will average around 50% of the leaders' pay this means senior councillors remuneration will vary between £15,400 and £34,800 depending on local arrangements.
- ▣ Four 'salary' levels for Council leaders have been set nationally, calculated according to a Council's banding - £25,754, £30,905, £36,055 and £46,357
- ▣ Membership of the Local Government Pension Scheme if a councillor so wishes
- ▣ Reimbursement of receipted travel and subsistence expenses necessarily incurred during council duties (see Section 7 on Standards and Ethics for a fuller discussion of issues relating to the proper conduct of councillors)

Your council should provide you with an official form for claiming allowances and expenses. It is your responsibility to make claims for the majority of councillors this will be for receipted expenses alone. You will need to check with your council the dates for submission of claims.

Support From an Employer - Right to Release From Employment

If you are employed, you will probably need some time off work to attend Council meetings. Councils do try to arrange meetings in a way that allows for different councillors needs to be met and, as a result, hold their meetings at different times of the day or evening.

Employers are required under the Employment Rights Act 1996 to provide reasonable time off work for public duties. These duties include attendance at committee meetings and approved duties. Most employers are happy to do this for formal meetings of the Council, which are usually arranged many months in advance and can, therefore be planned. However, you should note that there is no legal requirement for an employer to pay a councillor for the time they take off to carry out their councillor role. The amount of time that an employee may take off must be reasonable, having regard to:

- ▣ How much time is required for the performance of Council duties
- ▣ How much time an employee has already been allowed off for Council work
- ▣ The circumstances of the employer's business and the effect that the employee's absence may have on it

The Political Role

In order to carry out any of the above roles, a councillor must first get elected. Many councillors choose to stand for election on a party platform while others stand as Independents. Where councillors have stood for a political party they will have additional roles in:

- ▣ Reporting back to their ward party
- ▣ Engaging with their district or local party organisation
- ▣ Meeting as a political group within the local authority
- ▣ Working within a national framework of rules and responsibilities of their political party

Decision Maker

Councillors are responsible for the overall governance of the Council (the next section of this pack explores Corporate Governance in detail) and play an important part in all decision making. All councillors will be involved in decision making through:

- ▣ Your role as a councillor means that you sit on full Council where you will decide the Council's budget and main policies. You will also have a place on other decision making or scrutiny committees
- ▣ Your role if you are given a place on regulatory committees such as Development Control where you will take decisions on planning applications
- ▣ Your role as an employer of staff on appointment panels, disciplinary and grievance appeals

Developing Policy and Strategy Review

Councillors determine the development and review of the Council's policy and strategy. You will contribute to policy development through:

- ▣ Your role in challenging and scrutinising the work of the Council's Policy Committees or Executive
- ▣ Your role as a representative on local community groups
- ▣ Your role on area forums and committees, where they exist
- ▣ Your case work
- ▣ Your membership of a political group, if you were elected on a political platform
- ▣ Your role with other Members on policy or scrutiny committees

Performance Monitoring

Councillors have always been required to monitor the performance of council services, and performance monitoring and review is now a statutory requirement for councils as part of the Best Value regime introduced in the Local Government in Scotland Act 2003.

Performance monitoring includes:

- ▣ The monitoring and review of policy formulation and implementation
- ▣ Reviewing the performance of services
- ▣ Formal audit (internal and external)
- ▣ Scrutiny by councillors of external bodies and agencies

Regulator

Councils are not just service providers they also regulate the performance of other organisations. This involves councillors in quasi-legal roles on special committees appointed directly by the council e.g. planning committees, licensing committees and some appeals committees. These regulatory committees operate within a specific set of legislation and guidance, and councillor's can only make decisions that are in accordance with such guidance. Most councils arrange special training for councillors undertaking quasi-legal roles. Check with your member services for details of the training that you will be offered in these areas.

Community Leadership

Lastly as a councillor you are an important leader of the local community. Others will also be leaders e.g. ministers, priests or imams but as a democratically elected councillor you have special privileges and special responsibilities. This position enables you to be the voice of the community and you should seek to represent the community equally. Your position also means that you can represent and lead the community with respect to the impact of all public services, and indeed private organisations, on your area, we will explore the implications of this role later in this pack. Successful community leaders demonstrate:

- ▣ The ability to build effective partnerships with other local organisations and communities
- ▣ A commitment to community engagement and empowerment
- ▣ The ability to respond effectively to local priorities
- ▣ A sound understanding of local governance arrangements
- ▣ An understanding of the local community and the groups within that community
- ▣ Secure access to key people in other agencies that deliver services in the community
- ▣ Secure access to council officers and key people within the local authority

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2007 COUNCILLOR INDUCTION PACK:
Corporate Governance

Good corporate governance is an essential element in the efficient running of all organisations. All councils in Scotland have a duty to ensure that they secure 'Best Value' in the delivery of their services, and good governance is a key aspect of this duty. Quite simply, it describes the need for any organisation to have a clear direction and accountability and appropriate working arrangements in place to ensure that it achieves what it sets out to do.

The Key Dimensions of Corporate Governance

The role of those who govern the organisation, as opposed to manage it, is:

- ▣ To make sure that clear aims, objectives and priorities are in place
- ▣ To ensure the right resources are in place to achieve these aims, objectives and priorities and
- ▣ To scrutinise and monitor the delivery of service to ensure that aims and objectives are achieved.
- ▣ Finally, in the case of a locally elected council, it is also to ensure the whole way the Council operates is transparent and accountable back to the communities that elected you in the first place.

That may all sound obvious as any organisation should have clear aims and priorities. But think about it in the context of your Council. You offer many services; to young children through to the very old; from waste collection and disposal to leisure and recreation. It is not easy to establish clear aims for all these services, and even less easy to decide priorities between them when different parts of your community may want different things and have different priorities themselves. The key role for elected members in corporate governance is to make decisions about what the key aims are and what the priorities between them are.

Even when you manage to be clear about aims, objectives and priorities, getting the right resources in place to deliver them is frequently complicated as well. There are decisions about the particular services that need to be in place to deliver objectives, but within those services there are also decisions about what kind of staff, structures and business processes need to be in place to ensure those services are deliverable. In matching resources and capacity to all that you want to achieve, faces councillors with three related questions:

- ▣ Can we get more out of the existing resources that we have?
- ▣ Second, can we raise more resources? (you do have the local council tax raising power that could do this for you)
- ▣ Third, if neither of those is the case, how do we rethink and focus our priorities to make sure we can deliver within the resources we have available.

The key role for elected members in corporate governance is to make decisions about what the key aims are and what the priorities between them are.

These questions are all about setting the direction of the Council, being clear about its priorities and fitting the resources available to those priorities.

Corporate Governance and Scrutiny

Scrutinising and monitoring how well delivery is taking place and whether the aims and priorities of the Council are being achieved can also be challenging. Some questions you will have to consider are:

- ▣ If your group either forms the administration of the Council or is part of the administration, how openly do you wish to scrutinise your own achievements and how open do you wish to be about that with the public?
- ▣ As importantly, how will you scrutinise and monitor those achievements?
- ▣ What information is available to you from the Council's management about what they are doing and what that is achieving, and is it reported to you in a way that allows you to make clear judgements about whether delivery is taking place successfully or not?

Corporate Governance and Accountability

The final element of corporate governance is being accountable, which is also a key requirement of the duty of Best Value. This is often very challenging. If you think about some of the recent programmes of school rationalisation and renewal in Scotland, it is clear that most communities do not willingly sign up to having their local school taken away. If, however, in your best judgement, this has to happen, then it is critical that you are seen to be accountable for the decision that you have taken and that can often be a very uncomfortable position to defend.

Corporate Governance and Management

We said in the introduction that you and your colleagues are the council. We have also said that you can't possibly run and plan the hundreds of services yourself, and therefore you employ a large number of advisors, managers and staff to run the services for you. You employ a chief executive, who is your chief advisor and sometimes referred to as the head of paid service. In other words, it is his/her job to make sure a good, strong, effective organisation is in place within the Council and that services are properly resourced and delivered.

The final element of corporate governance is being accountable, which is also a key requirement of the duty of Best Value.

As a consequence, three things are of critical importance:

- ▣ First, you have to have a relationship of trust with your chief executive, directors and senior managers - it is their job to advise and inform you. They are expert across the range of services the Council delivers and it is important that you are able to take their advice on trust.
- ▣ Second, if your key role is setting the strategic direction for the Council and deciding on its key objectives and priorities, then a critical part of knowing whether the Council is performing well or not is good performance information on whether those objectives and priorities are being achieved. The reporting system back to elected members, and the elected members role in scrutinising the performance of the Council, is absolutely critical to you providing good corporate governance.
- ▣ Third, a final important element of effective corporate governance is your role in ensuring that the Council's performance is not impaired by lack of the resources necessary to deliver. There is no point in setting objectives and priorities but not then ensuring the resources are available to deliver them. The decisions about how resources are allocated between the different services and priorities of the Council are critical to ensuring effective performance.

If these three elements are effectively in place then it is more likely that you as an elected member can be satisfied that your Council is indeed properly organised and properly set up to deliver.

Corporate Governance and The Performance of Services

To sum up corporate governance is ultimately about how well the council performs. The final questions that matter are more about how well the Council performs in practice. There are three types of question elected members will want to ask about the performance of the services.

- ▣ Are services effective in achieving the outcomes they are supposed to achieve?
- ▣ Do people get the benefits from the services that elected members intended?
- ▣ Is the council efficient in the way it runs those services and does it use resources to get the maximum benefits for communities?

Within their corporate governance responsibilities, elected members have to have information on those and be satisfied that the way their Council operates is both efficient and effective. Some of the considerations on performance will be based on making comparisons between different services, within your council, but a common base for assessing the efficiency and the effectiveness of your Council services is to make comparisons with other Councils and other relevant organisations. It is critical that such comparisons are with Councils whose scale and context is like your own and not with Councils who are nothing like yours.

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Performance Reporting and Corporate Governance

The final governance question is a very obvious one:

- How will communities find out about the Council's performance in a way that is useful to them?

How much of what could be reported is reported and how accessible are these reports from the point of view of members of your communities? Some of this has to do with how the Council collectively reports its performance to the people of the whole area, (a statutory requirement under the Local Government in Scotland Act, 2003) but some of it is also to do with your role as a ward member. What arrangements will you have in place for ensuring that your local communities have good information about the performance of the Council services in your area. The ward level is probably the level at which contact between the representatives of the Council and the communities is closest, and it is well worth thinking about how you can make that relationship useful in ensuring the communities understand and are able to assess the performance of their local services.

In some ways, the role of the elected member in Council is equivalent to that of a board member of a public company. The role of the board, representing the shareholders of the company, is to ensure the company management act in accordance with the priorities laid down by shareholders and deliver good value to them. If you take your communities to be the key stakeholders in the Council, then your role is much the same. You make decisions based on their needs, their aspirations, and their priorities, and your job is to ensure that the Council's management and staff deliver on those decisions that you have taken as the council. Probably the shortest, but one of the best definitions given of corporate governance was by Peter Drucker, the American management guru. He said that corporate governance was "doing the right things" and "doing things right" Both of those are critical to the corporate governance role of the elected member.



2007 COUNCILLOR INDUCTION PACK:

Roles & Responsibilities of the Councillor at Ward Level

Councillors undertake many different roles both within the Council and within the community. The roles that councillors play will change as they take on different responsibilities within and outwith the council and as they gain more senior positions within the Council. Which roles you want to take on will depend on your interests, how much time you have available, and whether other councillors will vote for you to take on some of the roles. In this section we will focus on the roles that all councillors will carry out at ward level.

The Ward Level Role

A key role of all councillors is to represent their ward and the people who live there. However as we note below all Scottish local authority wards are now multi member wards and this will change the dynamics of how councillors engage with their ward area. In general, the ward activities of a councillor include:

- ▣ Representing the community within the Council and to other agencies
- ▣ Holding surgeries and undertaking case work on behalf of individual constituents
- ▣ Developing links with all parts of the community, and seeking to help to negotiate solutions to meet their local needs
- ▣ Campaigning on local issues
- ▣ Winning resources for the ward
- ▣ Responding to Scottish Executive and UK Government consultation exercises
- ▣ Meeting with other elected members such as MPs and MSPs
- ▣ Supporting local partnerships and organisations

A key role of all councillors is to represent their ward and the people who live there.

Multi Member Wards

Because Councils are about local democracy, the work members do within their own local wards is at the heart of the role they have. Much of this section focuses on the skills and techniques members need to do the ward level work well, but we want to begin by noting the major change that is taking place at this years elections. You and your colleagues in your ward and every other ward in Scotland are part of a new system. The outgoing Council was based on wards represented by one single member. You have been elected into a system where all wards in Scotland are multi-member wards, with three or four elected members representing the local community.

Not only is there more than one elected member representing particular wards, but also wards themselves have got significantly larger in size and represent broader communities. This change raises an interesting question; how can members in the multi-member ward offer an improved service and improved representation to communities by working together? The Local Government Improvement Service has undertaken research into the experience of multi-member wards in England, Wales, Republic of Ireland and New

Zealand. On the evidence available, multi-member wards can work well and effectively when the focus is on delivering to the community. However, when members focus on political competition they can work relatively badly (the research paper can be found at, www.improvementservice.org.uk).

The starting point is a simple principle that applies to you and all your colleagues in multi-member wards: if your right to be there and to represent the community is based on the election, then the other members of your multi-member ward were elected in exactly the same ballot and have exactly the same right as you. If you want to be treated seriously because you are an elected member, you have to treat your colleagues in the multi-member ward seriously as well.

The evidence from other countries suggests that there are ways you can organise yourself at ward level to gain as much benefit as possible for the community.

if your right to be there and to represent the community is based on the election, then the other members of your multi-member ward were elected in exactly the same ballot and have exactly the same right as you.

- ▣ The research throws up examples of extraordinarily effective collaboration and team-working between members in a multi-member ward. They include working together to share caseload, knowledge and information to support citizens, and working together as a multi-member ward team to ensure all of the local public services are performing well and are properly held to account by the local community.
- ▣ We can find examples of where the multi-member ward members have chosen to formalise the sharing of workload between them. Sometimes this is done on an area basis with one councillor taking responsibility for one patch within the ward and another member focusing on another patch. However, members remain representatives of the whole ward and must be careful not to misrepresent this fact in circumstances where they agree to take responsibility for a particular ward area.
- ▣ In other cases, we can find examples of the members of the multi-member ward specialising in particular types of case or particular service areas. One member will lead on social work and housing, another member will lead on education issues and another on health and social care. This means that when any citizen needs support and representation, they get someone who has a fairly specialised knowledge, expertise, and the relevant contacts to take up the case on their behalf.

The evidence suggests that where collaboration occurs, caseload is better managed, representation is more forceful and effective and the multi-member ward team is generally more effective in ensuring public services are held to account.

For example, if we deal with citizens' issues complaint by complaint and never look at why those complaints are occurring, we do not create a process that results in service improvement. If all the members of the multi-member ward team work together and identify across their caseloads that certain issues are recurrent within the area, they can then pull in the local service managers and investigate with them why these complaints are occurring so often and what can be done to avoid them in the future.

It is therefore important for members to consider how they might work together to share:

- ▣ Information
- ▣ Surgery coordination
- ▣ Holiday coordination
- ▣ Casework
- ▣ Meetings with Council officers, MSPs, or other parties
- ▣ Responses to government consultations

If multi-member ward members are collaborating and acting as a team, one clear option for them is to create a multi-member ward meeting perhaps every six weeks or two months, so that members of communities can come along and rehearse the issues they have and the experiences they have had of local services.

If such a grouping is created, it is quite possible for the members to invite along local service managers to hear the issues the public are concerned with and to respond to them, and to agree on improvement strategies to take forward the public services in the area. This collaborative approach is much more likely to get the attention of both council managers and managers of other public services. The multi-member ward team meeting with the community and local service managers creates a much better basis for both accountability and improvement than would otherwise exist.

To sum up, you have been elected as an individual and it is ultimately entirely up to yourself how you play your role as a member within a multi-member ward. The evidence suggests there are some substantial gains to be had through collaboration and team working and often it is issues of personality in relationships that prevent that. You should think carefully in such circumstances of your duty to represent all constituents in your ward, and of your responsibility to represent their interests for the greater good of the ward's population.

It must be accepted that any elected member has to decide on their own behaviour and how they relate to other members of a multi-member ward. From the evidence available, all we would say is that collaboration gets better results for individual citizens and for communities. Casework is more efficiently and effectively handled and managed, engagement with community groups is broader and more representative, and leadership of community issues more powerful and more focused.

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Effective working
with partner
agencies can
extend the
influence of the
elected member

The Multi-member Ward and Community Planning

The Local Government in Scotland Act 2003 places a statutory obligation on every local authority to initiate, facilitate and maintain Community Planning. The statutory guidance gives Community Planning Partnerships (CPPs) discretion over the structure they adopt, requiring them to “tailor the process to the needs and opportunities of local communities.” That means variation in the structure and size of partnerships.

Working with partners at a strategic and local level, elected members can ensure that the right activities are delivered to ensure the community vision is delivered. Working in partnership may appear to dilute members’ direct power. However effective working with partner agencies can extend the influence of the elected member in driving forward service improvement and delivery.

Many CPPs are now adding area-based local community planning structures to their overall partnership to help bring services closer to local people and to make sure the views and needs of local people are valued and influence local service planning.

The multi member ward offers a potential scale of activity where various public bodies can come together to deliver and co-ordinate services to the community. Again, the multi-member ward has huge potential to be a vehicle to enhance local community planning as a vehicle to encourage, challenge, cajole, and demand that all the public services that local people need work together in an efficient and effective way. It offers the prospect of the elected members holding a whole range of public services to account for how well they serve the communities of a ward.

Casework

Casework usually involves requests to solve specific problems for individual constituents. Whilst a very small proportion of the population actually goes to see a councillor, the expectation that ‘they will represent me’ is very strong amongst the electorate. You will also meet your constituents on the street, in pubs and restaurants and in other areas where they will bring issues to your attention. However, holding surgeries offers one way of meeting members of the public, but also benefits you by:

- ▣ Solving constituents’ issues and gaining constituents’ support
- ▣ Giving you a way of checking on the impact of policies on the ground
- ▣ Enabling you to speak with authority as an advocate for the community and for individual constituents
- ▣ Giving an opportunity to explain council policy
- ▣ Giving the relevant political party (or independent councillor) visibility
- ▣ Enabling a you to meet a wider variety of constituents

Managing Your Casework

If you operate surgeries you should think of how you organise matters in order to create a sense of professionalism that is right for the 21st century. Some general issues to consider are:

- ▣ Should people just be turning up or should they be booking in to see their local elected members?
- ▣ Should we have some sense of what issue citizens have in advance so we can better respond to that in exactly the same way as a doctor knowing the symptoms a patient has, can be well prepared to deal with them when they do turn up?
- ▣ Why not have citizens booking appointments with elected members through the Councils access system, often through their contact centre?
- ▣ If the citizen's issue is one that is, in essence, a complaint that can be taken up directly with officers, then why refer that to the elected member at all when all the elected member will do will be to write to the officers on behalf of the constituent anyway?
- ▣ How will you share cases and information on their contents with other members?

Thinking through such issues allows you to focus in-depth on cases that really do need your time, your attention, and your representation. If we want the new multi-member wards to work well, we need to look at how citizens' access to elected members is managed and try and get that onto a professional basis. Dealing with citizens' complaints or issues, how do we record those and ensure that the case is monitored, action is taken and, the issue or complaint is resolved?

Whatever the source of your casework you should to consider the following issues:

▣ Identify the issue

Are you the first person the constituent has approached? Has another councillor from the ward already dealt with this issue? Have they already talked to council officers? However, you are often the last resort and your constituent may well come to you with a problem with a long history. Establish the facts and find out how your constituent wants you to help. Who at the Council is dealing with the problem and what have they said and written so far? Be aware that as a new councillor some constituents may seek to get you to raise an issue that they have previously raised with former members but, perhaps, have been unsuccessful in achieving a satisfactory outcome. It is worth speaking to more senior councillors if you suspect that this is so and take their advice on how to respond.

Again, the multi-member ward has huge potential to be a vehicle to enhance local community planning as a vehicle to encourage, challenge, cajole, and demand that all the public services that local people need work together in an efficient and effective way.

▣ **Refer the problem to the appropriate council department**

You may want to put your concern in writing to a council officer. Always take a copy of your letters or e-mails on behalf of constituents, and always date your letters/ e-mails. It is best to carry out quickly the actions you agreed to take on behalf of your constituent and, where possible, let your constituent have a copy of any letters/ e-mails you write. Often a phone call will be quicker and will be sufficient. But it is wise to always keep a record of when you phoned, to whom you spoke, their job title and what was said. This is important if you need to chase up any action on behalf of the constituent.

Councils operate in different ways and it is important that you understand the procedures for dealing with casework in your council. Check with your member services for information on this within your council.

If we want the new multi-member wards to work well, we need to look at how citizens' access to elected members is managed and try and get that onto a professional basis.

Some elected members also operate a 'Bring-Forward' system, where they will note in their diary when they expect to have heard from the Council on issues that they have raised with a service or department. This note reminds them to contact the service if they hear nothing. Such a system usually consists of a diary or file with a pocket for each day of the month. You can put the notes about the constituent's case in the diary or file, for say 10 days time, to remind you to check on progress.

The Improvement Service is currently piloting a caseload management system for elected members that will, for any given category of complaint or issue, automatically generate relevant letters to senior managers to get the issue or complaint examined. It will also alert the elected member to various milestones when they should report back to the constituent on progress. It will also, in the context of a multi-member ward, flag up cases where the same citizen has already visited one or two other members in the multi-member ward who are already dealing with this case. There is significant potential for supporting elected members better to deal with citizens complaints and issues in an efficient and effective way and your council will tell you about the support it makes available.

If a Case Raises Wider Issues

If the case has raised wider issues take these up and you may wish to let your fellow councillors in the ward know what you are doing. However, you must be careful in doing so as data protection issues may apply, see section 7 of this pack for further information on data protection matters. Where you have had a success it is worth letting your fellow ward councillors know in case they have a similar case.

Understanding Your Ward

Your Council will hold social, economic and population information for each ward. This data can be very useful in helping councillors, community organisations and other agencies to develop and review policies and services in your ward. This data will help you to understand your ward area better, so be sure to ask a council officer to supply this useful information.

As a councillor you are also entitled to a full copy of the electoral roll for the ward. The roll is available on paper or in an electronic format that can often be merged with a data management system. This can help considerably with managing your casework. Check with your council's members' services what information is available to you.

Getting to Know Your Ward

Many councillors will have lived in the area for many years, nevertheless they are unlikely to know all of the communities or all of their issues and problems. The people who come to your surgeries and who bring you casework will tell you quite a lot about the area. But you will need to find other ways of getting to know your ward.

As a new councillor, you may find it useful to ask other more experienced councillors about the ward. They can introduce you to the council officers, local head teachers, housing and social work managers, the area's voluntary organisations, community groups, the local community police officers and religious and other local community leaders.

Ask the Council whether any community development workers are employed in your ward. If there are, arrange to meet up with them and ask them what they think the key issues are in the ward. They can be very useful in helping you to contact and meet local people.

Networking

One of the things you will find as an elected member is that there are a very large number of community groups and groupings, many of whom would like the local elected member to come along and speak with them and listen to their issues. As suggested earlier, a division of labour between all the members in a multi-member ward may make that workload more manageable and may also make elected members more efficient and effective in learning from these meetings and taking issues back to council to be dealt with. In all these respects, a good caseload management system that allows elected members to keep up with whom they are visiting, what came out of those meetings, what actions they have promised on the back of those meetings, and making sure that those actions are then taken is very important. Simply turning out and having a productive meeting will not keep these community groups happy if nothing then follows from the meeting, even when it was promised.

You may also find it helpful to keep a diary noting all of the major meetings such as annual general meetings or open days, of the community organisations in your ward. This diary could also be a shared diary with your co-Councillors in the ward, also allowing you to coordinate your holiday leave together. Ask Members Services to provide you with a directory of council officers and other useful contacts such as the police, local MSPs, health bodies etc. You may also want to build up your own directory of names and phone numbers for key people from a range of local organisations such as tenants associations or residents groups that affect your ward.



2007 COUNCILLOR INDUCTION PACK:

The Roles & Responsibilities of the Councillor at Council Level

Local authorities are created by statute that is Acts of Parliament. Much of the legislation governing local councils now comes from the Scottish Parliament (for details of specific UK Acts search www.opsi.gov.uk, for information about legislation from the Scottish Parliament search www.scottish.parliament.uk). Acts of Parliament lay down specific duties that councils must carry out - mandatory acts, and things that Councils may do if they wish - permissive and adoptive acts. Councils are bound by statutes and will need to take advice on what actions they are able to take.

The Scottish Parliament and Executive influence many of the activities of local government. There are ministerial directives and regulations and many of the services councils run will be inspected and audited by Audit Scotland or other inspection bodies that instruct councils what to do. Some of the decisions councils reach may be the subject of an appeal to a minister or a governmental department. Since local government power is embodied in statutes and regulations, decisions can be challenged in the courts. There are specific legal responsibilities placed on councillors to ensure that their councils are well governed, produce best value services and adopt sustainable policies and practices.

The next section outlines how decisions are made within the council and the decision-making structures. Find out from members' services the specific details that apply within your own council.

How the Council Works- Full Council

The full council meeting is the sovereign body of the Council. Full council is where all councillors meet to debate and take the key decisions of the authority (see section on Corporate Governance for full details). Full Council is responsible for:

- ▣ Electing the convenor (or leader) and the deputy convenor (or deputy leader)
- ▣ Appointing councillors to all committees and panels
- ▣ Appointing committee convenors/ chairs and vice convenors/ chairs
- ▣ Approving the standing orders and other council rules
- ▣ Deciding on strategic objectives and corporate policies
- ▣ Receiving reports from committees about the implementation of policies, performance and expenditure
- ▣ Setting the annual budget and council tax
- ▣ Reviewing and approving the capital investment programme
- ▣ Delegating powers to committees and sub committees
- ▣ Appoint members to outside bodies

The Council meeting also provides the opportunity for councillors to:

- ▣ Question the leader of the council and committee chairpersons on their leadership and the performance of council services
- ▣ Initiate new business by way of motions for debate or calling for reports

The full council meeting is the sovereign body of the Council. Full council is where all councillors meet to debate and take the key decisions of the authority.

Members' Representative and Party Political Roles

Elected members fall into one of two categories: Either they stood as a candidate endorsed by a political party in which case they were elected under the banner of that political party or they stood as 'independents' in their own right. As the title implies, someone elected as an independent is not standing on a party political platform and is therefore not subject to party political disciplines in their decision making and behaviour as an elected member. They are, therefore, free to support decisions or challenge decisions within councils on their merits as they see them from the point of view of the communities that they represent.

There are potentially some greater tensions in being a local elected member who has been elected on a party ticket. The first point is that if you stood and were elected on a party ticket, it was the party who endorsed you as a candidate, but it was the community who elected you, your primary duty and accountability is therefore to the local community. If you were elected as part of a political party then you will be part of a party group within the council and that party group will often meet together as a political group to thrash out issues of policy, priorities, local issues, major developments, etc. Within the context of the group meeting, people can speak their minds fairly freely, but the assumption is, on major issues, that a group position will be decided.

This is often reinforced by a party discipline system that says that once the group has arrived at a decision, members of the group are bound by that decision, this can create tensions for elected members. Suppose, for example, the group decision was that one of the primary schools in your area should be closed because of low numbers of children attending it – what do you do as a local elected member under those circumstances? If you agree with the decision even though your community probably will not welcome it, then you have a duty to support the decision and get out and engage with the communities and explain it. Suppose you think it wrong that this school should be closed and you think the group is misunderstanding the issues facing your community, what do you do about that? There will occasionally be this type of tension between party discipline on the one hand and what you as an individual member think is the best action.

Because you have chosen to stand for a political party, it would suggest you largely accept and endorse the values and priorities of that political party. When tensions arise between party loyalty and local issues, a number of things follow. First, given the opportunity to argue your position within the group, you have to do it forcefully. That means not just in a group meeting, but speaking to people in advance and around that group meeting to get the perspective of your communities across to your fellow elected members within the group. Second, if the group arrives at a decision you do not favour, you should explain again why you disagree with that decision and the issues this causes you. In many cases, around issues as big as school closures, political groups understand that the local elected member for the area around the school that will close has a perfect right to defend the school and the interest of the communities that they represent.

On other issues, (e.g. should the council adopt a Public Private Partnership (PPP) scheme to renew its school stock and upgrade the schools that it has) there may well be issues of discipline if you refuse to comply with the group decision. These are not easy issues, but the community who elected you will expect that you act on your conscience and in their best interests, not simply in the interests of complying with party discipline. No elected member who stood on a party ticket should casually ignore the decisions of their political group: these are your colleagues, people of significant experience and knowledge, and therefore it is always worth considering the possibility that they are right and you are wrong on this matter. However, if you are satisfied that your position is correct, and in the best interests of your community, you do have a duty as a locally elected member to make sure that your communities' issues and interests are fully represented throughout the decision making process.

All of this is a question of balance. If you keep on challenging the group, and refusing to accept group discipline, this will ultimately suggest that you are not particularly happy being a member of that political party and that you might be better off out of it. What is more likely is there will be a very small number of occasions when you experience a genuine tension between what you think good for your communities and what your party group is proposing. Under those circumstances you have a duty to make sure the position of your communities is forcefully and effectively represented before any decision is taken.

Decision Making Structures

We outline below the typical committee arrangements in most councils, although check with your own legal services department or members' service to see what the current arrangements are in your own authority.

The leading committee of most Council's is often called the Policy and Resources Committee and is normally chaired by the Leader of the Council. This committee may be composed of the chairs and vice chairs of all the other committees, and representatives of the opposition parties. Most major service committees have power to make decisions. These powers are called delegated powers. You can check what powers and terms of reference apply to the committees on which you are allocated a place, by reading the Council's Standing Orders. Standing orders are the rules for decision taking in the Council.

All Councils will have one or more Regulatory Committees. These committees are tasked with carrying out various legal procedures to regulate activities in the Council's area. The Licensing Committee will, for example, decide on issues such as the licensing of taxis, street trading and late hours catering. The Licensing Boards deals with applications for pub and hotel licences and applications for regular and timed extensions, as well as music venue licenses.

Councillors should be particularly careful to avoid any suspicion of undue influence when considering regulatory matters and should seek guidance from the council's head of legal services or head of corporate governance if they are at all concerned that they or others

may be subject to such influences. In particular, councillors cannot lawfully be subject to party or group instruction prior to any substantive planning decision (such instruction would disqualify them from participation) and should try to avoid expressing an opinion on a planning application in advance of the Planning Committee meeting.

If you are appointed to one of the regulatory committees you will need to make sure you understand the legislation and guidance covering the area where you will be making decisions. The Council's officers will be able to help you with this. In these roles, councillors are required to act independently, and, if they are members of a political party, they will not be subject to the group whip in these meetings.

Appeals Committees

Where officers usually make decisions on the Council's behalf, there may be the right for people unhappy with the relevant decision, to appeal to a panel of elected councillors. All councils operate some appeals committees; some are statutory while others are voluntary.

- ▣ Personnel appeals
- ▣ Placing in schools appeals - Statutory
- ▣ Pupil/ student support appeals
- ▣ Social Work complaints review - Statutory

If you are on one of these committees you will be required to be trained on procedures and equal opportunities before you can sit as a committee member. Members' services will advise you on this.

Appointments Committees

In most councils, councillors will be responsible for making decisions on recruitment of senior officers of the Council and Head Teachers. The Council will therefore have a formally constituted Appointments Committee to handle such appointment procedures. Some councils only set up an Appointments Committee when they need to recruit a senior officer, others have a standing committee, or a sub-committee of a more generic standing committee. Normally only members of the Appointments Committee will be involved in interviewing and appointing senior officers. You are required to be trained and your council will offer training on equalities/ diversity and good recruitment and selection processes. For Head Teacher appointments in particular, there are specific areas in which those involved in appointments should be trained, such as the Standard for Headship, and the role of parents in the selection process.

Area Committees

Some councils have area committees that develop strategies to meet specific local needs. These committees often meet in the local area and involve and consult local people. They may undertake the scrutiny role for all services delivered in the area. Normally only ward members for each area would sit on their area committee. Some area committees have delegated budgets to fund work in the local area.

Allocation of Committee Places

Each Council has its own way of choosing members for policy committees or to executives and scrutiny committees. If you are elected on a party political platform you should check with your party group on the method adopted by your authority. If you are an independent councillor, check with members' services on how committee places are allocated. If you have won your seat in a by-election, you will probably inherit the places held by your predecessor.

Co-options

Councils can co-opt members to committees – people from the community with specific expertise and knowledge. Some co-options are statutory, religious members of education committees or executives (where these exist). In other instances, councils have the opportunity to invite interested members of the community to serve on other committees. While councillors will always retain the mandate of representation through election, it can be useful to include people who may not be strongly represented, such as business people, young people and people from ethnic minorities. Councils with formal scrutiny committees also often invite local people to be co-opted members of a particular scrutiny panel.

Conducting Council Business

Councils are large organisations employing often thousands of staff and they adhere to set rules and procedures to help them function effectively and legitimately. As a new councillor you should be given a copy of your Council's Standing Orders. This provides the framework within which the Council conducts its business and makes decisions. It describes who is responsible for making decisions, how decisions are taken, how contracts are awarded and money spent. The Standing Orders, as formal legal documents, may not be easy to read, but you should familiarise yourself with them. The Standing Orders define how the Council conducts its business democratically. Here you will find details of the Committees that the Council appoints, their functions and delegated powers and their relationships with Council meetings and each other. There are also rules for the timing of Council meetings, the order of business, rules of debate and the formation of contracts.

The Council will also have a written Scheme of Delegation which itemises the functions which the Council has asked the Chief Executive, Directors, Deputy Directors and other staff to carry out on its behalf, and the conditions with which they must comply when doing so. There will also be Financial Regulations that describe the arrangements the Council has made for the proper administration of its financial affairs. They deal with accounting arrangements, financial reporting, budgets, audit, income, insurance and other related matters.

Agendas and Minutes

The law requires notice of a public meeting, with its date, time, venue, and agenda to be posted publicly three clear working days before the meeting takes place. The law also requires that a summons to attend such meetings, usually in the form of an agenda, is sent to elected members and that the agenda and any reports being made to the meeting are available for public inspection unless the reports contain 'exempt information'. Many Councils also publish the agendas and minutes of meetings on their website. This allows you to check whether there are any items coming up that concern your ward. If there are issues of interest, you can attend the meeting as an observer, even if you are not officially a member of that committee. You may also ask to speak on behalf of ward constituents but cannot vote unless you are a member of the committee concerned.

At all formal meetings of the council, a record is made by council officers of the decisions taken, the background papers received, and the reasons for the decision. The minutes are made available to the public.

Procedures

All council meetings and committees are open to members of the public unless there are legal reasons to exclude them. Where there are items that are confidential, that will mean a vote will be taken in the meeting to exclude members of the press and public, this will normally be indicated on the agenda. Where reports to committees are confidential, they will normally be printed on a different colour paper to indicate their sensitive nature. It is absolutely critical that councillors must not leak or share with the public or other organisations the contents of these reports.

Elected members are expected to show respect to and receive respect from other councillors at all times. The guidance on the Code of Conduct from the Standards Commission explicitly covers behaviour in the chamber and in committee. It is intended to support chairs, elected members and officers alike by supplementing the requirements of the code. While complaints can be made to the Standards Commission when behaviour is unacceptable, it is important that members avoid using the Commission to achieve political ends.

Representing the Council on Outside Bodies

In order to effectively develop their town, city or area, many councils seek to extend their influence through developing close working relationships and partnerships with statutory agencies in their area and voluntary sector and community groups. One way of extending this influence is to nominate councillors to the governing bodies, or management boards of these agencies and organisations. If you are nominated to such an agency or group:

- ▣ Ask your officers to give you a full briefing on the organisation
- ▣ Its involvement with the Council
- ▣ Its history, its strengths and weaknesses
- ▣ Also get an explanation of your legal responsibilities

For example, if you are nominated to be a director on the board of a limited company you will have personal responsibilities to that company under the Companies Act. Get an appropriate council officer to read through the agendas before you attend, and check your brief on what the council's position is on each item. This will help you to make effective contributions. Also think about the following:

- ▣ Who you need to report back to after each meeting
- ▣ How will you ensure that the Council takes actions that would benefit the partnership or voluntary sector organisation and local people

The Standards Commission for Scotland has now given a general dispensation for councillors who are appointed by their authority to an outside body, although this does not cover all external appointments. Member services or your councils' legal services will be able to advise you fully on these matters if you require detailed information.

Joint Boards

Joint Boards have always been part of local government in Scotland but the most recent major reorganisation (in 1995) increased their number and importance. Joint Boards are set up to run specific services across a large geographical area covering several councils. For example, police services in Scotland, and fire and rescue services are accountable to Police and Fire authorities, which are Boards comprised of Councillors from the constituent local authorities. Although, operational matters are, generally speaking, for the sole discretion of the Chief Constable and Chief Fire Officer.

Joint Boards are jointly funded by local councils and by the Scottish Executive and they will decide how the relevant service should be organised, performance monitored and local people consulted about proposed changes to the service. Joint Boards also have to ensure that the services being provided do give best value.

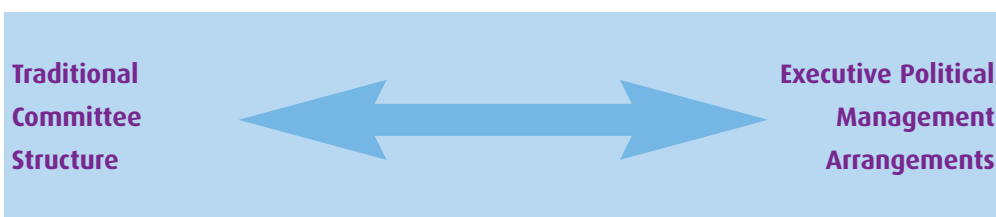
The Police and Fire and Rescue Boards are the most important Joint Boards in terms of spending and volume of service but there are also Joint Boards for the valuation of properties (for the purposes of Council Tax and National Non Domestic Rate), for structure (land use) planning and (in the case of some but not all local authorities) for contracted services or for the operation of toll bridges.

The seven Regional Transport Partnerships (RTPs) are effectively Joint Boards of local authorities for transport planning and transport integration purposes with two-thirds of their members drawn from local authority councillors and the remaining third are appointed regional transport representatives.

A councillor appointed to a Joint Board is (unless the terms of appointment to a particular board prohibit this) expected to represent their council's considered position on the matters before the board. They should report regularly back to the Council, on the policies and decisions of the Joint Board and be prepared to answer for their votes and actions.

The Modernisation of Political Management Structures

Following the Macintosh commission report on local government under devolution in Scotland (the Scottish Executive's response to the report can be found at www.scotland.gov.uk/library2/doc04/ser-00.htm) a considerable amount of exploration took place about whether the classic committee structure was any longer desirable or whether we needed to move more towards executive and scrutiny structures. There have been developments in executive structures in various councils across Scotland resulting in a spectrum of arrangements across councils.



There is no longer a requirement of councils to adopt a particular political decision making and scrutiny structure. Some councils have carried on with committees but modified them to try and improve the scrutiny function. Others have moved to executive structures and created formal scrutiny committees or panels. It is a decision for each council as to what it thinks is the most appropriate and most effective decision making and scrutiny structure for its particular circumstances and context. Below we explore both approaches.

It is a decision for each council as to what it thinks is the most appropriate and most effective decision making and scrutiny structure for its particular circumstances and context.

Committee Structures

The committee system has served well for a very long period of time in local government and does have identifiable merits:

Advantages of Committees

They are inclusive, all political parties and independents of the council are represented on committees

They prevent council decisions being taken by people from one party alone – although the balance of representation on committees tends to reflect the balance of representation in the council as a whole

They prevent individual elected members becoming all powerful and detached from other members

They operate through collective decision making, so a convenor of a committee has to persuade the rest of the committee to go along with decisions

Because committees to a large extent meet in public, their deliberations are also seen to bring transparency to decision making

So committees are a long standing arrangement within councils, not to be dismissed without serious thought. If that is the positive side of the balance sheet, what about the negative. The most common criticisms of the committee structure are:

Criticisms of Committees

Decision making by committee is slow

Because committees have to bring together a significant number of elected members, their meeting cycles tend to be between four weeks to two months - what about issues that arise in the meantime that need rapid decisions?

If a proposal is presented to a committee and is deferred at an initial meeting, it is then six or eight weeks before it will come up for a further decision to be taken

They frequently result in lowest common denominator decision making because they are inclusive and transparent

They fulfil both the decision making and the scrutiny function within the council – a number of critics have argued that it is impossible to do both well.

Executive Structures

As a consequence of the criticism that has been levied at committees some councils have opted to reform their decision making structures and move towards an executive or cabinet structure. The aim of such a structure is to improve decision-making and to make it more accountable.

Typically, the roles of the executive are:

- ▣ Providing strategic leadership
- ▣ Taking executive decisions within a budget and policy framework approved by the full Council
- ▣ Leading the councils' partnership activities with other bodies
- ▣ Developing and making recommendations about strategy and budget to the Council

In other words, a lot of decisions a council itself would have to take in terms of its corporate governance role are delegated to a small executive group to take on behalf of the council. These decisions are then reported back to council and are open to scrutiny and challenge at the point.

There is no single model of how the scrutiny process should be carried out - councils are developing very different arrangements to suit their local needs.

Scrutiny Panels and Committees

Where an executive structure is created, it is also necessary to create much more forceful structures to allow scrutiny and that tends to take the form of scrutiny panels or committees through which non executive councillors can question and challenge the performance of the executive in a manner that will enable public debate. There is no single model of how the scrutiny process should be carried out – councils are developing very different arrangements to suit their local needs. Councils can have a scrutiny panel or committee for each portfolio so that those scrutinising become expert in the portfolio. If there is to be an executive portfolio holder for children's services, councils can also have a scrutiny committee for children's services who are there to scrutinise the decisions made by the executive and to challenge, reform, and refine them. If you would like to find out more about how other councils undertake scrutiny see the Centre for Public Scrutiny's website at www.cfps.org.uk.

The key power that scrutiny committees and panels typically have is to 'call in' decisions, and that allows them to put decisions on hold until further scrutiny and challenge has taken place. Normally a certain number of councillors can require that a decision be put on hold, pending closer examination by the relevant scrutiny committee or panel. To assist it to review the decision, the scrutiny committee or panel can ask outside organisations and individuals to attend meetings to give their views on the particular issue, and can insist that the relevant council officers and executive member also attend.

In general terms scrutiny committees or panels are responsible for:

- ▣ Monitoring the performance of the executive, departments, and outside organisations which receive funds from the Council, against service delivery and financial targets
- ▣ Considering decisions of the executive that have been “called in”
- ▣ Commissioning reviews of particular issues, policies, and services within its remit
- ▣ Submitting comments and recommendations to the executive and full council
- ▣ Submitting reports on their activities to full council

In some cases, councils have one single scrutiny panel that looks across the whole range of decisions taken. One merit may be that of looking across the different decisions in different portfolios. Scrutiny committees also typically have the job of looking not just at what decisions are proposed but also at whether decisions already taken are being properly implemented and delivered at ground level. Their job is to scrutinise before decisions are finally ratified but also to scrutinise after decisions have been ratified to make sure that proper implementation and delivery actually occurs. Scrutiny panels and committees again operate on delegated powers from full council and therefore do not make decisions in their own right. Their findings and conclusions would be referred back to council for decision making. Scrutiny committees and panels also do not generally initiate policy – their function is to review the policy approach of the executive, and to challenge areas of potential weakness. Policy recommendations may, however, arise from the conduct of a commissioned review.

A final point to note is that although officers are not empowered to make policy, very often they develop detailed policy on service proposals within the guidance provided by elected members. Part of scrutiny is ensuring that those proposals actually fit the political guidance given, are feasible, are affordable, and are likely to deliver good value to communities. Whichever system of decision-making is adopted, the scrutiny of detailed proposals arising within a framework of policy agreed by council remains the proper responsibility of the council and all elected members.

Whichever system of decision-making is adopted, the scrutiny of detailed proposals arising within a framework of policy agreed by council remains the proper responsibility of the council and all elected members.



2007 COUNCILLOR INDUCTION PACK:
The Governance of Scotland

Local Government Since Devolution

Local Government is now one of two elected tiers of government within Scotland, along with the Scottish Parliament, in addition to the Westminster Parliament and the European Parliament. The Scottish Parliament itself operates on devolved powers within the framework of the UK Parliament. One way of looking at this is to see local government as fairly far down the decision-making systems of UK governance. There were particular concerns across local government when the Scottish Parliament was proposed. The fear was that the parliament would suck up powers from local government and diminish its ability to lead politically at local level and to make choices about the best pattern of local services.

Recognition that there were issues about how the Scottish Parliament and local government would relate to each other expressed itself in the Macintosh Commission (the Scottish Executive's response to the report can be found at www.scotland.gov.uk/library2/doc04/ser-00.htm). This looked at local government under the context of a Scottish Parliament. Macintosh proposed what was called the principle of "parity of esteem": that the two levels of elected government in Scotland (local government and the parliament) were different spheres, not tiers of governance. The implication of this was that the incoming Scottish Parliament should respect the role, the powers and the prerogatives of local government and not seek to take powers away or diminish local government to enhance the position of the parliament. That resulted in a partnership agreement between COSLA, on behalf of local government, and the Scottish Executive that any actions that would be taken by the executive and parliament would be subject to consultation with local government so that the implications for its powers and functions would be clearly thought through in advance. There was also an undertaking that the executive and parliament would respect the position of local government when developing policy and legislation.

If you speak to elected members who have served your council since devolution, there are some concerns as to whether that principle of "parity of esteem" and respect for local government has actually characterised the way the executive and parliament behaved. However, a relevant comparison is to look at local government in England and Wales. It is clear that the powers of local government in Scotland have been not only maintained but substantially enhanced under the Parliament. For example, the 2003 Local Government Act gave councils a general power of well-being which allows them to do anything that they think appropriate as long as it promotes the economic, social and environmental well-being of their areas and its communities. That is a very substantial power for councils to have. It is equally clear that, in most cases, legislation affecting local government has been developed within the spirit of partnership.

"Public Service Reform" which is a key national strategy, illustrates this. Ministers and parliament have agreed a set of principles for public service reform but agreed that local councils in each part of Scotland should work out the best route to reform to meet those principles for their particular areas. Furthermore, the principles themselves were agreed

Macintosh proposed what was called the principle of "parity of esteem": that the two levels of elected government in Scotland (local government and the parliament) were different spheres, not tiers of governance.

through discussion and debate with COSLA and with local councils. This contrasts with a much more top down approach to reform in England and Wales with significant imposition on local government and local governments rights being significantly less than they presently are in Scotland. In Scotland all councils have the right to be represented on their local Health Boards. In England and Wales no such right exists for councils and they look enviously at the situation that exists in Scotland.

So have the Macintosh principles fully worked out in practice? It is fair to say there are a number of ways in which the position of local government in Scotland still falls far short of that elsewhere in Europe. In principle, any party or coalition with a majority in Parliament can change the number of councils in Scotland if it sees fit. So the current administration, if it wished, could reduce the number of councils. Indeed, in principle, any party or coalition with a majority in Parliament could abolish local government altogether in Scotland if it saw fit. There is almost no other part of Europe where that would be possible as most other states of the European Union, in compliance with the European Charter on Local Self-Governance, have either a written constitution or statutory protection of position of local government. In other words, local government is constitutionally recognised to be part of the overall government of those countries and any change to local government is deliberately made difficult to bring about for that reason. We do not have those types of protection in Scotland at the present moment.

The second tension is unquestionably around resources. Local government remains in a position where around 80% of their general fund finances are allocated to them by parliament. This puts councils in a very dependent position and means that decisions made by the executive and parliament about the overall level of revenue financing have a very significant impact on the choice councils can make locally.

The overall situation is, therefore, not perfect. But in comparison to other parts of the UK, the Scottish Executive and the Scottish Parliament have behaved with significant respect towards local government. Local government has more of a partner position in the governance of Scotland than would be true of other parts of the UK.

Below is some information about the key bodies that help make up the governance arrangements in Scotland. This selection of organisations are important partners for local government and work with individual councils in ways that shape their operating environment.

The Scottish Parliament

The Scottish Parliament conducts most business through eight 'mandatory' committees (including procedures, finance and audit committees) and (currently) eight subject committees (including education and local government and transport). The Scottish Parliament can legislate on all matters not specifically reserved to the UK (Westminster) Parliament. Key devolved matters where the Scottish Parliament can legislate and which significantly impact on the activities of Local Government include:

- ▣ Health
- ▣ Education
- ▣ Culture and the arts
- ▣ Local government
- ▣ Housing
- ▣ Social work
- ▣ Police and fire services
- ▣ Agriculture
- ▣ Environment
- ▣ Planning
- ▣ Some aspects of transport, including roads, buses and ferries
- ▣ Tourism.

The area covered by a council electoral ward will overlap with those of both Members of the Scottish Parliament (MSPs) and Members of Parliament (MPs) from Westminster. There are two types of MSPs: constituency MSPs who represent a geographical constituency and regional list MSPs who are elected on a regional basis from lists of candidates put forward by political parties. Invariably, many councillors find that their activities as elected representatives or when dealing with issues on behalf of their constituents will bring them in to contact with both MSPs and MPs. Many councillors find it useful to keep in contact with both MSPs and MPs who cover their ward area to ensure all are aware of each others activities.

The Scottish Parliament's website at www.scottish.parliament.uk/home.htm is the key source of information on its people, policies and procedures. Information on wider aspects of devolution can be found at www.scotland.gov.uk/About/FAQs.

Scottish Executive, Agencies and Other Public Bodies

The Scottish Executive currently comprises of the First Minister and Ministers appoint by the First Minister who form the 'Cabinet' of the devolved government of Scotland. There are currently 8 Deputy Ministers and two law officers: the Lord Advocate and the Solicitor General. The Cabinet is answerable to the Scottish Parliament for its policies and conduct of finances. The Scottish Executive website at www.scotland.gov.uk/ is an invaluable source of information.

The Scottish Executive also oversees the activities of a range of public bodies in Scotland. A public body is defined as:

Bodies which have a role in the processes of national Government, but are not a Government department or part of one, and which accordingly operate to a greater or lesser extent at arm's length from Ministers. (Scottish Executive www.scotland.gov.uk/Topics/Government/public-bodies/public-bodies-guide)

In simple terms, this means a national or regional public body, carrying out its day-to-day functions independently of Ministers, but for which Ministers are ultimately accountable. Public bodies are known in Government circles as 'non-departmental public bodies' (NDPBs) though others often refer to them as 'quangos' ('quango' derives from the name under which these bodies were previously known - 'quasi-autonomous non-governmental organisations'). NDPBs normally meet the following criteria:

- ▣ They are normally established by statute such as an Act of Parliament or Royal Charter
- ▣ Carry out administrative, commercial, executive or regulatory functions on behalf of Government
- ▣ Provide specialist advice to Ministers and others
- ▣ Have a national remit
- ▣ Have a board whose members are appointed by Ministers or by the Queen on behalf of Ministers, and which meets at least quarterly
- ▣ Employ their own staff, who are not civil servants
- ▣ Manage their own budgets

These terms cover a wide and diverse range of organisations of varying size and responsibilities. There are currently 31 NDPBs in Scotland ranging from The Accounts Commission, which is responsible for examining how Scotland's 32 councils and 34 joint boards manage their finances as well as helping them to improve their efficiency and effectiveness as organisations, to the National Museum for Scotland.

In addition, the executive is also responsible for Advisory NDPBs, such as the Scottish Law Commission and The Scottish Local Authorities Remuneration committee, which are:

- ▣ Normally established by Ministers or, less commonly, by statute
- ▣ Provide independent expert advice to Ministers and others or input into the policy-making process in a particular subject area
- ▣ Have a national remit
- ▣ Have a board whose members are appointed by Ministers or by the Queen on behalf of Ministers, and which meets at least once a year
- ▣ Do not normally employ staff (administrative support is normally provided by Scottish Executive staff)
- ▣ Are not normally responsible for budgets or expenditure other than remuneration (where paid) and expenses for board members

Further information on all Scottish public bodies can be found at, www.scotland.gov.uk/Topics/Government/public-bodies/public-bodies-guide.

Community Planning Partnerships (CPPs)

There are 32 CPP's in Scotland with the same boundaries as Local Authorities. The Local Government in Scotland Act 2003 places duties on:

- ▣ Local Authorities to initiate facilitate and maintain Community Planning
- ▣ Core partners (Enterprise Networks, NHS, Police, Fire and Regional Transport Partnerships) to participate in Community Planning
- ▣ Scottish Ministers to promote and encourage Community Planning (including Communities Scotland's participation at a local level)

Other public sector organisations, community and voluntary bodies and the private sector are involved according to local circumstances. The aims of Community Planning in Scotland are:

- ▣ Making sure people and communities are genuinely engaged in the decisions made on public services which affect them
- ▣ For organisations to work together, not apart, in providing better public services
- ▣ More information on Community Planning is available from the CP website at <http://www.improvementservice.org.uk/community-planning/>

Westminster and UK Government

There are currently 59 Westminster constituencies in Scotland. Westminster legislates for Scotland only in the following areas:

- ▣ The Constitution
- ▣ Foreign policy
- ▣ Immigration and nationality
- ▣ Social security
- ▣ Defence and national security
- ▣ Tax and economic affairs
- ▣ Trade and industry
- ▣ Nuclear energy
- ▣ Oil, coal, gas, and electricity
- ▣ Employment
- ▣ Some aspects of transport, including national road and rail safety

The powers and importance of the Secretary of State for Scotland have similarly now been much reduced and the post has recently been held by UK Ministers with other responsibilities across the UK. The Secretary of State for Scotland operates through the Scotland Office. Information on MPs as well as policies and procedures at Westminster can be found at, www.parliament.uk.

The European Parliament

Scotland returns seven of the 78 Members of the European Parliament who represent the UK. Members elected in the member states of the EU serve for a five-year term.

The scope of legislation undertaken by the European Parliament is increasing, with its key impacts in the areas of the environment, agriculture and fishing, consumer protection, human rights, data protection, health and safety and trade policy (especially creating the single market). Additionally the EU has created significant funding to help poorer parts of Europe to develop. Scotland has benefited from such funding over the last decade, and the Highlands and Islands continue to get EU funding which has to be match funded by the government. However, the accession of the eastern European countries to the EU means that much of this funding is now being diverted to countries such as Poland, Romania and Bulgaria.

The European Union has a significant impact on local government. Councils implement the majority of the legislation at a local level. Because of this and the need to enter into discussions about which level of government is the most appropriate to bring forward policy the European Union recognises the 'Committee of the Regions'. This represents local and regional government and provides a platform for it in the policy formulation processes surrounding the European Parliament. Scotland has representatives on this appointed by the First Minister consisting of 4 MSPs and 4 COSLA nominees. Also see the CEMR and the Council of Europe in the Glossary.

In addition to their growing role as legislators, MEPs approve the appointment of the European Commission, decide the EU budget with the member states, monitor spending, approve international agreements, question EU Commissioners and national Ministers, and appoint the European Ombudsman. Citizens have the right to petition the European Parliament.

Information on the EU and its Institutions as well as policies and procedures at can be found at www.europarl.org.uk/guide/ and at www.ec.europa.eu.

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The Convention of Scottish Local Authorities (COSLA)

COSLA is the representative organisation for Scottish local government. Its main aims are to promote the position of local government as the legitimate tier of governance closest to the people of Scotland, to take the lead in shaping the future of local government and to ensure that local councils remain at the heart of public service delivery. COSLA endorses and promotes the principles included in the European Charter on Local Self Government, and sees these as providing a valuable framework to shape its relationship with other tiers of local government, and their agencies. COSLA also acts as the employers association on behalf of all Scottish councils.

The Convention is COSLA's ruling body. With the 32 councils in membership, it consists of 133 councillors nominated by their authorities. During 2003 -2007 period, the Convention met three times yearly. Between convention meetings decisions are taken by leaders' meetings whose membership are the leaders of all member councils. The day to day work of COSLA's staff is reported to topic based executive groups convened by COSLA's spokespeople. Again their membership comes from nominations by all member councils. The political structure of COSLA has a broad base and provides an opportunity for a direct involvement of roughly a quarter of all councillors in Scotland. This forms the basis of a political decision making system which is inclusive, representative and focused and allows COSLA to respond quickly to events and set a forward looking agenda for local government.

Over the coming years, COSLA will want to increase the awareness of the diversity and quality of work that local councils carry out on behalf of their communities. As the collective voice of local government, COSLA will want to strengthen the accountability of all locally delivered public services have to local communities. COSLA is also actively involved in facilitating members' consideration of new ways of delivering their services into the future, and negotiating with the Executive a lighter touch of scrutiny and funding arrangements, leading to a general reduction in bureaucracy and an increase in local discretion.

At an operational level COSLA has a number of long term organisational objectives, covering: the external relationships with bodies such as the Scottish Executive and Parliament; addressing and influencing key constitutional issues for councils, influencing the development of the public policy framework; influencing and protecting the resourcing of local government and promoting the role, image and credibility of local government. To deliver those objectives, COSLA's work is managed through a business plan that is approved by Leaders and the Convention.

COSLA's main office is situated at Rosebery House, 9 Haymarket Terrace, Edinburgh. This also houses its conference centre. COSLA also has offices in the centre of Glasgow and in Brussels. The latter enables COSLA to represent the interests of Scottish local government to the institutions of the European Union.

You can find out more about COSLA's activities by visiting www.cosla.gov.uk.

The Improvement Service (IS)

The Improvement Service is a partnership between the Scottish Executive, COSLA and the Society of Local Authority Chief Executives (SOLACE).

The IS was established to help improve the efficiency, quality and accountability of public services in Scotland through learning, sharing knowledge and delivering improvement solutions.

The core objectives are to:

- ▣ Promote a learning culture and support collaborative working across local authorities and partners
- ▣ Work with councils to help build capacity and the skills of officers and elected members
- ▣ Promote good practice across Scottish local government
- ▣ Promote the use of knowledge management within local authorities to support sharing and learning, e-governance and business re-design
- ▣ Identify good practice and learning from outside Scotland and other areas of the public, private and voluntary sector to share with Scottish local government.

A key focus for the IS over the next 3 years will be to support elected members in ways that enhance their capacity to govern councils and the communities they serve. Further detail on other IS work streams can be found at www.improvementservice.org.uk.

Accounts Commission for Scotland

The Accounts Commission for Scotland was established to secure the audit of Scottish local government and to consider reports arising from that audit. The Commission's original functions have developed and its responsibilities are now:

- ▣ To secure the audit of all accounts of local authorities and associated bodies either by employed staff of Audit Scotland or by firms of accountants
- ▣ To secure the audit of the performance by local authorities of their Best Value and Community Planning duties
- ▣ To undertake or promote Best Value studies in local government
- ▣ To give directions to local authorities on performance information
- ▣ To consider reports made by the Controller of Audit, to investigate all matters raised and to conduct hearings where appropriate
- ▣ To make recommendations to the Scottish Executive and to local authorities, and to impose sanctions on individual officers and members responsible for illegality
- ▣ To advise the Scottish Executive on local authority accounting matters.

Since 2000 the Commission has, together with the Auditor General for Scotland, worked through the agency of Audit Scotland which was set up to provide services to both. The performance of Audit Scotland is reported separately in its annual report, which can be found at www.audit-scotland.gov.uk

Scottish Public Services Ombudsman

The Scottish Public Services Ombudsman (SPSO) was created in 2002 and replaced three previous offices – The Scottish Parliamentary and Health Service Ombudsman, The Local Government Ombudsman for Scotland and the Housing Association Ombudsman for Scotland.

The SPSO is an impartial, independent and free service that investigates complaints about most organisations providing public services in Scotland including councils, registered social landlords, the National Health Service, the Scottish Executive and its agencies and departments, colleges and universities and most Scottish public authorities.

The SPSO looks into complaints where a member of the public claims to have suffered injustice or hardship as a result of maladministration or service failure and represents the ultimate point in the complaints system, normally only investigating cases when the complainant has already completed the formal complaints procedure of the Council or other organisation concerned. The Ombudsman will also normally only look at complaints made within 12 months of the date that the complainant became aware of the maladministration or service failure.

There are some areas that are exempt from investigation by the SPSO, as laid down in the Scottish Public Services Ombudsman Act 2002. For Councillors, the most important areas that the SPSO cannot consider complaints about are:

- ▣ Personnel issues, such as the appointment of staff, pay, or discipline issues
- ▣ Most educational issues, such as development of curricula, discipline and conduct
- ▣ Tenders, contracts and other commercial transactions
- ▣ Conduct of elected members (this is the remit of the Standards Commission)
- ▣ Community Councils
- ▣ Matters where there is a statutory right of appeal
- ▣ Matters which are subject to legal proceedings or where there is remedy by way of proceedings through any court of law
- ▣ Matters which are the subject of a criminal investigation

The Ombudsman cannot question the merits of a decision taken by or on behalf of an authority, which had the right to make that decision. However, the processes leading up to the making of such decisions are open to investigation.

An investigation report is produced by the SPSO for every complaint that is investigated. These are public documents and are laid before the Scottish Parliament on a monthly basis, in compendium form. The Ombudsman can make recommendations in these reports to remedy any hardship or injustice and, if the organisation complained about subsequently fails to implement these recommendations, then the Ombudsman has the power to lay a special report before Parliament.

More details on the SPSO can be found at: <http://www.spsso.org.uk>

Community Councils

Community Councils were created by the Local Government (Scotland) Act 1973.

Community Councils are not statutory bodies in their own right and only a minority of members are returned by contested election. Some councillors stand for election for their community council as well as for the local authority, and serve on both bodies. Other councillors will try to attend as many community council meetings as they can even though they are not a formal member of the community council, so that they hear about the issues of concern to local people.

The chief role of community councils is consultative: to consult the local community and to make known to the local authority and other public bodies the views of local people on all matters affecting them. Community councils have the right to be consulted on any planning applications in their areas and are also kept informed about licensing applications. In practice the wording of the Act has allowed community councils a locus in a wide variety of issues. A recent survey by the Association of Scottish Community Councils identified over 1,000 different activities that community councils have undertaken, including road improvements, youth projects, environmental initiatives, upgrading of amenities and community initiatives.

The same Act empowered all local authorities to assist community councils, both with funding and administrative support. There are currently about 1,200 community councils in Scotland covering populations ranging from 35 to 34,000. The boundaries of their communities, the number of community council representatives, the populations they represent and their election procedures are determined by each parent local authority through its own Scheme for Community Councils.

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2007 COUNCILLOR INDUCTION PACK:

The Policy Context

As a councillor you will need to implement a range of policies, some of which are required by legislation, and some of which are locally determined to help local residents. In this section we set out some of the more important policy issues which you will have to deal with as a councillor.

As discussed earlier, councils operate within a framework of law that expresses national policy within Scotland, policies of the UK government and the policies determined by the EU that cover all member states. These policies cover every area of life from birth to death; all aspects of environmental, social and economic regulation and it would be impossible to cover all of them in an introductory guide like this.

The focus, therefore, will be on core national policy frameworks within Scotland that set the operating context for local councils. Briefings on other matters will be provided to you as and when relevant by your own council and the Improvement Service will provide further information-briefing notes to put into your folder as time goes on.

Best Value

The most fundamental legal framework that councils operate within, and the one that best expresses the expectation that councils should be clear about what they are trying to achieve and be efficient and effective in so doing, is the 2003 Local Government in Scotland Act. That set the framework for the best value responsibilities of councils, their duties in leading community planning and partnership working and confers upon them the power to promote the well-being of their citizens.

Councils and other public bodies now have a statutory duty to demonstrate best value in all they do. This is the driving force for improving council services to meet the needs and expectations of service users. Local authorities are required to monitor their performance and must draw up plans to show continuous improvement in the performance of their functions. Continuous improvement seeks to balance quality and cost consideration and is achieved with regard to economy, efficiency, effectiveness, equal opportunity arrangements, and sustainable development (see <http://www.scotland.gov.uk/Topics/Government/Finance/spfm/BestValue> for the statutory guidance information on Best Value)

One of the most challenging aspects of the best value responsibilities that councils face is their duty to look at a range of options on how they would best meet their aims and objectives and to have good reasons for adopting the options that they do. This certainly means that councils need to compare their arrangements and their performance with other, similar councils to see whether other people have identified a way of delivering services and objectives more efficiently and more effectively. It equally means that councils must look to alternative providers if there is evidence that they could deliver a service more efficiently or more effectively.

The most fundamental legal framework that councils operate within, and the one that best expresses the expectation that councils should be clear about what they are trying to achieve and be efficient and effective in so doing, is the 2003 Local Government in Scotland Act.

For example, most councils in Scotland deliver home care services to older people. There is an already established and rapidly developing private home care market. Councils have a duty to periodically consider whether delivering the service directly themselves achieves the best results at the best cost for older people or whether other private or voluntary sector providers could do better within the resources available. As elected members typically have a proper loyalty to the staff they employ and to their pay and conditions, it can be often challenging to look to see whether an alternative provider can actually deliver better for communities, and the tension is often between protecting staff or protecting the interests of those who receive services.

It is worth noting that this aspect of best value is also subject to the overall framework of European Competition Law and Procurement Law. Councils should not procure services externally or internally in ways that are deliberately anti-competitive and members need to consider all the options afforded to them through the market in their area.

Most fundamentally, elected members need to consider why they are doing what they are doing. For example, almost all councils in Scotland provide, on a subsidised basis, leisure and recreational opportunities to their citizens and to their communities. These include parks and open spaces but they also include charged facilities like swimming pools, ice rinks, 5 a-side football pitches, etc. If a council is going to spend substantial sums of money each year subsidising access to those facilities, particularly in the areas where a large range of equivalent private facilities exist, what purpose do they intend to achieve by doing this? The argument that is often made is that councils provide these services on a subsidised basis so that households with low incomes, who would otherwise be potentially excluded, can have access to those services. If that is the argument for provision, then what we need is performance information that demonstrates that people on low incomes, who might otherwise be excluded, are actually taking up the services offered. In short, there is a close link between purpose and performance management. Whatever we claim to be the purpose of what we do also sets the framework for assessing the performance of what we do.

If we take that example of leisure and recreation services for excluded people, one way of ensuring they have access to services is certainly to provide them directly through the council. Another way would simply be to buy them membership of private facilities that they could go to and use at no or low cost to themselves. Would they prefer that to council facilities and what would it cost in comparison to running the services directly through council? These are all issues that, under best value, elected members are expected to think about and to ensure the right questions are asked of officers about why the current pattern of services is the way it is.

Best value is about a culture of challenge, that is considering questions such as the following:

- ▣ Why do we do what we do?
- ▣ Do we do it successfully in those terms?
- ▣ Are there other ways we could do it and what are their costs and benefits?

It's about being open-minded and being willing to look at alternative options where they seem to be promising in respect of what we do at present.

Best Value and Partnership working

The leadership of community planning and other forms of partnership working needs to be looked at in this context. Partnership working with others is not an end in itself and under best value, if we are going to do it, we have to be very clear about the benefits we are seeking to achieve through partnership. We need to be equally clear that those benefits are delivered through the partnership frameworks we have set up. Community planning is not separate from best value but part and parcel of best value, and where a collaborative option is better under best value, the council would have a duty to pursue it.

Partnership behaviour is learnt behaviour. Many people working in a partnership environment labour under the misapprehension that they should be able to do it, almost as second nature. However, effective partnership working requires the subsuming of an individual organisation's interests to the greater good and the sharing of credit and profile in a world where partners (and individual representatives) may be competing for attention and money. It is certainly not easy. Instead of independent decision-making and action, it requires:

- ▣ Consultation
- ▣ Negotiation
- ▣ Joint, or at least coordinated delivery.

These ways of delivering make new demands on councillors and officers with more emphasis on networking and brokerage and new skills and competencies will be required:

Leadership	Trust
Where partners share a common vision and harness their energies to achieve more than they could on their own.	Where partnerships are mutually accountable, share risks and rewards fairly, and support each other
Managing for Performance	Learning
Where partners put in place necessary practices and resources, and manage change effectively	Where partners continuously seek to improve what they do in partnership

These skills can be developed and there is a great deal of support out there to do so (Section 8 of this pack looks at learning and development).

Community Planning provides a framework for public sector organizations to collectively identify priorities and then act together, having a greater impact on problems than they could alone and achieving more for the public pound. Normally the Community Plan provides a framework for specific goals and action plans to achieve them, often broken down into a number of strategic themes, more detailed targets and milestones. Elected members may be involved in the CPP at a number of levels

- ▣ At the Partnership level, with a role on the Board, making strategic decisions.
- ▣ At thematic group level, chairing or working with a themed group on the delivery of priorities identified in the community plan.
- ▣ At a local Community Planning Partnership level, possibly in connection with a neighbourhood management approach or an area committee.

Community Planning provides a framework for public sector organizations to collectively identify priorities and then act together, having a greater impact on problems than they could alone and achieving more for the public pound.

There is a wealth of information and support to help elected members become more involved in Community Planning. At a local level the Community Planning Co-ordinator for your Council is a good starting point and their contact details can be found via contacts in the Council or on the Improvement Service website (www.improvementservice.org.uk) - just follow the links to the Community Planning resources.

To sum up, partnership working is often time consuming, complex and difficult. Different organisations with different governance arrangements, different budgetary situations and different accountabilities come together to try and improve the well-being of citizens, communities and areas. Where this works, there is good evidence that this can enhance the lives of citizens. Where it doesn't work, there is equally evidence that a significant amount of time, effort and resource can go into achieving very little benefit to citizens and communities.

There are two things on which all elected members need to focus. Given partnership does take time, resource and effort, we need to be sure that that effort will be worthwhile. Here it is critical that, at the outset of a partnership, elected members are clear about exactly what benefits are to be achieved for citizens and communities through partnership. This is sometimes referred to as a focus on "collaborative gain". If those proposing partnership cannot explain to you clearly the collaborative gain for citizens and communities from partnership working, then it is probably wrong to embark on it. Like anything else, collaborative working is not an end in itself: it is there to deliver benefits to citizens and communities and those proposing it should be in a position to state exactly what those benefits are.

This is important for a further reason. Unless the benefits of partnership working are clearly stated at the outset, it is almost impossible for elected members to monitor the performance of partnerships. You should consider the following issue when monitoring the performance of a partnership body:

- ▣ Are the benefits promised actually being delivered on the ground through the partnerships that have been set up?

This takes us to a second point about partnership working: accountability is absolutely critical. If the council is going to invest its staff, its financial resources, and its physical assets into partnerships, then councillors have to be satisfied that proper systems of accountability back to them and through them back to the community have been established. This is a critical dimension and it is not just about systems and processes. It is also about the focus of elected members themselves.

An observation in the past would be that very often elected members tended to be focused, for understandable reasons, on what happened within and through the council itself, and spent much less time and attention on the partnership arrangements in which the council participated. As partnership arrangements may progressively be the vehicle through which public services are delivered, it is critically important that elected members give them the same time and attention, and demand from them the same accountability as they would demand from their own services through the council.

The 2003 Local Government in Scotland Act gave councils the power to promote the social, the environmental and the economic well-being of their citizens, and partnership may very often be the best way to do that. It is important, however, to make it accountable to yourselves as elected members and through you to communities. Here a connection might be drawn with the section on multi-member wards. As far as citizens are concerned, high level partnership committees having discussions about strategy are probably of very little interest at all. Indeed some evidence suggests they are not of much interest to many elected members either.

It is at the ground level that citizens and communities tend to be interested. Is partnership resulting in better and more integrated services? Does partnership make services easier to access so that the police services, health services, social work services and other council services are all based in a common building with a common reception? If that is the case, then, potentially real benefits will occur. But what that says is local community planning, not just community planning across the whole council area, is likely to be very important and the multi-member ward can stimulate development at that level. If one role of the multi-member ward is to scrutinise all the public services in the area then one of the things that they would inevitably scrutinise is why don't we work better together. That in itself is a useful starting point for the accountability of partnerships, but also a useful stimulus to newer and better partnership than we have had in the past.

Best Value and Efficient Government

The final aspect of best value that is worth noting is what is now talked about under the national policy of "Efficient Government". If we examine all of our services, are they as efficient as they could be in the way we design, run and manage them? An analysis of public satisfaction surveys with councils across Scotland has indicated that if you ask people questions about their satisfaction of particular services, (education, care for older people, leisure and recreational facilities, dustbin collection, etc) typically very high levels of satisfaction are recorded. If, however, you ask people the question: do you think your local council is efficient? The answers are uniformly negative in every part of Scotland.

There is a perception out there that although council services may be good, councils simply are not efficient in delivering them. The efficiency of services has become a key focus because of the growth in funding that councils have experienced since devolution is coming to an end and spending allocations to councils from the Scottish Executive across the next few years are likely to be very much tighter than they have been. That means that councils will have to look to maximise efficiency in all of their service operations because money wasted through inefficiency will be money not available to frontline services.

The Efficient Government Plan published by the Scottish Executive set ambitious targets for councils. The agreed Efficient Government target for local authorities is £400m of annually recurring efficiency savings by 2007-08, of which £197.3m has already been assumed as part of the Local Government settlement. The remainder, and any additional efficiencies achieved, remains within local authorities for reinvestment in improving public service delivery. As we face significant growth in demand for our frontline services, it is critical that money is not wasted because of inefficient business operations within councils. Elected members have a key role in leading this.

To sum up, the duty of best value that councils face in many respects is equivalent to our earlier discussion of corporate governance. Good corporate governance would result in a best value organisation: that is clear about what it seeks to achieve, objective and open-minded about how it goes about achieving that and capable of monitoring its own performance. The final element of best value taking us back again to the members' role at council and at ward level, is that part of assessing best value is knowing the communities assessment and valuation of the services the council offers. Satisfaction with services is a critical dimension of best value and one to which elected members have privileged access. They meet routinely with individual citizens, with community groups, with business interests and so on, and all of that provides essential information for assessing the best value of the council's operations.

Public Service Reform

The second major element that sets the context for councils across the next four years is what is being called Public Service Reform. This is an initiative led by the Scottish Executive, in partnership with COSLA, to look at how to further improve public services reform in Scotland. In the past the typical way of reforming public services has been for the government of the day to decide to restructure councils, the health service and other services as they thought appropriate.

The approach the Scottish Executive has adopted this time has been much more consultative and collaborative than that. Public service reform has been presented as a set of principles that public services in different parts of Scotland should take forward but in ways they think fit and appropriate for their areas, their communities and their circumstances.

The key principles of public service reform include:

- ▣ **Organising public services around service users rather than the structures and boundaries of public agencies themselves**

This is a recognition that one of the major complaints that service users have had is that you have to have a huge amount of knowledge to get all of the services you need on an integrated basis. What public service reform says is that citizens shouldn't have to find their way through our systems, our systems should be devised to suit the citizen. For example, if an older person requires social care support through the council and health care support through the health care system, should they have to work out how they get that package of support together, or is it down to the public services to work in such a way that the older person is offered a single, integrated, service? The principle of organising around the user in a responsive way is really a principle of service integration.

The second principle of public service reform is:

- ▣ **To organise in ways that maximise the efficiency of the operation of public services across Scotland**

That certainly means no particular public body should save money on its own budget by shunting costs onto a neighbouring public body. If the Health Board saves in its budget by putting older people who have been ill out of hospital more quickly than in the past, that simply passes the cost onto the local authority's budget in providing social care to that person. Efficiency isn't just efficiency within any single public service, it is efficiency across public services in the same area, and that means again collaborative working to look at how we better integrate and co-ordinate our finances and resources.

A third principle of public service reform is:

- ▣ **Supporting quality and encouraging innovation**

If there are costs and restrictions in the current 32 council structure, with some of the smaller councils struggling to maintain and sustain services, why don't a number of councils get together in partnership to offer a higher quality service to the public? The key point is that ministers have said that they do not want to restructure the 32 councils to a particular template they have thought up. What they are saying is the councils in each part of Scotland should look at how they could work better together, and how they work with their Community Planning partners, to produce more efficient and more effective services for the public. Innovation might include adopting entirely new ways of delivering services. For example, do we need to have people turn up at a sports facility to book a session: Why can't they do it online in a way that suits them? Equally, if an older person needs care and support is it best that the council provides that or could we simply give the older person the money to buy the care and support they need for themselves?

The principle of organising around the user in a responsive way is really a principle of service integration.

Innovation links to the fourth principle of public service reform, which is:

▣ **That public services should be “joined up”**

The issue should not be about who runs what service but rather what outcomes are we trying to achieve for the individual or community. Too much of existing regulation, audit and inspection is on a service-by-service basis and not about the outcomes that are achieved through those services. The joining up to focus upon outcomes is just as challenging for the Scottish Executive. Just as councils are often organised on a service by service basis, equally the Scottish Executive is organised around a set of departments who can often seem as much focused on what they themselves do as on the outcomes for citizens and communities.

The final principle of public service reform is one in which locally elected members have a central role and that is around:

▣ **Improving the public accountability of services**

If public services are to retain the support and loyalty of the public, they need to be effectively accountable to them. The local elected member has a key role in ensuring that clear accountability exists back to communities. This means accountability in terms of the communities’ understandings and values, and again that is likely to reinforce the outcome focus. What communities don’t like is one agency saying: “we did our bit but the others let us down.” Communities are interested in the outcome not who is responsible for what within the public service system.

The Spending Review

The final element of national policy that interacts strongly with local policy is the spending review. Every two years at UK level the government undertakes a spending review. The last Spending Review was in 2004 (SR04) and the next review should have taken place in 2006. However, the Chancellor announced that the next review would take place in 2007, a year later than expected.

The Scottish Executive used the Chancellor’s decision to defer the 2006 UK Spending Review (by one year) as an opportunity to revisit the vision and long-term objectives for Scotland. This extra year provided a unique opportunity to fundamentally consider where current trends might be heading, how best to respond to the long-term opportunities and challenges, and to think about different ways of achieving desired public policy outcomes.

The main purpose of the Spending Review is to set detailed spending plans for the next 3 years. The 2007 Spending Review will cover financial years (2008-09, 2009-10 and 2010-11) and plans will be published after the May 2007 election, which are expected to cover

the full parliamentary session. This includes decisions about key priorities agreed by Scottish Ministers for the forthcoming period and also includes decisions about the overall level of spending that is sustainable in terms of taxation and the other income that government receives.

The 2007 UK Spending Review is critical to Scotland because it determines the overall allocation that the devolved Parliament will receive.

The Scottish Executive undertakes its "spending review" in parallel and decides on the allocations/spending plans based on the priorities of the Scottish administration. Those priorities will include what they wish to give the health service and other public agencies and will also include the monies they will make available to local government.

The spending review that will influence most of your first term of office will be undertaken by the new Administration and the outcome will be announced in autumn 2007 in the light of decisions made about the funding coming to Scotland from the UK Government.

It is already clear that the 2007 UK Spending Review will take place in a tighter fiscal context than some earlier reviews. Early indications are that the next spending review will lead to lower growth in public spending. This is particularly challenging for Scottish councils because they depend so much on the monies allocated to them by the Scottish Executive.

The overall treatment of local government services in the Scottish spending review is critical because it will determine the overall sums of money available to Scotland's councils to deliver services across the next three years. Over the past six years, councils have received a relatively high rate of growth in spend, certainly in comparison to inflation. That growth in spend has allowed councils to keep up with a sharp growth in demand for services, particularly due to the growing number of older people requiring services. If, as is projected, the spending review in autumn 2007 provides a lower level of growth across the next three years, councils will face significant challenges in meeting sharply increasing demand against a resource base that is increasing much more slowly.

Under those circumstances there are only three ways councils can respond.

- ▣ First, they will need to prioritise better and harder. If the monies available are not going to cover everything then we need to arrive at clear judgements about where priorities lie and make sure the resources follow the priorities. This may mean that some existing services take very sharp cuts to protect services elected members think are more valuable and of higher priority.

- ▣ Second, they should look hard at whether there are better and more efficient ways to use their existing resources. It is likely that this will have to be an ongoing part of how councils meet increasing demand across the foreseeable future. That means a willingness to look fairly radically at current mechanisms for delivering service, and an open-mindedness at looking at alternative options that may achieve more for the money available.
- ▣ Third, they can consider raising more money through the local council tax. However, elected members are often concerned about the unpopularity of sharp council tax increases even if they are necessary to raise the additional funding sought.

As noted, options such as out-sourcing to the private or voluntary sector are always going to be politically contentious and hard to manage. But if that is the only way we can ensure the needs of older people or adults with mental health problems or children with educational difficulties, then that is the challenge for elected members.

Below are some additional sections with some introductory information on broader policy issues that also impact upon local government.

Equalities, Human Rights and Local Government

A key element of best value not yet covered relates to the promotion of equalities in council policies and services. Equality, diversity and respect for the human rights and dignity of every man, woman and child are core values that define the lives of the people in our communities. Equality is not a minority concern it matters to everyone. At some point in our lives, many of us face barriers that may prevent us from fulfilling our potential or participating fully in society. As a councillor, you will be working to ensure that every individual has the chance to achieve their potential, free from prejudice and discrimination.

The Human Rights Act

The Human Rights Act 1998, which came into force in October 2000, incorporates the European Convention on Human Rights into UK domestic law. This means that a legal remedy for an alleged breach of human rights can be sought within the Scottish courts. Only if the courts fail to provide such a remedy would it be necessary to consider taking the case to the European Court of Human Rights.

The Act gives legal effect to the fundamental rights and freedoms set out in the ECHR by making it unlawful for a public authority to act in a way that is incompatible with any Convention right. These rights not only affect matters of life and death such as freedom from torture but also affect rights in everyday life, what people can say and do and many other similar basic entitlements. There are 16 such rights:

Right to life	Prohibition of torture
Prohibition of slavery and forced labour	Right to liberty and security
Right to a fair trial	No punishment without law
Right to respect for private and family life	Freedom of thought, conscience and religion
Freedom of expression	Freedom of assembly and association
Right to marry	Prohibition of discrimination
Protection of property	Right to education
Right to free elections	Abolition of the death penalty

The Scottish Parliament passed legislation last year to create a Scottish Commission for Human Rights. The core role of the Commission will be to raise awareness of, and promote compliance with, human rights. As part of that role it will be able to conduct inquiries into human rights issues, and for that purpose it will have legal powers to require individuals and bodies to provide evidence in connection with such inquiries. However, it will not be able to investigate individual complaints. The Commission is to be set up by, and will be accountable to, the Parliament.

Equalities Opportunities Including Statutory Obligations

Equal opportunities as defined in the Scotland Act 1998 is used in the widest sense and encompasses not only sex or marital status, race, disability and sexual orientation, but also individuals and groups facing discrimination on the grounds of “age, language or social origin or other personal attributes including beliefs or opinions such as religious beliefs or political opinions”.

The Scotland Act allows the Scottish Parliament to give guidance on equal opportunities, to require Scottish public bodies to adopt equal opportunities policies, monitor their effectiveness and meet the requirement of legislation relating to equal opportunities.

- ▣ Race Relations Amendment Act 2000
- ▣ Disability Discrimination Act 2005, which includes the involvement of disabled people in the delivery of disability equality.
- ▣ Equality Act 2006 (gender duty)

Councils, as employers, also have statutory obligations to all equality groups (age, disability, gender, race, religion or belief and sexual orientation).

Equalities should be integrated into the Council’s key policy initiatives such as:

- ▣ The Corporate Plan
- ▣ The Community Plan
- ▣ The Best Value Framework
- ▣ Social Inclusion Strategies
- ▣ The Council’s role as an employer

The Scottish Executive is working to ensure that the promotion of equal opportunities is at the heart of its activities and a commitment has been given to promote the mainstreaming of equalities across the public sector. Mainstreaming is the integration of an equalities dimension into policy planning, decision-making, implementation and evaluation. Mainstreaming is also a powerful way for a Council to demonstrate its commitment to equality and to exert influence regarding equality in its partnerships with other partners.

Local councils are keen for councillors to gain a thorough understanding of equal opportunity issues and support Councillors in their learning in this area through briefings, workshops and training courses. Check out what your council offers.

Sustainable development is a core part of the duty of Best Value and local authorities have a duty to discharge their functions 'in a way which contributes to the achievement of sustainable development'.

Sustainable Development

Sustainable development is a core part of the duty of Best Value and local authorities have a duty to discharge their functions 'in a way which contributes to the achievement of sustainable development'. This means that they have to consider the social, economic and environmental impacts of activities and decisions both in the shorter and longer term. Sustainable Development is commonly defined as being development which secures a balance of social, economic and environmental well-being in the impact of activities and decisions; and which seeks to meet the needs of the present without compromising the ability of future generations to meet their own needs. It is therefore a wide-ranging approach to economic, social and environmental development of a Council's activities and its areas, going beyond the common misconception of a narrow 'environmental' focus. That said, Councils do usually seek to ensure that environmental considerations are 'designed into' all policies, and physical and service developments from the start, in order to ensure that developments are sustainable. This is intended to improve the quality of life of residents and to ensure that patterns of land use and service delivery do not become unsustainable over time through any inherent wastefulness or adverse impact on the environment. Examples of sustainable development include revising school transport to minimise car usage in favour of walking and cycling, minimising printing in administrative offices in favour of 'on-screen' information access and using recycled paper when printing is unavoidable, the use of video-conferencing as a replacement for some meetings which would otherwise involve long journeys by car and the planning of shops and community facilities in locations which allow easy access by non-car users. Many Councils now add, as a matter of course, an environmental impact statement to any report which proposes actions which might have environmental impacts.

Detailed advice on all aspects of the sustainable development aspect of the duty of Best Value can be found on the Scottish Executive website, or in the Sustainable Development Toolkit, prepared by the Sustainable Scotland Network, in association with CoSLA, WWF and the Scottish Executive:

<http://www.scotland.gov.uk/Publications/2005/12/1493902/39032>

<http://www.sustainable-scotland.net/index.asp>



2007 COUNCILLOR INDUCTION PACK:

Standards and Ethics and Information Handling

The Principles of Ethical Standards in Public Life

The public have a right to expect honest and upright behaviour from their elected representatives. Confidence in local democracy is essential to an open and inclusive society. This can only be achieved when those serving their communities adhere to – and can be held accountable for – the high standards expected of them. The Ethical Standards in Public Life etc. (Scotland) Act 2000 introduced a new ethical framework to Scotland to ensure that high ethical standards are maintained (the code of conduct can be viewed at, <http://www.scotland.gov.uk/Resource/Doc/1070/0013139.pdf>). Councillors are expected to follow these principles of behaviour:

- ▣ **Duty**
You have a duty to uphold the law and act in accordance with the law and the public trust placed in you. You have a duty to act in the interests of the Council as a whole and all the communities served by it, and to be accessible to all the people of the area for which you have been elected to serve, and to represent their interests conscientiously.
- ▣ **Selflessness**
You have a duty to take decisions solely in terms of the public interest. You must not act in order to gain financial or material benefits for yourself, family or friends.
- ▣ **Integrity**
You must not place yourself under any financial or other obligation to outside individuals or organisations that might influence you in the performance of your official duties.
- ▣ **Objectivity**
You must take decisions solely on merit when carrying out public business, including making appointments, awarding contracts, or recommending individuals for rewards and benefits.
- ▣ **Accountability and Stewardship**
You are accountable for your decisions and actions to the public. You have a duty to consider issues on their merits, taking account of the views of others. You must ensure that the Council uses its resources prudently and in accordance with the law.
- ▣ **Openness**
You have a duty to be as open as possible about your decisions and actions, giving reasons for your decisions and restricting information only when the wider public interest clearly demands.

- ▣ **Honesty**

You have a duty to act honestly. You must declare any private interests relating to your public duties and take steps to resolve any conflicts arising in a way that protects the public interest.
- ▣ **Leadership**

You have a duty to promote and support these principles by leadership and example, and to maintain and strengthen the public's trust and confidence in the integrity of the Council and its councillors in conducting public business.
- ▣ **Respect**

You should show respect for all other councillors, council employees, and your constituents, treating them with courtesy at all times.

Every action by a councillor and every decision by a council must be undertaken in the interests of the community. Decisions and actions will be subject to public scrutiny to ensure that this is the case.

Councillor Behaviour

Every action by a councillor and every decision by a council must be undertaken in the interests of the community. Decisions and actions will be subject to public scrutiny to ensure that this is the case. When you accept office as a councillor you sign a copy of the Councillors' Code of Conduct as part of the declaration of acceptance of office for new Councillors. If you do not have a copy, ask for one from the Council's solicitor or monitoring Officer. The Standards Commission for Scotland oversees the Code of Conduct and issues guidance on how to follow the code's rules (the commission's web site for full information is www.standardscommissionscotland.org.uk). The commission can also receive allegations that the code of conduct has been breached and, if necessary, refer the allegation for investigation. Following a hearing, the Commission has powers to suspend councillors from some or all of their Council duties.

The behaviour of councillors impacts on the climate and culture of a local authority so, as a councillor, you need to ensure that your behaviour is exemplary. For example, you should avoid behaviour that might be construed as bullying or harassment.

Mutual respect is the key to establishing good member-officer relations. Close personal familiarity should be avoided. There are some simple things which can make it easier to establish a relationship that works for your authority. There needs to be clarity about the respective member-officer roles. The Councillors' Code of Conduct contains an appendix with a protocol for councillors working with Officers, (<http://www.scotland.gov.uk/Resource/Doc/1070/0013139.pdf>).

Getting the councillor/ officer relationship right requires:

- ▣ Both should aim to develop a relationship based on mutual respect and appropriate professionalism
- ▣ Councillors should define the core values of the organisation
- ▣ Councillors should identify priorities, and strategic direction for the council
- ▣ Officers should provide clear advice and offer alternative options where they exist
- ▣ Councillors and officers should work in partnership to turn the core values and priorities into practical policies for implementation

It is inevitable that complaints will be made against a small number of elected members who are felt to act unreasonably and against the provisions of the code. This is a very serious issue. The Commission - in co-operation with the Chief Investigating Officer - is responsible for the enforcement of the Codes. All allegations of misconduct, properly made, will be investigated. This will absorb a significant amount of time for both the complainant and the councillor involved. Where the Commission finds against the councillor, sanctions including censuring, partial and full suspension and disqualification can be applied. In the future it is likely that sanctions may include reducing the councillors salary for a given period time.

Registering And Declaring Interests

A large part of the code of conduct is devoted to clarifying when a councillor should declare an interest in a matter under consideration. Councillors must register any interests listed in Section 4 of the code within a month of taking office, or within a month of your circumstances changing, so that the public, authority staff and fellow councillors know which interests might give rise to a conflict of interest. Just because you have an interest and decide to register it, does not mean that there is an ethical concern.

Financial interests that should be registered include:

- ▣ Your job and your businesses
- ▣ The name of your employer, any firm of which you are a partner and any company of which you are a paid director
- ▣ The name of any person – other than a relevant authority – who has helped you with expenses associated with your election
- ▣ The name of any ‘corporate interest’ – any corporate body that has a place of business or land in your authority’s constituent area; and in which you have shares worth more than £25,000 or one per cent of the total amount invested in that body by shareholders
- ▣ A description of any contracts for goods, services or work between the authority and you, or any firm of which you are a partner, or company of which you are a paid director, or any of your corporate interests
- ▣ The address or other description of any house, land or buildings in the authority’s area in which you have a beneficial interest, such as being an owner or tenant, including council tenant

You may also have significant non financial interests, and it is equally important that relevant interests such as membership or holding office in public bodies, companies, clubs, societies and organisations such as trades unions and voluntary organisations, are registered and described. In this context, non financial interests are those which members of the public might reasonably think could influence your actions, speeches or votes in the Council. If you are unsure whether you have an interest in a decision, seek advice from the council's solicitor, the monitoring officer or your group whip.

Declaring Interests

You must consider at the earliest stage of a meeting whether you have an interest to declare in relation to any matter that is to be considered. Your declaration of interest must be made as soon as practicable at a meeting where that interest arises. If you do identify the need for a declaration of interest only when a particular matter is being discussed you must declare the interest as soon as you realise it is necessary. Your oral declaration of interest should identify the item or items of business to which it relates. Your statement should begin with the words "I declare an interest" and should be sufficiently informative to enable those at the meeting to understand the nature of your interest, but you do not need to give a detailed description of the interest.

If you declare a direct financial interest in a decision you must stop discussing the item and withdraw from the meeting until the item of business is concluded.

There are a few circumstances in which special dispensation allows you to vote even though you have a financial interest, such as setting the council tax or setting rent levels if you are a tenant. However, in both cases, you must not participate if you are in arrears with either the council tax or rent on a council property.

It can be more difficult to decide what to do about other (non-financial) interests but the code gives clear advice - if you think you have an interest, you should declare it. You then need to make a decision as to whether you have a "clear and substantial" interest. Ask yourself this question: "Would members of the public, knowing the facts of the situation, reasonably think you might be influenced by it?" If the answer is 'yes', the interest is clear and substantial and you should take no part in the discussion and should withdraw. If the answer is 'no', you can participate but make sure that the interest and your reasons for participating are minuted in order that you are seen to have behaved properly. You will also need to regularly update the register of your interests and this is available for public inspection. If there is any change to your situation, it is your responsibility to update your entry in the register.

You must consider at the earliest stage of a meeting whether you have an interest to declare in relation to any matter that is to be considered. Your declaration of interest must be made as soon as practicable at a meeting where that interest arises.

Confidential Information and Freedom of Information

The Freedom of Information (Scotland) Act 2002 provides a right of access to information in order to make public authorities more open and accountable to the people they serve. If you have worked in an organisation which is subject to the Act or have exercised your rights under the legislation you may already be familiar with the provisions of the Freedom of Information (Scotland) Act 2002 (FOISA). It is important to become familiar with the specific policies and procedures that your Council has in place to ensure its compliance with the Act.

In brief - the Act came into force on 1 January 2005 and provides a right of access to all types of "recorded" information of any age held by Scottish public authorities. It applies to all Scottish public authorities including: the Scottish Executive and its agencies; Scottish Parliament; Local Authorities; NHS Scotland; Universities and further education colleges; and the Police. Any person who makes a request for information must be provided with it, unless any of the exemptions provided within the Act apply to the information. If people are unhappy with the response to their request for information they can complain to the independent Scottish Information Commissioner who is responsible for enforcing the legislation. Further information is available on the commission website Scottish Information Commissioner, www.itspublicknowledge.info.

As a councillor you are not individually subject to the Act – it is the Council that is required to comply with the Act. However, it is possible that members of the public will not make this distinction and will make a request for information held by the Council to a councillor instead of to the Council. Make sure you know what arrangements your council has in place to enable you to pass across any requests for information which you receive so that they can be dealt with as appropriate by the council. Where requests have been made to a councillor and not to the Council itself, the Council does not have a duty to respond to the request under FOISA. However, councils do have a duty to advise and assist people making information requests under section 15 of the Act. Depending on the request, the duty might be fulfilled either by making the information available informally or by asking the requester to make a new, valid information request direct to the council.

The Act also places an obligation on all Scottish public authorities to adopt and maintain a 'Publication Scheme'. All Scottish public authorities have produced a publication scheme that shows:

- ▣ The information they already make available or intend to make available
- ▣ Where you can find the information
- ▣ Whether the information is available free of charge or on payment of a fee.

You might find it helpful to read your Council's Publication Scheme and also to look at the explanatory material provided for the public (hard copy leaflets or web pages) on how to exercise their rights under FOI(S)A to access information held by the Council.

There are also Environmental Information (Scotland) Regulations which provide rights similar to those provided by FOI(S)A but specifically with regard to Environmental information. The Scottish Information Commissioner also has powers to enforce these regulations. It is inevitable that complaints will be made against a small number of elected members who are felt to act unreasonably and against the provisions of the code. This is a very serious issue. The Commission - in co-operation with the Chief Investigating Officer - is responsible for the enforcement of the Codes. All allegations of misconduct, properly made, will be investigated. This will absorb a significant amount of time for both the complainant and the councillor involved. Where the Commission finds against the councillor, sanctions including censuring, partial and full suspension and disqualification can be applied. In the future it is likely that sanctions may include reducing the councillors salary for a given period of time.

