

ABERDEEN CITY COUNCIL

COMMITTEE	Statutory Council
DATE	18 May 2022
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Appointment of Senior Councillors and Members to Committees
REPORT NUMBER	COM/22/079
DIRECTOR	Gale Beattie, Director of Commissioning
CHIEF OFFICER	Fraser Bell, Chief Officer - Governance
REPORT AUTHOR	Martyn Orchard
TERMS OF REFERENCE	7

1. PURPOSE OF REPORT

- 1.1 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 Operational Delivery Committee.

2. RECOMMENDATIONS

That the Council:-

- 2.1 agree the composition of the committees listed in paragraph 3.1.1 on the basis of the indicative allocations proposed within Appendix 1;
- 2.2 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;
- 2.3 appoint a Business Manager and Depute Business Manager in line with paragraph 3.3.2;
- 2.4 appoint members to the committees listed in paragraph 3.1.1 on the basis of the agreed compositions;
- 2.5 nominate a Vice Chairperson to the Integration Joint Board;
- 2.6 appoint members and substitutes to the Aberdeen City Region Deal Joint Committee as set out in paragraph 3.2.4;
- 2.7 appoint members and substitutes to the Northern Roads Collaboration Joint Committee as set out in paragraph 3.2.5

- 2.8 appoint members to the Guildry and Mortification Funds Committee as set out in paragraph 3.2.6;
- 2.9 appoint members to the Special Licensing Objections Committee as set out in paragraph 3.2.7;
- 2.10 agree the payment of senior councillor allowances in accordance with the guidance set out in paragraph 3.3.3;
- 2.11 agree the appointment of external members to the Education Operational Delivery Committee as set out in section 3.4; and
- 2.12 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. CURRENT SITUATION

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 comprising members of NHS Grampian and Aberdeen City Council.

Committee/Board	Regulatory Committee
Audit, Risk and Scrutiny Committee	Licensing Committee
Capital Programme Committee	Planning Development Management Committee
City Growth and Resources Committee	Pensions Committee
Education Operational Delivery Committee	
Operational Delivery Committee	
Public Protection Committee	
Staff Governance Committee	
Strategic Commissioning Committee	
Urgent Business Committee	
Integration Joint Board	

3.1.2 In addition, the Council also appoints members to the undernoted joint committees. These joint committees make their own arrangements for the appointment of Convener(s) and Vice Convener(s) in accordance with the relevant governance documents.

- Aberdeen City Region Deal Joint Committee
- Northern Roads Collaboration Joint Committee

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, however the Council has given effect to this through Standing Order 47.9 which states that 'the Council will set the membership for each Committee and in doing so should have regard to 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 5 May 2022 is as follows:-

SNP	20 members	$20/45 = 44.44\%$
Labour	11 members	$11/45 = 24.44\%$
Conservative	8 members	$8/45 = 17.77\%$
Liberal Democrat	4 members	$4/45 = 8.88\%$
Independent	2 members	$2/45 = 4.44\%$

3.2.3 It is proposed that the following committee sizes be applied in terms of elected members:-

<u>Committee/Board</u>	<u>Size</u>
Audit, Risk and Scrutiny	9
Capital Programme	9
City Growth and Resources	9
Education Operational Delivery	13
Licensing	9
Operational Delivery	13
Pensions	9
Planning Development Management	9
Public Protection	9
Staff Governance	9

Strategic Commissioning	9
Urgent Business	9
Integration Joint Board	4
Total	<u>120</u>

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 4 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 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.

3.2.5 The Northern Roads Collaboration Joint Committee has a total of 14 members from seven local authorities, with Aberdeen City having 2 members. The Council is also required to appoint 2 substitute members.

3.2.6 The Guildry and Mortification Funds Committee should comprise the Master of Mortifications (to be appointed under item 13 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.

3.2.7 The Council is also required to appoint five members to the Special Licensing Objections Committee. 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.

3.2.8 Appended to the report (Appendix 1 - Proposed Committee Allocations) are proposals for appointing members to committees. It should be noted that these are indicative allocations - members are entitled to put forward alternative allocations at the meeting. It is for the Council to determine the allocation of the committee places, and thereafter the groups to notify the Chief Officer - Governance of their appointments.

3.3 **Appointment of Conveners and Vice Conveners, Senior Councillors and Payment of Senior Councillor Allowances**

3.3.1 The Council is requested to appoint Conveners and Vice Conveners to the committees listed in paragraph 3.1.1 as appropriate. 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, which will be ratified by the Integration Joint Board. Lastly, in line with the Scheme of Governance, the Convener and Vice Convener of the Audit, Risk and Scrutiny Committee should be members of the opposition.

- 3.3.2 The Council is requested to appoint a Business Manager and Depute Business Manager in line with Standing Order 2.2.3. Any proposal to disestablish these roles would require the Scheme of Governance to be amended, and if such a proposal was to be approved, it is suggested the Chief Officer - Governance be given delegated authority to make the relevant changes to the Scheme of Governance following consultation with the Leader of the Council.
- 3.3.3 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 £25,691 (lower level) and £34,254 (upper level) provided that the total is within the maximum permissible of £511,316; and
 - (b) a basic allowance of £19,571 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.
- 3.3.4 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. For the avoidance of any doubt, the Lord Provost and the Leader of the Council are not included in the maximum of 19 Councillors who can hold senior positions, nor the maximum £511,316 limit referred to above.

3.4 External Members on Education Operational Delivery Committee

- 3.4.1 The Council currently has appointed to its Education Operational Delivery 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. The Roman Catholic representative is to remain as Mr John Murray, and the Church of Scotland notified the EODC clerk that Reverend Shuna Dicks will be stepping down from the Committee and nominated Mrs Hilda Smith as her replacement.
- 3.4.3 The discretionary provision has been used to appoint two teacher representatives and two parent representatives. The Teachers' Consultative Forum determined that their representatives will remain as Miss Pamela Scott and Mr Michael Paul. The Aberdeen City Parent Forum advised that Mrs Frances Cardno will continue as one of their representatives. Mrs Cardno was appointed to the Committee in December 2021. The Forum has confirmed that the secondary parent representative is Mr Michael Crawford.

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. The opportunity was promoted by contacting religious organisations directly, promoting the vacancy on social media and the Council website, and through colleagues from Interfaith and the Equalities Team. Three applications were received by the closing date and a consultative meeting was held on 21 April 2022, with a view to securing a nomination for the appointment of the third religious representative. Religious organisations who did not submit a nomination were still entitled to attend and vote, however only the three applicants attended and spoke to their applications.

3.4.5 The three applicants were:-

- Dr Olushola Ajide, Redeemed Christian Church of God Fountain of Love
- Mr Madhav Regmi, Aberdeen Hindu Association / Aberdeen Hindu Temple Trust
- Mrs Ruchika Thakur, Aberdeen Sikh Sangat

3.4.6 Following their submissions, the clerk asked if anyone wished to withdraw from the process at that juncture, however all three applicants indicated a wish to continue and therefore a ballot was held, with each applicant entitled to one vote. As a result of an equity of votes, the clerk advised that in line with the procedure set out in Standing Orders for the appointment of Members, lots would be drawn to secure a single nomination. Following this process, Mr Madhav Regmi was selected as the preferred candidate to Council to take up the third religious representative place. Mr Regmi is the current third religious representative on EODC, having been appointed by Council in August 2021.

3.4.7 Training will be provided for new members and refresher training offered to those returning.

3.4.8 Council is therefore asked to appoint the undernoted members to the Education Operational Delivery Committee, subject to a PVG check being undertaken for those new to the Committee -

Religious representatives

Mrs Hilda Smith, Church of Scotland

Mr John Murray, Roman Catholic Church

Mr Madhav Regmi, third religious representative

Teacher representatives

Miss Pamela Scott, representing the primary sector

Mr Mike Paul, representing the secondary sector

Parent representatives

Mrs Frances Cardno, representing the primary sector

Mr Michael Crawford, representing the secondary sector

Named substitutes

Primary sector parent representative - Mrs Louise Bruce
Secondary sector parent representative - to be advised
Teacher representative - Mr Doug Haywood

3.5 Nominations 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 Pensions Board consists of equal numbers of trade union representatives and employer representatives, drawn from Councils, scheduled and admitted bodies.
- 3.5.3 Pensions 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 Pensions 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 3.3.3 will be met from 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 Sub Committee.

6. ENVIRONMENTAL IMPLICATIONS

- 6.1 There are no direct environmental implications arising from the recommendations of this report.

7. RISK

- 7.1 The assessment of risk contained within the table below is considered to be consistent with the Council's Risk Appetite Statement.

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	No significant risks identified	N/A	N/A	N/A
Compliance	Council must comply with legislation and the Scheme of Governance	The recommendations comply with statutory obligations and the Scheme of Governance	L	Yes
Operational	No significant risks identified	N/A	N/A	N/A
Financial	No significant risks identified	N/A	N/A	N/A
Reputational	No significant risks identified	N/A	N/A	N/A
Environment / Climate	No significant risks identified	N/A	N/A	N/A

8. OUTCOMES

The proposals in this report have no impact on the Council Delivery Plan.

9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	Full impact assessment not required

Data Protection Impact Assessment	Not required
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10. BACKGROUND PAPERS

None

11. APPENDICES

Appendix 1 - Proposed Committee Allocations

12. REPORT AUTHOR CONTACT DETAILS

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