

ANGUS COUNCIL – 9 SEPTEMBER 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 Councillor Braden Davy from the Administration Group, the effect 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. This report also deals with the resignation of Councillor Derek Wann as Convener of the Children and Learning Committee and appointments to a number of outside bodies.

1. RECOMMENDATIONS

1.1 The Council is asked:

1. to note the resignation of Cllr Davy 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 note that the changes to the membership of the Civic Licensing Committee agreed at the meeting of full Council on 13th May 2021 now require to be revisited due to the changes to political balance and accordingly agrees that this constitutes a “material change of circumstances”;
7. to choose an option, as detailed in Tables 2 and 3 and thereby agree to amend Standing Orders 32 (1)-(3) to that extent ;
8. to approve the same changes to the Angus Licensing Board and membership, in accordance with the provisions of paragraph 1 of Schedule 1 of the Licensing (Scotland) Act 2005;
9. to note the resignation of Councillor Wann as Convener of the Children and Learning Committee;
10. to appoint a Convener of the Children and Learning Committee, which carries a Senior Councillor Allowance
11. to note that Councillor Davy has resigned as Economic Development Spokesperson;
12. to fill the vacancies on a number of outside bodies, as detailed in paragraph 7; and

13. to appoint a non aligned member to the Appointments Sub Committee.

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 Councillor Davy 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 %)
15 (53%)	14 (50%)	9 (32%)	4 (14%)	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 (changed to 9 as per Addendum to Report No 136/21). This change has been reflected in the Standing Orders

- (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.

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 thereby having 16 members on P & R, Communities and C & L and by reverting back to 10 members on Civic Licensing Committee); This option would also include increasing the membership of Angus Licensing Boards to 10 OR
- (2) Reducing the numbers on the Standing Committees to the extent as shown in Table 3 by 1) and thereby having 14 members on P & R, Communities and C & L. This option contains the same proposals for Civic Licensing Committee and Angus Licensing Board as Option 1 (ie: increase from 9 to 10).

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. Option 1 would have the least impact as detailed in Table 2

TABLE 2 Committee (increase by 1)	New Allocation Administration Group	Allocation SNP Group	New Allocation Non aligned	Comments
	(14 members) (50%)	(9 members) (32.14%)	(5 members) (17.86%)	

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	3 (+1)	Non-Aligned gain one place
Civic Licensing (9) (Reverts back to 10)	5	3	2 (+1)	Non-aligned gain 1 place.
Development Standards (13) (Stays at 13)	(6.5) 7	(4.17) 4	2.32 2	No change
Scrutiny and Audit (Stays at 13)	4	7	2	No change

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 Groups lose 1. Non Aligned gain 1
Communities (14) (was 15)	7(-1)	4 (-1)	3 (+1)	Admin and SNP Groups lose 1. Non Aligned gain 1
C&L (14) (was 15)	7(-1)	4 (-1)	3 (+1)	Admin and SNP Groups lose 1. Non Aligned gain 1
Civic Licensing (10) (was 9)	5	3	2 (+1)	Non aligned gain 1
Development Standards (12) Was 13	6 (-1)	4	2	Admin Group 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	7	2	No change

5. APPOINTMENT OF CONVENER OF CHILDREN AND LEARNING COMMITTEE

Members will be aware that Councillor Wann has resigned as Convener of the Children and Learning Committee. In accordance with the provisions of Standing Order 7(4) the Council is asked to fill the vacancy, with the election being held in accordance with Standing Order 6(3).

The Council is also asked to note that Councillor Wann has resigned from the Tayside Area Support Team (Children's Panel oversight). It has been custom and practice that the Convener and Vice Convener of the Children and Learning Committee are appointed to the AST. Accordingly, it is recommended that this practice continues.

6. APPOINTMENTS

Councillor Wann has intimated his resignation from the following outside bodies:-

- (i) ANGUSAlive Board of Directors
- (ii) Arbroath Golf Links Ltd
- (iii) COSLA Children and Young Person's Board

The Council is asked to fill these vacancies

7. MEMBERSHIP OF THE APPOINTMENTS SUB COMMITTEE

It is intended to start the recruitment process for the permanent post of Director of Vibrant Communities and Sustainable Growth in the next few weeks.

The appointment of Directors are undertaken by the Appointments Sub Committee. The membership is set out in Standing Order 49(2) ".....comprising the Leader, Depute Leader and four members (one Administration, three Non-Administration)."

In terms of political balance the SNP Group are entitled to 2 of these places with the remaining place to be filled by a non-aligned member.

Accordingly, the Council is asked to appoint one non aligned member to the sub committee.

8. FINANCIAL IMPLICATIONS

- 8.1 There are no financial implications associated with size of the Council's standing committees so the options in Section 4 are neutral financially. There are no financial implications arising from replacing Councillor Wann on the outside bodies as these positions are not remunerated.
- 8.2 The financial implications (savings or additional costs) associated with appointing a Convener of the Children and Learning Committee will depend on the Councillor chosen and whether they are already remunerated as a senior councillor or not. There is sufficient budget provision to accommodate whoever the Council chooses. The choice of Convener can also be made without breaching limits on senior councillor numbers and costs in line with the legislation.

9. EQUALITY IMPACT ASSESSMENT

- 9.1 An Equality Impact Assessment is not required

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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.