



---

**REPORT TO: MORAY COUNCIL ON 17 MAY 2017**

**SUBJECT: CONSTITUTION OF COMMITTEES AND APPOINTMENT OF CHAIRS AND DEPUTY CHAIRS**

**BY: CORPORATE DIRECTOR (CORPORATE SERVICES)**

**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 Deputy Chair thereof and the delegation of functions to committees.

**2. RECOMMENDATION**

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

- (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) appointing Chairs and Deputy Chairs for each committee and sub-committee set out in Section 4 from the membership agreed at (i) above;**
- (iii) establishing a Service Development Group, as set out in Section 5 of the report, and, if so minded, determine the membership and Chair;**
- (iv) making appointments to community planning and other partnership bodies, as set out in Section 6 of the report; and**
- (v) making appointments to the Outside Bodies, as set out in Section 7 of the report.**

### **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.
- 3.3 When appointing to a committee etc, the Council is required to reflect political balance.

### **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) Policy and Resources Committee

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

Membership – Previously consisted of 14 Members

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

#### **Scrutiny**

(ii) Audit & 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 11 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) Children & Young People's Services Committee

Remit – To exercise the functions of the Council as Education Authority within the terms of relevant legislation, in addition to functions relating to leisure, libraries, 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 (and voting rights of Teacher, Parent and Pupil Representatives if appointed) \*\*  
(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 and vote on all educational matters considered by the Committee.

\*\*The Council may also appoint: -

- two teachers (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 and vote on all educational matters considered by the Committee, both those heard in public and those heard in confidence.
- 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 Council.

### (iv) Communities 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 Deputy 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 on all matters and vote on all matters, except where they have a direct financial interest in the matter.

(v) Economic Development & 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 Deputy Chair

(vi) Planning & 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 Deputy 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 10 Members

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

**Other**

(viii) Appeals Committee

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

Membership – Previously consisted of 7 Members

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

(xi) Moray Local Review Body

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

Membership – Previously consisted of 7 Members

- (a) Membership and appointment of Members
- (b) Appointment of Chair and Deputy 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 (nominated and approved by political parties)

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

(a) Membership and appointment of Members

NB – Lay Member must be Chair.

### **Appointments**

(xiii) Children & Young People's Services Appointments Committee

(xiv) Communities Appointments Committee

(xv) Economic Development & Infrastructure Services Appointments Committee

(xvi) Planning & Regulatory Services Appointments Committee

(xvii) Policy & Resources Appointments Committee

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

Membership – Previously consisted of 7 Members (inc. Chair and Deputy Chair of Service Committee)

(a) Membership and appointment of Members

NB – Chair (or Deputy Chair in their absence) of Service Committee chairs the relevant Appointments Committee.

### **Sub-Committee**

(xviii) 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 5 Members, to be drawn from the membership of the Communities Committee for each case

(a) Membership

NB – Chair appointed at each meeting and Members excluded from sitting on appeals which relate to their Ward.

(xix) Sustainable Education Sub-Committee

Remit – To provide direction over and to monitor the progress of the major capital works in Moray's schools (all school associated capital

costs in excess of £1million) and in particular review the design briefs and the resources required.

Membership – Previously consisted of 9 Members, ensuring each Ward is represented

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

## **5. SERVICE DEVELOPMENT GROUP**

Remit – No formal decision-making powers but to oversee the implementation of the Corporate Plan, to formulate - for the approval of Council - the Revenue Budget, to initiate and oversee the development, implementation and promotion of all Council corporate policies and to manage the flow of business to the Council and its committees.

Membership – Previously consisted of 9 Members of the Administration Group

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

## **6. COMMUNITY PLANNING AND OTHER PARTNERSHIP BODIES**

### **6.1 (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 4 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 – To develop, implement and monitor the strategic approach to the management of the protection of adults at risk of harm in Moray.

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 – 6 (3 Elected Members and 3 NHS Grampian Board representatives)

(a) Appointment of 3 Members and 3 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

6.2 It should be noted that a number of other Partnerships currently exist under the Moray CPP. Due a review of the Partnerships required to ensure delivery of the revised CPP priorities, appointments are not being sought at this time and will be subject to a report to a future meeting of the Council.

## 7. OUTSIDE BODIES

- 7.1 (i) Cairngorm National Park Authority (from 1 October 2017 to 30 September 2021)

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

- (ii) COSLA Children and Young People Board

Remit – The Children and Young People Team leads on education and children's services for COSLA. Its remit covers most aspects of a child's life from pre-birth through to post 16 education and into the world of work. The team's work includes pre-school, primary and secondary education; promoting and integrating children's services; developing effective approaches to children & family social work services; addressing child protection and youth justice issues as well as aspects of employability.

Frequency of Meetings – 6 times a year

- (a) Appointment of 1 Member

- (iii) COSLA Community Wellbeing Board

Remit – to promote the wellbeing and safety of communities across Scotland by securing the policies, powers and resources to enable councils to respond flexibly to local needs in promoting safe, healthy, socially cohesive and active communities; in ensuring quality, affordable housing; in providing access to cultural, sporting, learning and recreational opportunities; reducing reoffending and in tackling poverty and disadvantage

Frequency of Meetings – 6 times a year

- (a) Appointment of 1 Member

- (iv) COSLA Convention

Remit – The Convention is the ruling body, which has overall control of COSLA's policy and direction. It consists of representatives from all member councils and political groups represented within Scottish Local Government.

Frequency of Meetings – Twice a year

(a) Appointment of 3 Members (Must reflect political balance)

(v) COSLA Environment and Economy Board

Remit – The team covers a wide range of policy and council services which are vitally important to communities across Scotland. Whether this is developing Scotland's economy in an inclusive way, helping to ensure Scotland meets its low carbon ambitions or ensuring effective infrastructure is in place, COSLA continually works to improve economic, social and environmental outcomes for communities across the country.

Frequency of Meetings – 6 times a year

(a) Appointment of 1 Member

(vi) COSLA Health and Social Care Board

Remit – The Health and Social Care Board leads on all aspects of policy development and political lobbying relating to health and adult social care for COSLA. COSLA's Health and Social Care Board's central objective is to ensure that health and social care services are sustainable, accessible, personalised and high quality, delivering on the jointly politically agreed National Health and Wellbeing Outcomes.

Frequency of Meetings – 6 times a year

(a) Appointment of 1 Member

(vii) COSLA Leaders' Meeting

Remit – COSLA's main decision making body is the Leaders' meeting which is attended by the leaders of all member councils.

Frequency of Meetings – 8 times a year

(a) Appointment of Council Leader

(viii) Grampian NHS Board

Remit – Oversee the implementation and progress of Scotland's national health agenda, tailored to the needs of the Grampian population spread over 3,000 square miles of city, town, village and rural communities.

Frequency of Meetings – Monthly in Aberdeen

(a) Appointment of 1 Member

(ix) 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

(x) 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) Consultations**

The Corporate Director (Corporate Services), 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: Darren Westmacott, Committee Services Officer  
Background Papers:  
Ref: