

COMMITTEE	Statutory Council Meeting
DATE	17 May 2017
REPORT TITLE	Appointment of Members to Committees and Appointment of Conveners and Vice Conveners
REPORT NUMBER	CG/17/049
DIRECTOR/HOS	Fraser Bell
REPORT AUTHOR	Karen Rennie

1. PURPOSE OF REPORT:-

To approve the composition and membership of the Council's committees, to appoint Conveners and Vice Conveners, to agree the payment of senior councillor allowances and to agree the appointment of external members to the Education and Children's Services Committee.

2. RECOMMENDATION(S)

It is recommended that the Council -

- a) agree the compositions of the committees listed in paragraph 3.1.1 on the basis of the allocations contained within Appendix 1;
- b) appoint a Convener and Vice Convener to the committees listed in paragraph 3.1.1, as appropriate, on the basis of the information contained within paragraph 3.3.1;
- c) appoint members to the committees listed in paragraph 3.1.1 on the basis of the agreed compositions;
- d) nominate a Vice Chairperson for the Integration Joint Board;
- e) appoint members to the Guidry and Mortification Funds Committee as set out in paragraph 3.2.4;
- f) appoint members and substitutes to the Aberdeen City Region Deal Joint Committee as set out in paragraph 3.2.5;
- g) appoint members to the Special Licensing Objections Committee as set out in paragraph 3.2.6;

- h) agree the payment of senior councillor allowances in accordance with the guidance set out in paragraph 3.3.2;
- i) agree the appointment of external members to the Education and Children’s Services Committee as set out in section 3.4; and
- j) nominate one member and one substitute member to be appointed to the North East Scotland Pension Fund Pensions Board, on the basis of the information contained within section 3.5.

3. BACKGROUND/MAIN ISSUES

3.1 Committee Structure

3.1.1 The Council’s current committee structure comprises the committees below. The Integration Joint Board is a separate legal entity composing of members of NHS Grampian and Aberdeen City Council.

Committee/Board	Regulatory Committee
Finance, Policy and Resources Committee	Planning Development Management Committee
Communities, Housing and Infrastructure Committee	Licensing Committee
Education and Children’s Services Committee	Pensions Committee
Audit, Risk and Scrutiny Committee	Appeals Committee
Petitions Committee	
Urgent Business Committee	
Integration Joint Board	

3.1.2 A separate report relating to Sub Committees, Working Groups and Outside Bodies is also on the agenda.

3.2 Composition and Membership

3.2.1 The Council has traditionally followed the principles of Section 15 of the Local Government and Housing Act 1989 which is not in force and has given effect to this through Standing Order 43.7 which states that Council will set the membership for each Committee and will reflect the political composition of the Council. The principles of the 1989 Act are:-

- (a) not all the seats of the body are to be allocated to a particular group;
- (b) the majority of seats on the body are to be allocated to the group having a majority of seats on the Council; and
- (c) the number of seats on ordinary committees which are allocated to each group bears the same proportion to the total number of seats on those committees as the number of seats held by the group on the Council does to the whole membership of the Council.

3.2.2 The position following the local government election on 4 May 2017 is as follows:-

SNP	19 members	19/45 = 42.22%
Conservative	11 members	11/45 = 24.44%
Labour	9 members	9/45 = 20%
Liberal Democrat	4 members	4/45 = 8.9%
Independents	2 members	2/45 = 4.44%

3.2.3 It is proposed that the following committee sizes be applied:-

<u>Committee</u>	<u>Size</u>
Education and Children's Services	21
Audit, Risk and Scrutiny	17
Communities, Housing and Infrastructure	17
Finance, Policy and Resources	17
Licensing	17
Planning Development Management	17
Petitions	15
Urgent Business	13
Appeals*	9
Pensions Committee	9
Integration Joint Board**	4
Total	<u>156</u>

*The membership of the Appeals Committee must be drawn from the membership of the committee with responsibility for the Council's Human Resources function, i.e. the Finance, Policy and Resources Committee. It is mandatory for members of the Committee to undertake training prior to considering an appeal and the training session will be held on 12 June 2017 at 10am. Meetings of the Appeals Committee are scheduled for 19 June at 2pm, 10 July at 10am and 13 July at 10am at present.

