

## PERTH AND KINROSS COUNCIL

2 OCTOBER 2013

NON-COUNCIL REPRESENTATION ON LIFELONG LEARNING COMMITTEE  
AND SCRUTINY COMMITTEE

## Report by Head of Democratic Services

**PURPOSE OF REPORT**

This report sets out proposals with regard to non-Council representation on both the Lifelong Learning Committee and the Scrutiny Committee.

**1. BACKGROUND / MAIN ISSUES**

- 1.1 As members will be aware, the Council's existing decision-making structure provides for non-Council membership on the Lifelong Learning Committee and the Housing and Health Committee. The membership of the Scrutiny Committee also includes 3 of the non-Council representatives on the Lifelong Learning Committee when the Scrutiny Committee is considering educational matters.
- 1.2 At the Council meeting on 19 December 2012 (Article 685 refers), it was agreed, *inter alia*, that the provision for non-Council membership on Committees be retained, but that the Modernising Governance Member Officer Group (MGMOG) give further consideration as to whether such membership should carry voting rights.
- 1.3 At that meeting, it was also agreed that the Scheme of Administration be amended so that the non-Council membership of the Housing and Health Committee be drawn from all tenants' and residents' associations across the Council area, with effect from 1 January 2013. As members will be aware, this is the subject of another report on the agenda for the Council meeting.
- 1.4 The MGMOG has considered the issue of voting rights at each of its meetings in 2013, and has examined practice across Scotland, with particular reference to external representation on the Lifelong Learning Committee and equivalents elsewhere.

**2. PROPOSALS**

- 2.1 Whilst there are statutory provisions relating to the appointment of religious representatives to a committee discharging the functions of the education authority; the Council has continued to accord with the principles of the previous statutory provisions regarding the involvement of key stakeholders in relation to the Council's role as education authority and has continued to provide for the appointment of teaching representatives to the Lifelong Learning Committee. It should be noted that teacher representatives are nominated and elected by teachers. In addition, the Council has provided for

the appointment of parent representatives to the Lifelong Learning Committee. It should be noted that parent representatives are currently nominated and elected by Parent Councils. It should be noted also that whilst religious and teaching representatives have voting rights, parental representatives have not.

2.2 The Local Government in Scotland Act 1973 ('the 1973 Act'), as amended by the Local Government etc (Scotland) Act 1994, makes provision regarding the membership of a committee appointed by an education authority whose purposes include -

- (i) advising the authority on any matter relating to the discharge of their functions as education authority; or
- (ii) discharging any of those functions of the authority on their behalf.

2.3 The provision sets out that –

- (i) at least half of the persons appointed to such a committee should be members of the education authority;
- (ii) the membership of such a committee should include 3 religious representatives; and
- (iii) subject to (i) above, other persons who are not members of the authority may be appointed to such a committee.

2.4 Accordingly, the Council's Scheme of Administration provides as follows –

*The Lifelong Learning Committee shall consist of thirteen members of the Council, but in addition, when dealing with educational matters, the Committee shall also consist of:*

1. *Three persons interested in the promotion of Religious Education, and the persons appointed in terms of this paragraph shall include-*
  - a. *one representative of the Church of Scotland nominated in such manner as may be determined by the General Assembly of the Church;*
  - b. *one representative of the Roman Catholic Church nominated in such manner as may be determined by the Scottish Hierarchy of the Church; and*
  - c. *one person in the selection of whom the Council shall have regard (taking account of the representation of Churches under sub-paragraphs a. and b. above) to the comparative strength within the area of all Churches and Denominational Bodies having duly constituted charges or other regularly appointed places of worship there;*
2. *Two teachers employed in educational establishments under the management of the Council, nominated in such manner as may be determined by the Council.*
3. *One parent representative from Secondary Parent Councils and one parent representative from Primary Parent Councils, both in a non-voting capacity, nominated in such manner as may be determined by the Council.*

- 2.5 A recent survey undertaken by the Association of Directors of Education in Scotland (ADES) has shown that across the 32 Councils there is no consistent pattern with regard to the appointment of external representatives to Lifelong Learning Committees or equivalents, or to whether such representatives have voting rights.
- 2.6 All 32 Councils have indicated that they have appointed religious representatives, with only 2 indicating that such representatives did not have voting rights. However, of 23 Councils who responded to the ADES survey indicating that they had appointed teacher representatives, 14 Councils have afforded voting rights and 9 Councils have not.
- 2.7 It is considered that the current wording of the Scheme of Administration does not properly reflect the wording contained in the 1973 Act with regard to the role of external representatives, and it is proposed that it should be amended to clarify the circumstances when non-Council representatives can participate in the business before the Lifelong Learning Committee.
- 2.8 Although it is recognised that teachers are the only staff group represented on any of the Council's committees, it is proposed that these representatives no longer have voting rights.
- 2.9 If the Council is in agreement with the proposals set out in paragraphs 2.7 and 2.8 above, it is proposed that the Scheme of Administration be amended to reflect paragraphs 2.7 and 2.8 above as follows –

*The Lifelong Learning Committee shall consist of thirteen members of the Council, and in addition, seven persons who are not members of the Council, being -*

- \*1. Three persons representative of church interests, appointed in terms of Section 124 of the 1973 Act.*
- \*2. Two teachers employed in educational establishments under the management of the Council, both in a non-voting capacity, nominated in such manner as may be determined by the Council.*
- \*3. One parent representative from Secondary Parent Councils and one parent representative from Primary Parent Councils, both in a non-voting capacity, nominated in such manner as may be determined by the Council.*

*\*The non-Council members being entitled to participate, and in the case of religious representatives vote, on business being considered by the Committee which is deemed to be –*

- (i) advising the authority on any matter relating to the discharge of their functions as education authority; or*
- (ii) discharging any of those functions of the authority on their behalf.*

2.10 The non-Council representatives appointed to the Scrutiny Committee were in recognition of that Committee's previous role in relation to the consideration of individual reports by Education Scotland and the Care Inspectorate. That role has been referred to the Executive Sub-Committee of the Lifelong Learning Committee, with trend information on these reports being submitted to the Scrutiny Committee. Accordingly, it is also proposed that the membership of the Scrutiny Committee should no longer include 3 non-Council representatives, and that the Scheme of Administration be amended to reflect that.

### 3. CONCLUSION AND RECOMMENDATIONS

3.1 Whilst the contributions of non-Council representatives is recognised as valuable and can inform the work of the Committee, ultimately the elected members on the Committee are responsible for making decisions.

3.2 It is recommended that the Council agree the proposals set out in paragraphs 2.7, 2.8 and 2.10 of this report and to amend the Scheme of Administration accordingly.

#### Author

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#### Approved

Name	Designation	Date
David Burke	Depute Chief Executive	18 September 2013

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

The undernoted table should be completed for all reports. Where the answer is 'yes', the relevant section(s) should also be completed. Where the answer is 'no', the relevant section(s) should be marked 'not applicable (n/a)'.

<b>Strategic Implications</b>	<b>Yes / None</b>
Community Plan / Single Outcome Agreement	<b>Yes</b>
Corporate Plan	<b>Yes</b>
<b>Resource Implications</b>	
Financial	<b>None</b>
Workforce	<b>None</b>
Asset Management (land, property, IST)	<b>None</b>
<b>Assessments</b>	
Equality Impact Assessment	<b>None</b>
Strategic Environmental Assessment	<b>None</b>
Sustainability (community, economic, environmental)	<b>None</b>
Legal and Governance	<b>Yes</b>
Risk	<b>None</b>
<b>Consultation</b>	
Internal	<b>Yes</b>
External	<b>None</b>
<b>Communication</b>	
Communications Plan	<b>Yes</b>

### 1. Strategic Implications

#### Community Plan / Single Outcome Agreement

- 1.1 The proposals set out in this report support the delivery of all of the priorities in the Perth and Kinross Community Plan / Single Outcome Agreement 2013/2023.

#### Corporate Plan

- 1.2 The proposals set out in this report support the achievement of all of the objectives in the Council's Corporate Plan.

### 2. Resource Implications

#### Financial

- 2.1 N/A

Workforce

2.2 N/A

Asset Management (land, property, IT)

2.3 N/A

**3. Assessments**

Equality Impact Assessment

3.1 N/A

Strategic Environmental Assessment

3.2 N/A

Sustainability

3.3 N/A

Legal and Governance

3.4 The Head of Legal Services has been consulted in the preparation of this report and is in agreement with the proposals.

Risk

3.5 N/A

**4. Consultation**

Internal

4.1 The Modernising Governance Member Officer Group has been consulted in the preparation of this report and is in agreement with the proposals.

External

4.2 N/A

**5. Communication**

5.1 If the Council approves the proposals set out in this report, the non-Council representatives on the Lifelong Learning Committee will be advised of the position accordingly.

**2. BACKGROUND PAPERS**

None

**3. APPENDICES**

None

