
To: Council

On: 19 May 2022

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 The Council's current decision-making structure, as detailed in the appendix to this report, has been in place since 2017, with the later addition in 2020 of the Climate Change Sub-committee. A timetable of meetings based on this structure to December 2022 was agreed by the Council at its meeting held on 16 December 2021.
- 1.3 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 authority and the membership of the Placing Requests and Exclusions Appeals Panel.
- 1.4 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.
- 1.5 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.

- 1.6 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 2022.

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 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.
- 2.3 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.
- 2.4 That the Council determines the appointment of conveners and depute conveners.
- 2.5 That in the event that amendments are made to the existing board structure, corresponding amendments are made to the terms of reference and timetable,
- 2.6 That it be agreed that all names for appointments to Boards etc. not intimated at the meeting be submitted to the Head of Corporate Governance by 4.45pm on Tuesday 24 May 2022.
- 2.7 That, if required, the decision-making structure, as approved, be reviewed prior to the end of 2022.

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

12. CoSLA Implications – none

13. Climate risk – none

List of Background Papers –

- (a) none
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Membership and Special Rules

Policy Boards and associated sub-committees	Current composition	Special rules
Education & Children's Services Policy Board	20 (9 Administration/8 main opposition groups/parties/3 church)	<p><i>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:-</i></p> <p><i>At least half of the members of the Committee must be members of the Council.</i></p> <p><i>Membership shall include the following:</i></p> <p><i>One representative of the Roman Catholic Church nominated in such manner as may be determined by the Scottish Hierarchy of the Church;</i></p> <p><i>One representative of the Church of Scotland, nominated in such a manner as may be determined by the General Assembly of the Church; and</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>The church representatives have full voting rights.</i></p>
Communities, Housing & Planning Policy Board	15 members (8 Administration/ 7 opposition groups/parties)	n/a
Police and Fire & Rescue Scrutiny Sub-committee of the Communities, Housing & Planning Policy Board	5 members drawn from the membership of the Communities, Housing & Planning Policy Board to include 3 members of the Administration (including the Convener or Depute Convener of the Policy Board) and 2 members from the opposition groups or parties	

Policy Boards and associated sub-committees	Current composition	Special rules
Local Review Body	5 members drawn from the membership of Communities, Housing & Planning Policy Board to include the Convener and/or Depute Convener	<i>Drawn from the membership of the Communities, Housing & Planning Policy Board on the basis of 5 members to deal with each Review. The Convener will be the Convener of the Communities, Housing & Planning Policy Board and the Depute Convener nominated from the opposition members on the Policy Board. Each Local Review Body comprises the Convener and/or Depute Convener plus 4 other members of the Communities, Housing & Planning Policy Board.</i>
Infrastructure, Land & Environment Policy Board	15 (8 Administration /7 opposition groups/parties)	n/a
Community Asset Transfer Review Sub-Committee of the Infrastructure, Land & Environment Policy Board	5 members drawn from the membership of Infrastructure, Land & Environment Policy Board to include 3 members of the Administration (including the Convener or Depute Convener of the Policy Board) and 2 members from the opposition groups or parties	<p><i>Drawn from the membership of the Infrastructure, Land & Environment Policy Board and chaired by either the convener or vice-convener of the Infrastructure, Land & Environment Policy Board 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.</i></p> <p><i>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.</i></p>
Finance, Resources & Customer Services Policy Board	15 (8 Administration/7 opposition groups/parties)	n/a
Audit, Risk & Scrutiny Board	9 (3 Administration/6 opposition groups/parties)	<p><i>The Convener and Depute Convener of this Board shall be members from an opposition party or group but shall not be members of the same party/group.</i></p> <p><i>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, Risk & Scrutiny Board.</i></p>
Leadership Board	15 (8 Administration/7 opposition groups/parties)	<i>In terms of the Council's procedural standing orders members of the Leadership Board may not be members of the Audit, Risk & Scrutiny Board.</i>
Climate Change Sub-committee	9 (5 Administration/4 members from the opposition groups or parties)	n/a
Regulatory Functions Board	10 (6 Administration/4 opposition groups/parties)	n/a
Petitions Board	9 members (5 Administration/4 opposition groups/parties)	n/a

Appeals Board	Drawn from a pool of all 43 members to form the undernoted panels	
Bursaries and Endowments Appeals Panel	4 (3 Administration/1 opposition group/parties)	n/a
Non-Domestic Rates Appeal Panel	5 (3 Administration/ 2 opposition groups/parties)	<p><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></p> <p><i>There are no statutory provisions relative to the constitution of this panel and its composition is at the discretion of the Council.</i></p>
Personnel Appeals & Applied Conditions of Service Appeals Panel	8 (5 Administration/3 opposition groups/parties)	<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 & Children's Services 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	<p>An appeal committee shall comprise 3, 5 or 7 members</p> <p>In practice the custom in Renfrewshire is for a 3-person panel</p> <p>Normally 2 elected members, to comprise 1 member of the Administration and 1 member from the opposition group/parties.</p>	<p><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. Due to issues in members participating in the process the practise in Renfrewshire has been that the Panel comprises 3 members including one lay member.</i></p> <p><i>A member of the Education & Children's Services Policy Board cannot chair the Appeals Panel.</i></p> <p><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></p>

Ad-Hoc Boards/Forums/Panels	Current composition	Special rules
Adoption and Fostering Panels	6 members being 3 from the administration and 3 from the opposition	<i>The panels require to have a gender balance</i>
Appointment Board for Director Posts	9 members to comprise 5 members of the Administration and 4 members from the opposition groups/parties. Leader is Convener and Depute Leader, Depute Convener	<i>n/a</i>
Appointment Board for Head of Service Posts	7 members to comprise 4 members of the Administration and 3 members from the opposition groups/parties. Leader is Convener and Depute Leader, Depute Convener	<i>n/a</i>
Appointment Board for Chief Executive Post	9 members to comprise the Leader and Depute Leader, 3 further members of the Administration and 4 members from the opposition groups/parties. Leader is Convener and Depute Leader, Depute Convener	<i>n/a</i>
Cross Party Sounding Board	6 members. Leader and Depute Leader of the Council and 4 opposition groups/parties (one representative from each of the other political groups and parties on the Council)	<i>n/a</i>
Emergencies Board	5 members to comprise 3 members of the Administration and 2 members of the main opposition party	<i>n/a</i>
Investment Review Board	5 (3 Administration/2 opposition groups/parties)	
Joint Consultative Board (non-teaching)	5 (3 Administration/2 opposition) groups/parties	<i>In terms of its constitution, members of the JCB non-teaching are to be drawn from the membership of the Finance, Resources & Customer Services Policy Board.</i>
Renfrewshire Joint Negotiating Committee for Teaching Staff	2 both from Administration	<i>Members of the JNC for -teaching staff are to be drawn from the membership of the Education & Children's Services Policy Board</i>