

## **EAST AYRSHIRE COUNCIL - 7 JUNE 2007**

### **NON-ELECTED MEMBER REPRESENTATION**

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

#### **1. PURPOSE OF REPORT**

- 1.1** The purpose of this report is to seek authorisation for the Depute Chief Executive/Executive Director of Corporate Support to seek nominations for non-Elected Member representation within the Council's new decision-making structure.

#### **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's Education Committee on 27 May 2003 (Item 3, Page 70, 1999/03) provision was made for the appointment of 3 Church Representatives, 1 Teacher Representative and 1 Parent Representative to serve on the Education Committee, with full voting rights.

- 2.4** In respect of 2 Church Representatives, nominations were sought from the Church of Scotland and the Roman Catholic Church; the third Church Representative was identified by advertising in newspapers circulating within East Ayrshire.

- 2.5** In relation to the Teacher Representative and the Parent Representative arrangements were made for one individual to be appointed in respect of each of these groups. All teachers employed in educational establishments under the management of the Council and registered with the General Teaching Council would be eligible for nomination as the Teacher Representative. In terms of parent representation, the Parent Representative has been a serving school board member and has not been employed in an Education Service.

### **3. CURRENT POSITION**

- 3.1** One nomination has been received from the Church of Scotland for Bill McGregor to serve as their Church's Representative.

### **4. PROVISION FOR EXTERNAL APPOINTMENTS**

- 4.1** Accordingly in terms of the Council's new decision making structure, as previously intimated provision requires to be made for external appointments to the decision making body sitting as the Education Committee, namely the Cabinet.
- 4.2** Interim arrangements have been put in place where the Council will deal with educational business. When Council is dealing with educational business the known Church representatives will be invited to attend and participate with full voting rights.
- 4.3** 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 Representatives, and, subject to Council approval, the Teacher and Parent Representatives will be invited to attend and participate with full voting rights.
- 4.4** It is anticipated that due to the appointment process, it is unlikely that the third Church representative and, subject to Council approval, the Teacher and Parent representative will be appointed in time to participate during the interim arrangements, but will be in place to participate in the Cabinet when it sits and deals with Education business.

### **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 3 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 17 May 2007 to establish a Cabinet decision making structure.

**5.2** The Council has had a policy of appointing a Teacher and Parent representative and accordingly, the Council is requested to consider whether provision should be made for these positions within the Council's new decision-making structure.

## **7. RECOMMENDATIONS**

**7.1** It is recommended:-

- (i) that the Depute Chief Executive/Executive Director of Corporate Support be authorised to write to the appropriate religious organisation seeking a nomination for one representative from the Roman Catholic Church to serve on the Cabinet when dealing with Education business;
- (ii) that the Depute Chief Executive/Director of Corporate Support be authorised to make appropriate arrangements to advertise in the local press seeking one further nomination for a Church representative to serve on the Cabinet when dealing with Education business;
- (iii) that, should the Council agree to appoint a Teacher Representative, it be remitted to the Depute Chief Executive/Executive Director of Corporate Support and the Executive Director of Educational and Social Services, in consultation with the Cabinet Spokespersons for Lifelong Learning, to make the appropriate arrangements to obtain a nomination for a Teacher Representative to participate in the Council's decision-making structure in respect of Education business as soon as practicable.
- (iv) that, should the Council agree to appoint a Parent Representative, it be remitted to the Depute Chief Executive/Executive Director of Corporate Support and the Executive Director of Educational and Social Services, in consultation with the Cabinet Spokespersons for Lifelong Learning, to make the appropriate arrangements to obtain a nomination for a Parent Representative to participate in the Council's decision-making structure in respect of Education business as soon as practicable; and
- (v) to note that all Representatives will be appointed to serve for the life of the Cabinet and the current Council, subject to their remaining eligible to hold such appointment and would have full voting rights.
- (vi) that where the Cabinet has, due to exceptional circumstances, referred an item of educational business to the Council to determine then the appointed Church Representatives and, the Teacher and Parent Representatives be invited to attend and participate with full voting rights.

Elizabeth Morton  
Depute Chief Executive/  
Executive Director of Corporate Support

Graham Short  
Executive Director of  
Educational and

Social Services

AMC/SW

28 May 2007

**LIST OF BACKGROUND PAPERS**

**NIL**

Any person wishing further information on this report should contact Bill Walkinshaw, Head of Democratic Services, on telephone number (01563) 576135.