Confidential Information and Data Protection

As a councillor, you will have access to a range of confidential information, both about the work of the Council and also about individual constituents or employees. You should think very carefully and seek advice before disclosing confidential or personal information, even when you believe that it may bring about a beneficial result. If you think that specific personal or confidential information if disclosed might help to resolve a situation satisfactorily, then you should ask the person who produced the information or to whom it relates if they would be willing for you to share the information within certain parameters. If you are unsure whether or not information is to be treated as confidential then again you should check with the people who produced it or to whom it relates. You should obtain advice from the Council officer who deals with FOI or Data Protection issues.

Confidential information needs to be handled in line with relevant legislation and for personal information the relevant legislation is likely to be the Data Protection Act 1998. To deliver services and carry out its duties it is necessary for councils to gather personal information about residents, staff and other individuals. This includes names, addresses, contact details and in some cases more specific, sensitive personal information. The Data Protection Act 1998 sets out provisions as to how councils can gather, process and handle this information. It also provides a right of access for individuals to their own personal data ("Subject Access requests"). The DPA applies to councillors in the same way that it does to council employees, and covers paper records and computerised systems using equipment owned by councillors or provided by the Council.

The Data Protection Act is enforced and promoted by the UK Information Commissioner and further information is available on the commission's website at <http://www.informationcommissioner.gov.uk>. The UK Commissioner has started the process of providing further advice for elected members sharing responsibility in the same ward or constituency. This is intended to ensure that the law concerning data protection is not unnecessarily used to inhibit political expression. Details can be found at: www.ico.gov.uk/upload/documents/library/data_protection/practical_application/local_authorities_-_elected_members_advice.pdf

In brief councillors are regarded as data controllers if they process personal data and are required to notify the Information Commissioner of the reasons why they hold and process data. When holding and processing personal data about individuals in the course of council business, councillors are covered by the Council's own notification. However, if the data is used for other purposes – for political activity or campaigning, for example – councillors are required to notify the commissioner. Councillors using personal data must keep it secure and misuse of data is a punishable offence.



2007 COUNCILLOR INDUCTION PACK:

A Learning and Development Framework

Each of the previous sections has established that as a councillor you will operate in a highly complex environment with many different demands being made of you. This means that being a councillor may initially seem like a daunting task. However, Councillors essentially perform three broad roles within the Council and the community:

- ▣ Constituency role - representing the interests of constituents and wards
- ▣ Policy making, committee and scrutiny role - developing, making and scrutinising council decisions and policies
- ▣ Community leadership role - representing the council in partnerships and other forums

Such roles have been subject to much debate within Scottish local government and beyond. In 2004 The Scottish Local Authorities Remuneration Committee was established by the Scottish Executive to report on a range of issues relating to the impact on councillors of the introduction of the Single Transferable Vote system and Multi Member Wards. The committee made recommendations to the Executive on matters such as the councillor remuneration package and they also published a general competency (or skill) framework and set of role descriptors for councillors (details can be found at <http://www.scotland.gov.uk/Publications/2006/01/25090631/0>). The competency framework was built around eight general competencies or skills that the committee argued applied to all councillors:

- ▣ Change – adapting to and leading change and improvement
- ▣ Communication – communicating using appropriate media to different groups
- ▣ Corporate focus – taking collective responsibility for decisions affecting the Council as a whole
- ▣ Decision making – problem solving, analysis and the decision making cycle
- ▣ Leadership and team working – working with others and providing leadership and direction
- ▣ Partnership working – providing community leadership and working in partnership with other organisations
- ▣ Personal effectiveness – skills and techniques of managing and developing personal skills
- ▣ Political awareness – working effectively within the political environment

The committee argued that all councillors displayed these competencies or skills with additional levels of skill required by councillors holding more senior positions within their council. The variation in skill level argued for by the committee is set out in the tables below.

1. Change – adapting to, and leading change and improvement

All Councillors	Senior Councillors	Leaders
<p>Responds positively to change and promotes the change process</p> <p>Supports others in responding to change</p> <p>Has an understanding of the modernising government agenda, including the role that councillors should play in promoting Best Value</p>	<p>Supports the change process and encourages the strategic development of own area</p>	<p>Initiates and supports change across the council</p> <p>Builds support for change across the council</p> <p>Promotes a culture in which people are encouraged to identify and try out new ideas</p>

2. Communication – communicating using appropriate media to different groups

All Councillors	Senior Councillors	Leaders
<p>Expresses self clearly and concisely in writing and in oral presentations</p> <p>Debates objectively when challenging a position</p> <p>Adapts communication style appropriate to recipients and situations</p> <p>Approachable and easy to talk to</p>	<p>Identifies information needs of audiences/groups</p> <p>Deals effectively with conflicting interests and is able to summarise competing arguments</p> <p>Demonstrates the ability to negotiate and manage discussion at appropriate level</p> <p>Demonstrates an ability to influence others, on a one to one basis and/or in meetings</p>	<p>Demonstrates the ability to negotiate and to manage discussions on controversial issues at the highest level</p> <p>Deals effectively with conflicting interests where there are hidden or competing agendas</p> <p>Demonstrates ability to communicate using appropriate media to a wide cross section of groups, internal to the council and external</p> <p>Is capable of influencing others at the highest level either on a one to one basis and/or in meetings</p>

3. Corporate focus – taking collective responsibility for decisions affecting the council as a whole

All Councillors	Senior Councillors	Leaders
Has a good understanding of the Council's Corporate Plan and other strategic plans	Has a high level of awareness of how the corporate plan translates into the clear and achievable plans for their area of responsibility	Is able to set and promote the corporate vision and direction for the council
Has a good understanding of how the Corporate Plan translates into Departmental/ Service Plans	Has a high level of awareness of how their area of responsibility can contribute to the council's objectives	Assumes corporate political responsibility for achieving the Council's Corporate Plan and meeting performance objectives
Promotes the council's services	Demonstrates the ability to work effectively with senior officials to ensure that their area of responsibility contributes to, and that the relevant Departmental/Service Plans are implemented in accordance with, the council's corporate objectives	Promotes the Corporate Plan and vision across the council and to external agencies and partnership bodies
		Translates the Corporate Plan into core values and corporate organisational priorities and policies
		Identifies and supports strategic level partnerships key to achieving the council's corporate objectives

4. Decision making – problem solving, analysis and the decision-making cycle

All Councillors	Senior Councillors	Leaders
Has a positive attitude to problem solving	Demonstrates the ability to reason logically and can evidence reasons behind decision making	Provides leadership in decision making and has highly developed negotiation skills to bring others along side at the highest level
Identifies and can evidence the selection of appropriate information on which to base a decision	Has ability to bring others along side when taking decisions	Demonstrates the capability to take decisive and appropriate action required to ensure that Corporate decisions are implemented
Demonstrates the ability to interpret and analyse relevant information to support decision making	Demonstrates ability to confront difficult or awkward decisions	Is able to encourage an environment across council conducive to effective decision making
	Encourages environment within committees for effective decision making	Has the ability to take decisive action by assessing risk and reaching a clear conclusion

5. Leadership and team working – working with others and providing leadership and direction

All Councillors	Senior Councillors	Leaders
Has the capability to work and contribute effectively across multi-party and multi-agency teams	Generates enthusiasm and commitment within multi-party and multi-agency teams	Is able to command respect across the council and at the highest levels of outside agencies and partner organisations
Works with and contributes effectively to partnership agencies and organisations at community and council wide levels	Demonstrates ability to lead in own area of responsibility	Leads the council by setting a clear direction and a positive example for others to follow and by providing visible leadership
	Is capable of working with councillors and officers to deliver on departmental and service objectives	Fosters a culture which encourages effective working across the council
	Is capable of working effectively with cross function groups and disparate professional teams	Is capable of working with the Chief Executive and other senior officials to deliver the council's objectives

6. Partnership working – providing community leadership and working in partnership with other organisations

All Councillors	Senior Councillors	Leaders
Is able to command respect in the local community and can provide community leadership	Demonstrates the ability to work in partnership, establish joint working practices to support achievement of objectives	Promotes and supports partnership working at council level
Contributes to partnership initiatives as required at community and council wide levels	Is able to support the creation and development of internal and external partnerships and lead them meeting the council's objectives	Provides clear leadership on partnership bodies
Works effectively with partner agencies at a ward level	Makes an effective contribution to partnership working in own area of responsibility	Supports external partnerships and is able to promote the interests of the council in such partnerships at the highest level
		Initiates opportunities to work with partner agencies to meet council objectives

7. Personal effectiveness – skills and techniques of managing and developing personal skills

All Councillors	Senior Councillors	Leaders
Maintains effective working relations with colleagues and partners	Able to develop effective working relationships with senior officers in order to ensure that goals and objectives are met	Able to respond effectively when faced with complex, contradictory or competing situations
Manages own time effectively	Sets challenging standards of performance for self and others and leading by example	Able to develop effective relations and represent the council at the highest level outside the council
Deals effectively with paperwork and record keeping		Highly respected by all members of the council
Carries out personal development appropriate to improve own performance in fulfilling councillors' role		Supports senior Councillors through a process of evaluation and feedback

8. Political awareness – working effectively within the political environment

All Councillors	Senior Councillors	Leaders
Demonstrates an understanding of the Council's decision making and how services are delivered	Demonstrates a sound understanding of local and national politics, policy, financial and legislative frameworks	Demonstrates an excellent knowledge and understanding of local and national politics, policy, financial and legislative frameworks
Demonstrates an awareness of the diversity of needs within the community		Demonstrate the ability to exert influence at local, regional and national levels
Has a basic understanding of local and national politics, policy and financial frameworks		

Whether individual councils adopt this particular competency framework, or whether they develop variations of their own, is a matter for them. Equally such general frameworks require more detailed elaboration of the particular skill sets that councillors display and deeper recognition of the multiple roles that all councillors play within their authority.

However, any such framework implies that all councillors need to possess a wide array of skills to carry out their responsibilities. This in turn means that the issue of supporting councillors to develop their individual skills further or to acquire new skills in areas that will be crucial to their roles as elected representatives is of major importance to the governance of local communities. Given the importance of councillors as elected representatives within their communities and their collective role as the apex of corporate governance within councils (see Section 2 for details) councillors need to be fully supported in their learning and development needs to rise to the challenges presented to them.

Research undertaken by the Improvement Service in 2005/06 suggested that while improvement in the support offered to councillors has occurred in the past few years in Scotland, overall Scottish councillors are less well supported than their counterparts in England and Wales. Therefore concerted effort has begun by a range of organisations including the Improvement Service, COSLA, the Scottish Member Services Development Network and individual councils to remedy these matters in partnership with councillors.

Learning and development is something that everyone is exposed to throughout their lives. As we are exposed to new challenges and situations we respond by deploying and adapting existing skills and we also acquire new skills. The challenge for individual

The issue of supporting councillors to develop their individual skills further or to acquire new skills in areas that will be crucial to their roles as elected representatives is of major importance to the governance of local communities.

councillors and for the local government community as a whole is to create frameworks and processes that support councillors in their development needs. Your individual authority will offer, through its induction programme, a wide selection of courses to foster the acquisition of new skills or the sharpening of existing skills that you possess. However, a general move towards the introduction of formal development review of councillors' needs is underway, in particular the creation of a Councillors Continuous Professional and Personal Development framework (CPPD). The purpose of such a framework is not to assess the performance of a councillor in carrying out their roles within the council and the community but rather to help councillors reflect on their own individual development needs and to plan for how to fulfil those needs. If this is done on a consistent basis across all councils it will be possible to plan more effectively for how we meet the development needs of councillors across Scotland. This may be delivered nationally or on a more regional basis among neighbouring councils.

Development needs may be met through a variety of development activities including:

- ▣ Training programmes designed to support the work of elected councillors
- ▣ Mentoring and coaching programmes designed to help individual councillors further improve on existing skills by working on a one to one basis
- ▣ Shadowing exercises whereby an individual councillor will 'follow' someone who has been identified as displaying particular skill in some area to see how they undertake their responsibilities and to learn directly from them
- ▣ Knowledge sharing on an organised basis whereby individuals and organisations share practices and experiences with one another in an effort to identify and share good practice

These and other mechanisms to support councillor development are currently being refined in Scotland through the work of organisations such as the Improvement Service, COSLA, the Scottish Member Services Development Network and individual councils. Your own authority will be able to advise you of these developments and help you identify your existing skills that will aid you in undertaking your roles as a councillor and to work with you to put a CPPD in place and then to source development activities that best meet your needs.

Finally there follows an appendix and also some additional information including web sites that will be of interest.



2007 COUNCILLOR INDUCTION PACK:
Useful Information

Glossary

Accounts Commission - a body appointed by the Scottish Parliament with responsibility for examining how Scotland's 32 councils and 34 joint boards manage their finances as well as helping them to improve their efficiency and effectiveness as organisations, it was established to secure the audit of Scottish local government and to consider reports arising from that audit

Annual budget - the total financial resources available to the council on an annual basis

Area committee - committee based around local sub areas of the council, normally comprised of ward councillors from within the area

Audit Scotland - the public audit body that makes sure public organisations spend public money in Scotland properly, efficiently and effectively. They do this by carrying out audits - that is, detailed and systematic investigations - of various aspects of how public bodies work

Best Value - the statutory process of continuous improvement set out in the Local Government (Scotland) Act 2003

Capital expenditure - money spent on buildings and equipment to increase the effectiveness of an organisation

Capital investment programme - a council's investment plan for improving and maintaining its asset base

Caseload management system - an electronic system designed to support an elected member in managing their casework

Casework - the work undertaken by an elected member in representing an issue on behalf of an individual constituent or community group

Chief Executive - the head of paid service within the council and the most senior officer employed by the council

Collaborative gain - 'Collaborative gain' is achieved when those working within a collaborative vehicle deliver an output (leading to an outcome) that is consistent with its remit, has value for an identified stakeholder group, and is more than would have happened if they had not carried out their work. In other words, if all that is achieved is to aggregate what would have happened anyway, then there is no collaborative gain.

Committee of the Regions - (CoR) is an advisory body that allows local and regional government to make their voice heard within the decision-making process of the European Union. It was established in 1994 as a result of the Maastricht Treaty. It aims to ensure local and regional representatives have a say in the development of new EU laws, given the high proportion of EU legislation that is implemented at local or regional level. It also aims to address the gap between the public and the 'European project' as a co-ordinating body for the level of government closest to the people. The CoR is consulted by the Council, the Parliament and the Commission in areas that affect local or regional interests. These specifically cover the following areas: economic and social cohesion, employment, social policy, trans-European transport networks, energy and telecommunications, education and youth, vocational training, culture, the environment, public health and transport. COSLA has four members who take part in the Committee's work.

Community Councils - The Local Government (Scotland) Act 1973 requires councils to establish a community council scheme in their areas. However, Community Councils are not statutory bodies in their own right and only a minority of members are returned by contested election. The chief role of community councils is consultative: to consult the local community and to make known to the local authority and other public bodies the views of local people on all matters affecting them. Community councils have the right to be consulted on any planning applications in their areas and are also kept informed about licensing applications

Community Justice Authorities - (CJAs) were established by the Management of Offenders etc. (Scotland) Act 2005 and have been operating since April 2006, with 2006/07 as a shadow year. From April 2007 they will assume their full responsibilities as set out in the Act and supporting regulations. There are 8 Community Justice Authorities across Scotland and they are responsible for distributing funding for criminal justice social work, and enhancing the effectiveness of joint working between local agencies to tackle re-offending.

Community Leadership - the councillor as the voice of the community, representing the community equally. Community leadership has three aspects: local democratic leadership; leadership through partnership; and communities leading themselves.

Community planning - is a statutory duty placed upon councils by the Local Government in Scotland Act 2003. The two main aims of Community Planning can be described as: Making sure people and communities are genuinely engaged in the decisions made on public services which affect them; allied to A commitment from organisations to work together, not apart, in providing better public services

Community planning partnerships - bring together key participants, and so can act as a 'bridge' to link national and local priorities better. This should be a three-way process whereby local Community Planning partnerships can influence national direction, but also can help to co-ordinate the delivery of national priorities in a way that is sensitive to local needs and circumstances. Local or neighbourhood priorities should also be able to influence the priorities at the Community Planning partnership level.

Constituency MSP - a member of the Scottish Parliament who represents a geographical ward and is elected on a first past the post basis

Continuous Professional Development - is a continuous process of personal growth, to improve the capability and realise the full potential of professional people at work. This can be achieved by obtaining and developing a wide range of knowledge, skills and experience, which are not normally acquired during initial training or routine work, and which together develop and maintain competence to practise.

Convener - the leader of the council or the chair of a committee

Co-options - process whereby additional non-voting members are invited to sit on a council committee or sub committee, some such as religious representatives on education committees operate on a statutory basis

Corporate Governance - the framework of accountability to users, stakeholders and the wider community, within which organisations take decisions, and lead and control their functions, to achieve their objectives

Corporate Plan, The - the major plan for a council setting out the councils key aims and priorities covering all service areas

COSLA - the representative organisation for Scottish local government

COSLA Convention - COSLA's ruling body, membership consists of 133 councillors nominated by their authorities

Council of Europe - founded in 1949 it groups together 46 European countries and is based in Strasbourg. It is distinct from the European Union, but all EU members were first members of the Council. It was set up to: defend human rights, parliamentary democracy and the rule of law; develop continent-wide agreements to standardise member countries' social and legal practices; and promote awareness of a European identity based on shared values. Since 1989, its main job has become: acting as a political anchor and human rights watchdog for Europe's democracies, assisting the countries of central and eastern Europe in carrying out and consolidating political, legal and constitutional reform, providing know-how in areas such as human rights, local democracy, education, culture and the environment. It is the watchdog for the European Charter of Local Self Government.

Council of European Municipalities and Regions - (CEMR) is the largest organisation of local and regional government in Europe; its members are national associations of local government such as COSLA and the LGA, representing some 100,000 local and regional authorities. Founded in the early 1950's, the CEMR works to promote a united Europe that is based on local and regional self government and democracy. It is actively engaged in influencing European law and policy and exchanging experience at local and regional level.

Council tax - local property tax levied by a council on all residential properties within its area

Councillor remuneration - the salary paid to all elected councillors

Councillor surgeries - private meeting where a councillor meets with individual constituents to discuss their problems or concerns with council and other issues.

Councillor's code of conduct - The Ethical Standards in Public Life etc. (Scotland) Act 2000 provides for the introduction of new codes of conduct for local authority councillors and members of relevant public bodies; imposes on Councils and relevant public bodies a duty to help their members to comply with the relevant code; and establishes a Standards Commission for Scotland to oversee the new framework and deal with alleged breaches of the codes. The Act requires the issue of a Code of Conduct for councillors - this Code - which was prepared by COSLA at the invitation of Scottish Ministers and has been approved by the Scottish Parliament.

Data Protection Act 1998, The - sets out provisions as to how councils can gather, process and handle information including names, addresses, contact details and in some cases more specific, sensitive personal information. It also provides a right of access for individuals to their own personal data.

Declaration of acceptance of office - the declaration signed by each councillor when they take up their position after being elected

Delegated powers - the decision making scope of a committee, or sub committee of the council

Effectiveness - success or achieving the results that an organisation sets out to achieve

Efficiency - Within the 'Efficient Government' programme, efficiency is defined as the provision of the same level and quality of service on a reduced resource base or the provision of a higher level or quality of service on the same resource base

Efficient government - Scottish Executive policy agenda through which all public bodies in Scotland have to demonstrate that they are making the maximum usage of their resources

Employment Rights Act (1996) - legislation that covers the rights of citizens to time off work to undertake public duties

Equal opportunities - is defined in the Scotland Act 1998 is used in the widest sense and encompasses not only sex or marital status, race, disability and sexual orientation, but also individuals and groups facing discrimination on the grounds of "age, language or social origin or other personal attributes including beliefs or opinions such as religious beliefs or political opinions. This is a broader definition than that currently covered in UK equalities law.

Ethical Standards in Public Life etc. (Scotland) Act 2000, The - the legislation introduced a new ethical framework to Scottish public life and organisations to ensure that high ethical standards are maintained

European Charter of Local Self-Government - was approved by the Council of Europe as a Convention in 1985. The Charter commits signatories to applying basic rules guaranteeing the political, administrative and financial independence of local authorities. The UK Parliament ratified the Charter in 1998. It applies in Scotland. The Charter sets out the principles of local self-government that the signatories are to promote. It specifies the need for a constitutional and legal foundation for local self-government, defines the concept and principles governing the nature and scope of local authorities' powers. Further articles protect the boundaries of local authorities, ensure they have autonomy as regards their administrative structures and define conditions for the holding of local elective office. Two other articles aim to limit administrative supervision of local authorities and ensure that they have adequate financial resources on terms which do not impair their basic autonomy.

European Commission - represents and upholds the interests of Europe as a whole. It is independent of national governments. It drafts proposals for new European laws, which it presents to the European Parliament and the Council. It manages the day-to-day business of implementing EU policies and spending EU funds. The Commission also keeps an eye out to see that everyone abides by the European treaties and laws. It can act against rule-breakers, taking them to the Court of Justice if necessary

European Union - a family of democratic European countries, committed to working together for peace and prosperity. It is not a State intended to replace existing States, nor is it just an organisation for international cooperation. The EU is, in fact, unique. Its member states have set up common institutions to which they delegate some of their sovereignty so that decisions on specific matters of joint interest can be made democratically at European level

Executive councillors - members of a cabinet or executive within a council

Executive/Cabinet - a decision making body established to make decisions on behalf of the whole council on a delegated basis, may operate in a similar way to the Cabinet within central government

Expenses - reasonable costs incurred by councillors in carrying out their duties on behalf of the council, can be reclaimed on a receipted basis

Financial Regulations - the regulations that describe the arrangements the Council has made for the proper administration of its financial affairs, they deal with accounting arrangements, financial reporting, budgets, audit, income, insurance and other related matters

Freedom of Information (Scotland) Act 2002, The - legislation that provides a right of access to information in order to make public authorities more open and accountable to the people they serve, it provides a right of access to all types of “recorded” information of any age held by Scottish public authorities

Full council - the sovereign body of the Council, where all councillors meet to debate and take the key decisions of the authority

General fund - the main revenue fund of a council which excludes revenue from sources such as housing rents

Grant aided expenditure - (GAE) represents a provision to spend. It is the figure that the Executive uses as an estimate for the cost of providing a particular service and it is used as the basis for calculating the amount of Revenue Support Grant that the Executive provides to Local Authorities. GAE lines are agreed by the Executive in consultation with the Convention of Scottish Local Authorities (COSLA) and are set using a number of indicators.

Human Rights Act (1998) - legislation that incorporates the European Convention on Human Rights into UK domestic law. This means that a legal remedy for an alleged breach of human rights can be sought within the Scottish courts. Only if the courts fail to provide such a remedy would it be necessary to consider taking the case to the European Court of Human Rights

Joint boards - joint boards are set up to run specific services across a large geographical area covering several councils. As an example, Police or Fire and Rescue Services are accountable to Police and Fire Boards whose membership consists of elected members, nominated by the councils of the local authority areas they cover.

Local Government Association - (LGA) is the trade association of English and Welsh local authorities, covering nearly 500 authorities. Its’ offices are based in Westminster, close to the Houses of Parliament and Whitehall. The membership includes all the types of English local government and the Welsh unitary authorities. The www.wlga.gov.uk/Welsh Local Government Association (WLGA) is a constituent part of the LGA, but retains full autonomy in dealing with Welsh affairs.

Local Government in Scotland Act (2003) - the most recent and significant piece of legislation impacting on local government. The Act set the framework for the best value responsibilities of councils, their duties in leading community planning and partnership working and confers upon them the power to advance the well-being of their citizens.

McIntosh Commission - commission set up to report to the first Scottish Parliament on the relations between local government and the Parliament and chaired by the former Chief Executive of Strathclyde Regional Council

Members Services - the section or department within each council that directly supports elected members as they carry out their responsibilities on behalf of the council and their constituents

Multi member wards - the 3 or 4 member electoral wards that are the geographical basis of Scottish councils

National Non Domestic Rate - business rates set nationally by the Scottish Executive but collected locally by councils, the money is then pooled nationally and redistributed to councils largely on a population basis

Non Departmental Public Bodies/Quangos - Bodies which have a role in the processes of national Government, but are not a Government department or part of one, and which accordingly operate to a greater or lesser extent at arm's length from Ministers

Non executive councillors - those councillors not part of a cabinet or executive decision making body within a council

Northern Island Local Government Association - (NILGA) is COSLA's sister organisation in Northern Ireland. It seeks to promote, strengthen and modernise local government and represents the interests of all the 26 Councils in Northern Ireland. It has a substantial reform programme on its hands, which may result in greater powers going to local government but the number of councils being drastically reduced.

Objectives - something which an organisation plans to do or achieve

Outcomes - a result or effect of a policy, an action or a situation

Parity of esteem - the principle that the democratic legitimacy of the levels of elected government in Scotland, and specifically local government and the parliament, are equal, but acknowledges that they act in different areas of competence (or different spheres).

Performance Information - the information basis of a performance management system

Performance management - involves setting clear objectives and priorities, developing action plans for the delivery of objectives, deciding how to measure progress on objectives, setting targets, monitoring progress against the organisational objectives, acting on performance evaluations, and assessing the impact of organisational objectives on both the organisation and upon its users and citizens

Performance measurement - the process of quantifying the efficiency and effectiveness of action. This involves setting performance measures and systematically measuring progress against, the measures, organisational goals, targets, previous performance and other organisations

Performance monitoring and review - a statutory requirement for councils as part of the Best Value regime introduced in the Local Government in Scotland Act 2003

Policy and resource committee - the major committee of many councils, normally chaired by the Leader of the Council, this committee may be composed of the chairs and vice chairs of all the other committees, and representatives of the opposition parties

Portfolio holder - councillor who covers a particular service or topic on behalf of a cabinet or executive body within the council, similar to a minister within central government

Power to advance well being - power granted to councils under the Local Government in Scotland Act 2003, which allows them to do anything that they think appropriate to promote or improve the well-being of their area and/or persons in it. Such action is likely to be concerned with economic, social, health or environmental matters. Proximity - All levels of government should aim to be 'close to the citizens', in particular by organising their work in a transparent fashion, so people know who is in charge of what and how to make their views heard.

Public private partnerships (PPPs) - a policy pursued by successive governments. They cover a range of business structures and partnership arrangements, from the Private Finance Initiative (PFI) to joint ventures and concessions, to outsourcing, and to the sale of equity stakes in state-owned businesses.

Public Service Reform - an initiative led by the Scottish Executive, in partnership with COSLA, to look at how to further improve public services reform in Scotland, the agenda has been presented as a set of principles that public services in different parts of Scotland should take forward but in ways they think fit and appropriate for their areas, their communities and their circumstances

Regional list MSP - a member of the Scottish Parliament who is elected from a regional list on the additional member system and who covers a region of Scotland

Regional transport partnerships - (RTPs) are effectively Joint Boards of local authorities for transport planning and transport integration purposes with two-thirds of their members drawn from local authority councillors and the remaining third are appointed regional transport representatives

Regulatory committees - committees are tasked with carrying out various legal procedures to regulate activities in the Council's area. The Licensing Committee will, for example, decide on issues such as the licensing of taxis, street trading and late hours catering. The Licensing Boards deals with applications for pub and hotel licences and applications for regular and timed extensions, as well as music venue licenses

Regulatory committees - committees of the council such as Development Control where councillors take decisions on planning applications

Resources - money, human resources, property and assets used to deliver services

Revenue expenditure - money spent on the day-to-day running costs of an organisation e.g. salaries

Scheme of delegation - the rules that itemise the functions which the Council has asked the Chief Executive, Directors, Deputy Directors and other staff to carry out on its behalf, and the conditions with which they must comply when doing so

Scottish Information Commissioner - the official responsible for enforcing the Freedom of Information (Scotland) Act 2002. There is also an 'Information Commissioner's Office' with a complementary responsibility for the reserved areas and also covers the protection of personal information.

Scottish Parliament - the devolved body that sits as the Parliament of Scotland and is governed by the terms of the Scotland Act (1997)

Scottish Public Services Ombudsman - an impartial, independent and free service that investigates complaints about most organisations providing public services in Scotland including councils, registered social landlords, the National Health Service, the Scottish Executive and its agencies and departments, colleges and universities and most Scottish public authorities

Scottish Water - a publicly owned utility, answerable through the Scottish Parliament to the people of Scotland. It provides water and waste water services to the majority of households in Scotland. Scottish Water also provides significant services to the majority of Scottish businesses and commercial interests. Scottish local authorities liaise with Scottish Water principally with regard to development planning and environmental health issues.

Scrutiny panel/committee - a formal committee established within a council which has opted to operate through a cabinet or executive form of decision making that oversees both proactively and retrospectively the decisions of the cabinet or executive

Secretary of State for Scotland - Member of the UK Government who sits in the Cabinet with responsibility for the Scotland Office and the non devolved aspects of the constitution.

Senior financial officer - usually the Director of Finance, whose task is to monitor all the financial affairs of the Council. This officer has the power to stop the council from spending money if they think it is unlawful

Single Transferable Vote - (STV) the electoral system used to elect councillors in Scotland. A system of proportional representation that allows voters to vote for individual candidates (as opposed to party lists) in order of preference. Voters rank the candidates in order of preference; first preference votes are the first to be counted, Candidates exceeding a threshold are returned. As the count proceeds, second and later preferences are considered with votes being transferred from candidates who have been elected or who have been eliminated from the process.

SOLACE - Society of Local Authority Chief Executives, the professional association representing Chief Executives and Senior Officers within local government

Spending review - a process carried out every two years in Westminster and in the Scottish Executive to set detailed spending plans and governmental priorities for the next 3 years

Standards Commission for Scotland - the organisation that oversees the Code of Conduct and issues guidance on how to follow the code's rules, the commission can also receive allegations that the code of conduct has been breached and, if necessary, refer the allegation for investigation

Standing orders - the rules governing the running of the council and its decision-making processes

Subsidiarity - A principle, written into the Treaties of the European Union that states that decisions within the European Union should be taken at the closest practical level to the citizen. As a primary example, the European Union, therefore, should not take on tasks, which are better suited to national, regional or local administrations. However, the principle can be and is applied to national and regional government too.

Sustainable development - is commonly defined as being development which secures a balance of social, economic and environmental well-being in the impact of activities and decisions; and which seeks to meet the needs of the present without compromising the ability of future generations to meet their own needs

Westminster parliament - the sovereign parliament for the United Kingdom

WLGA - see the Local Government Association

Key Web Links

Scottish Executive

www.scotland.gov.uk

Scottish Parliament

www.scottish.parliament.uk/home.htm

COSLA

www.cosla.gov.uk

Improvement Service

www.improvementservice.org.uk

Scottish Council Foundation

www.scottishcouncilfoundation.org

Audit Scotland

www.audit-scotland.gov.uk

Scottish Public Services Ombudsman

www.spsso.org.uk

Scottish Information Commissioner

www.itpublicknowledge.info

Scottish Council for Voluntary Organisations

www.scvo.org.uk/scvo/Home/Home.aspx

Scottish Leadership Foundation

www.slfscotland.com/home/home.asp

Information Commissioner (UK)

www.ico.gov.uk

The Centre for Public Scrutiny (England and Wales)

www.cfps.org.uk/home/index.php

IDEA - Improvement and Development Agency (England and Wales)

www.idea.gov.uk/idk/core/page.do?pageId=1

Key Documents

Report of the Scottish Local Authorities Remuneration Committee

www.scotland.gov.uk/Publications/2006/01/25090631/0

Code of Conduct for Councillors

www.scotland.gov.uk/Resource/Doc/1070/0013139.pdf

Best Value

www.scotland.gov.uk/Topics/Government/Finance/spfm/BestValue

Legislation

www.opsi.gov.uk/legislation/about_legislation.htm

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