

**To: Council**

**On: 28 June 2018**

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**Report by: Director of Finance & Resources**

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**Heading: Governance Arrangements**

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**1. Summary**

- 1.1 The purpose of this report is principally to seek approval for a number of changes to the Council's Scheme of Delegated Functions ("the Scheme"). The report also asks the Council to consider a request for the appointment of an elected member to the Board of PACE Theatre Company and provides an update on the review of the Council's community level governance arrangements.
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**2. Recommendations**

- 2.1 That the Council considers the appointment of an elected member to the Board of PACE Theatre Company and agrees that the appointment is taken up once the Director of Finance and Resources has confirmed that an appropriate insurance policy is in place as explained in paragraph 3.1 below;
- 2.2 That the Council agrees that Section 4 (Statutory appointments of officers) of the Council's Scheme of Delegated Functions be amended to include the statutory appointments of officers as Civic Licensing Standards Officers in terms of Section 45 (G) of the Civic Government (Scotland) Act 1982 and the Head of Corporate Governance as Responsible Officer in terms of Section 7 of the Regulation of Investigatory Powers (Scotland) Act 2000.

- 2.3 That Section 5 (Powers Delegated to Officers) of the Council's Scheme of Delegated Functions be amended as follows:
- a) To add a new paragraph 16 to the delegations to the Director of Finance and Resources to read: 'To have overall responsibility for information risk as Senior Information Risk Owner' and to renumber the subsequent paragraphs accordingly.
  - b) To include new delegations to the Head of Marketing and Communications as detailed in paragraph 3.4 of this report and to make the consequent change to the delegations to the Head of Policy and Commissioning referred to in that paragraph.
- 2.4 That the Terms of Reference of the Communities, Housing and Planning Policy Board be amended to include the following:
- a) Add a new paragraph 52 to the Term of Reference to read: "To consider and where appropriate approve applications for funding from the Community Empowerment Fund."
- 2.5 That the position with regard to the review of community level governance with a report being brought to Council on 27 September 2018 be noted
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### **3. Background**

- 3.1 PACE is a well-known youth theatre company which has been based in Paisley since its establishment in 1988. It is managed by company limited by guarantee and is a registered charity. PACE has contacted the Council and has invited the council to nominate an elected member to be a director on the Board of the Company. The Council has formerly appointed an elected member to the Board of PACE but no request for an appointment was made prior to the statutory meeting in May 2017.

The Council's existing third party/public liability insurance indemnifies elected members against any legal liability to third parties whilst they are undertaking the statutory functions of the Council as members of such organisations. However, generally, as an elected member's primary duty when acting for an outside body (albeit that he/she was nominated or appointed to that body by the Council) is to act in the best interests of that body, the responsibility for ensuring that appropriate insurances are in place lies with the outside body. The Council's insurance policy does not cover the actions of elected members in such circumstances and it is therefore essential that the organisation has appropriate insurance in place to indemnify members against any legal liability. It is suggested therefore that the appointment is not taken up until the Director of Finance & Resources has confirmed that an appropriate insurance policy is in place.

## **3.2 Statutory Appointments of Officers**

In terms of various statutes, the Council is required to appoint officers for certain purposes defined in the legislation. Officers so appointed are empowered to take such action as is implicit in their role. Section 4 of the Scheme lists the statutory appointments of officers and it is proposed to make the following additions to Section 4:

### **(a) Licensing Standards Officers/Civic Government Enforcement Officer**

In terms of Section 45(G) of the Civic Government (Scotland) Act 1982 each local authority must appoint a civic licensing standards officer to exercise, in relation to the authority's area, the general functions conferred on civic licensing standards officers as detailed in the Act. It is proposed that the officers to be appointed to this statutory role are the Civic Government Enforcement Officer and Licensing Standards Officers.

### **(b) Head of Corporate Governance**

In terms of Section 7 of the Regulation of Investigatory Powers (Scotland) Act 2000 the Council is required to maintain a register for inspection by the Surveillance Commissioner of authorisations for covert surveillance. The Head of Corporate Governance currently undertakes that role but this arrangement should be reflected in Section 4 of the Scheme.

## **3.3 Senior Information Risk Owner**

In terms of the Council's Data Protection Policy, the Head of Finance & Resources is the Senior Information Risk Owner with overall responsibility for information risk. This requires to be reflected in the scheme. It is proposed that Section 5 of the Scheme be amended to add a new delegation to the Director of Finance and Resources to reflect this role.

## **3.4 Head of Marketing and Communications**

The new post of Head of Marketing and Communications was approved at Leadership Board in September 2017. The Scheme does not currently reflect the duties of the post and it is proposed that the following delegations are now added to the section of the Scheme dealing with delegations to the Chief Executive and other chief officers in her service.

"The Head of Marketing and Communications is authorised:

- To implement the Council's policies and strategies relating to communications, marketing, media relations, event management, tourism, stakeholder relations and internal (employee) communication.
- To deliver the Council's visitor strategy in line with the aims and objectives of the Council's corporate plan and policy priorities.
- To develop bids to bring new events for Renfrewshire and secure sponsorship and external funding as appropriate to support development of the events programme.
- To set the charges for events and to review the events programme annually, in consultation with the Leader of the Council and the Provost.
- To grant third party access agreements to the Paisley Pattern archive held in the Paisley Museum and, where these arrangements have an element of commercial exploitation, to agree the terms and conditions of these in consultation with the Director of Finance and Resources and the Head of Corporate Governance seeking specialist advice where necessary."

As a consequence of the above delegations to the Head of Marketing and Communications, paragraph 26 (Paisley Pattern Commercial Agreements) of the current delegations to the Head of Policy and Commissioning requires to be deleted and the remaining paragraphs renumbered accordingly.

### **3.5 Communities, Housing and Planning Policy Board Terms of Reference**

At its meeting on 20 June 2018, the Leadership Board agreed procedures for the award of funding from the Community Empowerment Fund. It was also agreed that as part of those procedures decisions on the allocation of money from the fund would be made by the Communities, Housing and Planning Policy Board. The remit of that Board requires to be amended to reflect that new delegation.

### **3.6 Review of Community Level Governance Arrangements**

On 3 May 2018, Council considered a report summarising the findings of the recent review of community level governance arrangements

which was led by the Chief Executive's Service. It was subsequently agreed that officers would undertake further work to develop the proposals outlined in this report, with a view to a full set of finalised proposals and supporting processes including aims, membership, boundaries and meetings to be submitted to the meeting of the Council on 28 June 2018. Officers have worked at pace to develop final proposals and associated arrangements, which would see the local area committees move from formal Council committees to more community-led arrangements as was proposed through the consultation exercise. However, further work is required to determine governance arrangements in order to ensure a smooth transition to new arrangements should they be approved.

In these circumstances, it is proposed that further work is undertaken to finalise the proposed governance arrangements, and that a full report is brought back to Council in September 2018 setting out the new governance arrangements for formal approval. Subject to this approval, officers will work to ensure that the new arrangements are put into place from October 2018.

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## **Implications of the Report**

1. **Financial** – none
2. **HR & Organisational Development** – none
3. **Community/Council Planning** – none
4. **Legal** – the proposals in the report involve changes to the Council's Scheme of Delegated Functions.
5. **Property/Assets** - none.
6. **Information Technology** – none
7. **Equality & Human Rights**

The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.

8. **Health & Safety** – none

9. **Procurement** – none
  10. **Risk** –none.
  11. **Privacy Impact** – none
  12. **CoSLA Policy Position** – not applicable
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**List of Background Papers** – e-mail from PACE Theatre Company

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