

MINUTE OF MEETING OF CONVENTION

Friday 11 October 2019

Fairmont Hotel, St Andrews

**Present**

COSLA President	Cllr Alison Evison
COSLA Vice President	Cllr Graham Houston
Aberdeen City	Cllr Marie Boulton (Substitute)
Aberdeen City	Cllr John Wheeler (Substitute)
Aberdeen City	Cllr M. Tauqeer Malik
Aberdeen City	Cllr Alex Nicol (Substitute)
Aberdeen City	Cllr Ian Yuill
Aberdeenshire	Cllr Jim Gifford
Aberdeenshire	Cllr Norman Smith
Aberdeenshire	Cllr Ross Cassie
Angus	Cllr Ben Lawrie
Angus	Cllr Lynne Devine
Argyll and Bute	Cllr Aileen Morton
City of Edinburgh	Cllr Eleanor Bird
City of Edinburgh	Cllr Cameron Rose
Clackmannanshire	Cllr Dave Clark
Clackmannanshire	Cllr Ellen Forson
Comhairle nan Eilean Siar	Cllr Roddie Mackay
Comhairle nan Eilean Siar	Cllr Norman A MacDonald
Comhairle nan Eilean Siar	Cllr Adam Wilson
Dumfries and Galloway	Cllr Jane Maitland
Dumfries and Galloway	Cllr Rob Davidson
Dumfries and Galloway	Cllr Ian B Carruthers
Dundee City	Cllr John Alexander
Dundee City	Cllr Ken Lynn
Dundee City	Cllr Kevin Keenan
Dundee City	Cllr Willie Sawers
Dundee City	Elaine Zwirlein (Substitute)
East Ayrshire	Fiona Lees
East Ayrshire	Cllr Tom Cook
East Dunbartonshire	Gerry Cornes
East Dunbartonshire	Cllr Susan Murray
East Dunbartonshire	Cllr Gordan Low
East Lothian	Cllr Lachlan Bruce (Substitute)

East Renfrewshire	Cllr Barbara Grant (Substitute)
East Renfrewshire	Cllr Tony Buchanan
East Renfrewshire	Cllr Paul O'Kane
Falkirk	Cllr Robert Bissett
Falkirk	Cllr David Alexander
Falkirk	Cllr Cecil Meiklejohn
Fife	Cllr Jonny Tepp (Substitute)
Fife	Steve Grimmond
Fife	Cllr Judy Hamilton
Fife	Cllr David Ross
Glasgow City	Cllr Aileen McKenzie (Substitute)
Glasgow City	Cllr Ken Andrew (Substitute)
Glasgow City	Cllr Allan Casey
Glasgow City	Cllr Susan Aitken (Teleconference)
Glasgow City	Cllr Christina Cannon
Glasgow City	Cllr Thomas Kerr
Highland	Cllr Matthew Reiss (Teleconference)
Highland	Cllr Andrew Jarvie
Highland	Donna Manson (Teleconference)
Inverclyde	Cllr John Crowther (Substitute)
Inverclyde	Aubrey Fawcett
Inverclyde	Cllr John Crowther
Inverclyde	Cllr Martin Brennan (Substitute)
Midlothian	Cllr Margot Russell (Substitute)
Moray	Cllr Graham Leadbitter
Moray	Roderick Burns
North Ayrshire	Cllr Tom Marshall
North Ayrshire	Cllr John Bell
North Ayrshire	Cllr Joe Cullinane
North Ayrshire	Cllr Marie Burns
Orkney Islands	Cllr Steven Heddle
Orkney Islands	Cllr Leslie Manson
Perth and Kinross	Cllr Peter Barrett
Perth and Kinross	Cllr John Duff
Renfrewshire	Cllr John McNaughtan (Substitute)
Renfrewshire	Cllr Thomas Begg (Substitute)
Renfrewshire	Cllr Cathy McEwan (Substitute)
Renfrewshire	Cllr Jacqueline Cameron (Substitute)
Scottish Borders	Cllr Heather Anderson (Substitute)
Scottish Borders	Cllr Stuart Bell
Scottish Borders	Cllr Shona Haslam
Scottish Borders	Cllr Tom Weatherston (Substitute)
Shetland Islands	Cllr Emma Macdonald (Substitute)
Shetland Islands	Cllr Steven Coutts
South Lanarkshire	Cllr John Ross
South Lanarkshire	Cllr Gerry Convery
South Lanarkshire	Cllr Maureen Chalmers
South Lanarkshire	Cllr Joe Fagan
South Lanarkshire	Cllr Alex Allison

Stirling	Cllr Danny Gibson
Stirling	Cllr Scott Farmer
West Dunbartonshire	Cllr Jonathan McColl
West Lothian	Cllr Lawrence Fitzpatrick
West Lothian	Cllr Kirsteen Sullivan
West Lothian	Cllr Frank Anderson
West Lothian	Cllr Chris Horne (Substitute)

### **Apologies**

Aberdeen City	Angela Scott
Aberdeen City	Cllr Douglas Lumsden*
Aberdeen City	Cllr John Reynolds*
Aberdeen City	Cllr Stephen Flynn
Aberdeenshire	Cllr Peter Argyle
Aberdeenshire	Cllr Richard Thomson
Aberdeenshire	Jim Savege
Angus	Cllr Bob Myles
Angus	Cllr Craig Fotheringham
Angus	Margo Williamson
Argyll and Bute	Cllr Alastair Redman
Argyll and Bute	Cllr Sandy Taylor*
Argyll and Bute	Cllr Lorna Douglas
Argyll and Bute	Cleland Sneddon
City of Edinburgh	Andrew Kerr
City of Edinburgh	Cllr Cammy Day
City of Edinburgh	Cllr Iain Whyte
City of Edinburgh	Cllr Adam McVey
City of Edinburgh	Cllr Lesley Macinnes
City of Edinburgh	Cllr Mary Campbell
Clackmannanshire	Nikki Bridle*
Clackmannanshire	Stuart Crickmar
Clackmannanshire	Cllr Martha Benny
Comhairle nan Eilean Siar	Cllr Alasdair MacLeod
Comhairle nan Eilean Siar	Malcolm Burr
Dumfries and Galloway	Gavin Stevenson
Dumfries and Galloway	Cllr Gail McGregor
Dundee City	David Martin*
Dundee City	Cllr Philip Scott
East Ayrshire	Cllr Elena Whitham*
East Ayrshire	Cllr Jim McMahan
East Ayrshire	Cllr John McGhee
East Ayrshire	Cllr Douglas Reid
East Dunbartonshire	Cllr Alan Moir
East Dunbartonshire	Cllr Billy Hendry
East Lothian	Cllr William Innes
East Lothian	Angela Leitch
East Lothian	Cllr Jane Henderson*
East Lothian	Cllr Stuart Currie
East Renfrewshire	Lorraine McMillan
East Renfrewshire	Cllr Stewart Miller

Falkirk	Kenneth Lawrie
Falkirk	Cllr John Patrick
Fife	Cllr Timothy Brett*
Fife	Cllr David Alexander
Fife	Cllr David Dempsey
Fife	Cllr Kathleen Leslie
Fife	Cllr Karen Marjoram
Glasgow City	Annemarie O'Donnell
Glasgow City	Cllr Archie Graham
Glasgow City	Cllr Frank McAveety*
Glasgow City	Cllr Jon Molyneux
Glasgow City	Cllr Rhiannon Spear*
Highland	Cllr Struan Mackie*
Highland	Cllr Ian Cockburn
Highland	Cllr Bill Lobbhan
Highland	Cllr Margaret Davidson
Highland	Cllr Maxine Smith
Inverclyde	Cllr Christopher McEleny*
Inverclyde	Cllr Jim Clocherty
Inverclyde	Cllr Stephen McCabe*
Midlothian	Cllr Pauline Winchester
Midlothian	Cllr Kelly Parry
Midlothian	Cllr Russell Imrie
Midlothian	Cllr Derek Milligan
Midlothian	Dr Grace Vickers
Moray	Cllr Tim Eagle
Moray	Cllr Shona Morrison
North Ayrshire	Craig Hatton
North Lanarkshire	Cllr Paul Kelly
North Lanarkshire	Cllr Jim Logue
North Lanarkshire	Cllr Heather McVey
North Lanarkshire	Cllr Jordan Linden
North Lanarkshire	Cllr Sandy Watson
North Lanarkshire	Cllr Tom Johnston
North Lanarkshire	Des Murray
Orkney Islands	Alistair Buchan
Orkney Islands	John Mundell
Orkney Islands	Cllr James Stockan
Perth and Kinross	Cllr Dave Doogan
Perth and Kinross	Cllr Murray Lyle
Perth and Kinross	Cllr Xander McDade
Perth and Kinross	Karen Reid
Renfrewshire	Cllr Jim Paterson*
Renfrewshire	Cllr Eddie Devine
Renfrewshire	Cllr John Shaw*
Renfrewshire	Cllr James MacLaren*
Renfrewshire	Sandra Black
Scottish Borders	Cllr David Parker*
Scottish Borders	Cllr Simon Mountford*
Scottish Borders	Tracey Logan
Shetland Islands	Cllr Alastair Cooper
Shetland Islands	Cllr Margaret Davidson

Shetland Islands	Maggie Sandison
SOLACE	Catherine Eadie
South Ayrshire	Eileen Howat
South Ayrshire	Cllr Brian McGinley
South Ayrshire	Cllr Peter Convery
South Ayrshire	Cllr Brian Connolly
South Lanarkshire	Cllr Douglas Campbell
South Lanarkshire	Cllr Margaret Cooper*
South Lanarkshire	Cllr Jackie Burns
South Lanarkshire	Lindsay Freeland
South Lanarkshire	Cllr Margaret Cooper
Stirling	Carol Beattie
Stirling	Cllr Neil Benny
West Dunbartonshire	Cllr Caroline McAllister
West Dunbartonshire	Cllr John Mooney
West Dunbartonshire	Joyce White
West Dunbartonshire	Cllr John Mooney
West Lothian	Cllr Peter Johnston
West Lothian	Cllr Damian Timson*
West Lothian	Graham Hope

*\*Denotes substitute provided*

*Apologies are recorded where notified in advance or sederunt not signed*

## **Public Session**

### **Welcome by the President of COSLA**

The President, Councillor Alison Evison, welcomed delegates to COSLA's Convention at the Fairmont Hotel, St Andrews, following on from COSLA/IS Annual Conference.

#### **1. Minute of Previous Meeting of 29 March 2018**

The President noted that item 4 in the previous minute referred to the COSLA Strategic Review Follow-Up, and indicated that a further report would be submitted to this meeting. She updated that work had been progressing, but this had now been subsumed within COSLA's broader Transformation Plan work and a report on that would be submitted to Leaders in the very near future. A report on the Transformation Plan would follow to Convention in March.

The minute was agreed as an accurate record.

#### **2. Motion from Aberdeen City Council**

A motion had been received from Aberdeen City Council in the following terms:

*COSLA notes Aberdeen City Council, the 3rd biggest city in Scotland, only receives £60,199m in General Revenue Grant.*

*Notes Aberdeen City Council generates 86% of its own revenue through Council Tax and Business Rates, the highest percentage in Scotland.*

*Seeks COSLA's support for Aberdeen City Council to retain the extra £28m it raised in Business Rates without a reduction in the General Revenue Grant as agreed between COSLA and the Scottish Government.*

*Seeks a full review of the distribution formula which disadvantages Aberdeen City Council massively.*

The President indicated that while, in accordance with COSLA's Standing Orders, the motion was competent to be listed on the Convention agenda as requested by Aberdeen City Council, any decision on the matters raised in the motion could only be taken at a Leaders meeting. Accordingly, she suggested that the motion be referred in full to the next Leaders meeting where decisions on the matters raised could be taken.

In answer to a question, the President advised that all matters of competency and relevancy were for her as chair, to decide on, and any such ruling, in terms of COSLA's Standing Orders, was final.

