

AGENDA ITEM

FALKIRK COUNCIL

Subject: MEMBERSHIP OF COMMITTEES, ETC. AND APPOINTMENT OF CONVENERS AND DEPUTE CONVENERS
Meeting: FALKIRK COUNCIL
Date: 18 MAY 2007
Author: ACTING DIRECTOR OF LAW AND ADMINISTRATION SERVICES

1. PURPOSE OF THE REPORT

- 1.1 In accordance with Standing Orders 5.3 (iii), (iv) and (v), this Report invites members to consider the Council's decision making structure and seeks nominations to the various Committees of the Council, Falkirk Council Licensing Board, Central Scotland Joint Police, Fire and Valuation Boards and Fife and Forth Valley Community Justice Authority. Where appropriate, nominations are also sought to the positions of Convener and Depute Convener.

2. POLITICAL BALANCE

- 2.1 As referred to in the report by the Returning Officer, which appears as Item 1 on this agenda, the political composition of the Council is as follows:-

Labour	14
SNP	13
Conservative	2
Independents not aligned to any group	3 x 1

- 2.2 The general principles of political proportionality have been applied to the Committee membership allocations detailed below. These principles are to be found in section 15 of the Local Government and Housing Act 1989 and 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 those 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 established practice of this Council to determine membership of committees and other bodies as though they had been
- 2.3 The breakdown of membership on committees and other bodies is accordingly as follows:-

Number On Committee	Allocation	
3 (Fife and Forth Valley CJA)	Labour	1.31
	SNP	1.22
	Con	0.19
	Ind	0.09 (x 3)
6 (Appointments, Investment, Fire Board & Police Board)	Labour	2.63
	SNP	2.44
	Con	0.38
	Ind	0.19 (x 3)
8 (P&R, Valuation Board & Appeals)	Labour	3.5
	SNP	3.25
	Con	0.5
	Ind	0.25 (x3)
10 (JCC)	Labour	4.38
	SNP	4.06
	Con	0.62
	Ind	0.31 (x 3)
12 (Scrutiny Committees, Regulatory and Civic Licensing)	Labour	5.24
	SNP	4.87
	Con	0.75
	Ind	0.37 (x 3)

3. APPOINTMENTS TO COMMITTEES AND JOINT BOARDS

- 3.1 Appendix 1 attached to this report details the various Committees of the Council, the remit and composition of which have been established previously and which are detailed in the Council's Standing Orders and Scheme of Delegation to Committees.
- 3.2 Those Committees etc. required by statute are marked with an asterisk (*). Beyond those committees, it is a matter for each Council to determine its own decision making structures and schemes of delegation, having regard to the terms of sections 56 and 57 of the Local Government (Scotland) Act 1973.
- 3.3 The specialised nature of the work of the Appeals Committee, Appointments Committee, Civic Licensing Committee and Regulatory Committee, all of which involve taking quasi-judicial decisions within specific statutory frameworks, suggest that members appointed to these bodies should undergo training prior to participating in any meetings. Council is therefore asked to consider introducing compulsory training for Members appointed to these committees.
- 3.4 The Investment Committee is also specialised in nature, although it does not take quasi-judicial decisions. The members appointed are responsible for the management and investment of the pension fund and act as trustees. Admitted bodies to the Fund include

Stirling and Clackmannanshire Councils, SEPA, the Children's Reporters Service and many other smaller organisations. Again it is suggested that Members appointed to the Investment Committee should undergo compulsory training.

- 3.5 Appendix 2 details the required appointments to Central Scotland Joint Fire and Rescue Board, Joint Police Board, Valuation Joint Board and Fife and Forth Valley Community Justice Authority (CJA). Where members appointed to these bodies are unable to attend any meetings, the Administration Scheme Orders for each of the Joint Boards, and the Community Justice Authorities (Establishment, Constitution and Proceedings) (Scotland) Order 2006 in respect of the CJA, provide that substitute members appointed by the authority may attend in their place. Consequently, nominations are also invited for named substitute Members for the Joint Boards and the CJA.

4. APPOINTMENT OF CONVENERS AND DEPUTE CONVENERS

- 4.1 Council is required to appoint a Convener from the membership of each committee. Standing Orders also provide for the appointment of Depute Conveners
- 4.2 Where these appointments are not required, appropriate references are made in Appendix 1 to this report.

5. DISCLOSURE CHECKING OF ELECTED MEMBERS

- 5.1 Council should be aware that specific considerations apply to the appointment of members to the Housing and Social Work Committee and to the Education and Leisure Committee. Membership of either of these committees constitutes a childcare position for the purposes of the Protection of Children (Scotland) Act 2003. It is a criminal offence for an organisation to appoint any person to a childcare position if that person is disqualified from working with children. It follows from this that, in appointing members to these particular committees, there is a requirement to check whether any person so appointed is disqualified from working with children. The only way this can be done is to undertake a disclosure check.
- 5.2 As further background, there is attached to this report, as appendix 4, a copy of the report on the issue of disclosure checking members under the 2003 Act. When this report was considered on 9 September 2005, Council resolved to extend the disclosure checks to all members rather than restrict them simply to those members of the two committees caught by the Act. While disclosure checking will be required for members of those particular committees, it remains available to Council to extend the checking process beyond that membership once again, if Council decides to do so.

6. LICENSING BOARD

- 6.1 There has been a significant change to the statutory liquor licensing framework as a result of the Licensing (Scotland) Act 2005, parts of which were brought into force on 1 May 2007.

- 6.2 There still remains an obligation upon Councils to constitute Licensing Boards from among their members. However, the size of the Board is now a matter for each Council to determine, being required to have not fewer than 5 and not more than 10 members. Members will, therefore, require to decide upon an appropriate size of Board before making the necessary appointments thereto. The impact of this on proportionality is shown in appendix 3.
- 6.3 Members falling within any of the categories set out in appendix 5 are disqualified from being a member of the Licensing Board.
- 6.4 The Licensing Board will appoint its own Convener from amongst its membership at its first meeting.
- 6.5 The 2005 Act has also introduced provisions with regard to training for members. Specifically, it is provided that each member of the Board must produce evidence that the member has, within 3 months of being elected to the Board, met the requirements of an accredited training course. This requirement will come into force on 1 May 2007 conform to the Licensing (Training)(Scotland) Regulations 2007. Should a member fail to comply with this provision he/she will cease to be a member of the Board. Members will also wish to note that, for a time, the Board will be required to administer licensing under both the 2005 Act and the existing Licensing (Scotland) Act 1976.
- 6.6 It is understood that the intention of the Scottish Executive is to have training and qualifications for Licensing Board members fully in place by June 2007.

7. CIVIC LICENSING COMMITTEE

- 7.1 Changes to the composition of the Licensing Board as set out above impacts also on membership of the Civic Licensing Committee. Members may recall the decision taken on 2 March 2005 to have common membership on both the Licensing Board and the Civic Licensing Committee given the similarities and synergies inherent in the approach to decision making in both licensing arenas. Reduction in the size of the Licensing Board, even if only to 10 members, means that the Board and the Civic Licensing Committee can no longer have a membership wholly in common, albeit it will still be possible, if members so wish, to have a significant crossover of membership.

8. RECOMMENDATION

8.1 It is recommended that Council:-

- (1) determines its political composition for the purposes of Committee membership;**
- (2) appoints Members to the Committees detailed in Appendix 1, as required;**
- (3) appoints Conveners and Depute Conveners to the Committees detailed in Appendix 1;**

- (4) considers the proposal to introduce compulsory training for Members appointed to the Appeals Committee, Appointments Committee, Civic Licensing Committee, Investment Committee and Regulatory Committee;
- (5) appoints Members to the Joint Boards and CJA as detailed in Appendix 2, and
- (6) determines the size of Licensing Board to be appointed and the membership thereof.

.....
Acting Director of Law and Administration Services

Date: 8 May 2007

Contact Officer: Rose Mary Glackin , ext 6076/Iain Tough, ext 6110

APPOINTMENTS TO COMMITTEES ETC

<u>Committee</u>	<u>Membership</u>	<u>Convener</u>	<u>Dep. Convener</u>
Policy and Resources	8		
Scrutiny Committees			
Community Health and Safety	12		
Economic Development	12		
Education and Leisure	12		
Environment and Heritage	12		
Housing and Social Services	12		
Other Committees			
Appeals	8		
Appointments	6 (Plus the Convener of the relevant Scrutiny Committee on an ad hoc basis where he/she is not already a Member of the Committee)		
Civic Licensing	12		
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
Emergency	8 (Same Members as P&R)	Convener of P&R	Dep. Convener of P&R
Investment	6		
Joint Consultative	10		Appointed by the staff side.
Regulatory	12		

Other bodies			
Complaints Review Committee (Social Work)*	Pool of Members from Housing & Social Services Committee from which 2 are taken as required (under review)	Independent Chair	n/a
Education Appeals Committee*	Pool of Members from Education and Leisure Committee which 1 is taken as required	Independent Chair	n/a
Civic Events Panel	Provost, Depute Provost and 1 additional Member from other than the largest political group of the Council.	Provost	Dep. Provost

APPOINTMENTS TO JOINT BOARDS AND CJA

<u>Title</u>	<u>Falkirk Council Places</u>	<u>Total membership</u>	<u>Convener</u>	<u>Dep. Convener</u>
Central Scotland Joint Fire and Rescue Board	6 (Plus up to 6 named substitute members)	11 Clacks – 2 Falkirk – 6 Stirling – 3	Appointed by the Board	Appointed by the Board
Central Scotland Joint Police Board	6 (Plus up to 6 named substitute members)	11 Clacks – 2 Falkirk – 6 Stirling – 3	Appointed by the Board	Appointed by the Board
Central Scotland Valuation Joint Board	8 (Plus up to 8 named substitute members)	15 Clacks – 3 Falkirk – 8 Stirling – 4	Appointed by the Board	Appointed by the Board
Fife and Forth Valley Community Justice Authority (CJA)	3 (Plus up to 3 named substitute members)	10 Clacks – 1 Falkirk – 3 Fife – 4 Stirling – 2	Appointed by the CJA	Appointed by the CJA

LICENSING BOARD

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

Number On Board	Allocation	
5	Labour	2.19
	SNP	2.03
	Con	0.31
	Ind	0.16 (x 3)
6	Labour	2.63
	SNP	2.44
	Con	0.38
	Ind	0.19 (x 3)
7	Labour	3.06
	SNP	2.84
	Con	0.44
	Ind	0.22 (x 3)
8	Labour	3.5
	SNP	3.25
	Con	0.5
	Ind	0.25 (x3)
9	Labour	3.94
	SNP	3.66
	Con	0.56
	Ind	0.28 (x 3)
10	Labour	4.38
	SNP	4.06
	Con	0.62
	Ind	0.31 (x 3)