

Appointment of Members in Accordance with the Scheme of Administration

Report by Kevin Anderson, Executive Director, Place

Report for Decision

1 Recommendation

It is recommended that the Council:-

- (a) Appoint Members to the various Committees etc as required under the Scheme of Administration (see paragraph 3);
- (b) Consider the nomination of Elizabeth Morton, for the statutory place available to the Church of Scotland on the Cabinet;
- (c) Consider the nomination of Anne-Theresa Lawrie, for the statutory place available to the Roman Catholic Church on the Cabinet;
- (d) To continue to recruit a “Third Religious Representative” for the statutory place on the Cabinet; and
- (e) Agree that the three Religious Representatives are able to sit at Council meetings and, at the invitation of the Provost, are able to speak in respect of education matters but have no voting rights.

2 Purpose of Report/Executive Summary

Under Standing Order 4.1(ix), consideration requires to be given at this meeting to the appointment of Members to the various Committees etc in accordance with the Scheme of Administration (SOA).

Date: 6 May 2022

Report Contact: Kevin Anderson

Email: kevin.anderson@midlothian.gov.uk

3 Appointments Required

On the basis of the SOA in place at the start of today's meeting and subject to the Council's decision in relation to the previous report, the undernoted Elected Member appointments will be required (or such other appointments as a result of any amendment to the SOA following consideration of the previous agenda item):

Cabinet/Committee Name	Composition
Cabinet	5 Elected Members of the Council.
Performance Review and Scrutiny Committee	The 13 non-Cabinet Members of the Council.
Audit Committee	6 Elected Members of the Council.
Planning Committee	Will comprise of the 18 Elected Members of the Council. One of the Elected Members of the Committee will be the Chair.
Local Review Body	10 Elected Members of the Council.
General Purposes Committee	All 18 Elected Members of the Council.
Appeals Committee	9 Elected Members of the Council.
Standards Committee	6 Elected Members of the Council.
Petitions Committee	6 Elected Members of the Council.
Education Appeals Committee	3 Elected Members of the Council. One religious representative will join the Appeals Committee where this case involves a teacher.
Education Appointment Committee	3 Elected Members of the Council.
Police and Fire and Rescue Board	6 Elected Members of the Council.
Midlothian Joint Consultative Group	4 Cabinet Members of the Council.
Business Transformation Steering Group	5 Elected Members of the Council.
Community Asset Transfer Committee	6 Elected Members of the Council, one from each ward.
Community Asset Transfer Review Committee	6 Elected Members of the Council, one from each ward. This is 6 different Elected Members from the membership of the Community Asset Transfer Committee.

4 Religious Representatives

Under Section 124 of the Local Government (Scotland) Act 1973, where an education authority (i.e. the Council) appoints a Committee whose purposes include either advising the authority or discharging on the authority's behalf education matters (i.e. the Cabinet), then that Committee (i.e. the Cabinet) must include three Religious Representatives as follows:

- (1) one representative of the Church of Scotland nominated in such manner as may be determined by the General Assembly of the Church (Note: The Church of Scotland has intimated that its nominee will continue to be Elizabeth Morton);
- (2) one representative of the Roman Catholic Church nominated in such manner as may be determined by the Scottish Hierarchy of the Church (Note: The Roman Catholic Church has intimated that its nominee will be Anne-Theresa Lawrie); and
- (3) one person (known generally as the "Third Religious Representative") in the selection of whom the authority shall have regard (taking account of the representation of churches at paragraphs (1) and (2) above) to the comparative strength within their area of all the churches and denominational bodies having duly constituted churches and other regularly appointed places of worship there.

The "Third Religious Representative" place to be advertised

It is recommended that Council agrees that the Religious Representatives sit at Council meetings and, at the invitation of the Provost, are able to speak in respect of education matters but have no voting rights.

5 Block Proposals

The attention of the Council is drawn to the terms of Standing Order 11.3(iii) which states that:-

"A Member may not move or second a motion or amendment for the election or appointment of him/herself to any of the positions referred to under Standing Order 4, whether appointed at the first meeting of the Council after the elections or at a later date. Neither shall a Member vote in any personal election or appointment. This Standing Order (11.3 (iii)) will not apply when block proposals are put forward to facilitate Council business."

The attention of the Council is also drawn to the terms of Standing Order 11.2 (iv) which states that:-

"In any division each Member shall have one vote only. The Chair, in the case of an equality of votes, will have a second or casting vote. This will not apply however when the matter which is the subject of the

vote relates to the appointment of a Member of the Council to any particular office or Committee. In that case the decision will be by lot.”

6. Report Implications (Resource, Digital and Risk)

6.1 Resource

Please refer to the separate report on the Scheme of Councillors' Remuneration which will be considered during the Statutory Meeting of the Council on 24 May 2022.

6.2 Digital

There are no digital implications related to this report.

6.3 Risk

In accordance with Standing Order 4.1(ix), this report invites the Council to appoint Members to the various Committees etc under the Scheme of Administration. The exercise of the Council's various functions can then be undertaken through this political management structure.

Any delay in making the necessary appointments could therefore impede the discharge of Council business.

6.4 Ensuring Equalities

An equalities impact assessment has not been required in connection with this report.

6.5 Additional Report Implications

See Appendix A

Appendix A - Additional Report Implications

A.1 Key Priorities within the Single Midlothian Plan

Not applicable

A.2 Key Drivers for Change

Key drivers addressed in this report:

- ☐ Holistic Working
- ☐ Hub and Spoke
- ☐ Modern
- ☐ Sustainable
- ☐ Transformational
- ☐ Preventative
- ☐ Asset-based
- ☐ Continuous Improvement
- ☐ One size fits one
- ☒ None of the above

A.3 Key Delivery Streams

Key delivery streams addressed in this report:

- ☐ One Council Working with you, for you
- ☐ Preventative and Sustainable
- ☐ Efficient and Modern
- ☐ Innovative and Ambitious
- ☒ None of the above

A.4 Delivering Best Value

There are no direct implications related to this report.

A.5 Involving Communities and Other Stakeholders

The report does not directly relate to involving communities.

A.6 Impact on Performance and Outcomes

Not applicable

A.7 Adopting a Preventative Approach

Not applicable

A.8 Supporting a Sustainable Development

Not applicable