

To: Council

On: 18 May, 2017

Report by: Director of Finance and Resources

Heading: Decision Making Structure and Membership

1. Summary

- 1.1 A Local Authority is entitled to arrange for the discharge of any of its functions, subject to a few statutory exceptions, by a committee or sub-committee of the authority.
- 1.2 Renfrewshire Council last reviewed its decision-making structure on 18 December, 2014. The current decision-making structure is set out in the appendix to this report.
- 1.3 It is proposed that the Council give consideration to the establishment of a cross-party ad hoc sounding board as part of its structure. The composition would be the Leader and Depute Leader of the Council and one representative from each of the other political groups and parties on the Council.
- 1.4 The Council currently has five local area committees as part of its decision-making structure. A review of local area committee arrangements is underway at present. However, as an interim measure to take account of the additional Paisley ward, it is proposed that Paisley North Local Area Committee comprises Wards 3, 4 and 5. The budget for this local area committee will be adjusted accordingly.
- 1.5 When considering its decision-making structure, the Council will require to have regard to special rules concerning the establishment and membership of certain boards and panels. Details of the special rules are also detailed in the appendix to this report. Separate reports are included on the agenda in relation to religious representatives on committees appointed by education authorities and the membership of the Placing Requests and Exclusions Appeals Panel.
- 1.6 Once the decision-making structure and membership is determined, the Council will require to appoint members and determine who the conveners and depute conveners are to be.

- 1.7 In appointing members, the Council should apply the principle of party representation in a fair and consistent manner. Whilst in Scotland, the rules set out in the Local Government and Housing Act, 1989 requiring party political balance on committees and sub committees have not been brought into effect, it is important that councils apply the principle of party representation in a consistent manner, which can stand the test of scrutiny.
 - 1.8 It is recognised that the Council may wish to give further consideration to its decision-making structure and it may be desirable that a review is carried out prior to the end of 2017.
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2. Recommendations

- 2.1 That the Council determines a decision-making structure for the purpose of the discharge of its functions.
 - 2.2 That the Council gives consideration to the establishment of a cross-party ad hoc Sounding Board as part of its structure, the composition being the Leader and Depute Leader of the Council and one representative from each of the other political groups and parties on the Council.
 - 2.3 That the Council determines the membership of each element of the structure which they decide should be established in accordance with the principle of applying party representation in a fair and consistent manner.
 - 2.4 That the Council has regard to the special rules concerning the establishment and membership of boards, committees etc detailed in the appendix to this report.
 - 2.5 That the Council determines the appointment of conveners and depute conveners.
 - 2.6 That in the event that amendments are made to the existing board structure, corresponding amendments are made to the terms of reference and timetable,
 - 2.7 That, as an interim measure to take account of the additional Paisley ward, it is proposed that Paisley North Local Area Committee comprises Wards 3, 4 and 5 and that the budget for this local area committee be adjusted accordingly; and
 - 2.8 That, if required, the decision-making structure, as approved, be reviewed prior to the end of 2017.
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Implications of this report

1. **Financial Implications** – none
2. **HR and Organisational Development Implications** – none

3. **Community Plan/Council Plan Implications** – none
4. **Legal Implications** – as detailed in the report.
5. **Property/Assets Implications** – none
6. **Information Technology Implications** – none
7. **Equality and Human Rights Implications**
 - (a) 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 because for example it is for noting only. 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 and Safety Implications** – none
9. **Procurement Implications** – none
10. **Risk Implications** – none
11. **Privacy Impact** – none

List of Background Papers –

- (a) none
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Membership and Special Rules

Policy Boards	Current Membership	Special Rules/Procedures
Economy & Jobs Policy Board	15 (8 Administration/6 main opposition/1 other opposition)	n/a
Education & Children Policy Board	20 (10 Administration/6 main opposition/1 other opposition/3 church)	- In terms of the Local Government (Scotland) Act 1973, where an education authority appoints a committee whose purposes include: (a) advising the authority on any matter relating to the discharge of their functions as education authority; or (b) discharging any of those functions of the authority on their behalf, the membership of the committee shall be appointed as follows:- At least half of the members of the Committee must be members of the Council. Membership shall include the following: One representative of the Roman Catholic Church nominated in such manner as may be determined by the Scottish Hierarchy of the Church; One representative of the Church of Scotland, nominated in such a manner as may be determined by the General Assembly of the Church; and One person in the selection of whom the authority shall have regard (taking account of the representation of the Church of Scotland and the Roman Catholic Churches mentioned above) to the comparative strength within their area of all the churches and denominational bodies having duly constituted charges or other regularly appointed places of worship therein. Authorities may also, if they wish, appoint teacher representatives to the Education Committee. Teachers are not disqualified by reason of their employment from serving on an education committee. The church representatives have full voting rights.
Environment Policy Board	15 (8 Administration/6 main opposition/1 other opposition)	n/a
Finance & Resources Policy Board	15 (8 Administration/6 main opposition/1 other opposition)	n/a
Housing & Community Safety Policy Board	15 (8 Administration/6 main opposition/1 other opposition)	n/a
Planning & Property Policy Board	15 (8 Administration/6 main opposition/1 other opposition)	n/a
Other Standing Boards		
Audit, Scrutiny & Petitions Board	9 (5 Administration/3 main opposition/1 other opposition)	In terms of the Council's procedural standing orders members have to be drawn from the political parties represented on the Council on a proportionate basis, having regard to party balance on the Council. Members of the Leadership Board and members who are conveners of another Board may not be members of the Audit, Scrutiny & Petitions Board.

Leadership Board	15 (9 Administration/5 main opposition/1 other opposition)	<i>In terms of the Council's procedural standing orders members of the Leadership Board may not be members of the Audit, Scrutiny & Petitions Board.</i>
Local Review Body	5	<i>Drawn from the membership of the Planning & Property Policy Board on the basis of 5 members to deal with each Review. The Convener being the Convener of the Planning & Property Policy Board and the Depute Convener nominated from the main opposition group. Each Local Review Body comprises the Convener and Depute Convener plus 3 or 4 other members of the Planning & Property Policy Board.</i>
Procurement Sub-committee	<i>Minimum of 3</i>	<i>Drawn from the membership of the Finance & Resources Policy Board on the basis of on the basis of a quorum constituting 3 members, to be chaired by the Convener or Depute Convener of the Finance & Resources Policy Board)</i>
Regulatory Functions Board	10 (6 Administration/4 main opposition)	
Appeals Board		
Bursaries and Endowments Appeals Panel	4 (3 Administration/1 opposition)	
Non-Domestic Rates Appeal Panel	5 (3 Administration/ 2 opposition)	<i>The terms of reference of the panel are (a) to determine appeals against the application of the Council's policy relating to the discretionary relief of rates and (b) to determine appeals received under section 238 of the Local Government (Scotland) Act 1947. Such an appeal will determine whether a person is being improperly charged on the basis the person named is not liable for the levying of rates or a mistake has been made in the amount of rates demanded.</i> <i>There are no statutory provisions relative to the constitution of this panel and its composition is at the discretion of the Council.</i>
Personnel Appeals & Applied Conditions of Service Appeals Panel	8 (5 Administration/2 main opposition/1 other opposition)	<i>When this panel is considering appeals in relation to disciplinary and grievance matters concerning teachers, quality improvement officers, educational psychologists and music instructors the membership will comprise only members of the Education Policy Board (or equivalent) in accordance with JNC/14 AND JNC/15 as agreed at the meeting of the Lifelong Learning & Work Policy Board held on 18 May, 2006.</i>
Placing Requests & Exclusions Appeals Panel (this is the subject of a separate report on the agenda)	2 members, to comprise 1 member of the Administration and 1 member from the opposition.	<i>In terms of section 28D(1) of the Education (Scotland) Act 1980 there is a requirement on the Council to establish such number of appeals committees as are necessary to hear appeals relating to placing requests and exclusions. An appeal committee shall comprise 3, 5 or 7 members and sufficient persons may be appointed to allow two or more committees to meet at the same time. A member of the Education Committee cannot chair the Appeals Panel. The practise has been that the Panel comprises 3 members including one lay member.</i> <i>A person who is (a) a teacher at a relevant school; (b) a pupil at such a school; (c) a parent of a pupil at such a school; or (d) a member of a school council having functions in relation to such a school shall not be a member of an appeal committee for consideration of a reference involving a question whether a child is to be placed in the specified school or excluded from the relevant school.</i>

Community Asset Transfer Review Sub-Committee of the Planning & Property Policy Board	5 members, to comprise 3 members of the Administration and 2 from the opposition	Drawn from the membership of the Planning & Property Policy Board and chaired by either the convener or vice-convenor of the Planning & Property Policy Board and will meet as and when required to deal with a request for review. The sub-committee may in some circumstances hold a hearing to determine the review. Where the Council refuses an asset transfer request or accepts the request but specifies in the decision notice material terms and conditions which differ to a significant degree from those specified in the request or fails to issue a decision notice, the community transfer body can ask the Council to carry out a review. The legislation requires that any review must be dealt with by the Council, one of its committees or a sub-committee.
Local Area Committees		
Houston, Crosslee, Linwood, Riverside & Erskine	Relevant local members and nominated representatives of local community groups	Community representatives are non-voting
Johnstone & the Villages	Relevant local members and nominated representatives of local community groups	Community representatives are non-voting
Paisley North	Relevant local members and nominated representatives of local community groups	Community representatives are non-voting
Paisley South	Relevant local members and nominated representatives of local community groups	Community representatives are non-voting
Renfrew & Gallowhill	Relevant local members and nominated representatives of local community groups	Community representatives are non-voting
Ad-Hoc Boards/Forums/Panels		
Appointment Board for Director Posts	9 members	on the basis of Leader/Depute Leader, relevant convener, 3 other Administration/3 main opposition/1 other opposition
Appointment Board for Head of Service Posts and Assistant Director Schools	7 members	on the basis of Leader/Depute Leader, relevant convener, 2 other Administration/2 main opposition/1 other opposition
Appointment Board for Chief Executive Post	9 members	on the basis of Leader/Depute Leader, 3 other Administration, 2 main opposition, 1 conservative, 1 liberal democrat
Emergencies Board	5 (3 Administration/2 main opposition)	

Investment Review Board	5 (3 Administration/1 main opposition/1 other opposition)	
Joint Consultative Board (non teaching)	5 (3 Administration/2 main opposition)	<i>In terms of its constitution, members of the JCB non-teaching are to be drawn from the membership of the Finance & Resources Policy Board.</i>
Renfrewshire Joint Negotiating Committee for Teaching Staff	2 Administration	