

The background of the slide features a large, light blue watermark of the City of Vancouver's coat of arms. The crest includes a crown with four maple leaves, a shield divided into four quadrants (top-left: saltire, top-right: stag's head, bottom-left: sailing ship, bottom-right: eagle), and a banner at the bottom with the motto 'A NE FOR A'.

Agenda Item 6

Membership of Committees, Boards and Significant Statutory Bodies

Falkirk Council

Title: Membership of Committees, Boards and Significant Statutory Bodies

Meeting: Falkirk Council

Date: 24 May 2017

Submitted by: Director of Corporate & Housing Services

1. Purpose of Report

1.1 This report sets out the Council's current decision making structure and seeks nominations to the following positions:-

- (a) membership of the committees and other bodies of the Council;
- (b) portfolio holders
- (c) where relevant to the convenership and vice convenership of those committees and bodies;
- (d) the Integration Joint Board and from the members appointed to it the vice chairperson;
- (e) the Board of Falkirk Community Trust;
- (f) the Central Scotland Valuation Joint Board; and
- (g) significant statutory organisations, such as SEStran and Forth Valley Health Board, which require Council representation.

1.2 The opportunity is also taken to provide some more detailed information about the bodies for which membership is sought to give members a clearer idea of their purpose and the time commitment required to sit on them.

2. Recommendations

2.1 It is recommended that Council:-

- (1) appoints the membership of the committees set out in appendix 1;
- (2) appoints the membership and, where appropriate, the convener and vice convener of the committees set out in appendix 2;
- (3) appoints the members of the Licensing Board;
- (4) appoints members of the Central Scotland Joint Valuation Board;
- (5) appoints members to the statutory bodies set out in appendix 5;
- (6) appoints one of the members appointed to the Integration Joint Board as vice chairperson of the Board; and
- (7) notes the mandatory training requirements and agrees the training requirements set out in section 14.

3. Committee Membership

- 3.1 As set out in the report by the Chief Executive which appears as an earlier item on the agenda, the political composition of the Council is as follows:-

SNP	12
Labour	9
Conservative	7
Independent	2

- 3.2 The membership of four of the committees of the Council is established by Standing Orders. These are the Executive, the Education Executive, the Scrutiny Committee and the Scrutiny Committee (External). The membership of these committees relies on a distinction drawn between those councillors who are members of the Administration and those who are not. Administration is defined by the Standing Orders as the group or groups of councillors (including any individual councillor or councillors not part of any group) that the Leader of the Council has given written notice to the Chief Executive from the Administration. For the Executive and the Education Executive, the convener will be the Leader. The convener of the Scrutiny Committee and the Scrutiny Committee (External) will be appointed from the membership of the respective committee but must be a councillor who is not part of the Administration. The membership is summarised below:-

<u>Committee</u>	<u>Councillors drawn from Administration</u>	<u>Councillors not drawn from Administration</u>
Executive	Leader (convener) + 8 (portfolio holders)	3
Education Executive	Leader (convener) + 8 (portfolio holders)	3
Scrutiny Committee	4	4 (from which committee appoints convener)
Scrutiny Committee (External)	4	4 (from which committee appoints convener)

A councillor may not be a member of both the Executive and one of the scrutiny committees.

- 3.3 For the remainder of the committees and bodies for which appointment is sought the general principles of political proportionality have largely been applied by the Council, the appointments to the Integration Joint Board being one exception. These principles are to be found in section 15 of the Local Government and Housing Act 1989. They seek to ensure proportionality, so far as reasonably practicable, among different political groups in the allocation of seats on committees and other bodies. No specific provision is made in the Act for members who are not part of a political group. While those sections of the Act dealing with proportionality have not been brought into force in Scotland, it

has been the general practice of the Council to determine membership of committees and other bodies as though they had been. The Standing Orders provide that with the exception of the four committees noted above, the Common Goods Fund Committees and the Planning Review Committee, the membership of the Council's committees will as far as reasonable reflect the political balance of the Council.

