

DATA LABEL: PUBLIC



WEST LOTHIAN COUNCIL

APPOINTMENTS TO COMMITTEES AND OTHER INTERNAL BODIES

REPORT BY CHIEF EXECUTIVE

A. PURPOSE OF REPORT

To appoint the Chairs, Vice-Chairs and members of the bodies in the council's decision-making structure

B. RECOMMENDATIONS

1. To appoint the Chair, Vice-Chair and other members to the internal bodies set out in the appendix, noting that decisions may result in changes to the Scheme of Administration in relation to composition and membership
2. To appoint non-councillor members to Education Executive and Education (Quality Assurance) Committee and to note the continuing appointments of non-councillor members to Audit Committee and Governance & Risk Committee, all as set out in paragraph D2.1
3. To note that for the council to carry on its business it requires as a minimum to appoint the bodies listed in paragraph D1.4, or their equivalents
4. To note that the Scheme of Administration makes training for certain committees mandatory for all members (including returning members) and that appropriate training will be offered to all members affected
5. To note that satisfactory disclosure checks will be required before members may participate in meetings of some of the bodies in the Scheme of Administration, as noted in the appendix
6. To note that opposition parties or groups may designate members, now or later, to be shadow Executive Councillors

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs; being honest, open and accountable
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Local Government (Scotland) Act 1973; Standing Orders for the Regulation of Meetings; Scheme of Administration
III	Implications for Scheme of Delegations to Officers	None

IV	Impact on performance and performance Indicators	N/a
V	Relevance to Single Outcome Agreement	N/a
VI	Resources - (Financial, Staffing and Property)	N/a
VII	Consideration at PDSP	N/a
VIII	Other consultations	N/a

D. TERMS OF REPORT

1 Appointments required

- 1.1 The council's decision-making structure is set out in the Scheme of Administration, which is part of the council's Standing Orders for the Regulation of Meetings. A separate report on today's agenda deals with continuing the existence of these internal council bodies, or otherwise. Appointments to external bodies are dealt with in a separate report.
- 1.2 Standing Orders require that the Chairs, Vice-Chairs and members of the bodies in the Scheme of Administration are appointed at the first meeting of the council after the council election or at any adjournment of it.
- 1.3 The bodies currently listed in the Scheme of Administration, and their membership numbers and composition, are listed in the appendix to this report. There is no requirement in law or in Standing Orders for composition and appointments to reflect the overall political make-up of the council. The list includes the Elected Members Equality and Diversity Working Group which was established in 2021/22 but which is not formally part of the Scheme of Administration.
- 1.4 Should the council be minded not to make appointments to all of these bodies, or to make interim arrangements pending a review, it is recommended that the following bodies, or their equivalents, are appointed as a minimum to ensure the functions of the council can be carried out:-
 - Council and Education Executives (policy-making functions)
 - Development Management Committee (planning applications)
 - Planning Committee (hearings on major planning applications judged to be significantly contrary to the development plan)
 - Local Review Body (review of planning decisions made under delegated powers)
 - Employee Appeals Committee (disciplinary and grievance appeal hearings)
 - Licensing Committee (civic licensing, processions and parades)
 - Audit Committee and Governance & Risk Committee (internal and external audit reports, risk and corporate governance)
 - Asset Transfer Committee and Asset Transfer Review Body (community asset transfers)
- 1.5 The following specific points should be noted in considering appointments:-

- Members who are appointed as Chairs of Policy Development & Scrutiny Panels (PDSPs) are automatically Executive Councillors, and *vice versa*
- The Leader of the Council is not automatically Chair of Partnership & Resources PDSP, but may be and in practice has been
- The Scheme of Administration requires the Chairs of Audit Committee and Governance & Risk Committee to be appointed from outwith the administration group
- Recent practice has been for the Chairs of Performance Committee and Education (Quality Assurance) Committee to be from outwith the administration group as well, but it is not a requirement of Standing Orders

2 Non-councillor committee members

- 2.1 A combination of legislation and council policy calls for the appointment of six non-councillor members to Education Executive. All of them except for the two teacher representatives are also appointed to Education (Quality Assurance) Committee. Nominations have been made by the Church of Scotland and the Catholic Church in Scotland for one religious representative each. An Electoral College was held to secure the appointment of a third religious representative reflecting the number of places of worship in West Lothian. Elections have been held to appoint two teacher representatives. The Association of Parent Councils in West Lothian has been asked to nominate its representative. The resulting appointments to be made are as follows:-

- Church of Scotland – Lynne McEwen
- Parent Council Forum – Derek Cornwall
- Roman Catholic Church in Scotland – Margaret Russell
- Primary/Early Years Teaching Staff – Mark Bonallo
- Secondary/Special Teaching Staff – Heather Hughes
- Third religious representative (Methodist Church in Scotland) – Kent Ballantyne

- 2.2 The Scheme of Administration calls for there to be one non-councillor appointment to each of Audit Committee and Governance & Risk Committee. Moira Glencorse was appointed to Audit Committee on 17 March 2020 for 3 years. Ann Pike was appointed to Governance & Risk Committee on 28 September 2021 for 3 years. Their appointments continue.

3 Voting procedure

- 3.1 The chair of a council meeting has no casting vote in decisions about appointment of members. Tied votes are resolved by lot. The method used to make a decision by lot is determined by the Clerk (Chief Executive). The voting procedure is set out in Standing Order 3, as follows:-

- A mover and a seconder are required for each candidate
- Any vote takes place amongst all candidates at the same time
- Where one candidate has an absolute majority of the votes cast that candidate is appointed
- If no candidate has an absolute majority the candidate with the fewest votes is eliminated and another vote is taken amongst the remaining candidates. If required, that is repeated until one candidate has an absolute majority of the votes cast
- Where there is a tie between the candidates with fewest votes, there is an extra vote to decide which to eliminate. If that vote is tied then the elimination is decided by lot

- A tie between the last two candidates remaining is decided by lot

3.2 There are no issues in relation to connections and interests. Councillors may vote for themselves.

4 Training requirements

4.1 The Scheme of Administration makes training mandatory for members taking part at meetings of specified regulatory committees. All members returned on 5 May will require to undertake that training. That includes returning members who may have had previous experience on these committees. The relevant committees are identified in the appendix.

4.2 Suitable training opportunities will be arranged. Members must complete training to the satisfaction of the Clerk to the Council (Chief Executive) before being able to take part at meetings.

5 Protection of Vulnerable Groups

5.1 Legislation requires councillors appointed to committees and other bodies which may involve access to persons in vulnerable groups to be checked through Disclosure Scotland. The relevant committees are identified in the appendix.

5.2 The Chief Executive is responsible for implementing the policy. The council will bear the costs of the process. Appropriate arrangements will be made as part of the induction programme after committee appointments are made.

E. CONCLUSION

1 Appointment of the Chairs, Vice-Chairs and members of its main committees, sub-committees, Policy Development and Scrutiny Panels and other bodies in the Scheme of Administration will ensure compliance with Standing Orders and will enable the business of the council to resume without delay.

F. BACKGROUND REFERENCES

1 None

Appendices/Attachments: 1. Internal bodies for member appointments

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Graham Hope, Chief Executive

Date of meeting: 12 May 2022

APPENDIX

BODY	NOTES	MEMBERS	
West Lothian Council	Provost and Depute Provost are Chair and Vice-Chair	All councillors	
West Lothian Council (Planning)	Provost and Depute Provost are Chair and Vice-Chair	All councillors	
Council Executive	PVG Scheme 13 members - 7 Labour, 4 Conservative, 2 SNP	Chair	
		Vice-Chair	
Education Executive	18 elected members - 10 Labour, 4 SNP, 3 Conservative, 1 Independent PVG Scheme	Chair	
		Vice-Chair	

Education (Quality Assurance) Committee	13 elected members - 4 Labour, 4 SNP, 4 Conservative, 1 Independent Chair from outwith administration group, by practice PVG Scheme	Chair Vice-Chair	
West Lothian Council Planning Committee	All councillors are members Compulsory training	Chair Vice-Chair	
West Lothian Council Local Review Body	9 core members - 3 Labour, 3 SNP, 2 Conservative, 1 Independent 2 Labour, 2 SNP and 1	Chair Vice-Chair	

	Conservative		
	Compulsory training		
	No substitutes		
	Auxiliary membership of 5 members		
	2 Labour, 2 SNP and 1 Conservative		
	Compulsory training		
	No substitutes		
Audit Committee	5 elected members - 2 Labour, 2 Conservative, 1 SNP	Chair	
		Vice-Chair	
	Chair must be from outwith administration group		
Governance & Risk Committee	5 elected members - 2 Labour, 2 Conservative, 1 SNP	Chair	
		Vice-Chair	
	Chair must be from outwith administration group		
Performance Committee	5 members - 2 Labour, 1 Conservative, 1 SNP, 1 Independent	Chair	
		Vice-Chair	
	Chair from outwith administration group, by practice		
Asset Transfer Committee	7 members - 4 Labour, 1 SNP, 2 Conservative	Chair	
		Vice-Chair	
	Cannot also be		

	members of Asset Transfer Review Body		
Asset Transfer Review Body	5 members - 3 Labour, 1 SNP, 1 Conservative Cannot also be members of Asset Transfer Committee	Chair	
		Vice-Chair	
Employees Appeals Committee	12 - 6 Labour, 3 Conservative, 3 SNP PVG Scheme	Chair	
		Vice-Chair	
Miscellaneous Appeals Committee	9 - 5 Labour, 2 Conservative, 2 SNP	Chair	
		Vice-Chair	

