

# The City of Edinburgh Council

10.00am, Thursday, 22 August 2019

## Added Members and voting rights on the Education, Children and Families Committee

Executive/routine  
Wards  
Council Commitments

### 1. Recommendations

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- 1.1 To note the legal position that it is within the Council's powers to confer or remove voting rights of added members on the Education, Children and Families Committee.
- 1.2 To note that no formal legal challenge has been received by Perth and Kinross Council following their decision to remove such voting rights in April 2019.
- 1.3 To determine whether or not to remove the voting rights of added members.
- 1.4 To determine whether there should be further added members per the original motion (as set out in para 4.1) which would require the consequential change as detailed in para 4.5.

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## **Added Members and voting rights on the Education, Children and Families Committee – Legal Opinion**

### **2. Executive Summary**

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- 2.1 A legal opinion was sought from external Counsel, which confirms that it is competent for the Council to confer or remove voting rights from the added members on the Education, Children and Families Committee.

### **3. Background**

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- 3.1 The Education, Children and Families Committee has 11 members of the Council and has three religious representatives and one parent representative. The parent representative is currently a non-voting member whilst the religious representatives have voting rights.
- 3.2 At 2 May 2019 Council, an addendum was proposed making changes to the added members for education matters on the Education, Children and Families Committee.
- 3.3 The proposed changes included making all added members for education matters non-voting members.
- 3.4 The matter was continued to the next meeting of Council in order that a legal Opinion could be sought in relation to removing the voting rights from added members.
- 3.5 At 30 May 2019 Council a Motion was approved which requested that a report be brought back to August 2019 Council providing an update on the decision with regard to similar voting rights taken by Perth and Kinross Council.

### **4. Main report**

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- 4.1 At 2 May 2019 Council the Green Group proposed an addendum to make changes to the added members for education matters on the Education, Children and Families Committee, as follows:

*“To agree changes to the Added Members for Education Matters on the Education, Children and Families Committee as follows –*

*(a) To add an additional parent representative.*

*(b) To add a senior pupil representative.*

*(c) To make all Added Members for Education Matters non-voting members”*

- 4.2 Following the decision by Council on 2 May 2019 to continue the matter to the 30 May meeting, a legal opinion was sought from external Counsel. The opinion confirms that it is competent for the Council to either confer or remove the voting rights of the added members on the Education, Children and Families Committee.
- 4.3 At 30 May 2019 Council a Motion was approved which requested that a report be brought back to August 2019 Council providing an update on the decision taken by Perth and Kinross Council in April 2019 to remove such voting rights.
- 4.4 Perth and Kinross Council has confirmed that no formal legal challenge by way of judicial review or otherwise has been raised in relation to the decision taken by them.
- 4.5 The Local Government (Scotland) Act 1973 requires that committees have at least two-thirds of the membership made up by elected members. If Council wishes to increase the membership of the Education, Children and Families Committee by 2 non-voting members then it will require to add an elected member who, in terms of the political balance, should either be from the SNP group or the Conservative group.
- 4.6 Council is asked to determine whether or not to remove the voting rights of added members and whether there should be further added members per the original motion (as set out in para 4.1).

## **5. Next Steps**

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- 5.1 The next steps are dependent on the decision of Council.

## **6. Financial impact**

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- 6.1 There is no specific financial implication arising from this report.

## **7. Stakeholder/Community Impact**

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- 7.1 Initial informal discussions have taken place with the religious representatives on the Committee. A letter was received from the Roman Catholic Church which was circulated to all members prior to Council on 30 May 2019.

- 7.2 Any decision on membership must reflect what is set out in the Local Government (Scotland) Act 1973.
- 7.3 There is a risk of challenge if voting rights are removed from the religious representatives.

## **8. Background reading/external references**

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- 8.1 Report to Council dated 2 May 2019 “Review of Appointments to Committees, Boards and Joint Boards for 2019/2020”.
- 8.2 Addendum by the Green Group, Item 7.1, Motions and Amendments – Full Council 2 May 2019.
- 8.3 Motion by Councillor Perry, Item 7.1, Motions and Amendments – Full Council 30 May 2019.

## **9. Appendices**

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