- 3.4 The breakdown of membership on committees and other bodies if proportionality is applied is as follows:-

Number of councillors to be appointed	Allocation	
3 (e.g. the Integration Joint Board if politically balanced)	SNP	1.20
	Labour	0.90
	Con	0.70
	Ind	0.20
6 (e.g. Appointments Committee, Pensions Committee)	SNP	2.40
	Labour	1.80
	Con	1.40
	Ind	0.40
5 (e.g. Falkirk Community Trust)	SNP	2.00
	Labour	1.50
	Con	1.17
	Ind	0.33
8 (the Valuation Board & Appeals Committee)	SNP	3.20
	Labour	2.40
	Con	1.87
	Ind	0.53
10 (e.g. Joint Consultative Committee, Civic Licensing Committee and Licensing Board)	SNP	4.00
	Labour	3.00
	Con	2.33
	Ind	0.67
12 (e.g. Planning Committee)	SNP	4.80
	Labour	3.60
	Con	2.80
	Ind	0.80

4. Committee Membership

- 4.1 The Council's decision making structure is a matter for the Council to determine, within certain statutory parameters. The current structure is set out in the Scheme of Delegation contained within Standing Orders. The principal decision making and scrutiny committees are set out at 3.2 above. In addition there are regulatory committees dealing with planning and civic licensing matters and other committees covering, among other things, pensions, audit, appeals and appointments. The committees for which membership is sought at this meeting are set out in appendices 1 and 2. Council is also invited, where relevant, to appoint a convener and a deputy convener.

Audit Committee

- 4.2 Council agreed in 2010 to expand membership of the Audit Committee to include an independent, lay, convener and, following an open selection process, Ms Roseanne Stevenson was appointed as convener in March 2011. Ms Stevenson has served in this position since that time. She has indicated that she would now wish to step down but would be willing to serve over the coming year to allow the recruitment of a new convener.

Education Executive

- 4.3 The Education Executive has special characteristics, both in terms of the breadth of its membership and in the fact that some of the non-elected members have full voting status on the committee.
- 4.4 Section 124 of the Local Government (Scotland) Act 1973 requires local authorities appointing an education committee to include certain representatives of churches and denominational bodies among the membership. The Act also empowers local authorities to have a wider non-councillor membership on the education committee than would be permitted for other committees.
- 4.5 The obligation on the Council is to appoint three religious representatives to the committee. These representatives have the same status on the committee as elected members. This includes the ability to move and second motions and to vote. Two of the places are reserved for representatives of the Church of Scotland and the Roman Catholic Church. There is a third place for a person selected by the authority having regard to the comparative strength of the churches and denominational bodies in the area. The currently appointed representative in this category Pastor Michael Rollo represents the evangelical group of churches. He is willing to continue to serve and it is suggested that he be appointed for a further term of 5 years.
- 4.6 Council has resolved previously to have three further categories of members on the committee. They are often referred to as co-opted members although in the strict sense they are appointed rather than co-opted. The categories are: teacher representatives, parent representatives and pupil representatives. There are two representatives from each of these categories appointed to the committee. These members do not have voting rights.

- 4.7 The term of membership for the current teacher and parent representatives ended on election day. The process for identifying teacher representatives is underway but it is unlikely that representatives will be identified by the proposed date of the Education Executive on June 13. It is suggested that Council agrees to extend the term of the current representatives for a short period to allow teacher representation to be maintained.

5. Valuation Joint Board

- 5.1 Currently Falkirk Council nominates members to the Central Scotland Valuation Joint Board. The purpose of the Board is to set the budget, appoint senior officers, secure best value and scrutinise the performance of its organisation. The Amalgamation Scheme for the Board sets out its membership. Falkirk is entitled to 8 seats on the 15 person Valuation Board, as set out in appendix 3.
- 5.2 The Board Amalgamation Schemes also make provision for substitute members to be appointed.
- 5.3. The Board will appoint its own convener and vice convener at its first meeting which is likely to be held in June. The positions of convener and vice convener are both remunerated.

6. Licensing Board

- 6.1 The Falkirk Council Licensing Board is constituted as an independent regulatory body by virtue of the Licensing (Scotland) Act 2005. The main function of the Board is to regulate premises and persons that sell alcohol to the public. The Licensing Board is also required by the Gambling Act 2005 to regulate certain gambling activities in the area.
- 6.2 The size of the Board is a matter for Council to determine. It may have between five and ten members. The current Board is made up of 10 members, by way of decision taken on 18 May 2007. Given the nature of the decision making at the Board and the sometimes lengthy business before it, that size works well. The statutory quorum is five members and a Board of ten allows meetings to take place even when some members cannot be in attendance for all or part of the meeting. It is accordingly suggested that the Board should continue at its current size.
- 6.3 The Board has scheduled meetings each month (apart from the July recess) but also meets at other times to deal with ad hoc business and policy matters.
- 6.4 The Act requires that members of the Board undergo an accredited training course within 3 months of being appointed. This applies to returning members of the Board as well as to new members. A member cannot take part in any proceedings of the Board until they have completed the training. Only external approved trainers can carry out the training and it lasts for almost a full day. Arrangements have been made to hold the training session on 29 May. For

any member unable to attend on that day, alternative arrangements can be made but he or she will not be able to sit on the Board in the meantime. In the event that any member fails to comply with the training requirement, he or she will cease to be a member of the Board by operation of law.

- 6.5 There are certain statutory grounds that would disqualify a member from sitting on the Licensing Board. This is generally where the member works in the alcohol industry. The specific disqualifications are set out in appendix 4.

7. Civic Licensing Committee

- 7.1 Like the Licensing Board, the Civic Licensing Committee is considered to be a quasi judicial body. In other words, it is an administrative body taking decisions relating to individual applicants or license holders to which the rules of natural justice apply. It largely discharges the Council's licensing function under the Civic Government (Scotland) Act 1982 which governs the licensing of taxis and other activities.

8. Falkirk Integration Joint Board

- 8.1 The Integration Joint Board (IJB) is responsible for the planning and oversight of the social care services and a substantial proportion of health services provided in the council area. It consists of 6 voting members, 3 appointed by the Council and 3 appointed by Forth Valley Health Board, together with a number of non voting members. The Chair and Vice Chair of the Board are held by nominees of the Council or the health board on a rotating basis. At present, the right to nominate the Chair lies with the health board. The board has appointed Julia Swan to that position. The Council is asked to appoint the Vice Chairperson from among the three members appointed to the IJB. The right to appoint the Chairperson reverts to the Council in 2019. The governance arrangements for the IJB allow for substitutes to attend if a member is unable to do so. It is open to the Council to agree to appoint named substitutes or alternatively to maintain the current position that allows a member unable to attend to identify the substitute.
- 8.2 The Board meets every two months.

9. Falkirk Community Trust

- 9.1 Falkirk Community Trust is a company limited by guarantee, with charitable status. It was established by the Council in 2011 to deliver sport, recreation, arts, heritage and library services previously managed and delivered directly by the Council.
- 9.2 The work of the Trust is overseen by a Board of Directors. The role of the Board is to -

- ensure that the Trust complies with the requirements of the service agreement between the Council and the Trust;
- develop and approve the Trust's annual Business Plan prior to its submission to the Council;
- ensure that external funding opportunities are maximised;
- ensure an employee strategy is developed and implemented;
- monitor financial management;
- accept company director responsibilities to ensure compliance with appropriate legislation;
- drive the direction of the Trust to ensure all agreed outcomes are achieved as planned.

9.3 The Articles of Association of the Trust state that the Board comprises 11 directors, made up of:

- 5 elected member directors
- 5 independent directors
- 1 employee representative director

There can also be 2 co-opted Directors.

9.4 The 5 elected member directors are appointed by the Council. An appointment to the Board will normally be for a period of 2 years. Directors are required to retire at the end of each 2 year term but may be reappointed for a further 2 year term. Only 3 such 2 year terms can be served by any Director. The appointment of an elected member director can be terminated by the Council at any time.

9.5 The current elected member cohort on the Board consists of:

Director	Date of appointment
Pat Reid	July 2011
Linda Gow	October 2011
Dennis Goldie	June 2012
Robert Spears	March 2015
William Buchanan	March 2015

9.6 Linda Gow is no longer an elected member of the Council and her appointment as a Director therefore requires to be terminated. In reviewing the remaining membership, Council may terminate or continue the appointment of sitting Directors. If appointments are terminated, another Councillor may be appointed to the Board. As noted above, the maximum period of appointment of a Director to the Board is 6 years. Councillor Reid will reach the end of his maximum 6 year appointment in July of this year. It is recommended that the portfolio holder for Culture, Leisure and Tourism be a Director on the Board of the Trust. Council is invited to delegate to the Chief Executive responsibility for service of any notices of termination that may be required and for notifying the Trust of new appointments made.

- 9.7 The Office of the Scottish Charity Regulator, in January 2015, published a paper following its review of Arm's Length External Organisations (ALEOs) registered as Charities in Scotland called "Arm's Length External Organisations". In this paper, it is suggested that, in making such appointments, consideration be given to the mix of skills and experience among Councillor Directors on the Board of an ALEO.

10. Forth Valley Health Board

- 10.1 Forth Valley Health Board is the public body responsible for the delivery and governance of health services in the council area. In terms of the National Health Service (Scotland) Act 1978, the board must include a councillor nominated by each local authority within the board area and appointed by the Scottish Ministers, along side the Chairman and other members appointed by the Scottish Ministers. The position is remunerated.

11. SEStran

- 11.1 The South East Scotland Partnership (SEStran) is one of 7 regional transport partnerships in Scotland. SEStran covers 8 local authority areas; Scottish Borders, City of Edinburgh, East Lothian, Midlothian, West Lothian, Clackmannanshire, Fife and Falkirk. SEStran was established as a statutory body in 2005, tasked with producing a regional transport strategy for South East Scotland. Two key objectives underpin the Strategy – the sustainable development of the area in a less car dependent manner and the widening of access for all areas and groups.
- 11.2 The work of SEStran is governed by the SEStran Partnership Board which consists of 20 elected members from the partnership local authorities and 8 appointed members. There are 2 places on the Board for Falkirk Council members. Appointments are normally for the lifetime of the Council but may be terminated by Council decision. Council is also requested to appoint 2 substitute members. SEStran has requested that the Council give consideration to making a gender balanced appointment noting that the outgoing board comprised 85% men and 15% women. There is now a strong statutory impetus on boards which are appointed to give consideration to the number of men and women are members of the board with a view to promoting. The same duty arises in the case of the Health Board.
- 11.3 The Board meets every 2 months. In addition members are appointed to Committees which meet twice yearly.

12. Children's Hearings Scotland – Area Support Team

- 12.1 The Area Support Team for Falkirk, Stirling, Clackmannanshire and West Lothian established by the National convener of the Children's Panel requires one Falkirk Councillor among its membership.
- 12.2 The Children's Hearings system was introduced in 1971, taking responsibility for dealing with children and young people under 16, and in some cases under 18, who commit offences or who are in need of care and protection. The Children's Panel is a group of volunteer representatives from the community.
- 12.3 The AST comprises 36 members, 4 of whom are nominated by the local authorities (one for each local authority area). The AST itself meets once a year; its committees meet more frequently.
- 12.4 The role of the AST is to:-
 - submit names of possible panel members
 - advise the Scottish Government on the suitability of potential members
 - advise on the general administration of Panels

13. Scotland Excel

- 13.1 Scotland Excel was established in 2008 as a centre for procurement expertise for local authorities with a remit to lead the development of collaborative contracts and facilitate improved procurement practices within the local government sector. Currently all 32 local authorities in Scotland are members, together with a number of associate members.
- 13.2 Scotland Excel is governed by a Joint Committee made up of elected members from all participating Councils, including Falkirk Council. It meets twice a year and is responsible for the strategic direction of the organisation and approval of the annual budget and business plan.
- 13.3 In addition to the Joint Committee, a smaller group, the Executive Sub-Committee appointed by the Joint Committee, meets regularly to approve contract awards and key business decisions.
- 13.4 Council is invited to appoint a member to the Joint Committee and to nominate a substitute.

14. Training

- 14.1 A basic induction programme has been developed for members. This will be supplemented by specific training to support members in their roles. Each member will be offered a training needs analysis in order to identify individual

training needs and for training programmes, for individuals or groups, to be developed. In the meantime, local ad hoc training will be provided as required.

- 14.2 It is recognised that the work of the Appeals, Appointments, Civic Licensing and Planning Committees are specialised in nature in that they take quasi-judicial decisions within specific statutory frameworks. It is important that members fully understand the frameworks within which these committees operate and are comfortable in their roles as decision makers. It is recommended that a pre-requisite of sitting on the committees is that members undergo training prior to participating in any meetings. This training would be mandatory for new members of those committees and desirable for those who sat on the committees during the last session of Council.
- 14.3 It will be necessary for all members of the Pensions Committee to undergo a program of training in accordance with the training policy for the fund. The policy incorporates the CIPFA Code of Practice on Public Sector Pensions Knowledge and Skills and recognises that effective financial administration and decision making can only be achieved where those involved receive the appropriate training and expertise. Initial training will take place in advance of the first committee meeting. This is likely to be after the summer recess.
- 14.4 Similarly, it is recommended that training is required for members of the Audit Committee prior to, or as part of, its first meeting.