Avoidance of Disputes Committee	7 members - 5 Labour, 1 SNP, 1 Conservative	Chair	
		Vice-Chair	
Development Management Committee	9 core members - 3 Labour, 3 SNP, 2 Conservative, 1 Independent 2 Labour, 2 SNP and 1 Conservative Compulsory training No substitutes	Chair	
		Vice-Chair	
	Auxiliary membership of 5 members 2 Labour, 2 SNP and 1 Conservative Compulsory training No substitutes		
Licensing Committee	7 members - 3 Labour, 2 SNP, 2 Conservative Compulsory training	Chair	
		Vice-Chair	

Senior Officer Appointment Committee	5 members - 3 Labour, 1 SNP, 1 Conservative Compulsory training	Chair		
		Vice-Chair		
West Lothian Leisure Advisory Committee	7 members - 4 Labour, 2 Conservative, 1 SNP Members may not be directors or employees of West Lothian Leisure	Chair		
		Vice-Chair		
Local Area Committees (9)	Ward members are automatically appointed Chair and Vice-Chair require to be appointed	Ward 1	Chair	
			Vice-Chair	
		Ward 2	Chair	
			Vice-Chair	
		Ward 3	Chair	
			Vice-Chair	
		Ward 4	Chair	
			Vice-Chair	
		Ward 5	Chair	
			Vice-Chair	
		Ward 6	Chair	
			Vice-Chair	
		Ward 7	Chair	

			Vice-Chair	
		Ward 8	Chair	
			Vice-Chair	
		Ward 9	Chair	
			Vice-Chair	
Joint Consultative Group	7 members - 4 Labour, 2 Conservative, 1 SNP One to be holder of Partnership & Resources portfolio JCG itself appoints Chair and Vice-Chair			
Joint Consultative Group (Teaching Staff)	7 members - 4 Labour, 2 Conservative, 1 SNP One to be the holder of the Education portfolio Chair to be the holder of the Education portfolio No Vice-Chair to be appointed	Chair		
Partnership & Resources PDSP	7 members - 4 Labour, 2 Conservative, 1 SNP One to be holder of the Partnership & Resources portfolio Chair to be holder of the Partnership & Resources portfolio	Chair		
		Vice-Chair		
Culture & Leisure PDSP	7 members - 4 Labour, 2 Conservative, 1 SNP) One to be holder of the	Chair		
		Vice-Chair		

	Culture & Leisure portfolio		
	Chair to be holder of the Culture & Leisure portfolio		
Development & Transport PDSP	7 members - 4 Labour, 2 Conservative, 1 SNP)	Chair	
	One to be holder of the Development & Transport portfolio	Vice-Chair	
	Chair to be holder of the Development & Transport portfolio		
Education PDSP	7 members - 3 Labour, 2 Conservative, 1 SNP, 1 Independent	Chair	
	One to be holder of the Education portfolio	Vice-Chair	
	Chair to be holder of the Education portfolio		
	PVG Scheme		
Environment PDSP	7 members - 4 Labour, 2 Conservative, 1 SNP	Chair	
	One to be holder of the Environment portfolio	Vice-Chair	
	Chair to be holder of the Environment portfolio		
Health & Care PDSP	7 members - 4 Labour, 2 Conservative, 1 SNP	Chair	

	One to be holder of the Health & Care portfolio	Vice-Chair	
Services for the Community PDSP	7 members - 4 Labour, 2 Conservative, 1 SNP One to be holder of the Services for the Community portfolio Chair to be holder of the Services for the Community portfolio	Chair	
		Vice-Chair	
Social Policy PDSP	7 members - 4 Labour, 2 Conservative, 1 SNP One to be holder of the Social Policy portfolio Chair to be holder of the Social Policy portfolio	Chair	
		Vice-Chair	
Voluntary Organisations PDSP	7 members - 4 Labour, 2 Conservative, 1 SNP One to be holder of the Voluntary Organisations portfolio Chair to be holder of the Voluntary Organisations portfolio	Chair	
		Vice-Chair	
Elected Member	6 members – 2 Labour, 2 Conservative, 2 SNP	Co-Chair	

Equality & Diversity Group	Two Co-chairs to be appointed	Co-Chair	