

EAST AYRSHIRE COUNCIL

SPECIAL CABINET - 8 JULY 2009

NON-ELECTED MEMBER REPRESENTATION - THIRD CHURCH REPRESENTATIVE AND TEACHER REPRESENTATIVE

Joint Report by Depute Chief Executive/Executive Director of Corporate Support and Executive Director of Educational and Social Services

1. PURPOSE OF REPORT

- 1.1** The purpose of this report is (i) to advise the Cabinet of the resignations of Dr Ivy Barclay as Third Church Representative and Iain Harvey, Teacher Representative on Cabinet; and (ii) to inform the Cabinet that the Depute Chief Executive/Executive Director of Corporate Support has made appropriate arrangements to seek nominations for a Third Church Representative and a Teacher Representative to be appointed to serve on the Cabinet, as soon as possible, for the remaining life of the Cabinet and the current Council.

2. BACKGROUND

- 2.1** In terms of Section 124 of the Local Government (Scotland) Act 1973, as amended by Section 31 of the Local Government Etc (Scotland) Act 1994, where a Local Authority establishes an Education Committee or equivalent the Members of that decision making body shall include the following three persons:-

- (i) one representative of the Church of Scotland, nominated in such manner as may be determined by the General Assembly of the Church;
- (ii) one representative of the Roman Catholic Church, nominated in such manner as may be determined by the Scottish Hierarchy of the Church; and
- (iii) one person in the selection of whom the Authority shall have regard (taking account of the representation of Churches under (i) and (ii) above) to the comparative strength within the area of all the Churches and denominational bodies having duly constituted charges or other appointed places of worship there).

- 2.2** There is also provision in terms of the aforementioned legislation for an education authority to appoint persons who are not members of the authority to be members of an Education Committee or equivalent.

- 2.3** At the Council meeting on 7 June 2007 (Item 2, Page 25, 07/12) provision was made for the appointment of three Church Representatives, one Teacher Representative and one Parent Representative to serve on the Cabinet when dealing with Education business, with full voting rights.

- 2.4** In this respect three Church Representatives, one Teacher Representative and one Parent Representative were appointed to serve on the Cabinet for the life of the Cabinet and the current Council, subject to them remaining eligible to hold such a position.

3. CURRENT POSITION

- 3.1** Letters have been received from (i) Dr Ivy Barclay, tendering her resignation as Third Church Representative on the Cabinet, with effect from 30 June 2009; and (ii) Iain Harvey, tendering his resignation as Teacher Representative on Cabinet, with effect from 13 August 2009.

4. PROVISION FOR EXTERNAL APPOINTMENTS

- 4.1** In terms of the Council's decision-making structure, provision requires to be made for external appointment to the decision-making body sitting as the Education Committee, namely the Cabinet.

- 4.2** Furthermore, the Cabinet may when sitting to determine educational business, in exceptional circumstances decide not to exercise its delegated authority and direct that a matter be referred to the Council for decision. In such instances the Council will sit as an Education Committee and, the appointed Church, Teacher and Parent Representatives will be invited to attend and participate with full voting rights.

5. FINANCIAL IMPLICATIONS - Nil.

6. LEGAL AUTHORITY/POLICY IMPLICATIONS

- 6.1** Where a Local Authority appoint an Education Committee or equivalent, there is a Statutory requirement to appoint three Church Representatives in terms of Section 124 of the Local Government Act (Scotland) 1973 as amended by Section 31 of the Local Government Etc (Scotland) Act 1994. The Council agreed at its Statutory Meeting on 7 June 2007 to establish a Cabinet decision-making structure.

- 6.2** Council has also agreed to appoint a Teacher and Parent Representative to serve on Cabinet.

7. COMMUNITY PLANNING IMPLICATIONS

- 7.1** The appointment of a Teacher Representative, Parent Representative and three Church Representatives ensures the effective community engagement in the planning and development of local services by succeeding in joint working and ensuring that communities and their representatives are involved in the decision-making structures.

8. RECOMMENDATIONS

8.1 It is recommended that Cabinet agree:-

- (i) to note the resignations of Dr Ivy Barclay as Third Church Representative with effect from 30 June 2009 and Iain Harvey as Teacher Representative with effect from 13 August 2009;
- (ii) to note that the Depute Chief Executive/Executive Director of Corporate Support has made appropriate arrangements to advertise in the local press seeking nominations for a Third Church Representative to serve on the Cabinet while dealing with Education business;
- (iii) to note that the Depute Chief Executive/Executive Director of Corporate Support has made appropriate arrangements to obtain a nomination for a Teacher Representative to serve on the Cabinet while dealing with Education business;
- (iv) to note that the representatives would be appointed to serve for the remaining life of the Cabinet and the current Council, with full voting rights, subject to their remaining eligible to hold such appointment; and
- (v) otherwise, to note the contents of the report.

Elizabeth Morton
Depute Chief Executive/
Executive Director of Corporate Support

Graham Short
Executive Director of Educational &
Social Services

SMcH/SC
25 June 2009

LIST OF BACKGROUND PAPERS

1. Letters dated 1 May and 1 June 2009 from Dr Ivy Barclay.

Any person wishing to inspect the background papers relative to this report should contact Sharon McHarg, Administrative Officer on Telephone Number (01563) 576131. Any person wishing further information on this report should contact Bill Walkinshaw, Head of Democratic Services on Telephone Number (01563) 576135.

Implementation Officer: Sharon McHarg, Administrative Officer