

FC11. Decision Making Structure

Council considered a report by the Chief Executive setting out the implications of the decision taken on 6 April 2018 to change the political composition of the Executive and Education Executive and that the convenership of both bodies is no longer ex officio the Leader of the Council. Some further changes which were required to be made in light of that decision were recommended following discussion with the Group Leaders.

One practical difficulty arising from the decision of Council was that the number of portfolio holders was fixed as the Leader of the Council plus eight. The Administration were allocated 5 places on the Executives. It was open to Council to agree a more flexible approach with the decision regarding the number of portfolio holders and the division of responsibilities to sit with the Leader of the Council. It was recommended that Council determine whether any portfolio holder not appointed to an Executive could attend and speak during an item within their remit.

Following discussion with Group Leaders the Chief Executive proposed that Council considered allowing different memberships for the Executive and Education Executive. Council was also asked to consider expanding the remit of the Education Executive to include all functions within the scope of Children's Services and determine whether the non-elected voting members should have voting powers over any non-education functions.

As Council had agreed to politically balance the Executives it was proposed that Council should also apply political proportionality to the Scrutiny Committees. Council agreed to appoint a Labour member as convener of the Executives at its April meeting, one approach Council was asked to consider was that the convenerships of the Scrutiny Committees be allocated on the basis of one for each of the remaining groups i.e Conservative and SNP.

Councillor Meiklejohn, seconded by Councillor Garner, moved, in recognition of the impact of Council's decision taken on 5 April 2018, that Council:-

- (1) agrees that the Leader of the Council has flexibility on the number of portfolio holders that can be appointed and their remit, accepting that all the responsibilities currently covered will need to be covered within the remits, determined by the Leader and that these will be advised in writing to the Chief Governance Officer and reported to Council;
- (2) agrees that the Executive and Education Executive can have different memberships;
- (3) agrees that the membership of Executive/Education Executive will be augmented to include, for that item, any portfolio holder who is not a substantive member of the Executive/Education Executive but has a report on the agenda enabling them to move and vote on that particular item;
- (4) agrees that members of the Executive/Education Executive can serve on a scrutiny panel where the subject matter is not within the remit of

the Executive which that member serves on, including any portfolio holder who is not a member of the Executive(s);

- (5) agrees to extend the remit of the Education Executive to include non Education functions within the remit of Children's Services;
- (6) recognises that all elected members should have the ability to participate and influence the decisions of the Council. In the interests of fairness and equity of opportunity the scrutiny committee should be proportional based on the membership of the council and not solely on political groupings. Accordingly, the political balance of the Scrutiny committees should be 3 SNP, 2 Labour, 2 Conservative and 1 Independent. In addition the Council should establish a general principle that where there is more than one independent member and places are allocated to independents that these should be shared equitably;
- (7) recognises that removing the Leader of the Council as convenor of the Executive/Education Executive has changed the role of Convenor to that of a practical role in facilitating the meeting, the SNP as the largest group should hold Convenorships of both Scrutiny Committees;
- (8) agrees that should there be any changes in the make up of the administration whereby its membership is made up of two (or more) groups forming an alliance, it would not be appropriate for a majority administration to chair a Scrutiny Committee and have a majority on the Scrutiny Committees and in the event of such an Administration forming agrees that the arrangements for Scrutiny Committees be revisited by Council;
- (9) agrees that the business meeting held prior to Full Council membership should be amended to recognise that there are 3 main political groups and should include Group Leaders or their substitutes;
- (10) agrees that all changes should be adopted as of the next Executive meeting with membership of Executive and Education Executive and any changes to the Scrutiny Committees being advised by close of business on Monday 14th May;
- (11) agrees, in recognition that with the introduction of the Integration Joint Board which deals with aspects of Social Care which were previously reported to the Executive, that there is limited information now shared with elected members, with the exception of those who are on the IJB or members of scrutiny, which mainly scrutinises performance. Council therefore agrees as standard that the Chief Officer be asked to provide council with an information and progress report a minimum of twice per year in order that elected members are kept up to date with the changes and developments within the service, and
- (12) requests that the Chief Governance officer make necessary amendments to the Standing Orders.

Council adjourned at 10.45am to allow members of the Opposition to consider the terms of the motion and reconvened at 11.30am with all members present as per the sederunt.

Councillor Goldie, seconded by Councillor Nimmo, moved an amendment in substitution for the motion that Council agrees:-

- (1) to change the arrangements for portfolio holders to allow flexibility on the number that can be appointed and their remits. Decision making on the number of portfolio holders and their remits will sit with the Leader of the Council with the proviso that all responsibilities currently falling within the remit of portfolio holders requires to be covered irrespective of the number appointed. It would also be a matter for the Leader of the Council to determine which portfolio holder was a member of the Executives. The decision of the Leader of the Council would require to be intimated to the Chief Governance Officer and thereafter reported to Council for noting;
- (2) that members appointed to the Executive and Education Executive may be different if groups so determine;
- (3) that where a portfolio holder is not appointed to the Executive or the Education Executive, they may attend a meeting of that body where the meeting is considering an item of business within their portfolio and speak at that item but not vote;
- (4) to relax the bar on members of an Executive serving on a scrutiny panel where the subject matter is not within the remit of the Executive on which that member serves and on portfolio holders so serving where the subject matter does not fall within their remit;
- (5) to extend the remit of the Education Executive to include the non-education functions within the remit of Children's Services;
- (6) that voting powers for the non Councillor members of the Education Executive are limited to education functions only;
- (7) to politically balance the scrutiny committees as follows:-

SNP	– 3
Labour	– 3
Conservative	– 2
- (8) to remove the requirement that the convenership of both Scrutiny Committees is held by the largest Opposition Group and, in place of that requirement agrees that, as the convenership of the Executives is held by a member of the Labour Group, the convenership of the two Scrutiny Committees are allocated to members of the SNP and Conservative Groups respectively;

- (9) that any decision to pursue recommendations 4.7 and 4.9 be subject to an explicit commitment that Council would review this in the event that a majority Administration is formed;
- (10) to extend the membership of the business meeting held prior to Council to include the Leaders (or their substitute) of each of the main groups;
- (11) that the changes adopted will have effect from this meeting, and
- (12) to request that the Chief Governance Officer makes the necessary amendments to the Standing Orders of the Council to give effect to the decisions made to be reported to the June meeting of Council.

Council adjourned at 11.40am to allow members to attend the funeral of former Councillor Reverend John Jenkinson. Council reconvened at 2.05pm with all members present as per the sederunt.

Following discussion, Councillor Meiklejohn as the mover of the motion, with the consent of Councillor Garner as her seconder and the Provost, adjusted the terms of her motion to include clause six from the amendment, namely:-

“that Council agrees that voting powers for the non Councillor members of the Education Executive are limited to education functions only”.

Having heard from the Leader of the Council, Councillor Goldie as the mover of the amendment, with the consent of Councillor Nimmo as his seconder and the Provost, adjusted the terms of his amendment to include clause eleven from the motion, namely:-

“Council agrees, in recognition that with the introduction of the Integration Joint Board which deals with aspects of Social Care which were previously reported to the Executive, that there is limited information now shared with elected members, with the exception of those who are on the IJB or members of scrutiny, which mainly scrutinises performance. Council therefore agrees as standard that the Chief Officer be asked to provide council with an information and progress report a minimum of twice per year in order that elected members are kept up to date with the changes and developments within the service”.

In terms of Standing Order 22.1, the vote was taken by roll call, there being 30 members present with voting as undernoted:-

For the motion (13) – Depute Provost Ritchie; and Councillors Alexander, Balfour, Binnie, Bouse, Coleman, Collie, Garner, Hughes, McCue, Meiklejohn, Murtagh and Spears.

For the amendment (17) – Provost Buchanan; and Councillors Aitchison, Bissett, Black, Blackwood, Coombes, Flynn, Goldie, Grant, Harris, Kerr, McLuckie, Munro, Nicol, Nimmo, Patrick and Reid.

Decision

Council agreed:-

- (1) to change the arrangements for portfolio holders to allow flexibility on the number that can be appointed and their remits. Decision making on the number of portfolio holders and their remits would sit with the Leader of the Council with the proviso that all responsibilities currently falling within the remit of portfolio holders required to be covered irrespective of the number appointed. It would also be a matter for the Leader of the Council to determine which portfolio holder was a member of the Executives. The decision of the Leader of the Council would require to be intimated to the Chief Governance Officer and thereafter reported to Council for noting;**
- (2) that members appointed to the Executive and Education Executive may be different if groups so determine;**
- (3) that where a portfolio holder is not appointed to the Executive or the Education Executive, they may attend a meeting of that body where the meeting is considering an item of business within their portfolio and speak at that item but not vote;**
- (4) to relax the bar on members of an Executive serving on a scrutiny panel where the subject matter is not within the remit of the Executive on which that member serves and on portfolio holders so serving where the subject matter does not fall within their remit;**
- (5) to extend the remit of the Education Executive to include the non-education functions within the remit of Children's Services;**
- (6) that voting powers for the non Councillor members of the Education Executive are limited to education functions only;**
- (7) to politically balance the scrutiny committees as follows:-**

SNP	– 3
Labour	– 3
Conservative	– 2
- (8) to remove the requirement that the convenership of both Scrutiny Committees is held by the largest Opposition Group and, in place of that requirement agreed that, as the convenership of the Executives was held by a member of the Labour Group, the convenership of the two Scrutiny Committees were allocated to members of the SNP and Conservative Groups respectively;**

- (9) that any decision to pursue recommendations 4.7 and 4.9 in the report were subject to an explicit commitment that Council would review this in the event that a majority Administration is formed;**
- (10) to extend the membership of the business meeting held prior to Council to include the Leaders (or their substitute) of each of the main groups;**
- (11) that the changes adopted would have effect from this meeting;**
- (12) to request that the Chief Governance Officer makes the necessary amendments to the Standing Orders of the Council to give effect to the decisions made to be reported to the June meeting of Council, and**
- (13) that in recognition that with the introduction of the Integration Joint Board which dealt with aspects of Social Care which were previously reported to the Executive that there was limited information now shared with elected members, with the exception of those who were on the IJB or members of scrutiny, which mainly scrutinised performance. Council therefore agreed as standard that the Chief Officer provide Council with an information and progress report a minimum of twice per year in order that elected members are kept up to date with the changes and developments within the service.**