

FALKIRK COUNCIL

Subject: EDUCATION & LEISURE COMMITTEE MEMBERSHIP
Meeting: EDUCATION & LEISURE
Date: 28 AUGUST 2007
Author: ACTING DIRECTOR OF LAW & ADMINISTRATION

1. INTRODUCTION

- 1.1 The purpose of this report is to outline the background to the current membership of the Education and Leisure Committee, the status of the non-elected members and to make proposals to regularise the membership of the committee for the term of the current council.

2. BACKGROUND

- 2.1 The Education and Leisure Committee is unique among the committees of the council, both in terms of the breadth of its membership and, in particular, in the ability of some of the non-elected members having full voting status on the committee. Both characteristics of education committees are of long-standing and can be traced back at least as far as the transfer of the management of public schools from the separate education authorities to local authorities in the 1920s.
- 2.2 The current statutory framework for the appointment of education committees is to be found at section 124 of the Local Government (Scotland) Act 1973. This provision is significant in two respects. Firstly, it requires local authorities appointing an education committee to include certain church representatives among those appointed to the committee. Secondly, it empowers local authorities to have a wider non-councillor membership of the education committee that would otherwise be permitted under the legislation.

3. RELIGIOUS REPRESENTATIVES

- 3.1 The obligation on the council is to appoint three religious representatives to the committee. For authorities other than the Island authorities, the membership prescribed by the act is:-
1. a representative appointed under arrangements approved by the General Assembly of the Church of Scotland;
 2. a representative appointed by the Scottish Hierarchy of the Roman Catholic Church; and
 3. a person selected by the authority having regard to the comparative strength within their council area of all the churches and denominational bodies having duly constituted charges or other regularly appointed places of worship there.

- 3.2 It can be seen that nomination of the representatives from the first two categories lies in the hands of the respective churches. The third church representative is a matter for decision by the council. When this council succeeded Central Regional Council as education authority for the area in 1996, it continued the long-standing tradition of inviting the Scottish Episcopal Church to nominate the third church representative. Following the resignation of the representative of the Scottish Episcopal Church in 2003, and an indication by the church that they would not be able to provide a further representative, it became necessary to seek a representative from another church or denominational group.
- 3.3 In February 2004, the committee agreed to invite Rev Michael Rollo, representing the Evangelical/Pentecostal group of churches, to serve on the committee. In doing so, the committee had regard to the proportions of the population within the council area declaring their respective religious affiliations. Other than those expressing an affiliation with the Church of Scotland or Roman Catholic Church, the other Christian churches group was the most significant group by a considerable margin. The relevant statistics which derive from the 2001 Census are attached as appendix 2. The Rev Rollo represented a group of churches which forms a significant portion within the group of other Christian churches. No provision was made as to the term of office to be served by Rev Rollo.
- 3.4 The situation in relation to the proportions of religious affiliation is unlikely to have changed significantly since the census in 2001. The Rev Rollo remains willing to serve as the third church representative on the committee. In these circumstances, it is suggested that his appointment be confirmed for at least the remainder of the life of this council, *i.e.* until the next ordinary election in 2011. It would remain open to the council to reconsider the issue of third church representation (for instance, whether representation should be sought from another faith group) at the time of the appointment of new committees following the next ordinary election. It is also proposed that the appointments of the representatives of the Church of Scotland and the Roman Catholic Church be for the lifetime of this council.
- 3.5 It is important to note that the three religious representatives have the same status on the committee as elected members. This includes the ability to move and second motions and to vote. From time to time, questions have arisen as to the lawfulness of religious representatives voting on non-educational matters which come before the committee. The advice which has been given to committee is that having been appointed to the committee, the religious representatives are entitled to vote on all matters considered by the committee.

4. CO-OPTED MEMBERS

- 4.1 There are three further categories of members on the committee:-
1. teacher representatives;
 2. parent representatives; and
 3. pupil representatives.

These have generally been referred to as the co-opted members, although in a strict sense they are appointed to rather than co-opted by committee.

4.2 Teacher Representatives

Teacher representation has been part of the make-up of the committee for the whole life of the council. Two teachers serve on the committee having been elected by a ballot of all serving teachers from schools in the Falkirk council area. The decision of the then Education Committee, on 31 January 1996, to include teacher representation did not make any provision for the term of office of the persons so appointed. As elected members of the council require to be appointed to committees by the council following each ordinary election, there would be some logic in a similar approach being adopted in relation to the co-opted members. Accordingly, it is suggested that the teacher representatives be appointed for the remainder of the life of this council with nominations being sought from serving teachers at or around the next ordinary election. It would be open for the current teacher representatives to serve again should they be re-nominated or elected in the event of a ballot.

4.3 Parent Representatives

Like teacher representatives, there have been representatives of parents' interests on the committee since 1996. The matter of parent representation was last reviewed by committee in November 2005 when it was agreed that two parents nominated by the Parents Forum would serve on committee for a fixed term of two years. Of the two parent representatives serving on the committee immediately prior to the election, Mr McArthur has resigned as a representative and Mr Sharp continues in office until November 2007. It is suggested that there would be some logic, in the same way as with teacher representatives, in aligning parental membership with that of elected members. Accordingly, it is proposed that the Parents Forum be invited to nominate two parental representatives to serve for the remainder of the life of the council. Similarly, new nominations would be sought at or around the next ordinary election.

4.4 Pupil Representatives

There have been pupil representatives on the committee since February 2004 when the committee agreed to the nomination of two senior pupil representatives chosen by the Falkirk Schools Council. In this case, the term of office was fixed at two years. It is suggested that this be retained in relation to the pupil representatives. The representatives have been senior pupils who will not remain at school for longer than two years.

5. PROPOSED ARRANGEMENTS

- 5.1 It is suggested that subject to proposals made in relation to term of office that the membership of the committee remain as currently constituted. A tradition has developed whereby the committee has itself accepted nominations and appointed members when properly such appointments should be made by Council. It is recommended that this report be remitted to Council to approve the structure of the committee and the terms of office of the co-opted members, and thereafter to delegate to this committee the power to appoint new members within the approved structure. For ease of reference, the proposed membership is set out in tabular form at appendix 1.

6. RECOMMENDATION

6.1 It is recommended that Committee:-

- 1. note the position in relation to the religious representatives nominated by the Church of Scotland and the Roman Catholic Church;**
- 2. agree the continued appointment of the third church representative;**
- 3. agree the terms of office for the religious representatives and the co-opted members; and**
- 4. remit the above recommendations, if approved, to Council for consideration with a view to power to appoint being delegated to this Committee within the structure approved by Council.**

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Acting Director of Law & Adminsitration

Date: 14 August 2007

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LIST OF BACKGROUND PAPERS

NIL

Appendix 1

<u>MEMBERS</u>	<u>VOTING</u>	<u>TERM OF OFFICE</u>
12 Elected Members	Yes	Lifetime of Council
Cllr A Waddell (Convener) Cllr C Martin (Dep Convener) Cllr J Blackwood Cllr S Carleschi Cllr T Coleman Cllr G Hughes Cllr J Lemetti Cllr A MacDonald Cllr C R Martin Cllr J McNally Cllr A McNeill Cllr J Patrick		

3 Religious Representatives	Yes	Lifetime of Council
Mrs M Coutts (Church of Scotland) Mr G Boyle (Roman Catholic Church) Rev M Rollo (Evangelical/Pentecostal Alliance)		

2 Teacher Representatives	No	Lifetime of Council
Mrs C Leishman Mr M McIver		

2 Parent Representatives	No	Lifetime of Council
Vacancy Mr D Sharp		

2 Pupil Representatives	No	2 years
Vacancy Ms K Marjoribanks		

Appendix 2

Current Religion	Falkirk	Scotland
Church of Scotland	48.24%	42.40%
Roman Catholic	12.09%	15.88%
Other Christian	4.91%	6.81%
Buddhist	0.06%	0.13%
Hindu	0.03%	0.11%
Jewish	0.04%	0.13%
Muslim	0.55%	0.84%
Sikh	0.04%	0.13%
Another Religion	0.37%	0.53%
None	28.76%	27.55%
Not answered	4.91%	5.49%
Source 2001 Census		