

Corporate Policy and Strategy Committee

10am, Tuesday, 5 December 2017

Working groups as public meetings

Item number	8.3
Report number	
Executive/routine	
Wards	
Council Commitments	

Executive Summary

The Corporate Policy and Strategy Committee in August 2017 requested a report on the possibility of working groups being held in public. There are no legislative requirements for working groups but as a result they are not permitted to take decisions. A working group can be held in public but consideration should be given to how it operates and whether if it should be held in public, it should be an advisory committee of the Council.

Working groups as public meetings

1. Recommendations

- 1.1 To note that executive and planning and regulatory committees had responsibility for all aspects of working groups within their remit, including whether they should be held in public.
- 1.2 To note that consideration should be given by the relevant parent committee to whether the working group was the most appropriate vehicle for each matter.

2. Background

- 2.1 In August 2017, the Corporate Policy and Strategy Committee requested a report on the possibility of working groups being held in public.
- 2.2 The Council agrees the membership and remit of working groups at the relevant committee. This is undertaken annually in May or June. This clarifies the membership, provides a democratic legitimacy and allows the Council to monitor the number and necessity of all working groups. This approach was agreed by Corporate Policy and Strategy Committee in December 2013 and the number of working groups has reduced from 43 in 2013 to the current 22 confirmed working groups.

3. Main report

- 3.1 The Council currently uses working groups as a supporting element of the Council's decision-making processes. There have been a variety of working groups which have officers, partners or community representatives as member of the group.
- 3.2 The Local Government (Scotland) Act 1973 (1973 Act) allows Councils to make decisions by delegating to committees, sub-committees, joint committees or officers. Additionally, it allows Councils to create advisory committees. These are not decision-making committees and allow non-councillor members to be voting members of the committee. As formal Council committees, the access provisions in the 1973 Act also apply. These include the requirement that they must be public meetings and papers be made publicly available three clear days before the meeting.

- 3.3 Any consideration on whether a working group should be held in public should be driven by the objectives of the working group and what the Council expects it to achieve.
- 3.4 Working groups can be an effective tool for Councils for the following reasons:
 - 3.4.1 Flexible – less rules apply so can consider business quickly;
 - 3.4.2 Membership – can include partners, community representation and officers as members;
 - 3.4.3 Privacy – holding meetings in a private session can be conducive to discussion, especially if involving members who are not elected members of public sector employees;
 - 3.4.4 Policy – the informal style and inclusive membership of working groups can often be a useful vehicle for developing policy;
 - 3.4.5 Can be very effective at considering specific issues or projects.
- 3.5 There is freedom for a working group to meet in public if the Council wishes this. However, if the working group is to be held in public and the main objective is to ensure it is transparent and accessible then these objectives may be better realised by the group being constituted as an advisory committee instead. This would result in Procedural Standing Orders and the access to information provisions in the 1973 Act applying. Committees are the most transparent and accessible way for the Council to democratically carry out its business.
- 3.6 As outlined above, working groups can be a useful vehicle for moving forward Council business. It can be useful for specific projects, for example the Tram All Party Oversight Group, specific issues such as Music is Audible working group or long-standing consultation groups such as the Joint Consultative Group (JCG). The flexibility and ability to hold meetings in private can be an effective way of encouraging discussion and creative thinking in the group before reaching a proposed way forward and the matter being referred for a decision at committee.
- 3.7 If the working group is not being held in public then it is important to ensure that there are robust arrangements in place to ensure that the work of the group and decisions are considered in the democratic, transparent and accessible environment of a committee.
- 3.8 It should also be noted that it is likely that the documents considered by the working group can be shared with other elected members and they may be available to the public under Freedom of Information Act laws.
- 3.9 The reasons and objectives for a working group differ from group to group and thus it is proposed that there should be no blanket policy requiring working groups to meet in public. Whether they are held in public is a decision for the relevant executive or planning and regulatory committee and consideration should be given to the reasons why a working group is being formed and whether it is the

appropriate vehicle. The committee should also outline expectations in regard to the output or results of the working group and where this would be reported.

4. Measures of success

4.1 An effective, transparent and democratic decision making structure.

5. Financial impact

5.1 There are no financial impacts as a result of this report.

6. Risk, policy, compliance and governance impact

6.1 The Corporate Policy and Strategy Committee had previously agreed an approach to working groups and this report complies with this approach.

6.2 It is important that the crucial differences between working groups and committees is maintained.

7. Equalities impact

7.1 There are no direct equalities impacts as a result of this report.

8. Sustainability impact

8.1 There is no direct sustainability impact as a result of this report.

9. Consultation and engagement

9.1 Not applicable.

10. Background reading/external references

10.1 Corporate Policy and Strategy Committee December 2013 – [Working Groups](#)

10.2 [Minute](#) of Corporate Policy and Strategy Committee August 2017

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11. Appendices