**The Integration Joint Board has a total of 20 members, however only 8 of these are voting members - 4 for Aberdeen City Council and 4 for NHS Grampian. The Council is also required to appoint 3 substitute

members. Any proposal to amend the number of Aberdeen City Council members would need to be agreed with NHS Grampian.

- 3.2.4 The Guildry and Mortification Funds Committee should comprise the Master of Mortifications (to be appointed under item 12 on the agenda), the Lord Provost and one other elected member. The Convener of the Guildry and Mortification Funds Committee is the Master of Mortifications.
- 3.2.5 The Aberdeen City Region Deal Joint Committee has a total of 9 members, with Aberdeen City having 3 members. The Council is also required to appoint 3 substitute members. The Council at its meeting of 16 December 2015 agreed that the membership would be:- the Leader of the Council, the Convener and Vice Convener of the Finance, Policy and Resources Committee, and that the substitutes would be the Depute Leader of the Council and the Convener and Vice Convener of the Audit, Risk and Scrutiny Committee.
- 3.2.6 The Council is also required to appoint five members to the Special Licensing Objections Committee (suggested composition 2 SNP, 1 Conservative, 1 Labour and 1 Liberal Democrat or Independent Alliance). It is suggested that the members of the Special Licensing Objections Committee should not be members of the Licensing Board as this would create a conflict of interest. It should be noted that the Special Licensing Objections Committee is ad-hoc in nature and only met on one occasion in the previous Council term.
- 3.2.7 The following calculation illustrates the number of committee places available to each political group and the group of Independent members. This is on an approximate basis as figures are rounded to the nearest whole number.

<u>Group</u>	<u>Calculation</u>	<u>Number of Places</u>
SNP	$19/45 \times 156 =$	66
Conservative	$11/45 \times 156 =$	38
Labour	$9/45 \times 156 =$	31
Liberal Democrats	$4/45 \times 156 =$	14
Independents	$2/45 \times 156 =$	<u>7</u>
	Total	<u>156</u>

- 3.2.8 Appended to the report (Appendix 1) are proposals for appointing members to the committees. It is for the Council to determine the allocation of the committee places, and thereafter the groups to notify the Head of Legal and Democratic Services of their appointments.

3.3 Appointment of Conveners and Vice Conveners and Payment of Senior Councillor Allowances

- 3.3.1 The Council is requested to appoint Conveners and Vice Conveners to the committees in paragraph 3.1.1 as appropriate. At the end of the previous Council term the following Committees did not have a Vice Convener - Appeals, Licensing and Urgent Business. The Chairperson of the Integration Joint Board is currently a representative of NHS Grampian, therefore the Council is only required to nominate a Vice Chairperson. Lastly, in line with the Council's constitutional documents, the Convener of the Audit, Risk and Scrutiny Committee should be the Leader of the largest Opposition Group.
- 3.3.2 When making these appointments, the Council must have regard to the following structure for the payment of allowances to Councillors:-
- (a) up to 19 Councillors can hold senior positions with an allowance between £22,218 (lower level) and £29,623 (upper level) provided the total is within the maximum permissible of £442,215; and
 - (b) a basic allowance of £16,927 must be paid as a minimum to each member of the Council as set out in the Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2017. No member can be paid more than one allowance.
- 3.3.3 The Council is asked to agree the senior allowances to be paid, bearing in mind that separate provision is made for the Civic Head (Lord Provost) and the Leader of the Council.

3.4 External Members on Education and Children's Services Committee

- 3.4.1 The Council currently has appointed to its Education and Children's Services Committee seven external members under the provisions of the Local Government (Scotland) Act 1973 Section 124 (as amended). The Act states that, when the Council has appointed a committee whose purposes include advising the authority on any matter relating to the discharge of their functions as education authority, or discharging any of those functions of the authority on their behalf, it shall appoint three church representatives and may appoint persons who are not members of the authority.
- 3.4.2 Two church representatives, Church of Scotland and Roman Catholic, are to be nominated in such a way as those bodies determine. Both have indicated that they wish to retain their current representatives as nominees for membership of the Committee, noting that the Roman Catholic representative was only approved at the Council meeting on 15 March 2017.
- 3.4.3 The discretionary provision has been used to appoint two teacher representatives and two parent representatives.

- 3.4.4 The third church representative is to be appointed by the Council having regard to the comparative strength within the area of all the churches and denominational bodies having duly constituted charges or other regular appointed places of worship within the city. In accordance with this duty, a consultative meeting was held on 18 April 2017, with a view to securing a nomination for the appointment of the third religious representative.
- 3.4.5 The following faith groups attended the meeting:-
- The Cathedral Church of St Andrew - Scottish Episcopal Church
 - Local Spiritual Assembly of the Baha'is of Aberdeen
 - The Junction Church
 - RCCG - Fountain of Love
 - The Father's House
 - Crown Terrace Baptist Church
- 3.4.6 Eight nominations were received, of which three were subsequently withdrawn. A ballot was held in respect of the remaining nominations.
- 3.4.7 There were six faith groups in attendance and each faith group was entitled to one vote. Following the ballot, Mrs Stephanie Brock received two votes and all other nominees received one. Mrs Brock was therefore nominated as the preferred candidate to Council to take up the third religious representative place on the Education and Children's Services Committee
- 3.4.8 The Council is asked to appoint the undernoted members to the Education and Children's Services Committee -

Church representatives

Reverend Hutton Steel, Church of Scotland
Mr John Murray, Roman Catholic Church
Mrs Stephanie Brock, third religious representative

Teacher representatives

Miss Pamela Scott, representing the primary sector
Mr Mike Paul, representing the secondary sector

Parent representatives

Mrs Louise Bruce, representing the primary sector
Mr Anthony Rafferty, representing the secondary sector

3.5 Nomination to the North East Scotland Pension Fund Pension Board

- 3.5.1 The Pensions Board is responsible for assisting the Scheme Manager (Aberdeen City Council as the 'administering authority') in relation to compliance with Scheme Regulations and the requirements of the Pensions Regulator. The Board is legally required under the Public Service Pensions Act 2013.

3.5.2 Membership of the Pension Board consists of equal numbers of trade union representatives and employer representatives, drawn from Councils, scheduled and admitted bodies.

3.5.3 Pension Board representatives must not also participate in or act as members of the Pensions Committee and will normally be Elected Members serving as part of the Council.

3.5.4 Due to the resignation of Aberdeen City Council's current Board member, the Pension Fund now seeks one nomination for membership of the North East Scotland Pension Fund Pension Board, and one nomination for a substitute member to act as a representative of the Employer on the Board. The substitute member will only be able to participate in the absence of the substantive member.

4. FINANCIAL IMPLICATIONS

4.1 The financial implications as set out in paragraph 3.3.2 will be met from within existing approved budgets.

5. LEGAL IMPLICATIONS

5.1 Under Section 56 of the Local Government (Scotland) Act 1973, the Council may arrange for the discharge of any of its functions by a Committee or a Sub Committee

6. MANAGEMENT OF RISK

6.1 Acceptance of the above recommendations is not considered to pose any risk to the Council and will help ensure that the Council meets its statutory obligations.

7. IMPACT SECTION

Economy

There will be no impact on economy arising from the recommendations.

People

The report may be of interest to the public as it establishes memberships of the agreed Council committees and the appointment of Conveners and Vice Conveners to those Committees in accordance with statute.

An Equality and Human Rights Impact Assessment is not required as the proposal does not disproportionately impact on persons with protected characteristics compared to persons without such characteristics.

Place

Acceptance of the recommendations will ensure that the Council meets its statutory obligations.

Technology

There will be no impact on technology arising from the recommendations.

8. BACKGROUND PAPERS

None.

9. APPENDICES

Appendix 1 - Committee Allocations

10. REPORT AUTHOR DETAILS

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