

Appointments to Outside, Employer and Other Bodies

Introduction

This report concerns appointments required to be made by COSLA at the start of a new council term. These are important in maintaining and developing the interests of Scottish Local Government collectively. Historically, many of the appointments have been made from members of COSLA's governing structures.

Recommendations

The Convention is asked to agree:

- i. that for various international bodies (as paragraphs 2-13) the following places be filled on the basis of political consensus between COSLA Political Group Leaders, achieving gender balance where needed:
 - a. agree three places at the Council of European Regions and Municipalities Policy Committee – one full, their alternate and one alternate for a Welsh member, all usually from the larger Groups on Convention and there must be gender balance;
 - b. agree the COSLA delegate on the UCLG World Council be either the President or Vice-President, and agree an alternate, perhaps the full CEMR Policy Committee member;
 - c. agree that the practice continue of selecting representation as appropriate to the particular meeting of the EU Committee of the Regions UK Contact Forum from the Presidential Team or Spokespersons;
- ii. that Councillor Jacqueline Cameron and Councillor Julie Bell continue their positions representing COSLA on the Public Health Scotland Board (as paragraphs 14-15);
- iii. that the COSLA positions on the Improvement Service Board be filled by the President and agree the three other representatives (as paragraphs 16-19);
- iv. the proposed size and political make-up of the TSS Board (as paragraphs 22-25) and to authorise COSLA Political Group Leaders to make the necessary appointments by end July ;
- v. the proposed size and political make-up of the Business Gateway Board (as paragraphs 28-30) and to authorise COSLA Political Group Leaders to make the necessary appointments by end July;
- vi. the councillors to represent employer interests on the negotiation bodies that agree our employees pay and conditions as follows - one councillor from each council to join the Scottish Joint Council for Local Government Employees (SJC), 12 councillors for the SJC steering group and 8 councillors for the Scottish Negotiation Committee for Teachers (as paragraphs 32-36);
- vii. that if there is a need for a Chief Officials or Craft Operatives committee meeting COSLA officers should seek councillors from those members representing councils on the full SJC (as paragraphs 37-39); and

- viii. that, in terms of vacancies on the Scottish Public Pension Agency Pension boards (as paragraphs 40-57):
- a. agree the proposed process and timeline for filling two vacancies on the Scottish Teachers' Pension Board and the six vacancies on the Scheme Advisory Board;
 - b. to offer direction on whether the call for prospective nominees should include council officers with experience of pensions, as well as Elected Members, for the positions on the Scheme Advisory Board in particular; and
 - c. agree that any future vacancies on both Boards be filled in line with the processes above and that to achieve this, COSLA officers will work under the direction of COSLA's Resources Spokesperson and alongside SPPA's governance officers, seeking nominations from councils as required.

References

Various

June 2022

Appointments to Outside, Employer and Other Bodies

Introduction

1. This report concerns appointments required to be made by COSLA at the start of a new council term. These are important in maintaining and developing the interests of Scottish Local Government collectively. Historically, many of the appointments have been made from members of COSLA's governing structures.

International Bodies

2. **The Congress of Local and Regional Authorities of the Council of Europe:** the UK is a founding member of this pan-European organisation, which until recently also included Russia. It is responsible for overseeing the European Charter of Local Self Government. It is also the only international body where Scottish Local Government and the Scottish Parliament are officially represented. At the start of each Congress period, the UK Government asks COSLA to nominate one full and one alternate member (same for the Scottish Parliament). The present Congress term runs for 2021-2026 and Convention in 2021 confirmed Cllr Heather Brannan-McVey and Cllr Tony Buchanan as full and alternate members. They were subsequently appointed by the UK and ratified by the ministerial meeting of the Council of Europe for this five-year term. This means that these appointments are not due for reappointment until the Winter 2025 COSLA Convention.
3. **The Council of European Municipalities and Regions (CEMR)** is the European version of COSLA. It is a lobbying body made up of 54 national associations of local and regional authorities from both EU and non-EU European countries. It is one of the oldest pan-European bodies. The CEMR actively lobbies across a large variety of subject areas, from environment, energy, transport, public services, employment legislation and EU cohesion funding. The Policy Committee (the equivalent of our Convention) meets twice yearly (around two days commitment each time) in Brussels and member states of the Council of Europe, and sets the political direction of CEMR.
4. As part of the overall UK delegation to the CEMR Policy Committee, Convention is asked to appoint one full and two alternate members (one who substitutes when needed for the COSLA member and one who can substitute for the WLGA member). These should be different political groups and gender balance is required.
5. The CEMR Policy Committee next meets later in June in Italy and, for this meeting, both COSLA's full member and their alternate are likely to be able to attend.
6. For information, Cllr Steven Heddle and Cllr Gail Macgregor have been respectively CEMR Spokespersons on Territorial Development, and Employment and Social Affairs. Cllr Heddle, on the back of this CEMR role, has also been member of a Committee on this same matter in UCLG, alongside his opposite numbers from other continents. The role of Spokesperson involves representing the whole international organisation in mayoral European or United Nations summits. Having been re-elected, Cllr Heddle and Cllr Macgregor's CEMR roles continues until the renewal of all senior positions in both organisations. This is due to take place in October (for UCLG) and December (for CEMR).
7. **The United Cities and Local Governments World Council** represents the voice of Local Government in the United Nations and the international community. The UCLG has had a crucial role in the development of the United Nations Sustainable Development Goals (SDGs) of which some are specifically local.

8. The World Council is the equivalent of Convention for our worldwide membership association. It meets once a year in person for at least a couple of days, although it has been possible to attend online.
9. Convention is asked to nominate one full member, and it is also possible now to nominate an alternate.
10. Traditionally the full position has been held by the COSLA President. If this is the case again in the new term, members might wish to consider that the CEMR Policy Committee member could act as their alternate in UCLG, on the grounds that CEMR is the European continent branch of UCLG and the work is closely intertwined.
11. The **EU Committee of the Regions UK Contact Forum** is an informal body which is the only established avenue for political dialogue between UK and EU subnational authorities. The four UK associations of local authorities and the three devolved Governments and Parliaments, as well as London and Gibraltar Government are members. It has been in operation for two years and it has provided a useful link to discuss both the practical impacts of EU withdrawal and also to identify new avenues of cooperation with the EU, as well as all other non-member countries with whom the EU has a trade deal.
12. The March 2018 Convention agreed that the Presidential Team and the Spokespersons represent COSLA on this body, attending whenever appropriate to their portfolio. With the return of in person meetings, it is likely that there will be hybrid meetings alternating between the UK and Brussels. The last one was hosted by the Welsh Parliament and supported by the Welsh Government.
13. Convention is asked to confirm that the Presidential Team and Spokespersons continue to represent COSLA as appropriate.

Public Health Scotland

14. Councillors Jacqueline Cameron and Councillor Julie Bell have represented COSLA on the Public Health Scotland Board since April 2020. These appointments were agreed by Leaders in January of that year. The full term of representation on the Board is four years. In March 2022 the COSLA Leadership Sounding Board was asked their thoughts on whether, if the two councillors were re-elected at the Local Government elections, they should continue to sit on the Board for a further two years. This would give COSLA representatives on the Board the equivalent of one full term. Members were supportive of this approach in principle, noting that it would be subject to agreement of Convention. Both Councillors were re-elected and are content to complete their term as members of the Board.
15. Convention is asked to confirm that Councillor Cameron and Councillor Bell continue as the COSLA representatives on the Public Health Scotland Board.

Improvement Service Board

16. The Improvement Service (IS) is a partnership between SOLACE and COSLA and the IS Board is made up of four representatives from each of these organisations. The expected commitment for Board members is to attend 4 half day Board meetings per year, plus an annual strategic Away Day, approximately 3 Deep Dive workshops per year and the Annual General Meeting. The combination of set date engagements together with preparation and travel time ahead of meetings is estimated at between 10-15 days per year.
17. The IS Board sets strategy, approves the annual business plan and budgets, monitors quarterly financial statements and performance reports and provides advice and support on a variety of other matters.

18. Of COSLA's four members, one has always been the President and chaired the Board. There is no requirement on the other three places to come from a particular Group or be COSLA office bearers.
19. Convention is asked to confirm that the newly elected President of COSLA be nominated to the IS Board and to nominate three further representatives.

Trading Standards Scotland Board

20. Trading Standards Scotland (TSS), based as a team within COSLA, is the national trading standards team for Scotland funded by the Department of Business, Energy & Industrial Strategy (BEIS). The team also receives funding from Her Majesty's Treasury (HMT) in order to tackle and prevent illegal money lending.
21. BEIS sets out the broad functions that it wishes TSS to undertake as part of the grant agreement but as an additional layer of accountability to the councils and stakeholders it works with, TSS is also accountable to a Board which reports to COSLA Leaders and Convention. In addition, HMT expect there to be oversight of the work done in relation to illegal money lending and have agreed that this can be done through the Board. TSS also reports at times to the Community Wellbeing Board and that Spokesperson is Chair.
22. The Board comprises elected members broadly balanced from all COSLA political groups; and representatives of BEIS; the Consumer Rights and Standards Policy Team of Scottish Government, the Society of Chief Trading Standards Officers in Scotland (SCOTSS), the Competition and Markets Authority (CMA) and Citizens Advice Scotland (CAS). The role of the Board is to provide scrutiny on behalf of stakeholders to financial and staffing issues as well as the team's activities and performance. It meets at least four times a year.
23. In order for the TSS team to operate effectively, the staff need to be authorised to enforce a range of legislation by a local authority. Currently this authorisation is granted by Glasgow City Council. In light of the added responsibility and liabilities this creates for Glasgow it is appropriate that they have a seat on the Board to ensure appropriate oversight.
24. The suggestion is that, similar to Audit Group, the membership comprise 2 SNP, 2 Labour, 2 Conservative, 1 Independent, 1 SLD and 1 Green, not including the Community Wellbeing Spokesperson as chair.
25. Convention is asked to agree the proposed size and political make-up of the TSS Board; and to authorise COSLA Political Group Leaders to make the necessary appointments by end July.

Business Gateway Board

26. The Business Gateway National Unit (BGNU) is a business unit based in COSLA, which provides support to local authorities delivering the Business Gateway service and directly delivers a range of national support such as webinars, the Business Gateway website, online content and digital tools such as Planning to Start. BGNU also manages and delivers the DigitalBoost Programme of support for Small and Medium Enterprises. BGNU and DigitalBoost are funded by Scottish Government.
27. The current Business Gateway Board was established in early 2018 to provide political oversight of BGNU and the wider Business Gateway service. The Board reports as necessary through COSLA's political governance structures, including the Environment and Economy Board.
28. The Board consists of elected members nominated from COSLA's political groups and as

well as being politically balanced is broadly geographically and gender balanced as well. The Board is supported by the National Unit and colleagues from COSLA, SLAED and SOLACE. Previously the Board comprised 10 members plus the Chair who is the COSLA Spokesperson for the Environment and the Economy.

29. The suggestion is that, as with the TSS Board, the membership now comprise 2 SNP, 2 Labour, 2 Conservative, 1 Independent, 1 SLD and 1 Green, not including the Environment and Economy Spokesperson as chair.
30. Convention is asked to agree the proposed size and political make-up of the Business Gateway Board; and to authorise COSLA Political Group Leaders to make the necessary appointments by end July.

Councils, Committees and Boards Requiring Members to Represent Our Interests as Employers

31. Negotiating councils and other bodies where councils' interests as employers are represented require councillor nominees so that they can carry out their functions and, where the body has negotiation powers, form agreements meeting the governance requirements of their respective constitutions.
32. There are two types of bodies where the employers' interests must be represented. The negotiation councils where pay and terms and conditions are discussed, and pension boards which inform decisions about the pensions' schemes. The negotiating bodies are governed by constitutional arrangements agreed between COSLA and our employees' union representatives.

Negotiation Bodies

Scottish Joint Council for Local Government Employees (SJC)

33. The largest council both in terms of employer representation and the number of employees covered is the Scottish Joint Council for Local Government Employees (SJC). There are two groupings to be considered within the SJC:
34. The full SJC meets once a year in November. It has decision making authority. In practice, however, decisions about financial matters, and in particular pay, are reserved for Leaders who provide negotiating remits. Each council should nominate one member for the SJC. The SJC constitution does not specify anything about the councillor nominated and it need not be a Council Leader or Deputy Leader. A council's Resources Spokesperson or equivalent may be appropriate. Where the nominated councillor is unable to attend a meeting, the constitution allows another councillor to substitute. Councils may wish to nominate a member who can deputise in this way or may wish to address it in an ad hoc manner should the need arise.

SJC Steering Group

35. Historically the SJC Steering Group meets three to four times a year but has met more frequently during the pandemic and when pay negotiations have been active. The Steering Group does not have decision making authority; however, it has been the practice of that where an employer position has been agreed through Leaders and the respective unions governance arrangements a decision can be implemented. The employers' side representation is 12 councillors drawn from the full SJC membership. Ideally the membership should reflect COSLA's political makeup.

Scottish Negotiating Committee for Teachers (SNCT)

36. The Scottish Negotiating Committee for Teachers (SNCT) has 22 members, appointed annually, from COSLA, Scottish Government and teaching unions. COSLA has 8 representatives, with substitutions allowed. The SNCT has decision making authority; in

practice, positions on financial matters, and in particular pay, are reserved for Leaders who provide negotiating remits. The SNCT has an Annual General Meeting and a schedule of three additional meetings is agreed throughout the year. Nominees are required for the 8 representatives.

Scottish Joint Negotiating Committee for Chief Officials

37. The Scottish Joint Negotiating Committee for Chief Officials has 12 members, 6 of whom are employers' side drawn from COSLA. The constitution states that there should be an Annual General Meeting. There is no record of a meeting being held since 2015. Negotiations have been taken forward by the Joint Secretaries and the COSLA Resources Spokesperson working to a remit agreed by Leaders.

Craft Operatives

38. The constitutions of the committees representing Craft Operatives have not been updated since 1990. At that time there were three committees. The constitutions are identical in requiring 7 COSLA members. There is no record of a meetings of the separate committees being held nor of a Craft Committee meeting in any form being held in the last decade. Negotiations have been taken forward by the Joint Secretaries and the COSLA Resources Spokesperson working to a remit agreed by Leaders.
39. Convention is invited to agree that if there is a need for a Chief Officials or Craft Operatives committee meeting COSLA officers should seek councillors from those members representing Councils on the full SJC.

The Scottish Teachers' Pension Board

40. The Scottish Teachers' Pension Board is responsible for assisting the 'Scheme Manager', the Scottish Public Pensions Agency (SPPA), with the governance and administration of the Scottish Teachers' Pension Scheme. The SPPA carries out the day to day function of Scheme Manager on behalf of Scottish Ministers.
41. The Pension Board's role includes ensuring compliance with Scheme Regulations, as well as any other relevant legislation and requirements as set out by The Pensions Regulator in relation to the Scheme. The Terms of Reference for the Board and other information can be found on the SPPA's website at: Pension board | SPPA (pensions.gov.scot).
42. The Board comprises an Independent Chair and Vice Chair, together with six Board Members representing the Employer side and six Board Members representing members of the Pension Scheme. Board Members must be conversant with Scheme Regulations and other legislation governing the Scheme, with appropriate knowledge and understanding of the law relating to pensions. Training of Board Members is supported by the SPPA's Governance Team.
43. It is not a requirement to be a pensions 'expert'; knowledge should be such to be able to carry out the functions of a member of the Pension Board. The SPPA is in the process of finalising updated corporate governance documents for the Teachers' Scheme, including one on Board Membership and this will be available from June. These Board positions are not remunerated, although expenses such as travel costs can be paid. The Board meets around 4 times a year, with a programme of training seminars throughout the year.
44. Four of the Employer side representatives are nominated via COSLA, with the remaining two representing further/higher education employers. There is currently one vacancy for a COSLA-nominated position following the retirement of an elected member and another COSLA-nominated vacancy will arise from March 2023, when an officer Board member from a local authority will stand down on reaching the end of their second (maximum) term.

45. Historically, the Local Government representation has comprised two elected members and two officers from COSLA or local authorities. Currently there is one officer from COSLA, one officer from Fife Council (term ending next year as noted above) and one elected member from South Ayrshire Council, Cllr Brian McGinley.

Scottish Local Government Pension Scheme Advisory Board (LGP SAB)

46. The Scottish Local Government Pension Scheme Advisory Board is an advisory body which was established under the Public Service Pensions Act 2013 to provide advice to Scottish Government Ministers on the desirability of changes to the design of the scheme and the implication of other policy issues. The SAB also provides advice to the Scheme Managers or the Scheme's Pension Boards in relation to the effective and efficient administration and management of the scheme.
47. The Scheme Advisory Board is responsible for:
- Providing advice on request about the desirability of changes to the design of the scheme; policy issues and changes to scheme regulations.
 - Discussing and commenting on the potential implications of future valuation outcomes.
 - Making recommendations on adjustments to the Scheme, in the event that costs breach the employer cost cap.
 - Providing advice to the Scheme Managers or the Scheme's Pension Boards in relation to the effective and efficient administration and management of the Scheme.
48. The SAB is a bipartite Board comprising equal representation from employers and employee representatives. It meets four times a year and considers Scotland-wide issues relating to the governance of the scheme. This has included fiduciary duty guidance, investment cost transparency, cessation valuations for admitted bodies, scheme valuation and quality of individual fund valuations, fund structures and board member training.
49. The SAB Membership has 7 Employer and 7 Employee representatives. Of the 7 Employer representatives, 5 are nominated by COSLA, with the other 2 coming from admitted bodies and the third sector. Trade Unions nominate the Employee representatives. The COSLA representatives must be elected members.
50. There is no specific requirement regarding party political representation, however it is reasonable that a balance of political views is reflected. Additionally, consideration should be given to gender and geographical spread (including Islands). Historically, representatives have tended to be from lead local authorities for the 11 Scottish LGPS Funds, however this is not prescribed and may reflect the fact that such representatives will bring experience of working on pensions issues in their authority. Training is however provided for all SAB Members.
51. Following the Local Government Election, 3 COSLA representatives have stood down with 2 remaining: Cllr David Parker, Scottish Borders Council and Cllr Simon Mountford, Scottish Borders Council.
52. Group Leaders are therefore asked to consider nominations for the 3 vacant COSLA representatives on the SLGP SAB, taking account of the above considerations.

Filling Vacancies on the Teachers' Pension Board and the Scheme Advisory Board

53. The SPPA considers that Boards comprising people who have a greater range of backgrounds, life experiences, expertise and skills will tend to lead to wider discussions. Additionally, that people challenging each other from different perspectives is likely to result in more diverse output and robust decisions. In seeking appointments to Pension Boards from nominating authorities such as COSLA, the SPPA stresses its aspirations for

a diverse membership of each Board when considering which individuals to nominate. COSLA's own aspirations for diversity in public life resonate with this.

54. Other considerations for COSLA would typically be around issues of political balance and geographical representation. While there are no formal requirements in this regard in relation to the two Boards in question, COSLA officers will work with SPPA to achieve a suitable balance in membership, as far as possible.
55. A further consideration proposed by COSLA officers for this round of nominations, relates to introducing additional flexibility into the pool of potential nominees for the Teachers' Pension Board and SAB. To widen the scope to find individuals with suitable background and experience to act as SAB Members, an option would be to open up the nominations process for Board positions to council officers as well as elected members. COSLA officers consider that this could support additional professional knowledge and input from local authority officers with pensions' experience, also introducing more resilience into the large membership of the SAB in particular. Direction on this matter is sought.
56. To fill the existing and planned vacancies in the Teachers' Pension Board, as well as the SAB vacancies, it is proposed that COSLA officers work through the COSLA Resources Spokesperson and with the SPPA to operate a process from late June, through to end August/early September, to confirm new Board members. The proposed outline of the process is as follows:
 - Late June into July – initial notes of interest will be sought for the Board positions, with more information being provided on the roles in each Board;
 - Late July into August – an information session or sessions will be held to provide those noting their initial interest with further details and an opportunity to discuss the Boards and the roles;
 - August – those individuals wishing to take their note of interest to the next stage will be invited to submit a short statement outlining their suitability and relevant background for the roles; and
 - Mid-late August – these further notes of interest will be reviewed by the SPPA Governance Team for their suitability in terms of the roles available and the requirements of Board Members in line with Scheme rules. Subject to the successful completion of formal nominations paperwork, the positions would then be offered accordingly.
57. It is hoped that new COSLA-nominated Board Members will be confirmed in time for the Teachers' Pensions Board meeting on 8 September. A period of shadowing of the existing local authority officer Board member can be anticipated. SAB dates remain to be confirmed.

June 2022