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**REPORT TO: MORAY COUNCIL ON 30 JUNE 2021**

**SUBJECT: POLITICAL BALANCE - APPOINTMENTS TO COMMITTEES**

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

**1. REASON FOR REPORT**

- 1.1 To invite the Council to determine the membership of committees in terms of the political balance in light of a change to the membership of the Moray Alliance Group (MAG) and to approve a protocol for dealing with changes to membership of committees where there is no impact on the political balance.
- 1.2 This report is submitted to Council in terms of Section II (11) of the Council's Scheme of Administration relating to appointments to Committees

**2. RECOMMENDATION**

**2.1 It is recommended that the Council:-**

- (i) **determine the membership of committees in terms of the political balance in light of a change to the membership of the Moray Alliance Group (MAG); and**
- (ii) **agree the protocol for dealing with changes to membership not affecting political balance as outlined in para 4.2 of the report**

**3. BACKGROUND**

- 3.1 At the special meeting of Moray Council on 17 November 2020 (paragraph 5 of the Minute refers), the Council agreed a temporary simplified committee structure which is Moray Council and 2 other committees covering the remits of the Depute Chief Executive Roles. The Planning and Regulatory Services Committee, Licensing Board, Licensing Committee, Audit and Scrutiny Committee, Local Review Body, Police and Fire and Rescue Services Committee and Appeals Committee would continue to meeting as usual. Membership of these committees is detailed in Section 5.
- 3.2 In January 2021, Councillor Edwards advised that he was no longer a member of the MAG. In terms of the political balance this change does not affect the political balance in terms of the SNP, Conservative and Councillors Open Group (COG) but does result in a change in membership for the MAG,

reducing to 1 member and the others ( 1 Labour and 2 Independent members) rising to 2 members on committees of 14.

- 3.3 A table reflecting political balance according to number of members on committees can be found at **Appendix 1**.

#### **4. PROTOCOL FOR DEALING WITH CHANGES IN COMMITTEE MEMBERSHIP NOT AFFECTING POLITICAL BALANCE**

4.1 During the term of office, occasions arise where changes within political groups results in a request being made to amend the membership on a committee. Where there is no impact on the political balance this change has in the past been accepted with the resultant change being circulated to Group Leaders for information. However, recent challenges to changes such as this not being reported and approved by the Council has led to some uncertainty around the process.

4.2 It is proposed therefore that in order to provide clear guidance to both Members and Officers, the Council agree that changes to the membership of Committees, that do not affect the political balance, are dealt with by any such change being notified to the Democratic Services Manager, who in turn will consult with the Head of Governance, Strategy and Performance, to ensure that the political balance is not affected, and thereafter will notify Group Leaders of the change.

#### **5. CURRENT TEMPORARY COMMITTEE STRUCTURE AND MEMBERSHIP**

5.1 The previous approved structure of the Council is set out below:

(i) Education, Communities and Organisational Development

Membership – currently consists of 14 Members

Chair: Councillor A McLean                      Depute: Councillor Warren

(ii) Economic Growth, Housing and Environmental Sustainability

Membership – currently consists of 14 Members

Chair: Councillor Leadbitter                      Depute: Councillor Nicol

(iii) Audit and Scrutiny

Membership – currently consists of 14 Members

Chair: Councillor Gatt                      Depute: Councillor Ross

(iv) Planning & Regulatory Services Committee

Membership – currently consists of 14 Members

Chair: Councillor Bremner                      Depute: Councillor A McLean

(v) Police and Fire and Rescue Services Committee

Membership – Currently consists of 9 Members

Chair: Councillor Coy

Depute: Councillor Nicol

**Other**

(vi) Appeals Committee

Membership – Currently consists of 9 Members

Chair: Councillor A McLean

Depute Chair: Vacancy

(vii) Licensing Committee

Membership – currently consists of 14 Members

Chair: Councillor Cowie

Depute: Councillor Nicol

(viii) Licensing Board

Membership – currently consists of 9 Members

Chair: Councillor Cowie

Depute: Councillor Allan

(ix) Moray Local Review Body

Membership – currently consists of 9 Members

Chair: Councillor Taylor

Depute: Cllr Bremner

**6. SUMMARY OF IMPLICATIONS**

**(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

None

**(b) Policy and Legal**

There is no legislation in Scotland governing how Local authority committees should be constituted.

The local Government and Housing Act 1989 requires local authorities in England to give proportionate representation to political groups. A political group is defined as 2 or more councillors who wish to form a group and who have appointed a leader. This legislation has never been introduced in Scotland. COSLA issued a letter to all newly formed unitary authorities in 1993 highlighting the importance of “party representation” on committees. The Scottish Government have mentioned the

introduction of legislation similar to that in England if local authorities do not stick to the spirit of the COSLA letter.

Moray Council has traditionally treated non-aligned councillors collectively as a group but this does not appear to be a requirement of the COSLA letter. Practice varies across Scotland as to how “party representation” is applied to particular circumstances.

**(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**

Impact on strategic management of the business of the Council.

**(e) Staffing Implications**

None

**(f) Property**

None

**(g) Equalities/Socio Economic Impact**

None

**(h) Consultations**

The Chief Executive, Depute Chief Executives and the Head of Governance, Strategy and Performance were consulted on this report and any comments were incorporated within the report.

**7. CONCLUSION**

**7.1 Council is invited to consider the political balance membership of committees in light of Councillor Edwards resignation from the MAG and to agree a protocol for dealing the changes in membership where there is no political balance impact.**

Author of Report: Moira Patrick, Democratic Services Manager  
Background Papers: Report to Moray Council dated 17 November 2020  
Ref: