

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Corporate Services Council: 25 August 2010

Subject: Audit and Performance Review Committee - Quorum, etc.

1. Purpose

- 1.1** To amend the quorum of the Audit and Performance Review Committee from five to three Members and to clarify the status of the Community Participation Committee.

2. Background

- 2.1** The composition of the Audit and Performance Review Committee is eight Elected Members and four Lay Members representing the business community, voluntary sector, Community Councils and Tenants and Residents Groups. The quorum is five Elected Members.
- 2.2** The Local Government (Scotland) Act 1973 provides that no business shall be transacted at a Council Meeting unless 25% of Members are present. Other Council Committees have a quorum of 25%. The quorum of the Audit and Performance Review Committee appears to be designed to ensure that Elected Members, rather than community representatives have the majority of votes. However, this is not essential as in general the Committee does not have delegated powers and since all recommendations of the Committee need to be considered by Council, or the appropriate Committee.
- 2.3** The relatively high quorum figure has resulted in Meetings of the Committee being inquorate.
- 2.4** Community Participation Committee. While dealing with this matter it is also recommended that Council makes a minor change to Standing Orders in relation to the Community Participation Committee. Section 57(3) of the Local Government (Scotland) Act 1973 provides that "at least two thirds of the Members appointed to any such Committee (other than a Sub-Committee) shall be Members of that Authority". The Community Participation Committee has more than one third external members which means that it has to be created as a Sub-Committee rather than a Committee. As Council can delegate functions directly to a Sub-Committee, the change is merely a semantic one and would not affect the operation of the Community Participation Committee.

3. Main Issues

- 3.1** The Audit and Performance Review Committee serves a key role in the Council's scrutiny and governance arrangements. Accordingly it is important that its meetings are able to proceed. It is therefore recommended that the quorum of the meeting is lowered to three, being two Elected Members and one Lay Member.

3.2 These changes would require amendment of Standing Order, Appendix 3 (b) 1.2 to the following:-

3.3 “The quorum of the Audit and Performance Review Committee will be three Members, being two Elected Members and one Lay Member”.

3.4 Community Participation Committee. To ensure compliance with legislation it is recommended that Standing Order 31 (a) is changed to constitute the Community Participation Committee as a Community Participation Sub-Committee of Council.

4. People Implications

4.1 There are no people implications

5. Financial Implications

5.1 There are no financial implications.

6. Risk Assessment

6.1 If meetings of the Audit and Performance Review Committee are inquorate there is a risk that proper scrutiny and governance arrangements may suffer.

6.2 In relation to Community Participation Committee, it is worthwhile to put its status beyond doubt in order to avoid any future challenge.

7. Equalities Impact Assessment

7.1 No significant issues are identified regarding potential equalities impact of these changes to Standing Orders.

8. Conclusions and Recommendations

8.1 It is recommended that the quorum of the Audit and Performance Review Committee is reduced to three, being two Elected Members and one Lay Member. It is also recommended that the status of the Community Participation Committee is confirmed as being a Sub-Committee of Council, thus ensuring compliance with legislation.

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Person to Contact: Andrew A Fraser, Head of Legal, Administrative and Regulatory Services.

Appendices:

Background Papers:

Wards Affected: