



REPORT TO: MORAY COUNCIL ON 18 MAY 2022

SUBJECT: CONSTITUTION OF COMMITTEES AND APPOINTMENT OF CHAIRS AND DEPUTE CHAIRS

BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND ORGANISATIONAL DEVELOPMENT)

1. REASON FOR REPORT

- 1.1 To invite the Council to establish such committee structure as it considers appropriate, to determine the membership of such committees, sub-committees etc and to appoint a Chair and Deputy Chair where appropriate.
- 1.2 This report is submitted to Council in terms of Sections I, II and III of the Council's Scheme of Administration relating to the establishment of a committee structure, the appointment to committees, the appointment of Chair and Depute Chair thereof and the delegation of functions to committees.

2. RECOMMENDATION

2.1 It is recommended that the Council considers and agrees to:-

- (i) the proposed committee and sub-committee structure, as set out in Section 4 of the report, and determines the membership of the committees and sub-committees which shall consist of Members and such numbers to be agreed by Council;**
- (ii) appoint Chairs and Depute Chairs for each committee and sub-committee set out in Section 4 from the membership agreed at (i) above;**
- (iii) make appointments to community planning and other partnership bodies, as set out in Section 5 of the report; and**
- (iv) note the appointments listed in Section 6 of the report will be paired with the Council Leader/Convener/Committee Chair/Leader of the largest Opposition Group as per custom and practice.**
- (v) make appointments to the Outside Bodies, as set out in Section 7 of the report.**
- (vi) note that due to the large number, a further report on the**

appointment to the remaining Outside Bodies to which the Council is entitled to appoint nominees will be submitted to the next meeting of the Council on 29 June 2022.

- (vii) agree the positions, up to 9 in number (in addition to the positions of Leader and Convener) which will attract senior responsibility allowances.**

3. BACKGROUND

- 3.1 As is common with all Scottish Local Authorities, and in accordance with Section 56(1) of the Local Government (Scotland) Act 1973, the Council may discharge any of its functions to a committee, sub-committee or to an officer of the Council.
- 3.2 The Council have historically established a committee based structure, as opposed to cabinet or executive committee, which has delegated functions to a number of committees which subsequently become responsible for the administration of a number of services. This is done by exercising oversight of the Chief Officer(s) and Department(s) responsible for discharging the Council's functions and by contributing to formulating policy by making recommendations to Moray Council [Full Council] for the development of existing and new services while acting under such authority as has been delegated to the Committees. This approach has been continued to ensure that Council business can proceed. In the event of a view that an alternative should be considered, options would be required to be developed and reported to the council for consideration and potential future implementation. It should also be noted that there is an outstanding action to review the Audit and Scrutiny committee and that a report will come to council in due course to resolve this outstanding matter.
- 3.3 When appointing to a committee etc, the Council is required to reflect political balance. A copy of the political balance calculator is attached at **Appendix 1**.

4. COMMITTEE STRUCTURE AND MEMBERSHIP

- 4.1 The previous approved structure of the Council is set out below along with a brief summary of individual remits. A full description of the delegated functions of these Committees can be found in the Scheme of Administration.

Policy

(i) Corporate Committee

Remit – To regulate and monitor the finances of the Council, both capital and revenue.

Membership – Previously consisted of 14 Members, although this number has varied over time.

- (a) Membership and appointment of Members
- (b) Appointment of Chair and Depute Chair

Scrutiny

(ii) **Audit and Scrutiny Committee**

Remit – To ensure that the highest standards of probity and public accountability are demonstrated and scrutinise the policies of the Council and their effectiveness.

Membership – Previously consisted of 14 Members, with non-Administration Members appointed to the positions of Chair and Deputy Chair.

- (a) Membership and appointment of Members
- (b) Appointment of Chair and Deputy Chair.

Service

(iii) **Education, Children's and Leisure Services Committee**

Remit – To exercise the functions of the Council as Education Authority within the terms of relevant legislation with regard to school education, nurseries and child care, Gaelic, children's services, leisure, libraries and museums, sport and the arts, CLD, life long learning, youth justice and child protection.

Membership – Previously consisted of 14 Members, 3 Church Representatives*, 2 Teacher Representatives (optional), 1 Parent Representative (optional) and 1 Pupil Representative (optional)**

- (a) Membership and appointment of Members
- (b) Appointment of Chair and Deputy Chair

* There is a requirement for three statutory Church Representatives (one representative of the Church of Scotland; one representative of the Roman Catholic Church and one person interested in the promotion of Religious Education) to be appointed. Representatives of the Church of Scotland and the Roman Catholic Church are nominated by the respective Church administrative body. Nominations for the third religious representative are sought through an approved administrative procedure undertaken by Committee Services. The three Religious Representatives have the statutory right to speak but not vote on all educational matters considered by the Committee.

**The Council may also appoint: -

- two teacher representatives (one from Primary and one from Secondary) permanently employed in educational establishments under the management of the Council.
- In the event that the elected teacher representative retires during their period of office, it is proposed, in order to allow a reasonable period for the election process, that the appointment continues beyond retirement for a period of 6 months or until the next local government elections, whichever

is the sooner.

- If appointed, it has been the previous practice of the Council to allow the two representatives to speak but not vote, on all educational matters considered by the Committee, both those heard in public and those heard in confidence and it is proposed that this continues.
- One pupil representative and one parent representative.
- If appointed, it has been the previous practice of the Council to allow the two representatives to speak, but not vote, on all educational matters considered by the Committee and it is proposed that this continues.

(iv) **Housing and Community Safety Committee**

Remit – To deal with matters relating to housing/HMOs, housing regeneration, homelessness, social inclusion, equal opportunities, community safety, anti-social behaviour and community liaison.

Membership – Previously consisted of 14 Members and 3 Tenant Representatives *

- (a) Membership* and appointment of Members
- (b) Appointment of Chair and Depute Chair

*The Council may also appoint 3 Tenant Representatives. If appointed, it has been the previous practice of the Council to allow the Tenant Representatives to speak but not vote on all matters, except where they have a direct financial interest in the matter.

(v) **Economic Development and Infrastructure Services Committee**

Remit – To exercise the functions of the Council as Roads and Lighting Authority, in addition to economic development, twinning and tourism, piers and harbours, industrial and commercial development and environmental protection.

Membership – Previously consisted of 14 Members

- (a) Membership and appointment of Members
- (b) Appointment of Chair and Depute Chair
- (c) The role of Chair is also linked to the role of the Council's representative on the Highlands and Islands Regional Economic Partnership.

(vi) **Planning and Regulatory Services Committee**

Remit – To exercise the functions of the Council as Planning Authority, in addition to building standards, trading standards and environmental health and reviewing and preparing of all Strategic and Local Plans.

Membership – Previously consisted of 14 Members

- (a) Membership and appointment of Members
- (b) Appointment of Chair and Depute Chair

(vii) **Police and Fire and Rescue Services Committee**

Remit – To deal with all matters relating to Police and Fire and Rescue Services in Moray, participate in consultations relative to national strategic plans and priorities and set priorities and objectives for the Local Police Plans and Local Fire and Rescue Plans for Moray.

Membership – Previously consisted of 9 Members

- (a) Membership and appointment of Members
- (b) Appointment of Chair and Depute Chair

Other

(viii) **Appeals Committee**

Remit – To consider appeals against grievances and disciplinary action (including dismissals).

Membership – Previously consisted of 9 Members

- (a) Membership and appointment of Members
- (b) Appointment of Chair and Depute Chair

(ix) **Joint Consultative Committee**

Remit – To facilitate formal consultation between the Council and recognised Trade Unions for Scottish Joint Council Employees, Craft Workers and Chief Officers in accordance with the Constitution.

Membership – Previously consisted of 7 Members and 7 Trade Union Representatives

- (a) Membership and appointment of Members
- (b) Appointment of Chair and Depute Chair

(x) **Licensing Committee**

Remit – To deal with all aspects of the issue of licenses by Local Authorities, including taxis, window cleaners and street traders.

Membership – Previously consisted of 14 Members

- (a) Membership and appointment of Members
- (b) Appointment of Chair and Depute Chair

(xi) **Moray Local Review Body**

Remit – To review decisions made by Appointed Officers, under delegated powers, on planning applications.

Membership – Previously consisted of 9 Members

- (a) Membership and appointment of Members

(b) Appointment of Chair and Depute Chair

(xii) **School Placings & Exclusions Appeals Committee**

Remit – To consider appeals, under the Education Act 1980, by parents/guardians relating to placing requests and exclusions.

Membership – Previously consisted of 5 Members and Lay Members

[Minimum Committee consists of 2 Members and 1 Lay Member]

(a) Membership and appointment of Members

NB – Lay Member must be Chair.

Appointments Committees

Remit – To deal with the recruitment of Heads of Services relevant to their service areas.

Membership – Previously consisted of 9 Members (inc. Chair and Depute Chair of Service Committee). The Appointments Committees shall reflect the appropriate political balance in the Council pertaining at the time.

(xiii) **Education, Children's and Leisure Appointments Committee**

(xiv) **Housing and Community Safety Appointments Committee**

(xv) **Economic Development Infrastructure and Planning Services Appointments Committee** – As this Appointments Committee covers 2 Heads of Service Appointments it is proposed to take the membership from Economic Development and Infrastructure Committee on the assumption that some Members will also sit on Planning and Regulatory Services Committee.

(xvi) **Corporate Appointments Committee**

Sub-Committee

(xvii) **Housing Appeals Sub-Committee**

Remit – To determine appeals relating to the Council's Allocations or Homelessness Policies and in relation to Private Sector Grants and determine any Housing Management and Right to Buy applications which can not be resolve under, or are outwiwth, Officer's Scheme of Delegation.

Membership – Previously consisted of a pool of 5 Members, to be drawn from the membership of the Housing and Community Safety Committee for each case. The Chair is appointed at each meeting and Members excluded from sitting on appeals which relate to their Ward.

5. COMMUNITY PLANNING AND OTHER PARTNERSHIP BODIES

5.1 (i) Community Planning Board (part of Community Planning Partnership (CPP))

Remit – To provide effective leadership to the Moray CPP, facilitate agreement on the strategic priorities of the area and scrutinise the performance of the Partnership.

Membership – 15 Community Planning Partners

(a) Appointment of 5 Members

(ii) Community Engagement Group (part of CPP)

Remit – To provide and establish links between local organisations and the Community Planning Board on matters relating to community engagement.

Membership – 18 Community Planning Partners

(a) Appointment of 3 Members

(iii) Grampian Valuation Joint Board

Remit – The Grampian Valuation Joint Board is a public body that exists to provide the local taxation service to the three councils within the Grampian area (Aberdeen City, Aberdeenshire and Moray). By agreement with these councils, the Board is also responsible for the appointment and funding of the Electoral Registration Officer. It is accepted protocol that the Chair of the Board is appointed by the Board at the first meeting of a new Board from amongst the three Moray Council members.

Membership – 15 Members (3 Elected Members from Moray Council and 6 Elected Members each from Aberdeenshire Council and Aberdeen City Council)

(a) Appointment of 3 Members and 3 Substitutes

(iv) Moray Adult Protection Committee

Remit – To develop, implement and monitor the strategic approach to the management of the protection of adults at risk of harm in Moray.

Membership – 7 Partners

(a) Appointment of 2 Members

(v) Moray Child Protection Committee

Remit – To contribute to promoting the care and welfare of children in the Moray area and to promote inter-agency working and continuous improvement through self-evaluation and sharing best practice in child protection services.

Membership – 10 Partners

(a) Appointment of 3 Members

(vi) **Moray Integration Joint Board**

Remit – To plan, deliver and resource health and social care services as delegated by the NHS Board and Local Authority.

Membership – 8 (4 Elected Members and 4 NHS Grampian Board representatives)

(a) Appointment of 4 Members and 4 Substitutes

(vii) **Northern Roads Collaboration Joint Committee**

Remit – To work collaboratively for the joint discharge of road and road-related functions, including ports and harbours.

Membership – 16 Members (2 Elected Members from each of the following Councils: Aberdeenshire; Aberdeen City; Angus; Argyll and Bute; Highland; Moray; Orkney and Western Isles)

(a) Appointment of 2 Members and 2 Substitutes

6. PAIRED APPOINTMENTS

6.1 As has been the past custom and practice the undernoted appointments will be paired as detailed:

Convention of the Highlands and Islands – Leader of the Council
Cosla Appointments:

- Leaders – Council Leader
- Children and Young Peoples Board – Chair of Education, Children's and Leisure Services Committee
- Community and Wellbeing Board – Chair of Housing and Community Safety Committee
- Environmental and Economy Board – Chair of Economic Development and Infrastructure Committee
- Health and Social Care Board – Convener (Joint Chair of IJB)
- Convention –
Council Leader
Convener
Leader of largest Opposition Group

1. NHS Grampian Board – Usually the Leader, Convener or a senior member of the local authority with designated responsibility for public health related issues. Further details on the requirements for the appointment are contained in **Appendix 2.**

7. OUTSIDE BODIES

7.1 (i) Cairngorm National Park Authority

Remit – To conserve and enhance the natural and cultural heritage of the area; to promote sustainable use of the natural resources of the area; to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public and to promote sustainable economic and social development of the area's communities.

Frequency of Meetings – Variable at various locations (Ballater, Blair Athol, Grantown and Boat of Garten)

- (a) Appointment of 1 Member someone whose sole or main residence is within the National Park, or the person is a Councillor for an electoral ward, or is a member of a community council, any part of whose area is in the National Park

(ii) Highland & Islands Strategic Transport Partnership (HITRANS)

Remit – Statutory regional transport partnership covering area that works with Councils (Eilean Siar, Orkney, Highland, Moray and Argyll and Bute), the Scottish Government, Transport Scotland, Highlands & Islands Enterprise (HIE), transport operators and other stakeholders to improve transport services and infrastructure in the north of Scotland and on routes to the Highlands and Islands.

Frequency of Meetings – 5 times a year

- (a) Appointment of 1 Member and 1 Substitute

(iii) Moray Leisure Centre: Board of Directors

Remit:- To provide and arrange for the management and administration of the Moray Leisure Centre, incorporating a swimming pool and ice rink, together with such ancillary facilities as the directors of the company from time to time shall deem appropriate, for the recreational, educational benefit and in the interests of the social welfare of the public (both resident and visitor) of the district of Moray.

Frequency of Meetings – 4 times a year in Elgin

- (a) Appointment of 3 Members

8. SUMMARY OF IMPLICATIONS

(a) Moray 2026: A Plan for the Future and Moray Corporate Plan 2015 - 2017

None arising from this report.

(b) Policy and Legal

The proposals set out in this report comply with Sections (I) (II) & (III) of

the Council's Scheme of Administration relating to the delegation of functions to Committees and Sub-Committees, the appointments of Members to these and the appointment of Chair & Deputy Chairs.

(c) Financial implications

Payment of allowances to Members is governed by the Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2016 and the Local Government (Allowances and Expenses) (Scotland) Regulations 2007 with maximum rates of payment of remuneration and allowances and expenses being specified by Scottish Ministers.

(d) Risk Implications

None arising from this report.

(e) Staffing Implications

The administration of appointments to Committees and Sub-Committees can be met within existing resources.

(f) Property

None arising from this report.

(g) Equalities

None arising from this report.

(h) Climate Change and Biodiversity

None arising from this report

(i) Consultations

The Depute Chief Executive (Education, Communities and Organisational Development), Head of Governance, Strategy and Performance, the Democratic Services Manager and the Equalities Officer have been consulted and any comments incorporated into the report.

9. CONCLUSION

- 9.1 Council is invited to consider establishing such committee structure as it deems appropriate, to determine the membership of such committees, sub-committees etc and to appoint a Chair and Deputy Chair where appropriate.**

Author of Report: Democratic Services Manager
Background Papers:
Ref: