

REPORT TO: East Lothian Council

MEETING DATE: 22 October 2013

BY: Chief Executive

SUBJECT: Councillors' Role Descriptions

1 PURPOSE

- 1.1 To present to Council the proposed Councillors' Role Descriptions for discussion, comment and approval.

2 RECOMMENDATIONS

- 2.1 Council is asked to approve and Councillors' Role Descriptions as set out in Appendix 1.
- 2.2 Council is asked to note the training and development opportunities provided for elected members (paragraphs 3.11 and 3.12) and to provide suggestions for additional topics for elected members' training or briefing sessions.

3 BACKGROUND

- 3.1 The Council approved the report on the review of multi member wards in June 2011 and agreed that 'Officers, in consultation with councillors from all groups, will produce guidance on the roles and responsibilities of councillors which will be the subject of a further report to Council.'
- 3.2 It is recognised good practice for local authorities to have agreed role descriptions for elected members. The Scottish Local Authorities Remuneration Committee (SLARC) recommended that the introduction of salaries for elected members should be accompanied by role descriptions setting out the roles and responsibilities for elected members (Review of Remuneration Arrangements for Local Authority Councillors; Jan 2006). The SLARC report included templates for role/ profile descriptions for all councillors, senior councillors and Council Leaders.
- 3.3 Guidance issued by the Scottish Executive on the how the regulations putting the SLARC recommendations into practice should be implemented suggested that elected members should have role descriptions in a format determined by the Council.

- 3.4 Many Councils, including City of Edinburgh, West Lothian, Midlothian and Dundee followed the recommendations of the Scottish Government and the SLARC and have adopted councillors' role descriptions. The adoption of councillors' role descriptions by Midlothian Council was commented on positively in the Council's Best Value 2 Audit (Audit Scotland, June 2012).
- 3.5 In accordance with the remit set out in the June 2011 Council report officers produced draft councillors' role descriptions for consultation with elected members from all groups on the Council. The draft role descriptions were based on the template produced by SLARC, amended to take account of the East Lothian Council context (e.g. the Cabinet) and the role descriptions adopted by other Councils (e.g. the introductory section on the nature of the role adopted by West Lothian Council).
- 3.6 The original intention was to report on the draft role descriptions as part of the report on the review of Standing Orders with a proposal to include them as an Appendix to the Standing Orders and Scheme of Administration to complement the Councillors' Code of Conduct. The Review of Standing Orders was delayed and was not completed until August 2013. Consultation showed that there was not unanimous support to include the role descriptions within the Standing Orders and Scheme of Administration and this proposal was dropped. Therefore consultation on the draft role descriptions was not concluded until September 2013.
- 3.7 All councillors have been given the opportunity to comment on, and suggest amendments to, the draft role descriptions. Following the consultation the draft was amended to take account of comments and suggested amendments, including a substantial re-drafting of the nature of the role introduction. The final draft is attached as the Appendix to this report.
- 3.8 Separate role descriptions have been drafted for all councillors, senior councillors (Cabinet members and the Leader of the Opposition), Council Leader and Provost. Recognising that councillors operate in different ways and with different priorities the role descriptions do not 'set in stone' what councillors do on a day-by-day basis. However, they set out broad guidelines for the various roles that Councillors perform.
- 3.9 The role descriptions in no way subvert the democratic process. They should support accountability by providing transparency and clarity about the role of councillors. They attempt to answer the basic question 'What is it that councillors do?' For example, Aberdeenshire Council included councillors' role descriptions in the briefing pack given to prospective councillors prior to the 2012 Council elections. The role descriptions provide guidance on the additional responsibilities that 'senior' councillors perform. This is particularly important in the context of the Scheme of Remuneration, which provides higher levels of remuneration for councillors fulfilling these roles.
- 3.10 A key aspect of adoption of role descriptions is to support the training and development of councillors as agreed role descriptions provide a basis for the competencies that councillors are expected to display in order to perform their various roles. The roles and responsibilities provided by the SLARC were accompanied by competency frameworks which subsequently became the basis for the Improvement Service's Continuous Professional Development (CPD) framework for elected members.

- 3.11 The Council has been developing a programme of training and development for elected members. A substantial induction programme was provided for elected members shortly after the May 2012 Council elections. More recently, all councillors were given the opportunity to participate in the Improvement Service Continuous Professional Development programme for elected members which includes a self-evaluation or 360 degree evaluation. This will be the basis for a personalised development programme supported by e-learning modules and other training opportunities supported by the Improvement Service and the Council. To date, five councillors have 'signed up' for the CPD.
- 3.12 The Council has begun a series of elected members' briefings. These normally take place on the afternoon following Council or Cabinet meetings. Topics of briefings to date have included Corporate Parenting and Children's Services and Multi-Agency Public Protection Arrangements. Subjects that are being scheduled for future briefings include:
- The Councillors' Code of Conduct (taking place after the 22 October Council meeting)
 - Mental health and suicide
 - The draft Police Plan and draft Fire and Rescue Plan
 - Chairing meetings
 - The Housing Revenue Account
 - Inequalities.

4 POLICY IMPLICATIONS

- 4.1 In approving the councillors' role descriptions the Council will be following good practice in relation to governance and support for elected members' development.
- 4.2 One of the elements of the Corporate Governance framework adopted by the Council is that there should be "a clear statement of the respective roles and responsibilities of Members generally and of Senior Officers." Adopting councillors' role descriptions, which will sit alongside the role descriptions for senior officers will help to provide clarity as to the respective roles of officers and members.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – none
- 6.2 Personnel – none
- 6.3 Other – none

7 BACKGROUND PAPERS

- 7.1 Appendix 1 – Councillors' Role Descriptions
- 7.2 Report on the Review of the Impact of Multi-Member Wards and Officer Member Relations; East Lothian Council, 28th June 2011

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Appendix 1: COUNCILLORS' ROLE DESCRIPTIONS

Nature and Requirements of the Role

Councillors in Scotland are elected in groups of 3 or 4 to represent the interests of around 15,000 people living within their ward. While it is common for those councillors to be elected as a member of a political party, their focus should be on working together in the interests of all their residents and in the interests of the Council as a whole.

Councils and councillors are responsible for delivery of a wide range of local services that are affected by community requirements including education, social work, planning, housing, roads, licensing and community services like libraries, sports, pools, playgrounds, and recreation.

As well as the prime duty of ensuring a fair, efficient and equitable distribution of council services among their residents and the secondary duty of providing an objective route for complaint when this is perceived not to be the case, councillors also have a duty to lead and to give guidance to the people's voice in forming a vision for their future and seeking optimal methods to achieve it. This involves acting as an 'honest broker' between people's ambitions and the practical problems of funding, formulating and achieving such ambitions. Patience, intuition and an ability to adopt causes not your own will go a long way to discharging the objective duty inherent in the job as all decision made are accountable to the public.

The more pragmatic specific legal requirements of being a councillor are to sign a declaration of office, attend at least one meeting of the Council or any of its committees or sub-committees or carry out some other approved duty in a six month period and to make appropriate entries in the Register of Members' Interests. More than that, Councillors have a duty to uphold the law at all times while acting in accordance with the public trust placed in them.

Whenever engaged on Council business, councillors are obliged to comply fully with the Council's Standing Orders, including those regarding the conduct of meetings and to meet all requirements of the Councillors' Code of Conduct. It is the responsibility of all councillors to maintain the highest standards of conduct and through their actions promote the core values of the Council, provide an example to others and maintain and strengthen the public's confidence in the integrity of the Council and its councillors.

ALL COUNCILLORS

Key purpose/ roles

- To represent the views and interests of your Ward and its individual constituents and deal with enquiries and representations fairly and without prejudice
- To contribute actively to the formulation and scrutiny of the Council's policies, budgets, strategies and service delivery
- To champion the best interests of the Council and the community as they relate to the improvement of the quality of life, social, economic and environmental well-being of the community and its citizens
- To work in partnership with others in the Council, partnership organisations at council and community level to help to achieve the above

Key tasks/ accountabilities

- To represent and act as an advocate for the interests of your Ward, liaising and working with local organisations and representative groups to further the interests of the Ward and its individual constituents
- To be available to represent and deal effectively with constituents' enquiries and representation on individual and community interests
- To contribute effectively to the debates and decision making activities of the Council prior to setting policies, budgets, strategies and service delivery targets
- To participate effectively as a member of any committee or panel to which you are appointed,
- To participate in the scrutiny or performance review of the services of the Council including the scrutiny of policies and budgets and their effectiveness in achieving the Council's objectives
- To support and strive to develop an inclusive and constructive working environment and effective working relationships with other elected members and officers of the Council
- To participate in the activities of any outside body or partnership forum to which you are appointed by the Council, providing two way communications between the Council and the body. Also to develop and maintain a working knowledge of the Council's policies and practices in relation to that body and of the community's needs and aspirations in relation to that body's role and functions
- To liaise on behalf of the Council and represent and promote the Council's interests with other public bodies to promote better understanding and partnership working
- To act in accordance with the statutory and locally determined codes of conduct and standards for elected members and maintain the highest standards of conduct at all times

SENIOR COUNCILLORS

In addition to the roles, tasks and accountabilities expected of all councillors the following are expected of councillors with significant additional responsibilities (Cabinet members and Leader of the Opposition):

Key purpose/ roles

- To provide leadership in relation to policy formulation, implementation and monitoring of the Council's policies, budgets, strategies and service delivery in relation to your specific area of responsibility, and to contribute to the effective governance of the Council
- To contribute to the effective governance of the Council
- To ensure that your area of responsibility contributes to promoting the best interests of the Council and the community and improve the quality of life, social, economic and environmental well-being of the community and its citizens

Key tasks/ accountabilities

For your area of responsibility:

- To facilitate policy development via appropriate mechanisms – Cabinet, committees, working with officers and working in partnership with partner organisations
- To give political direction to senior officers of the Council and members of your political Group in your area of responsibility
- To chair effectively relevant committees, sub-committees and
- To take responsibility for decisions taken within these committees or other forums
- To support and encourage participation and debate by all councillors in relevant forums including committees and sub-committees and respond to scrutiny of decisions and service delivery/ performance
- To ensure that effective working relationships with all councillors, officers and relevant partner organisations are developed and maintained
- To represent and communicate the views and best interests of the Council in relevant forums including the community, the media, partnership organisations and national bodies
- To monitor, review and comment on performance and budget, to ensure that Council policies are implemented; and where necessary initiate relevant action
- To be fully aware of relevant legislative and national and local policy frameworks
- To work with others to ensure the effective governance of the authority
- To contribute to policy formation on corporate strategy, policies and overall budget matters and participate constructively in relevant forums

- To represent the Council at appropriate civic and/ or other engagements including as a substitute for the Council Leader or Provost

COUNCIL LEADER

In addition to the roles/ tasks and accountabilities expected of all councillors the following are expected of the Council Leader.

Key purpose/ roles

- To lead the political administration of the Council
- To provide leadership in relation to policy formulation, implementation and monitoring of the Council's policies, budgets, strategies and service delivery and to contribute to the effective governance of the Council
- To provide strategic leadership and clear political direction and guidance to promote the best interests of the Council and the community and improve the quality of life, social, economic and environmental well-being of the community and its citizens
- To ensure that effective working relations are developed throughout the Council and between the Council and external partners in order to promote the best interests of all its communities

Key tasks/ accountabilities

- To provide strategic, political and cultural leadership for the Council in partnership with the Chief Executive
- To give direction to the Chief Executive on political matters and participate in the performance review and development of the Chief Executive
- To have an overview and facilitate corporate and cross cutting policy formulation, strategy development and financial planning
- To promote partnership working with partner organisations and other service providers, including Community Planning partners
- To act as the principal Council representative in discussions and negotiations with national bodies
- To ensure that the political decision making structures of the Council operate effectively
- To take responsibility for, and promote the Council's policy and political decisions
- To be the political figurehead and provide an external focus for the Council including handling media and press enquiries
- To develop and maintain effective working relationships with councillors and senior officials

PROVOST

The title 'Provost' is the title given by the Council to the role of Convener of the Council elected as required under section 4 of the Local Government etc (Scotland) Act 1994. The statutory requirement of this role is to chair meetings of the full Council.

By tradition, the Provost also fulfils a unique and important function as the civic head in representing the Council and the wider East Lothian community at ceremonial and other formal events and occasions both within and outside East Lothian. The Provost is the formal representative of the Council when meeting with visiting dignitaries.

The Provost is required to ensure that the interests of all councillors are represented fairly and that they are given a fair hearing in Council meetings.

The responsibilities of all members of East Lothian Council to maintain the highest standards of conduct apply particularly to the Provost who is in a position, through personal conduct, to promote the values of the Council, to provide an example to others and to enhance the reputation of the Council and East Lothian.

In addition to the roles/ tasks and accountabilities expected of all councillors the following are expected of the Provost.

Key tasks/ accountabilities

The Provost is expected to:

- Act as civic head hosting Council events and attending other events as civic leader and representative of the Council and the East Lothian communities
- Promote East Lothian's profile to the wider community through public appearances at social, community, cultural and business events and through the media
- Foster networks with other organisations in both the business and public sectors to support and enhance the development of East Lothian and its communities
- Chair the meetings of the full Council and ensure the proper conduct of business in terms of the Council's Standing Orders and the Council's values and commitment to honesty, openness and accountability and effective scrutiny of policies and decisions
- Liaise closely with the Leader of the Council in terms of the civic roles and functions on behalf of the Council
- Promote the core values of the Council in fulfilling their remit

OTHER RELEVANT INFORMATION

It is a responsibility of all members of East Lothian Council, both through their personal conduct and through their work including contact with the people in the area they represent, the media and other agencies, to observe the highest standards of conduct and to uphold and enhance the role and reputation of the Council and the public perception of its status.

Councillors should always be able to justify their actions to the public and must at all times avoid any circumstance which could lead to the suspicion, or give the appearance of, improper conduct. They should carry out their roles and duties in a dignified manner and should never act in such a manner that they bring the Council into disrepute. The required standards of behaviour are described in the Councillors' Code of Conduct approved by the Scottish Parliament and enforced through the Standards Commission and any local arrangements applicable within East Lothian, including the Council's Standing Orders.

Provided that Councillors' fulfil the statutory requirement as to attendance at meetings, or carrying out any other approved duty, and do not incur any of the statutory disqualifications for membership or commit some offence which results in forfeiture of membership, they remain a member until the next ordinary elections when they are accountable to the electorate if they stand for election again. In a day to day context, individual Councillor's standards of conduct and performance can be regulated and monitored through, for example:

Councillors approved duties referred to above are approved by the Council for the purpose of reimbursing Councillors for travel and subsistence expenses in accordance with The Local Governance (Scotland) Act 2004 (Allowances and Expenses) Regulations 2007.

Councillors are able to represent their individual and group constituents' interests within the council through various means including:

- Asking questions of the Provost, the Council Leader or a Cabinet Spokesperson at meetings of the full Council
- Pursuing matters of concern to constituents with the appropriate officials of the Council
- Putting down a motion for debate at meetings of the Council

Chairs of any Council Committee are required to act at all times in a manner to enhance the reputation of the Council in terms of fair representation, open government and accountability and as representatives of both the Council and the community, to maintain the highest standards of integrity and behaviour in accordance with the Council's Standing Orders and the Councillors' Code of Conduct approved by the Scottish Parliament and enforced by the Standards Commission and any local arrangements applicable in East Lothian.

In terms of the Council's Standing Orders, Chairs are responsible for the conduct of the meetings of their bodies including:

- Keeping order in respect of both members of their body and any members of the public present

- Ensuring that members have a fair hearing
- Regulating the participation by officers
- Ruling on all matters of procedure, competency and relevancy
- Adjourning meetings.

Chairs are required to ensure that their bodies fulfil their remits set out by the Council or in Standing Orders.