

THE COSLA CONSTITUTION

Approved by the Convention – [7 March 2008]

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CONSTITUTION OF THE CONVENTION OF SCOTTISH LOCAL AUTHORITIES

1. CONSTITUTION AND TITLE

- 1.1 The body shall be a voluntary association of any councils in Scotland who wish to and who subscribe to membership of the Association. They will be known as the member councils.
- 1.2 The name of the Association shall be “The Convention of Scottish Local Authorities”.

2. GOALS OF THE ASSOCIATION

- 2.1 As the representative voice of local government in Scotland:
 - (a) to protect and support democratic local government and to promote the right and ability of councils, within the limits of the law, to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of their population;
 - (b) to promote the welfare and good government of the people of Scotland.

3. RESPONSIBILITIES OF THE ASSOCIATION

- 3.1 To obtain the views of its member councils on all issues which concern them, to provide a forum for discussion of these issues and to represent, where possible by consensus, to central government, other public bodies and the general public their views on the following matters:
 - (a) the structure of local government and the statutory framework within which it operates;
 - (b) the functions of government and the respective responsibilities of central government, local government and other agencies, and the inter-relationship between local government, central government and other agencies;
 - (c) the financing of local government services, the nature and extent of grants from central government, local taxation and charges for services;
 - (d) the delivery of individual services by member councils, the statutory framework of rights, powers and duties, the practices of member councils and arrangements for co-operation and co-ordination in the provision of services made between councils.
- 3.2 To make representations to central government and Parliaments seeking changes in legislation and practice, or supporting or opposing such changes which may be proposed by others.
- 3.3 To discuss with central government the mechanisms regulating the level of local government expenditure, the level of expenditure provisions and of general and specific grants both in overall amounts and in respect of their distribution or allocation to individual member councils.

- 3.4 To represent the interests of local government in Scotland in matters of common interest with the associations of local authorities.
- 3.5 To represent the interests of local government in Scotland to the European Union, its institutions and other international institutions.
- 3.6 To act as the employers' association on behalf of member councils and to represent them in collective negotiations with representatives of employees on salaries, wages and conditions of service matters; to provide or contribute to the provision of resources to support the work involved in such negotiations, and to provide advice and assistance to member councils on the implementation and application of agreements reached and generally on any other employment matters.
- 3.7 To develop, encourage and promote good local government practice in partnership with member councils and, where appropriate, other bodies.
- 3.8 To provide or assist in the provision of programmes, courses and other arrangements for the training and development of local government employees and elected members; to offer advice to member councils on training and development generally and to inform and advise professional associations and other bodies responsible for provision of education and training on the requirements of local government in respect of the qualification and training of employees and prospective employees.
- 3.9 To obtain information on matters relating to local government and public services from member councils and other sources; to undertake or commission research on matters of concern to member councils; and to disseminate such information to member councils and other relevant bodies.
- 3.10 To provide information generally regarding local government in Scotland; to publicise the policies and work of the Convention and of local government; and to increase public awareness of the value of local government and its needs and aspirations.
- 3.11 To provide, or arrange for the provision of, a range of cost effective services to member councils as considered appropriate and necessary.
- 3.12 To use its best endeavours to enable members of different political groups to have the opportunity to contribute to the Convention's work and to the development of policies that represent, as far as possible, consensus between the political groups.
- 3.13 To do anything which is likely to assist in carrying out the aims of the Convention.

4. THE CONVENTION

- 4.1 At least four general meetings of the Convention will be held in each calendar year, on such dates as agreed by the Convention or Leaders Meeting.
- 4.2 Special meetings of the Convention may be convened on the authority of the President, or if requested in writing to the Chief Executive of the Association by a number of member councils collectively comprising at least 25% of the weighted membership of the Convention. Such a meeting shall be held within twenty-one days of receipt of the request.

- 4.3 The membership of meetings of the Convention shall comprise:
- (a) representatives appointed by member councils whose number shall be in accordance with Appendix I (which assumes membership by all eligible councils) and, as far as practicable, on a basis which reflects the balance of party political strength within each member council, having regard to any advice issued from time to time by the Convention;
 - (b) Spokespersons may attend and take part in the proceedings at any meetings of the Convention but shall not have the right to vote unless they have been appointed as a representative of a member council in terms of 4.3(a) above;
 - (c) the immediate past President of the Convention, unless he or she has been appointed as a representative of a member council and provided that he or she remains an elected member of a member council;
 - (d) up to two representatives of a political group if less than two representatives have been appointed to the Convention in accordance with 4.3(a) above. Any such representative appointed under this section must be an elected member of a member council. For the purpose of this section a political group shall comprise not less than 5% of the total number of elected members in Scotland elected at the last election of councillors.
- 4.4 The Chief Executive of each member council or an officer deputising for the Chief Executive shall be entitled to attend and take part in the proceedings of meetings of the Convention, but shall not have the right to vote.

5. OFFICE BEARERS

- 5.1 The principal office bearers of the Convention shall be the President and the four Vice Presidents.
- 5.2 The role of the President and Vice Presidents is set out in Appendix 2.
- 5.3 The Convention shall elect its principal office bearers at the first general meeting of the Convention following the Ordinary Election of Councillors to be held within 9 weeks of the Ordinary Election. The current office bearers shall remain in office until the first general meeting following the election of councillors, provided they remain an elected member of a member council and have signed the Declaration of Acceptance.
- 5.4 In the event of a casual vacancy arising in the office of President or Vice President, the vacancy shall be filled at the next meeting of the Convention. The meeting will be held not less than six weeks after the vacancy arises, except where the vacancy occurs within six months of the meeting at which the office bearers will be elected following the ordinary election of councils is to take place. In such circumstances the vacancy shall remain unfilled until that meeting.
- 5.5 The Convention shall elect, as two of its Vice Presidents, representatives of member councils who are not a member of the political group or coalition which forms the majority in the Convention. [to be discussed further]
- 5.6 A nomination for the office of President or Vice President shall be valid only if made by the representative's own member council and supported by one other member council.

- 5.7 All nominations for office shall be notified in writing to the Chief Executive of the Convention not later than three weeks prior to the meeting of the Convention at which office bearers fall to be appointed. Not later than two weeks prior to such a meeting, the Chief Executive shall notify all member councils of the names and councils of all nominees for office and of the member councils supporting the nominations.
- 5.8 Spokespersons shall be appointed by the Convention at the same meeting that elects the principal office bearers under paragraph 5.3. The term of office will be until the first meeting after an ordinary election of councils, so long as the holder of the office remains an elected member of a member council and has signed the Declaration of Acceptance. The Convention may also fill at any time a casual vacancy in the office of Spokesperson at a meeting of the Convention.
- 5.9 Any person appointed to the office of Spokesperson shall be eligible for re-appointment but shall not be eligible to serve in the same office for more than two consecutive terms of office whatever their duration.
- 5.10 The Convention can remove from office any President, Vice President or Spokesperson on a simple majority vote. Notice of a motion to remove a principal office bearer (President or Vice President) on a proposal by the Leaders Meeting or the motion of a member council must be given to the Convention not less than six weeks prior to the date of the meeting at which it is to be considered. Notice of such a Leaders Meeting proposal or motion by a member council must be sent to all member councils 28 days before the meeting.
- 5.11 The President and Vice Presidents will act, in liaison with one another, as COSLA Spokespersons on all matters not covered by the appointment of Spokespersons at any given time.

6. BUSINESS PLAN

- 6.1 The Convention shall approve annually an overall Business Plan designed to advance the Association's aims and objectives, setting out priorities and work programmes for COSLA's political structures and officer teams in the form of a Strategic Plan and an Operational Plan.

7. LEADERS MEETING

- 7.1 The policy and conduct of the affairs of the Convention shall be under the management of the Leaders Meeting.
- 7.2 The Leaders Meeting shall comprise:
- (a) the President and four Vice Presidents of the Convention;
 - (b) the Leader of Administration/Convener (where no Leader's post exists) of each council;
 - (c) COSLA Spokespersons (who are not Leaders/Conveners of a Council); and
 - (d) any Leader of the Convention's political groups not also a Leader of a Council or a Spokesperson.

7.3 The Chief Executive of each member council or an officer deputising for the Chief Executive shall be entitled to attend and take part in the proceedings of the Leaders Meeting, but shall not have the right to vote.

7.4 The Leaders Meeting shall be responsible:

- (a) for identifying the strategic issues facing the Convention, to be incorporated into the Business Plan; for developing and ensuring effective policies in relation to such issues; and for developing and securing a corporate approach to policy formulation in the work of the Convention;
- (b) for monitoring the progress of the implementation of the strategic elements of the Business Plan including directing Spokespersons or Task Group Chairs to make presentations as requested;
- (c) for overseeing the annual process of review and update of the Business Plan and for making related recommendations to the Convention;
- (d) for managing the finances of COSLA from within the framework outlined in the Convention's approved Financial Plan;
- (e) for keeping under review the effectiveness of the operation of COSLA and the monitoring of its performance;
- (f) for the progress of discussion and negotiation with central government on the overall amounts, and arrangements for distribution, of expenditure and grants;
- (g) for consideration of proposals for levels of financial assistance, charges for services and other payments to other bodies and fees or charges to be made by councils;
- (h) for liaison with other local authority associations on matters of common interest;
- (i) for representation to the European Union and participation in its institutions and other international institutions;
- (j) for the development of policies to secure a highly skilled and motivated local government workforce, including the negotiation of their pay and conditions of service;
- (k) for ensuring the development of policies in relation to corporate issues affecting local government, including community planning, social inclusion, equal opportunities, sustainability and best value;
- (l) for the management of the finances of the Convention, including the preparation of budgets, the approval of expenditure and arrangements for borrowing and investment of money;
- (m) for the provision of accommodation required by the Convention for (1) meetings of the Convention; (2) all associated bodies; and (3) the staff employed;

- (n) for determining the calendar of meetings of the Convention, and Leaders Meetings, and the time and places of such meetings;
- (o) for securing the provision of advice to the Convention and its various bodies by the appointment of advisers and other arrangements where this is considered appropriate;
- (p) for approving new policy positions between meetings of the Convention; and
- (q) for establishing short life Task Groups between meetings of the Convention.

7.5 Voting at Leaders Meetings shall be on the basis of one vote per council exercised by the Leader of Administration/Convener (where no Leaders post exists) or their nominated substitute.

8. SPOKESPERSONS

8.1 The Convention shall appoint such Spokespersons as it determines from time to time.

8.2 The Convention shall appoint Spokespersons such that the political affiliations of the Spokespersons taken as a whole are proportionate to the strengths of the Political Groups within the Convention.

8.3 The role of Spokespersons is set out in Appendix 3.

8.4 A protocol for Spokespersons shall be included within a Scheme of Delegation approved by the Convention.

9. EXECUTIVE GROUPS

9.1 The Convention may establish Executive Groups to develop policy initiatives with terms of reference as it shall determine from time to time.

9.2 The chair of the Executive Group will be the Spokesperson appointed by the Convention.

9.3 All member councils will be represented on the Executive Groups established.

9.4 The Minutes of Executive Group meetings shall be submitted to the Leaders Meeting, or to the Convention as appropriate.

9.5 The Convention or Leaders Meeting shall receive and reach a view on the reports by the Executive Groups made in fulfilment of their terms of reference.

10. TASK GROUPS

10.1 The Convention or the Leaders Meeting may establish short life Task Groups to develop policy initiatives with terms of reference as the Convention or Leaders Meeting may determine from time to time.

10.2 The membership of a Task Group will be determined by the Convention or Leaders Meeting.

- 10.3 The chair of the Task Group, appointed by the Convention or Leaders Meeting, will act as COSLA's Spokesperson on the remit of the Task Group for the period of the Group's existence. They will fulfil the role of Spokesperson as set out at Appendix 3.
- 10.4 The minutes of Task Group meetings shall be submitted to the Leaders Meeting, or to the Convention as appropriate.
- 10.5 Task Groups shall report periodically to the Leaders Meeting on progress with their activities.
- 10.6 The Convention or Leaders Meeting shall receive and reach a view on the reports by the Task Groups made in fulfilment of their terms of reference.
- 10.7 Three or more member councils can request the Convention or Leaders Meeting to establish a short life Task Group to develop a policy initiative with terms of reference proposed by those member councils.

11. PROVISIONS FOR MEETINGS

- 11.1 The arrangements for the submission of motions by member councils to the Convention and Leaders Meetings, and for the giving of notice of meetings and the regulating of the procedure at meetings, shall be governed by Standing Orders which shall be approved by the Convention.
- 11.2 If a representative of a member council is unable to attend any meeting of the Convention, or the Leaders Meeting, that representative or the Chief Executive of that member council may, by written intimation to the Chief Executive of the Convention, appoint another member of that member council to attend and to vote and act at the meetings.
- 11.3 The appointment of a representative by a member council shall remain valid until the date on which the Convention receives notification of the appointment of a successor or until a representative ceases to be a member of that member council.
- 11.4 References in the Constitution and Standing Orders to the Chief Executive of a member council shall, in the case of a member council which does not have an officer so designated, mean the member council's Head of Paid Service.

12. FINANCE

- 12.1 The Leaders Meeting shall submit for consideration to a meeting of the Convention prior to the 1st day of April in each year a statement of estimated income and expenditure for the year commencing on that date, and the Convention shall then determine its Financial Plan.
- 12.2 Each member council shall be required to make a payment by way of subscription. The rate of subscription shall be determined annually by the Convention and shall comprise a fixed flat rate and a proportion based on the population of the member council's area. Subscriptions shall be payable on 1 April each year. For the purposes of this section, the population of a member council's area shall be the Registrar General's estimate of the population of that area as at the 30th day of June preceding the financial year in question.

- 12.3 The Accounts of the Convention shall be made up for the year to the 31st day of March. A Statement of the Accounts for the preceding year, together with the auditor's report, shall be submitted to a meeting of the Convention. Copies of such accounts and auditor's report shall be sent to each member council and to each representative appointed by a member council at least ten days prior to the date of the meeting.
- 12.4 The Leaders Meeting may authorise arrangements for bank overdraft or other borrowing facilities, subject to such limit as may be determined by the Convention.
- 12.5 The Leaders Meeting may authorise virement between budget heads subject to such limit as may be determined by the Convention.

13. AUDIT GROUP

- 13.1 The Audit Group shall be responsible for the monitoring of the COSLA budget and will be responsible for reporting as appropriate to the Leaders' Meeting.
- 13.2 The Audit Group shall prepare a draft statement of income and expenditure for the coming year for consideration by the Leaders Meeting, which will make recommendations to the Convention.
- 13.3 The membership of the Audit Group will be appointed and revised from time to time by the Leaders Meeting.

14. LEADERSHIP BOARD

- 14.1 The Leadership Board shall be responsible for considering urgent items of business arising between meetings of the Convention and Leaders Meetings, shall act with the powers of the Convention itself, and will be responsible for reporting on any action taken to the Leaders Meeting or the Convention. Approval for action requires the support of two-thirds of those members of the Leadership Board present and voting.
- 14.2 The membership of the Leadership Board will be the President, the four Vice Presidents, the Leaders of the Political Groups and six Spokespersons. There will be named substitutes for each Political Group. The quorum for meetings shall be one half of the membership of the Board (or, in the event that the total membership is an odd rather than even number, one half plus one member).
- 14.3 The Leadership Board shall also be responsible:-
- (a) for acting as a Sounding Board for emerging ideas and policy development suggestions from the President and Chief Executive; and
 - (b) for all matters concerning the staff of COSLA and the conditions of service, including the appointment of the Chief Executive and Strategic Directors.
- 14.4 The agendas for meetings of the Leadership Board should be structured to make clear under which of its main functions items are being considered, with each being categorised under a heading of Urgency, Sounding Board or Staffing.

15. RESIGNATION OF MEMBER COUNCILS

- 15.1 Any member council wishing to terminate its membership of the Association shall give not less than 12 months' notice, in writing, to the Chief Executive of the Association, to expire on 31 March in any year. If a member council intimates notice to terminate its membership in any financial year, the 12 month period of notice will not commence until the first day of the next financial year.
- 15.2 Any member council shall, upon ceasing to be a member of the Association, forfeit all right to and claims upon the Association and its property and funds and, without prejudice to Section 16, shall pay such amount representing the member council's share of responsibility towards liabilities incurred by the Association on behalf of member councils, including the employment and superannuation of staff, during the currency of the member council's membership, such share to be in the same proportion to those liabilities as the subscription paid by that member council bears to the total subscription of the Association.

16. DISSOLUTION

- 16.1 If at any meeting of the Convention a motion, notice of which must be given not less than six weeks prior to the date of the meeting at which it is to be considered, for the dissolution of the Association shall be passed by at least two-thirds of members present with at least two-thirds of member councils represented at the meeting, the Leaders Meeting shall thereupon proceed to realise the property of the Association and make arrangements whereby the member councils shall discharge the Association's liabilities.
- 16.2 On the completion of such arrangements, the remaining assets of the Association shall be transferred to an Association or Associations having objects similar to those of the Convention and shall not be distributed amongst member councils unless no such Association or Associations can be identified in which case the remaining assets can be distributed amongst member councils.
- 16.3 In the event that the Association's property should prove to be insufficient to discharge its liabilities, member councils shall contribute such additional sum as is required to eliminate the deficiency and each member council's contribution shall be in the same proportion to the total deficiency as the subscription paid by that council bears to the total subscription of the Association.

17. STAFFING AND PROPERTY

- 17.1 The Convention shall employ a suitable person to be the Chief Executive of the Convention and such staff as may be reasonably required.
- 17.2 Subject to the direction of the Leadership Board, the Chief Executive shall be the Head of the Paid Service of the Convention and shall also be responsible for the collection, custody and accounting for the expenditure of the Convention's finances.
- 17.3 The Convention may purchase, take on lease or otherwise obtain land and buildings for use as offices to provide accommodation for meetings of the Convention, and for the use of staff, and may sell, renounce or otherwise dispose of such land and buildings, all on such terms and in such manner as it considers suitable.

- 17.4 All feu writs, dispositions, leases, assignations or renunciations shall be granted by or taken in the name of the President, the Vice Presidents and the Chief Executive of the Convention and their respective successors in office for the time being, as trustees *ex officiis* on behalf of the Convention. Any such writs etc shall be binding on the Convention and on its individual constituent member councils jointly and severally, and any superior, grantor, landlord, disponee or assignee shall not require to enquire into the authority for such actions.

18. INTRODUCTION AND ALTERATION OF CONSTITUTION

- 18.1 The Constitution shall come into effect immediately after its approval.
- 18.2 The Constitution may be altered or a new Constitution made at any meeting of the Convention, on a proposal by the Leaders Meeting or the motion of a member council, notice of which must be given to the Convention not less than six weeks prior to the date of the meeting at which it is to be considered. Notice of such proposal by the Leaders Meeting or such motion by a member council must be sent to all member councils 28 days before the meeting.

19. Glossary

- 19.1 "The Association" shall have the meaning given to that term by Clause 1 of this Constitution.
- 19.2 "The Convention" shall have the meaning given to that term by Clause 4.3 of this Constitution.
- 19.3 "Leaders Meeting" shall have the meaning given to that term by Clause 7.2 of this Constitution.
- 19.4 "Leadership Board" shall have the meaning given to that term by Clause 14.2 of this Constitution.
- 19.5 "member councils" shall have the meaning given to that term by Clause 1.1 of this Constitution.

[7 March 2008]

NUMBER OF PLACES ON CONVENTION

COUNCIL	NO. OF COUNCIL PLACES
Glasgow City	8
Edinburgh, City of	6
Fife	6
North Lanarkshire	6
South Lanarkshire	6
Aberdeen City	5
Aberdeenshire	5
Dundee City	5
Highland	5
Renfrewshire	5
Angus	4
Dumfries and Galloway	4
East Ayrshire	4
East Dunbartonshire	4
Falkirk	4
North Ayrshire	4
Perth and Kinross	4
Scottish Borders	4
South Ayrshire	4
West Lothian	4
Argyll and Bute	3
Clackmannanshire	3
Comhairle nan Eilean Siar	3
East Lothian	3
East Renfrewshire	3
Inverclyde	3
Midlothian	3
Moray	3
Orkney Islands	3
Shetland Islands	3
Stirling	3
West Dunbartonshire	3
TOTAL SCOTLAND	133

Notes: (1) In addition, the immediate past President may be a member of the Convention in terms of paragraph 4.3(c) of the Constitution

PRESIDENT AND VICE PRESIDENTS

The roles of the President and Vice Presidents shall be as follows;

1. The President should
 - (i) provide political leadership for the organisation;
 - (ii) promote the interests of Scottish local government;
 - (iii) represent COSLA at meetings and events where the formal authority of the President's office is required;
 - (iv) work across COSLA's political groups to establish clear political direction which is then reflected in all COSLA's work;
 - (v) develop and manage the general relationship with the Scottish Executive, Scottish Parliament and other key players;
 - (vi) lead the Spokespersons where necessary;
 - (vii) provide the focus for COSLA's general image in the media and represent the organisation in media terms where the importance of the issue demands it; and
 - (viii) provide a link between the officer structure of COSLA and its political structure and provide day to day political direction as required to respond to situations between meetings.

2. These responsibilities of the President shall similarly apply to the Vice-Presidents acting in their capacity of providing back-up and support to the President or deputising in the President's absence.

SPOKESPERSONS

The role of the Spokesperson will be as follows:

1. To chair and secure administrative support for meetings of Executive Groups or Task Groups.
2. To provide leadership to ensure delivery of aspects of the COSLA Strategic Work Plan relevant to their remit.
3. To enable members of different political groups to contribute to the Convention's work and to the development of policies which represent, as far as possible, consensus between the political groups.
4. To ensure that links between services and issues within their remit and that of other Spokespersons are identified and developed.
5. To act as COSLA's primary point of contact with Scottish Executive and other Ministers.
6. To lead cross-party delegations to Ministers as appropriate.
7. To maintain regular personal contact with appropriate officers within the Convention both to provide guidance and to keep in touch with issues affecting the area of the Spokesperson's responsibility.
8. To encourage participation, debate and ownership through the development of member/officer working groups, seminars and other forms of participation as appropriate.
9. To maintain effective liaison with member councils.
10. To maintain effective liaison with other Spokespersons.
11. To develop relationships with partner organisations and the media as appropriate.
12. To represent and advocate the views of COSLA in respect of their area of responsibility to central government and Parliaments, to the wider community, to the media and to partner organisations.
13. To ensure that matters of new policy within their remit are referred to the Convention or Leaders Meeting for approval.
14. To make presentations on the work of their Executive or Task Group to the Leaders Meeting as required.