

ANGUS COUNCIL – 13 MAY 2021

**PROPOSED CHANGES TO COMMITTEES TO COMPLY WITH THE PRINCIPLES OF POLITICAL
BALANCE AND DETAILS OF APPOINTMENTS**

REPORT BY THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT

This Report notes the resignation of Councillors Speed and Lawrie from the Administration Group, the effects this has had on political balance and sets out committee membership options to ensure the Council is compliant with our Standing Orders with regard to the principles of political balance.

1. RECOMMENDATIONS

1.1 The Council is asked:

1. to note the resignations of both Cllrs Speed and Lawrie from the Administration Group and the change in political composition as a consequence, as detailed in Section 3 of this report;
2. to note the requirement to adhere to the principles of political balance in appointing members to committee as outlined in Standing Order 32 (4);
3. to note the terms of Standing Order 32 (1)-(3) in relation to size of committees;
4. to note that as a result of recommendation 1 above, the current sizes in respect of the Policy and Resources Committee, the Communities Committee and the Children and Learning Committee, are no longer possible as detailed in Table 1 in the Report;
5. to note that it would be possible to accommodate the new political composition as set out in Tables 2 and 3;
6. to choose an option, as detailed in Tables 2 and 3 and thereby agree to amend Standing Orders 32 (1)-(3) to that extent ; and
7. to give consideration to any changes to appointments, as detailed in Section 5 of the Report.

2. ALIGNMENT TO THE COUNCIL PLAN

2.1 This Report contributes to the achievement of our priority that the council is efficient and effective as detailed in our Council Plan for 2017 – 2022.

3. BACKGROUND

3.1 Members will be aware that Councillors Speed and Lawrie recently resigned from the Administration Group.

Officers have now calculated the effect this has had on political balance, as detailed below:-

Previous Admin Group Numbers (and %)	Current Admin Group Number (and %)	SNP Group Numbers (and %)	Previous Non Aligned (and %)	Current Non Aligned (and %)
16 (57%)	14 (50%)	9 (32%)	3 (10%)	5 (18%)

Consequently, these changes will require to be applied to committee membership to ensure compliance with Standing Order 32(4).

Standing Order 32 (4) states

“In appointing members to Committees, the Council shall, so far as possible, give effect to the principles regarding political balance set out in the 1989 Act” Under section 15 and 16 of the Act, the council must allocate seats on committees and other prescribed bodies so as to give effect to the political balance rules as follows:

- The number of seats on ordinary committees allocated to each political group bears the same proportion to the total of all seats on ordinary committees as is borne by the number of members of that political group to the total membership of the authority; and
- The number of seats on a body allocated to each political group bears the same proportion to the number of seats on that body as is borne by the number of members of that political group to the total membership of the authority.
- For political balance, a group is required to have at least two members in order to be formally constituted as a political group.

The “Act” is the Local Government and Housing Act 1989. Whilst the relevant statutory provisions are not in force in Scotland, these have been incorporated into the Council’s Standing Orders.

Standing Order 32(5) stipulates:

“(5) Members shall be appointed to Committees at the first meeting of the Council after the ordinary election of Councillors. It shall, however, be competent for the Council to vary the membership at any time, provided:

- (i) that the political balance referred to in (4) above is maintained; and
- (ii) that each member of the Council is afforded proper opportunity to serve on Committees.”

4. OPTIONS

4.1 Standing Order 32 (1) - (3) details the current membership of Standing Committees, as follows:

- (1) The Development Standards Committee shall consist of 13 members and the Civic Licensing Committee shall consist of 10 members of the Council.
- (2) The Children and Learning Committee shall consist of 15 members of the Council, and in addition, five persons who are not members of the Council, being:-
 - (i) *three persons representative of church interests, appointed in terms of Section 124 of the 1973 Act; and*
 - (ii) two teachers employed in educational establishments under the management of the Council, nominated in such manner as the Council may determine.
- (3) All other Standing Committees of the Council shall consist of 15 members of the Council except for Scrutiny and Audit Committee which shall consist of 13 members with not less than 8 of those appointed being councillors who are not members of the Administration.

Members will note that, other than the Civic Licensing Committee Committees, all other Standing Committees’ memberships are an odd number.

In attempting to apply the new % allocations it is not possible to comply with Standing Order 32 (4), to the extent as detailed in Table 1 below:-

TABLE 1	New Administration Group – 14 (50%)	Allocation SNP Group – 9 (32.14%)	New Allocation Non Aligned – 5 (17.86%)	Comment
Policy and Resources (15)	(7.5) 8	(4.82) 5	(2.67) 3	Does not work as works out at 16 based on rounding up numbers
Communities (15)	8	5	3	Does not work as works out at 16 based on rounding up numbers
Children and Learning (15)	8	5	3	Does not work as works out at 16 based on rounding up numbers

Two options have therefore been developed to ensure compliance with Standing Order 32(4) these being:

- (1) Increasing the numbers on the Standing Committees to the extent as shown in Table 2 by 1; and
- (2) Reducing the numbers on the Standing Committees to the extent as shown in Table 3 by 1).

Both tables show the committee make up based on allocation of places to each political group and to the non-aligned councillors based on political proportionality.

TABLE 2 Committee (increase by 1)	New Allocation Administration Group (14 members) (50%)	Allocation SNP Group (no change except for C&L) (9 members) (32.14%)	New Allocation Non aligned (5 members) (17.86%)	Comments
P&R (16) (were 15)	8	(5.14) 5	(2.85) 3 (+1)	Non-Aligned gain 1 place
Communities (16) (were 15)	8	5	3 (+1)	Non-Aligned gain 1 place
C&L (16) (were 15)	8	5 (-1)	3 (+2)	(SNP currently have an Non-Aligned place so in terms of political proportionality it is only +1 to Non-Aligned.)
TABLE 2 Committee (increase by 1)	New Allocation Administration Group (14 members) (50%)	Allocation SNP Group (no change except for C&L) (9 members) (32.14%)	New Allocation Non aligned (5 members) (17.86%)	Comments
Civic Licensing (10)	5 (-1)	3	2 (+1)	Non-aligned gain 1 place and

(Stays at 10)				Admin lose 1 place.
Development Standards (13) (Stays at 13)	7	(4.48) 4	2.50 2	No change
Scrutiny and Audit (Stays at 13)	4 (-1)	7	2 (+1)	Numbers are allocated to ensure that not less than 8 members of the Committee are non Admin members as per Standing Orders.

TABLE 3 Committee (decrease by 1)	New Allocation Administration Group (14 members) (50%)	Allocation SNP Group (9 members) (32.14%)	New Allocation Non aligned (5 members) (17.86%)	Comments
P&R (14) (was 15)	7 (-1)	4 (-1)	3 (+1)	Admin and SNP Group lose 1. Non Aligned gain 1
Communities (14) (was 15)	7(-1)	4 (-1)	3 (+1)	Admin and SNP Group lose 1. Non Aligned gain 1
C&L (14) (was 15)	7(-1)	4 (-1)	3 (+1)	Admin Group lose 1. SNP do not really lose a place as in terms of political balance, Group had 1 more place as it was. Non Aligned gain 1
Civic Licensing (10) (Stays at 10)	5 (-1)	3	2 (+1)	Admin lose 1. Non aligned gain 1
Development Standards (12) Was 13	6 (-1)	4	2	Admin lose 1

TABLE 3 Committee (decrease by 1)	New Allocation Administration Group	Allocation SNP Group	New Allocation Non aligned	Comments
Scrutiny and Audit (13) (Stays at 13)	4 (-1)	7	2 (+1)	Numbers are allocated to ensure that not less than 8 members of the Committee are non Admin members

5. APPOINTMENTS

(i) Councillor Speed holds the undernoted positions, as appointed by Council:-

- (a) Vice Convener of the Children and Learning Committee
- (b) Vice Convener and member of the Angus Health and Social Care Partnership Integration Joint Board (Article 10(5) of the Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014 provides that a constituent authority may remove a member which it nominated by providing one month's notice in writing to the member and the integration joint board).
- (c) Scottish Council on Deafness
- (d) Angus Access Panel
- (e) Angus Community Planning Partnership
- (f) COSLA Health and Social Care Board
- (g) Angus Drug and Alcohol Partnership
- (h) Citizen's Advice Bureau

(ii) Councillor Lawrie holds the undernoted positions, as appointed by Council:-

- (a) East of Scotland European Consortium
- (b) Sharp Fund
- (c) Couple Counselling
- (d) COSLA -Children and Young People Board- Substitute
- (e) Shared Apprenticeship

It is a matter for the Council to determine if any changes are to be made to any of these positions.

6. FINANCE CONVENER

- 6.1 Members will be aware that a number of other positions are held by members of the Administration, as detailed in Report No 188/18 on the Remuneration of Councillors and considered by Angus Council on 14 June 2018. Councillor Macmillan Douglas held the position of Finance Convener (not remunerated) as well as Depute Leader (remunerated).

The Council, for information, are advised that Councillor Salmond will take over the position of Finance Convener with immediate effect. This role carries no additional remuneration

7. MEMBER/OFFICER GROUPS

- 7.1 By convention Member/Officer Groups are established by the relevant committee. Reports will be coming forward to these committees which will detail the MOGs currently aligned to that committee and give the opportunity for committees to confirm if they wish to make changes to any of them.

8. FINANCIAL IMPLICATIONS

8.1 There are no additional financial implications for the Council arising from the recommendations in this report.

9. EQUALITY IMPACT ASSESSMENT

9.1 An Equality Impact Assessment is not required

REPORT AUTHOR: Donald Macaskill, Manager - Democratic and Members Services

EMAIL DETAILS: LEGDEM@angus.gov.uk

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.