

LOCAL AREA COMMITTEES

What LACs are

Local Area Committees (LACs) are formal committees with a specific role and remit. They must comply with local government law and the council's Standing Orders.

All the ward members are on the LAC. The council decides who will be Chair and Vice-Chair. There are no other members. Other councillors cannot substitute if one of the ward members is absent. LAC membership is fixed and LACs cannot add new members on their own.

They can invite non-councillors to attend and take part in meetings. Community councils have the right to send a representative to meetings for their area. None of those attendees are committee members.

What LACs do

Their role is:-

- To discuss ward issues and facilitate community engagement at the ward level
- To be a focus for frontline council staff
- To scrutinise council policies at ward level and make representations and comments on ward issues to the council
- To make decisions on specific issues delegated to them

They cannot go further than the remit they have been given. They do not have any policy-making powers. They do not have a budget unless some specific allocation is made for a particular purpose (e.g., village improvements, town centre funding).

When and where LACs do it

LACs fix their own timetable of meetings once a year. They usually take place on a quarterly basis. They can also decide where meetings take place. The Chair can call a special meeting if there is something that cannot wait till the next scheduled meeting. At a meeting, the LAC itself can change scheduled dates or times and add new meetings.

Until the agenda has not been issued the Chair can change the date and time of a meeting. They cannot bring a meeting forward or cancel a meeting.

How LACs do it

Every LAC has a Lead Officer. The work plan and agendas are prepared by the Lead Officer in consultation with the Chair. An agenda is prepared with copies of reports and other documents. Those must be issued and published on the internet at least four clear days before the meeting.

Reports prepared by council officers or by partner organisations such as Police Scotland. They use a report template to ensure the right information is available to the committee and to the public.

LACs can call on council officers to attend meetings and provide reports, comments or advice. They must keep in mind the pressures of time on council officers and whether their attendance at meetings is required.

At the meeting, the author of a report will introduce it and speak briefly about it. Members of the committee and representatives and invitees can ask questions. There is then a discussion about it. Members of the committee and representatives and invitees can take part.

The committee has to make a decision about the recommendations in the report. A vote is not often required. If it is then councillors can move motions and amendments. They must be proposed and seconded before they can be discussed. Councillors then debate the motion and amendment and vote on what to do. Representatives cannot take part in that formal debate. They cannot move motions or amendments or vote.

The Chair controls the procedures at the meeting. Standing Orders say what powers they have. They have access to advice from the Lead Officer and the Committee Clerk. The Chair's ruling is final. They decide how representatives and other invitees are allowed to take part.

Considering the Work Plan allows suggestions to be made for future meetings and a discussion of what might be looked at in future. Suggestions can also be put forward off-line for inclusion.

How LACs don't do it

Meetings cannot proceed unless there is a quorum. The quorum for holding the meeting and making decisions is three councillors. If two councillors are there the meeting can go ahead but binding decisions cannot be taken. They must be referred to another council committee. Views expressed by ward members will be taken into account there.

The public have a right to see in advance what the committee is being asked to do. The committee must have the appropriate information to ensure it makes sound decisions. There should be a written record of what the committee does and why. For those reasons:-

- Things can only be added to the agenda after it is issued if the Chair makes a ruling that they are urgent and cannot wait till the next meeting
- Verbal reports are almost never allowed. That would only happen if there were an emergency of some sort
- There is no "matters arising" or verbal updates when the minute of the last meeting is considered
- There is no "Any Other Business" at a meeting

Conflicts of interest for councillors

Councillors are subject to the Councillors' Code of Conduct. They must declare relevant interests at meetings in items of business affected. They must decide if they should leave or take part. Every agenda includes a reminder for members to do so. Those are personal decisions for each councillor to make. Other members and the committee itself have no role to play and do not get involved.

Conflicts of interests for representatives and invitees

Anyone taking part in the meeting should also look out for conflicts of interests and act accordingly. That applies to anyone invited to take part and in particular to community council representatives who have been given the right to attend.

Something that will benefit the community as a whole or that will benefit all community councils in the same way do not cause problems. However, conflicts can arise:-

- with a representative's own interests (personal, close friends or family, employers, etc.)
- with the interest of the community council they represent
- with the interest of another organisation they represent or are members of

There council's Scheme for Community Councils includes a Code of Conduct. It covers community council meetings and when acting as a representative elsewhere, including at LAC meetings. In summary:-

- Community councillors must comply with the Code's general principles
- They must not use their position to benefit themselves, their community council or close family, friends or employers
- They must act honestly, objectively and with integrity
- They must declare any private interest and take steps to resolve any conflicts arising
- They must declare any interest their community council has and resolve any conflict
- They must declare any interest of another organisation they are involved in as a member or adviser and resolve any conflict

If a reasonable member of the public would think that the interest is likely to affect participation then the representative should not take part and should leave the room.

After the meeting

Any decisions or recommendations made by the committee will be actioned by council officers.

The Committee Clerk prepares a draft minute of the meeting. The Chair and committee members do not have any say in what the minute says. The minute is not a verbatim record of the meeting. It does not include what members or representatives say or views they expressed. It records the decisions taken and enough information to let someone reading it know what the business was done and what it was about.

The draft minute is on the agenda for the next meeting for consideration and approval by the LAC, with or without corrections agreed at the meeting.

James Millar, Governance Manager

16 September 2019