Further questions around the legal advice received by COSLA in terms of the competency of considering the motion at the meeting of Convention were raised and the President agreed that a summary of that be noted in the appendix to the next meeting.

Convention noted that a report on the Motion would be considered at the next meeting of Leaders on 25 October 2019.

### **3. Spending Review**

The report provided Convention with a high-level overview of progress advancing COSLA's Priority on Local Government Funding, in the context of the 2019 Spending Review. The paper provided an outline of the current Campaign based on the key message and key themes agreed by COSLA Leaders in June. It particularly highlighted the work that had been underway at a political and officer level to promote them.

Convention noted the work which was being undertaken to advance the COSLA Priority 'Local Government Funding' as part of the 2019 Spending Review Campaign.

### **4. UK Exit from EU Update**

The paper clarified the range of measures put in place by COSLA, with the assistance of SOLACE, to ensure that Local Government is as effectively prepared, informed and coordinated as it is possible to be in the run up to the UK Exit date.

The measures include the monitoring of key issues of concern to Local Government (e.g. supply issues), and engaging with Local Government officers, representative bodies, Scottish and UK Governments to seek to resolve these.

Convention noted the updates regarding work in progress, particularly the work to assess and bid for required funding to prepare and handle the impacts of EU Exit.

### **5. Local Governance Review**

The paper provided Convention with an update on the Local Governance Review, following the discussion held at COSLA Leaders in August. It noted the reassurance that was given from Scottish Government on their commitment to move forward on all three empowerments as initially agreed. This had given Leaders a renewed confidence that a place-based approach enabling local variation could be progressed with wider public sector partners.

Convention agreed the recommendations for COSLA, as set out in paragraph 20 of the report, as the right approach.

### **6. COSLA's Audited Financial Statements for Year Ending 31 March 2019**

The report provided a narrative to the detail in an appendix which was the final audited COSLA accounts for 2018/19. The report reflected the figures that the COSLA Audit Group reviewed at intervals throughout the year, when discussing budget monitoring statements with officers. Highlighted in the report was commentary on the larger figures and changes since last year.

Convention agreed to adopt the 2018/19 final accounts.

## **Items to be taken in Private Session**

### **7. COSLA Priorities Update: April – September 2019**

The paper set out the activity undertaken in pursuit of COSLA's ten Priorities.

The detail, in a revised format, was intended to be easier to read and to navigate, therefore giving as succinct an overview as possible of the progress being made towards the Priorities.

The information was now presented with Red, Amber, Green notation which, earlier this year, Leaders had suggested would be useful to those reading the document.

Convention:

- i. noted the progress being made toward the COSLA Priorities through work on each of the workstreams being carried out by COSLA's policy teams; and
- ii. noted the revised format, adopted in the context of the wider developmental work COSLA was currently progressing.



## Appendix 1

### **Summary of Legal Advice received from Brodies LLP Solicitors in terms of competency of Motion from Aberdeen City Council (item 2 above)**

The motion should be included on the agenda for the meeting of the COSLA Convention for the purpose of having a ruling on its competency/relevancy.

In terms of COSLA's Standing Orders, all matters of competency and relevancy are for the President to decide on, whose rulings are to be final.

The substance of the motion fell within the ambit of Leaders' Meeting rather than the Convention.

(Brodies) acknowledged (as noted in COSLA's request for advice) that the COSLA Constitution provides for Convention to "operate as a forum for considering strategic policy of national significance to local government and interact with Scottish and UK Governments on such matters". That being so, one could make an argument that the third part of the motion fell within the scope of that part of the Constitution but (Brodies') view was that it was more appropriate to see it as concerning "the progress of discussion and negotiation with Scottish and, if appropriate, UK government on the overall amounts, and arrangements for distribution, of expenditure and grants"; and "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" and therefore within the remit of the Leaders' meeting.

The COSLA Constitution does not contain any provision entitling the Convention to require the Leaders' meeting to consider Aberdeen's proposals, which reflects the amendments made to the Constitution a couple of years ago which were intended, among other things, to ensure that Leaders' meeting was not regarded as 'subordinate' to the Convention.