15. Protection of Vulnerable Groups

- 15.1 Any person taking up membership of the Executive, the Education Executive or the Area Support Team will require to be or to become a member of the Protection of Vulnerable Groups Scheme. This is because persons on those bodies are taken to be undertaking regulated work as defined in the Protection of Vulnerable Groups (Scotland) Act 2007. Council has previously agreed that the membership costs under the scheme would be shared among all members and recovered by 6 monthly instalments.

16. Consultation

- 16.1 This report has not been subject to consultation.

17. Implications

Financial

- 17.1 There are no financial implications arising from the report.

Resources

- 17.2 There are no resource implications arising from the report.

Legal

- 17.3 The Council is obliged to make some of the appointments set out above.

Risk

- 17.4 There are no risk implications arising from the report.

Equalities

- 17.4 An equality and poverty impact assessment was not carried out.

Sustainability/Environmental Impact

- 17.5 No sustainability assessment has been completed as part of compiling the report.

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Appendices:

Appendix 1 – Appointments to Executive and Scrutiny Committees

Appendix 2 – Appointments to Committees

Appendix 3 – Appointments to Joint Valuation Board

Appendix 4 – Licensing Board

Appendix 5 – Other Bodies

List of Background Papers

No papers were relied on in the preparation of this report in terms of the Local Government (Scotland) Act 1973.

APPOINTMENTS TO COMMITTEES

<u>Committee</u>	<u>Councillors drawn from Administration</u>	<u>Councillors not drawn from Administration</u>
Executive	Leader (convener) +8 (portfolio holders)	3
Education Executive	Leader (convener) + 8 (portfolio holders)	3
Scrutiny Committee	4	4 (from which committee appoints convener)
Scrutiny Committee (External)	4	4 (from which committee appoints convener)

APPOINTMENTS TO COMMITTEES

Committee	Membership	Convener	Dep. Convener
Appeals	8		
Appointments	6 (Plus the relevant portfolio holder on an ad hoc basis where he/she is not already a Member of the Committee)		
Audit	6 (plus a lay convener)	Lay convener	No standing depute convener is appointed to this committee
Civic Events Panel	3 (the Panel consists of the Provost, Depute Provost and one councillor from a group other than the largest group on the Council)	Provost	
Civic Licensing	10		
Common Good Fund Committees <ul style="list-style-type: none"> • Bo'ness • Denny • Falkirk • Grangemouth 	The Provost, Depute Provost and Members of the former Burghal areas	Provost	Dep. Provost
Joint Consultative	10		Appointed by the staff side.
Pensions	6		
Planning	12		

APPOINTMENTS TO JOINT VALUATION BOARD

Title	Falkirk Council Places	Substitutes	Total membership	Convener	Dep. Convener
Central Scotland Valuation Joint Board	8	Yes - up to 8 named members	15 Clacks – 3 Falkirk – 8 Stirling – 4	Appointed by the Board	Appointed by the Board

LICENSING BOARD

Title	Membership	Convener	Dep. Convener
Falkirk Council Licensing Board	Minimum of 5 to maximum of 10	Appointed by the Board	Appointed by the Board

DISQUALIFICATION FROM BEING A MEMBER OF THE LICENSING BOARD UNDER THE LICENSING (SCOTLAND) ACT 2005

Disqualification from membership

1. A councillor is disqualified from election as, and from being, a member of a Licensing Board if the councillor is:
 - (a) a premises licence holder,
 - (b) an employee of a premises licence holder and works as such in licensed premises,
 - (c) whether alone or in partnership with another person, engaged in the business of producing or selling alcohol,
 - (d) a director or other officer of a company so engaged, or
 - (e) an employee of any person so engaged and works as such in that business.
2. A councillor who knowingly acts or purports to act as a member of a Licensing Board at a time when the councillor is disqualified from being such a member by virtue of subparagraph (1) commits an offence.
3. A person guilty of an offence under sub-paragraph (2) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

OTHER BODIES

Title	Number of Places	Substitute(s)
Falkirk Community Trust	5	---
Forth Valley Health Board	1	---
SEStran	2	2
Area Support Team	1	---
Scotland Excel	1	1