

## REPORT TO SPECIAL MEETING OF ABERDEENSHIRE COUNCIL - 8 JUNE, 2015

### DEFINITION OF POLITICAL GROUPS, LEADERS AND SENIOR COUNCILLORS

#### 1 Recommendations

- 1.1 **It is recommended that the Council re-considers its decision of 28 June 2012 wherein it agreed the recognition of the Political Groups, their Leaders and the definition of Leader of the Council, Deputy Leader of the Council and Senior Councillors for the purposes of consultation in relevant policies and procedures.**

#### 2 Background

- 2.1 At its meeting on 28 June 2012 the Council considered that the term Leader of the Council was contained within the Remuneration Regulations but otherwise was not provided for within the Standing Orders of the Council. It recognised that convention and practice had seen the leader of the ruling administration as the Leader of the Council. Furthermore, it recognised that there was a need for a definition of the term senior councillor, again, other than defined in the remuneration regulations. The Council considered that scenarios often quite properly arise where it is necessary for officers to consult with elected members outwith the usual Council or Committee Meeting fora. It noted that a number of the Council's policies and procedures incorporated a role for Group Leaders or Senior Councillors (sometimes referred to as Senior Politicians). Without fettering or prejudicing in any way an officers obligation to be even handed in their dealings with councillors and groups of all political persuasions and affiliations on the Council, The Council agreed that it was necessary to be clear what definition is given to the terms Group, Group Leader, Leader & Deputy Leader of the Council and Senior Councillors by the Council. The Council therefore agreed the following definitions:
- 2.2 **Group or Political Group** - any two or more members of the authority who wish to be treated as a group or political group and have formally notified the Chief Executive of this intention.

**Group Leader** - a member of the authority named to act as the leader of a group or political group and notified to the Chief Executive.

**Leader of the Council** - a member of the authority named to act as the leader of the Administration (the Administration being a group or groups of members having a majority of the seats on the Council or, if no such majority exists, the group or groups having the greatest number of seats and thereby forming a minority administration) and notified to the Chief Executive by the Administration.

**Deputy Leader of the Council** - a member of the authority named to act as the deputy leader of the Administration and notified to the Chief Executive by the Administration.

**Senior Councillor** - a Councillor who holds a significant position of responsibility in the Council's political management structure, namely the Provost and Deputy Provost, the Leader and Deputy Leader, a group leader, the Chair and Vice Chair of a Policy Committee (including Scrutiny and Audit Committee) and the Chair of an Area Committee.

- 2.3 Since agreeing these definitions, the reference to "the Administration" has caused discussion. The Leader of the Council was defined as being the Leader of the Administration, which required at least a simple definition of an Administration. That definition sought only to differentiate between a minority and a majority administration. It is clear that there are potentially other formations that might constitute an administration that do not fall within this definition and importantly it does not seek to include "Confidence and Supply" type voting agreements that fall short of an otherwise recognised coalition or alignment of groups. Much of this has in the past and arguably should be left as a matter of political convention and so, neither defined in legislation nor council rules.
- 2.4 The Council now needs to address the incongruity that can arise from its current definition of Leader of the Council by reference to an Administration. Defining the Leader of the Council by reference to Leader of the Administration and Administration is no longer sufficient. Options for change are as follows:

### **3 Options for Consideration**

#### **3.1 OPTION 1 – Re-define "Leader of the Council" by redefining "Administration"**

Replace the definition of Leader of the Council by reference to a Leader of the Administration with a more expansive definition of "Administration" that incorporates provision for equality of numbers or "Confidence and Supply" type arrangements. This is fraught with complications and given that there is no requirement to have an Administration but rather it is a political construct that allows an understanding of the likely policy direction of those holding a voting power base, it is not deemed appropriate to entertain a complex definition. There are currently no models of this in practice in fellow local authorities that could be found.

#### **3.2 OPTION 2 – Remove definition of "Leader of the Council" and do not replace**

Remove the definition of Leader of the Council from the decision of 2012 and leave no reference whatsoever to Leader of the Administration nor Administration in its place. This would leave entirely to political convention the existence or otherwise of a Leader of the Council and so too an Administration as some councils still do. This however would leave a gap in understanding if this council wishes to differentiate between the statutory post of Convener (known as Provost in our Council) and a Leader of the Council

and could leave ambiguity in respect of whom should claim the remuneration for a Leader as allowed for in the Regulations governing remuneration. On the other hand, there was no definition prior to 2012 and yet a Leader post existed and was remunerated on the common understanding and agreement of all of the members.

3.3 OPTION 3 – Define a “Leader of the Council”

If this council wishes to have a Leader as distinct from its Convener (known as Provost in our Council) and avoid any of the ambiguity referred at 3.2 above then it could appoint directly a Leader of the Council and that person would be recognised as the political leader who is in receipt of the remuneration for such a position. If that is the will of the Council, officers would recommend some definition or written process for appointing that position from one of its number. There are several variations possible:

3.4 OPTION 3A – Define a “Leader of the Council” in accordance with another position upon which the Council has a division or in other words, Leader of the Council would be someone in an already voted position e.g. the Chair of Policy and Resources Committee or the Deputy Provost.

3.5 OPTION 3B – Define a “Leader of the Council” as one of their number to be elected by the Council in the same way as Provost or Deputy Provost is currently elected i.e. by convention. No provision would then exist (as currently) for removal. As now, it could be elected or re-elected at any time on the moving of a valid motion.

3.6 OPTION 3C – Define a “Leader of the Council to be elected by the Council and enshrine this in the Standing Orders of the Council. If this was preferred it would make sense also to enshrine the election of Provost and Deputy Provost in the same way. This would take two meetings of Full Council to revise the Standing Orders. No proper notice of an amendment to Standing Orders has been given for the meeting of 8 June and so the next scheduled meeting of Full Council on 18 June would be the first opportunity to lay the amendment before the chamber. A second meeting of the Council would not take place until 24 September. Alternatively this could be reduced to one meeting of Full Council only by suspending Standing Orders. Officers usually discourage members from suspending this particular Standing Order lightly as changes to its fundamental documents should be something which Council does in a measured and considered way and not precipitously. Nevertheless, this would be an acceptable route. Provisions could be made for the appointing and removal of these posts and any safeguards or mechanisms deemed necessary could be explicitly outlined and would be cumbersome to remove which has both advantages and disadvantages.

3.7 In all of the above options for change of the definitions agreed on 28th June 2012, members should consider whether it is now appropriate to make provision for Co-Leaders. The individual requirements of groups and modern job-share principles should be taken into account balanced against the need for clarity and certainty for officers interacting with numerous members in a Co-Leader role.

3.8 The Monitoring Officer and the Head of Finance have been consulted in the preparation of this report and their comments incorporated.

#### **4 Equalities, Staffing and Financial Implications**

4.1 The proposals in this report do not require any additional staffing or finance.

4.2 An equality impact assessment is not required because the changes proposed do not have a differential impact on any of the protected characteristics.

#### **Alan Wood**

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