

Cabinet and Related Appointments

Report by John Blair, Director, Resources

1 Purpose of Report

The purpose of this report is to invite the Council to fill the current vacancy on the Cabinet and also to regularise appointments to the various Council and partnership Committees as a result of the resignation of Councillor Thompson (June 2015).

2 Cabinet

- 2.1** The Scheme of Administration provides that the Cabinet will comprise six members. Following recent changes to the Administration leadership, the membership of the Cabinet is presently as follows:-

Councillor Johnstone (Convener)
Councillor Constable (Depute Convener)
Councillor Bryant
Councillor Rosie
Vacancy

- 2.2** The Scheme of Administration also provides that the Provost; the Depute Provost; the members of the Performance Review and Scrutiny Committee; and the Chair of the Audit Committee, may not be members of the Cabinet. Notwithstanding this, it would be possible for them to be appointed on the basis of resigning their relative positions to facilitate this.

- 2.3** Following the confirmation of the membership of the Cabinet, the respective portfolios of the Elected Members will require to be confirmed as set out in the Council's Scheme of Administration.

- 2.4** It should be noted that dependent on the nomination for the vacant Cabinet role the membership of the Performance, Review and Scrutiny Committee could be altered.

3 Other Appointments

- 3.1** As a result of the resignation of Councillor Thompson (June 2015) there are a number of vacancies on the various Council Committees and Joint Committees that are required to be filled. These vacancies are required to be filled by Elected Members from the Council. The Scheme of Administration provisions relating to membership of these various Committees are shown below, together with the current appointees:-

Principal Committees

Appeals Committee

(9 Elected Members plus one Religious Representative when dealing with cases involving teachers)

Councillor Bennett
Councillor Constable
Councillor Coventry
Councillor Milligan
Councillor Muirhead
Councillor Rosie
Councillor Russell
Councillor Wallace
Vacancy

Audit Committee

(6 Elected Members plus an Independent Chair)

Mr Peter Smail – Independent Chair
Mr Michael Thomas – Independent non voting member
Councillor Baxter
Councillor Bryant
Councillor de Vink
Councillor Milligan
Councillor Muirhead
Vacancy

Standards Committee

(6 Elected Members plus an Independent Chair)

Mr Les McEwan
Councillor Bryant
Councillor Imrie
Councillor Milligan
Councillor Muirhead
Councillor Wallace
Vacancy

Other Committees

Midlothian Joint Consultative Group

(4 Cabinet Elected Members)

Councillor Constable
Councillor Bryant
Councillor Johnstone
Vacancy

Social Work Complaints Review Panel

(Pool of 4 Cabinet Elected Members from which 2 will be drawn for each meeting. NB – To exclude portfolio-holder for Children's Services with Adult and Social Care)

Councillor Bryant
Councillor Constable
Councillor Rosie
Vacancy

Sub Committees

Gourlaw Sub-Committee of the General Purposes Committee

Councillor Rosie (Chair)
Councillor Baxter
Councillor Constable
Councillor Coventry
Councillor Imrie
Vacancy

Other Forums

Business Transformation Steering Group

Councillor Baxter (Administration)
Councillor Bryant (Administration)
Vacancy (Administration)
Vacancy (Opposition)
Vacancy (Opposition)

Midlothian Licensing Board

Councillor Constable (Convener)
Councillor Bennett
Councillor Coventry
Councillor Imrie
Councillor Milligan
Councillor Montgomery
Councillor Rosie
Councillor Russell
Councillor Wallace
Vacancy

Social Housing Strategy

Midlothian Housing Strategy Forum

Vacancy

Welfare Reform Elected Members Working Group

Councillor Johnstone (SNP)
Vacancy (SNP)
Councillor Bennett (Labour)
Councillor Pottinger (Labour)
Councillor Baxter (Green)
Councillor de Vink (Independent)

Joint Committees

Edinburgh and Lothians Structure Plan Joint Liaison Committee

Councillor Bryant
Councillor Imrie
Vacancy

Strategic Development Plan Authority for Edinburgh & South-East Scotland Joint Committee

Councillor Bryant
Vacancy

Partnership Working

Midlothian Safer Communities Board

Vacancy (Chair)
Councillor Baxter
Councillor de Vink
Councillor Wallace
Vacancy (Labour)
Vacancy (Labour)
5 x Community Planning Partnership representatives

Midlothian Access Forum Core Group

Councillor Bryant
Vacancy

Convention of Scottish Local Authorities

Convention

Councillor Constable
Councillor Imrie
Councillor Johnstone

Executive Groups

Health and Wellbeing

Councillor Johnstone

Education, Children and Young People

Councillor Constable

Community and Wellbeing

Councillor Wallace

Development, Economy and Sustainability

Councillor Bryant

Resources and Capacity

Vacancy

Strategic HR Management

Vacancy

Sport, Art and Culture Working Group

Councillor Constable
Councillor Rosie

Community Justice Sub Group

Councillor Johnstone
Provost Wallace

3.2 Following the by-election on the 10 September 2015, the Elected Member for Ward 5 – Midlothian West - will automatically be a member of the Planning Committee and the General Purposes Committee.

3.3 Following a review of the business being dealt with by the sub committees of the General Purposes Committee (i.e. the Blinkbonny Sub Committee and the Gourlaw Sub Committee) it is recommended that the business of these forums would be better served as part of the General Purposes Committee.

3.4 A review of the following Council Committees is currently underway by the Director Resources to confirm the most efficient way of handling business to these committees:

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- Midlothian Social Housing Strategy Forum
- Edinburgh and Lothians Structure Plan Joint Liaison Committee
- Strategic Development Plan Authority for Edinburgh and South-East Scotland Joint Committee
- Lothian Electoral Joint Committee
- Pentland Hills Regional Park Joint Committee
- Borders Railway Joint Committee
- Pacific Shelf 826 Ltd
- Midlothian Health Improvement Partnership
- Midlothian Social Inclusion Partnership
- Midlothian Access Forum Core Group

Therefore it is recommended that no changes should be made to these bodies pending the outcome of this review.

4 Standing Order Issues

The attention of the Council is drawn to the following Standing Order provisions:-

- 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.”

- 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.”

- Standing Order 11.5(ii) which states:-

Any vote will be taken normally by a show of hands. If any Member objects to the vote being taken this way and if one-third of the Members present (or the nearest whole number to this), similarly agree then the vote will be taken by calling the roll.

- Standing Order 11.6 which states that:-

(i) In the case of an election, selection or appointment of a Member or of any person to any office where the number of candidates nominated exceeds the number of vacancies, the Member or person to be elected, selected or appointed will be decided by a show of hands or by a ballot as the meeting may decide.

(ii) Where only one vacancy requires to be filled and any candidate has an absolute majority of the votes cast then that candidate will be declared elected, selected or appointed as the case may be. Where more than one vacancy requires to be filled, then voting will again be by ballot or show of hands, and the candidates so elected, selected or appointed will be those receiving the greatest number of votes. Where there is no clear result due to an equality of votes, the candidate(s) to be eliminated shall be determined by lot.

5 Report Implications

5.1 Resource Implications

There are no Resource implications in relation to this report.

5.2 Risk Implications

Failure to appoint to these vacant positions will in the instance of Cabinet and Committees contravene the Council Standing Orders.

5.3 Policy Implications

Strategy

There are no strategy implications arising from this report.

Consultation

No consultations have been undertaken in connection with this report.

Equalities

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

Sustainability

There are no sustainability implications arising from this report.

6 Recommendation

The Council is invited to:

- (a) Confirm the membership of the Cabinet should remain at five Elected Members pending a review of the Council Standing Orders;
- (b) Confirm any portfolio changes as a result of these appointments;
- (c) Confirm the appointments from the Council Elected Members to the vacancies as set out in paragraph 3.1;
- (d) Confirm that the business of the sub committees to the General Purposes Committee be dealt with by the General Purposes Committee; and
- (e) Agree that pending the outcome of the Committee review, as set out in paragraph 3.4, no appointments should be made to these Committees in the meantime.

22nd October 2015

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