

REPORT TO ABERDEENSHIRE COUNCIL – 26 SEPTEMBER 2019

MEMBERS' EXPENSES RELATING TO COSLA BUSINESS

1 Recommendations

The Council is recommended to:

- 1.1 **Review the arrangements for payment of Members' expenses in connection with COSLA business and agree the proposals at paragraph 2.11; and**
- 1.2 **Agree to delegate authority to the Business Services Committee to approve payment of Members' expenses in connection with COSLA business as detailed at paragraphs 2.11 (d) and (e).**

2 Background / Discussion

- 2.1 COSLA is a membership organisation whose purpose is to be the national voice for local government in Scotland. It is a councillor-led, cross-party organisation which works on councils' behalf to focus on the challenges and opportunities they face, and to engage positively with governments and other organisations on policy, funding and legislation.
 - 2.2 The COSLA Plan 2017-2022 sets out its vision, priorities, values and its governance framework. The COSLA Plan can be viewed online here: https://www.cosla.gov.uk/sites/default/files/documents/cosla_plan_convention_2017_.pdf
 - 2.3 In March 2017 the COSLA Convention considered the findings from a Strategic Review regarding how COSLA might be structured and work in the future. One of the Workstreams of the Strategic Review explored the concept of a "local government family approach". The premise for this was that cohesive lobbying and co-ordinated joint activity would enhance both the quantity and quality of resource that was available to local government and would yield better influence and results. It was accepted that the potential for appropriate work to be taken on by other parts of the local government family would improve local government's collective capacity and free up resources to focus on proactive work.
 - 2.4 The Governance Workstream of the Strategic Review recommended an update to the governance framework of COSLA. This has subsequently been adopted and a new Constitution was approved in June 2017. The main changes to the constitution involved the creation of four Policy Boards which replaced the previous Executive Group Structure. The Policy Boards comprise of: Education and Children; Health and Social Care; Environment and Economy; and Community Wellbeing. A network of Special Interest Groups allow policy work to be taken forward and focus on issues in detail. A Leadership Sounding Board has also been created.
-

- 2.5 Councillors are entitled to ask their Council for reimbursement of expenses in certain circumstances, when certain criteria are met. The legislation sets out the criteria for such claims – this affords the Council with a relatively wide discretion as to which expenses it considers to be allowable. A summary of the legal position is set out at Appendix 1 for reference.
- 2.6 At a meeting of Full Council on 21 January 2016, the Council considered a Notice of Motion on payment of Members' attendance at meetings of COSLA and agreed the following: .
- 2.7 *“To pay the travel and other expenses of members of the Council -*
- (a) *appointed to the COSLA Convention to attend all meetings of the Convention and the Excellence Awards,*
 - (b) *appointed to attend the COSLA Executive Groups and the associated sub-committees,*
 - (c) *appointed to the position of Leader of Aberdeenshire Council for the purposes of attending COSLA meetings, and*
 - (d) *appointed as substitutes in each case.*

The Council will not pay travel expenses for attendance at political group meetings or for COSLA activities that can be reclaimed through COSLA, e.g. for group leader meetings and the Commission on Local Taxation.

Where a member wishes to attend a COSLA sub-group or short-term working group not covered by the above, permission will need to be gained from the Council's Policy and Resources Committee.”

- 2.8 Since the date of the Council's 2016 decision, the new constitution of COSLA has been adopted. Accordingly, Council is invited to review and, if appropriate, update the 2016 decision to ensure that it facilitates Aberdeenshire's desired level of involvement in furthering the work of COSLA.
- 2.9 It is apparent that COSLA relies upon councillor involvement from within its member authorities to contribute time, resource and strategic input, in order to progress its work and achieve its objectives. COSLA does not pay councillor expenses (for Group Leaders and Spokespersons) unless they exceed £2,500 per year (per councillor). This threshold is very unlikely to be reached. Accordingly, Councillors participating in COSLA work rely upon the support of their Councils to meet their expenses. Given that COLSA frequently sets up policy and other short-life working groups, and seeks councillor representation by way of political, gender and geographical balance, the Council may wish to allow payment of such expenses for its Members, following a decision by the Business Services Committee. Such a mechanism would support Aberdeenshire councillors – regardless of their political affiliation - to have the opportunity to participate in policy bodies and working groups as positions arise through COSLA from time to time.

- 2.10 The Council may consider the following as a suitable update to the 2016 decision, for enabling the Council to remain close to developments in all spheres of national work:
- 2.11 *“To pay the travel and other expenses of members of the Council -*
- (a) appointed to the position of Leader of Aberdeenshire Council for the purposes of attending COSLA Leaders meetings,*
 - (b) appointed to the COSLA Convention to attend all meetings of the Convention and the Excellence Awards,*
 - (c) **to attend any of the four COSLA Policy Boards,***
 - (d) **to attend any other policy or short life working group as agreed through COSLA Leaders or the COSLA Convention, with nominations to be approved by the Business Services Committee on a case by case basis,***
 - (e) **nominated through COSLA under the political group arrangement to participate in any policy body or other working group with nominations to be approved by the Business Services Committee on a case by case basis, and***
 - (f) appointed as substitutes in each case.*

The Council will not pay travel expenses for attendance at political group meetings.

- 2.12 If the above resolution were to be adopted, a delegation would be required to the Business Services Committee, which would be able to consider and approve payment of expenses for certain nominations as listed in (d) and (e) above. If Council agree this proposal, the relevant delegation will be included within the remit of the Business Services Committee and reported to Full Council in November 2019 as part of the report on the annual update to the Scheme of Governance.
- 2.13 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

3 Scheme of Governance

- 3.1 The Council is able to consider and take a decision on this item in terms of Section A.9.2 in Part 2A of the List of Committee Powers in the Scheme of Governance as it relates to the Council’s membership of an external body.

4 Implications and Risk

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

- 4.2 There are no staffing implications arising directly as a result of this report. There are likely to be minimal financial implications by agreeing to pay additional councillors' expenses which can be met from within the Councillor's approved budget. Expenses for the Council are limited to a maximum of £2,500 per annum per councillor: expenses exceeding this amount will be met by COSLA.
- 4.3 The following Risks have been identified as relevant to this matter on a Corporate Level.

[Aberdeenshire Corporate Risks](#)

ACORP005 – Working with other organisations

Ritchie Johnson

Director of Business Services

Report prepared by:- Geraldine Fraser, Legal Service Manager (Governance)

22nd August 2019

Appendix 1 – Legal position for payment of Councillors’ Expenses

In general terms, the legislation provides that two key elements must be present to entitle a councillor to claim reimbursement by the local authority. The first is that the expense must have been incurred in connection with performing a duty for one of the following:

- Joint Committees;
- Boards, joint boards, joint authority, or other combined body, all the members of which are representatives of local authorities; or
- Bodies prescribed by legislation.

Secondly, the expense must have been incurred in connection with one of the following:

- Attendance at meetings of the local authority or any of its committees or sub-committees;
- Doing any other thing approved by the body, in connection with the discharge of the functions of the body; or
- Doing any duty of a prescribed body for the discharge of functions of that prescribed body.

COSLA can be considered to be a “combined body” since it is made up exclusively of local authorities. It is therefore for the Council to determine which duties associated with the work of COSLA it considers should be allowable.

