

# **THE COSLA CONSTITUTION**

**2017 VERSION**

# THE COSLA CONSTITUTION

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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 local authorities 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 reflect the content and outcome of any such discussion when in dialogue with and seeking to influence Scottish, UK and European governments and legislatures, other public bodies and the general public on the following matters:
  - (a) all matters relating to national and local policy as it affects the delivery of local services and outcomes for local people;
  - (b) the structure of local government and the statutory framework within which it operates;
  - (c) the functions of government and the respective responsibilities of Scottish, UK and European governments, local government and other agencies, and the inter-relationship between local government, national and supranational governments and other agencies;
  - (d) the financing of local government services, the nature and extent of funding from national governments, local taxation and charges for services;
  - (e) 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 and among councils and other public bodies and private and third sector agencies.

- 3.2. To make representations to Scottish, UK and European governments and legislatures seeking changes in legislation and practice, or supporting or opposing such changes which may be proposed by others.
- 3.3. To discuss with Scottish and UK governments 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 elsewhere.
- 3.5. To represent the interests of local government in Scotland to the European Union, its institutions and other international institutions and organisations.
- 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 obtain information on matters relating to local government and public services from member councils and other sources; and to disseminate such information to member councils and other relevant bodies.
- 3.8. To endeavour to ensure that the outcomes of all discussions with national and supranational governments and amongst member councils enhance the status and position of local government as part of the governance of Scotland by reference to the following principles:
  - (a) **STRENGTHENING LOCAL DEMOCRACY:** Building local accountability and taking decisions as close as possible to the people they affect.
  - (b) **WORKING TOGETHER LOCALLY:** Joining up public services to get better results and greater efficiency in the places they serve.
  - (c) **DELIVERING OUTCOMES:** Making a long-term difference to people's lives by focusing on impact not inputs, and by preventing problems before they arise.
  - (d) **FOCUSING ON COMMUNITIES:** Building services around local priorities, and being accountable to local people.
  - (e) **DEFENDING LOCAL CHOICES:** Freeing up councils to reflect local circumstances by maximising flexibility and autonomy over decisions and resources.and in every case with a view to helping councils build better and more equal communities.
- 3.9. 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.

- 3.10. To provide, or arrange for the provision of, a range of cost effective services to member councils as considered appropriate and necessary.
- 3.11. To adhere to cross party working and consensus in the work of the Association to the greatest degree possible, including in the design of its political structures, the conduct of discussions and in the development of lobbying positions.
- 3.12. To do anything which is likely to assist in carrying out the aims of the Convention.

#### **4. RESPONSIBILITIES OF THE CONVENTION**

- 4.1. To set the Association's strategic direction and to identify the key priorities of the Association.
- 4.2. To act always in a manner which aims to enhance and protect the status and position of local government in Scotland, including by supporting the development of policy and by promoting positive policy proposals.
- 4.3. To promote the Association's strategy and key priorities in its consultation with Scottish, UK and European governments and legislatures and with other public bodies and stakeholders.
- 4.4. To scrutinise and keep under review the long term future for local government and public services in Scotland and develop, communicate and articulate plans to ensure that local government maintains its central role in delivering better and more equal communities.
- 4.5. To do the following:
  - (a) on an annual basis approve the COSLA budget.
  - (b) on an annual basis approve the Association's Corporate Plan and review its performance, including the detailed implementation of strategy and action taken by Leaders and Boards in pursuit of the Association's key priorities.
  - (c) promote and raise awareness of best practice in Scottish local government.
  - (d) operate as a forum for considering strategic policy of national significance to local government and interact with Scottish and UK Governments on such matters.
  - (e) agree the responsibilities of the President, the Vice President and Spokespersons of the Association.
  - (f) make appointments to the Audit Group.
  - (g) agree (i) representation to the European Union and participation in its institutions; and (ii) representation to and participation in other international institutions and organisations.
  - (h) amend the Constitution in accordance with Clause 18 of this Constitution.

- 4.6. At least two general meetings of the Convention will be held in each calendar year, on such dates as agreed by the Convention or Leaders Meeting.
- 4.7. 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.
- 4.8. 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 on a basis which reflects the balance of party political strength within each member council;
  - (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 sub-paragraph (a) above;
  - (c) and person falling within the foregoing paragraphs (a) and (b) is a "Member of the Convention".
- 4.9. For the avoidance of doubt, and to protect their impartiality and roles in promoting consensus, neither the President or Vice President shall be members of the Convention and shall not be entitled to vote in meetings of the Convention except where a casting vote is required in which event that casting vote will be cast by the President or, but only in the absence of the President, the Vice President.
- 4.10. The Chief Executive of each member council or an officer deputising for the Chief Executive shall be entitled to attend and may be invited to 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 Association shall be the President and the Vice President.
- 5.2. The President and Vice President shall have such responsibilities as are agreed by the Convention in accordance with Clause 4.5(e) of this Constitution.
- 5.3. The Convention shall elect the President and thereafter the Vice President at the first general meeting of the Convention following the Ordinary Election of Councillors to be held within 9 weeks of the Ordinary Election. Each incumbent office bearer shall remain in office until the first general meeting following the Ordinary Election of Councillors, provided they remain an elected member of a member council and has signed the Declaration of Acceptance.
- 5.4. Both the President and Vice President have an active role in the conduct of COSLA's meetings and an important role in ensuring consensus building and cross party activity. To protect these roles, it is important for both office bearers to be seen to be impartial. It is therefore important that other than where a casting vote is required, the office bearers do not vote.

- 5.5. 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. Such a vacancy or vacancies are to be filled in such a way as to ensure that the President and Vice President are not of the same gender. 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 Councillors is to take place. In such circumstances the vacancy shall remain unfilled until that meeting.
- 5.6. The Convention shall elect, as Vice President, a representative of a member council who is not a member of the political group or coalition which forms the majority in the Convention and who is not of the same gender as the President.
- 5.7. A nomination for the office of President or Vice President shall be valid only if made by two Members of the Convention.
- 5.8. All nominations for office shall be notified in writing to the Chief Executive of the Association 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 members of the Convention of the names of all nominees for office and of the members of the Convention supporting the nominations.
- 5.9. Spokespersons shall be appointed by the Convention at the same meeting that elects the principal office bearers under Clause 5.3. The Convention will ensure that there is gender balance in the appointment of Spokespersons.
- 5.10. The term of office of each Spokesperson 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 but in doing so must maintain gender balance amongst Spokespersons.
- 5.11. Any person appointed to the office of Spokesperson shall be eligible for reappointment but shall not be eligible to serve as Spokesperson for the same subject area for more than two consecutive terms of office whatever their duration.
- 5.12. The Convention can remove from office any President, Vice President or Spokesperson on a simple majority vote. Notice of a motion to remove the 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 the Chief Executive and the Leader of Administration (or Convener if appropriate) of all member councils 28 days before the meeting.
- 5.13. The President and Vice President will act, in liaison with one another, as Spokespersons for the Association on all matters not covered by the appointment of Spokespersons at any given time.

## **6. LEADERS MEETING**

- 6.1. Implementation of the Association's Corporate Plan and its key priorities shall be the responsibility of the Leaders Meeting working in conjunction with, and with the support of, the Boards appointed under Clause 8 of this Constitution.
- 6.2. The Leaders Meeting shall comprise:
  - (a) the President and Vice President of the Association;
  - (b) the Leader of the Administration (or Convener where no Leader exists) of each council;
  - (c) Spokespersons (who are not Leaders/Conveners of a Council); and
  - (d) any Political Group Leader not also a Leader of a Council or a Spokesperson.
- 6.3. The Chief Executive of each member council or an officer deputising for the Chief Executive shall be entitled to attend and may be invited to take part in the proceedings of the Leaders Meeting, but shall not have the right to vote.
- 6.4. Voting at Leaders Meetings shall be on the basis of one vote per council exercised by the Leader of Administration (or Convener as appropriate) or their nominated substitute.
- 6.5. The Leaders Meeting shall be responsible:
  - (a) for delivering on the strategy and key priorities identified by the Convention and articulated in the Association's Corporate Plan;
  - (b) for monitoring the progress of the implementation of the Association's Corporate Plan including directing Spokespersons or Special Interest Group Chairs to make presentations as requested and for reporting to the Convention on progress at least annually;
  - (c) for 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;
  - (d) 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;
  - (e) for liaison with other local authority associations on matters of common interest;
  - (f) for discussion and negotiation with the European Union and participation in its institutions and other international institutions;
  - (g) 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;

- (h) for the provision of accommodation required by the Convention for (1) meetings of the Convention; (2) all associated bodies; and (3) the staff employed;
- (i) for determining the calendar of meetings of the Convention, and Leaders Meetings, and the time and places of such meetings;
- (j) for securing the provision of advice to the Association and its various bodies by the appointment of advisers and other arrangements where this is considered appropriate;
- (k) for proposing the establishment of Special Interest Groups in terms of Clause 9.1 of this Constitution;
- (l) for considering issues with significant political and budgetary implications for local government that have been referred to it by the Association's Boards.

6.6. Leaders Meetings shall consider only business related to the role of Leaders. Urgent business affecting the Association or its member councils will be dealt with at a special meeting called in accordance with the Standing Orders.

## **7. SPOKESPERSONS**

- 7.1. The Convention shall appoint such Spokespersons as it determines from time to time.
- 7.2. 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 while ensuring that there is gender balance in the appointment of Spokespersons.
- 7.3. The role of Spokespersons will be agreed by Convention in accordance with Clause 4.5(e) of this Constitution.

## **8. BOARDS**

- 8.1. The Convention may establish Boards to develop policy initiatives, each with a remit and terms of reference as it shall determine from time to time.
- 8.2. Progressing the core work of the Association through policy debate and exploration shall be the responsibility of each Board working in conjunction with, and with the support of, the Leaders Meeting and other Boards.
- 8.3. Each Board shall:
  - (a) support the Association in understanding the priorities of member councils in relation to the issues falling within the Board's remit and terms of reference; and
  - (b) guide policy development and decision-making in relation to those issues
- 8.4. The chair of each Board will be the Spokesperson appointed to that Board by the Convention.

- 8.5. All member councils will be represented on the Boards established with the chair having a casting vote.
- 8.6. Boards will refer issues with significant political and budgetary implications for local government to Leaders Meetings.
- 8.7. Boards shall work in conjunction with Leaders Meeting in engaging with Scottish and, if appropriate, UK government on the development of policy initiatives and in the pursuit of the Association's key priorities.
- 8.8. Boards may, in accordance with Clause 9 of this Constitution, propose the establishment of Special Interest Groups.

## **9. SPECIAL INTEREST GROUPS**

- 9.1. The Leaders Meeting or a Board may propose the establishment of a Special Interest Group, in each case in pursuit of their own remit, to support their work by focusing on specific policy initiatives or priorities for local government in Scotland or to address issues not dealt with by the Association, Convention, Leaders Meeting or Boards.
- 9.2. Member councils who wish to collaborate on a specific policy initiative or priority may also propose the establishment of a Special Interest Group.
- 9.3. A proposal made under Clause 9.1 or 9.2 shall include proposals as to the membership, chair, remit and terms of reference of the Special Interest Group.
- 9.4. A Special Interest Group will be established if that is agreed by the Leadership Sounding Board in terms of Clause 13 of this Constitution.
- 9.5. Special Interest Groups will not have decision making powers except in specific circumstances approved by Leaders.
- 9.6. Special Interest Groups shall report to the Leaders Meeting or to the Board, as appropriate.
- 9.7. Where the Special Interest Group has not the appropriate decision making powers, the Leaders Meeting or Board, as appropriate, shall receive and reach a view on the reports by the Special Interest Groups made in fulfilment of their remit.

## **10. PROVISIONS FOR MEETINGS**

- 10.1. 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.
- 10.2. 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 intimation to the Chief Executive of the Association, appoint another member of that member council to attend and to vote and act at the meetings. For the Convention, any substitute member proposed should not offend the principle of proportionality of the member council's delegation overall.

- 10.3. The appointment of a representative by a member council shall remain valid until the date on which the Association receives notification of the appointment of a successor or until a representative ceases to be a member of that member council.
- 10.4. 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.

## **11. FINANCE**

- 11.1. The Audit Group 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 the Association's Financial Plan.
- 11.2. 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.
- 11.3. The Accounts of the Association 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.
- 11.4. The Leaders Meeting may authorise arrangements for bank overdraft or other borrowing facilities, subject to such limit as may be determined by the Convention.
- 11.5. The Leaders Meeting may authorise virement between budget heads subject to such limit as may be determined by the Convention.

## **12. AUDIT GROUP**

- 12.1. The Audit Group shall be responsible for the monitoring of the Association's budget and will be responsible for reporting as appropriate to the Convention.
- 12.2. The Audit Group shall prepare a draft statement of income and expenditure for the coming year for consideration by the Convention.
- 12.3. The membership of the Audit Group will be appointed and revised from time to time by the Convention.

## **13. LEADERSHIP SOUNDING BOARD/STAFFING COMMITTEE**

- 13.1. There will be a Leadership Sounding Board which will be a forum for identifying and discussing priority issues for local government in Scotland and which has as an

objective the development and strengthening of working relationships within the Association's political leadership team.

- 13.2. The membership of the Leadership Sounding Board will be the President, Vice President, Political Group Leaders and Spokespersons appointed by the Convention.
- 13.3. The quorum for a meeting of the Leadership Sounding Board shall be one half of its membership.
- 13.4. The Leadership Sounding Board will consider, and where appropriate will accept, proposals for Special Interest Groups made in terms of Clause 9.1 and 9.2 of this Constitution.
- 13.5. The Leadership Sounding Board will subsequently monitor the overall operation and effectiveness of Special Interest Groups and will make recommendations to the Leaders Meeting, Boards or member councils as appropriate in connection with issues arising from that monitoring activity.
- 13.6. The Leadership Sounding Board will act as the Association's Staffing Committee and will be responsible for any staffing matters in respect of which the Association's policies require decisions to be made by member councils rather than by the Association's executive officers. In addition the Staffing Committee will be responsible for the appointment of any member of the senior management team of the Association.

#### **14. POLITICAL GROUP LEADERS**

- 14.1. COSLA's Political Group Leaders shall collectively be responsible for:
  - (a) leading negotiations with Scottish and, if appropriate, UK and European government in areas which fall outwith the remit of Spokespersons or where the negotiation would go beyond the authority delegated to a Spokesperson; and
  - (b) making decisions on issues where government, for reasons of confidentiality, seeks discussion with Group Leaders and decision from them.
- 14.2. In exercising these functions the Association's Political Group Leaders shall collectively be required to:
  - (a) ensure that wherever possible they as a Group are taking into account any parameters previously set by Leaders or the Convention on such issues; and
  - (b) their actions are reported to the first available meeting of the Association's standing structures for discussion and approval.

## **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 Clause 16 of this Constitution, 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 distributed amongst member councils in the same proportion to the subscription paid by that council bears to the total subscription of the Association in the financial year immediately preceding the completion of such arrangements.
- 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 Association shall employ a suitable person to be the Chief Executive of the Association and such staff as may be reasonably required.
- 17.2 The Chief Executive shall be the Head of the Paid Service of the Association and shall also be responsible for the collection, custody and accounting for the expenditure of the Association's finances.
- 17.3 The Association may purchase, take on lease or otherwise obtain land and buildings for use as offices to provide accommodation for the business of the Association, 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 President and the Chief Executive of the Association and their respective successors in office for the time being, as trustees *ex officio*s on behalf of the Association. Any such writs etc. shall be binding on the Association 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 the Chief Executive and Leader of Administration (or Convenor if appropriate) all member councils and to the Chief Executive of the Association 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 membership defined by Clause 4.8 of this Constitution.
- 19.3 "Member of the Convention" shall have the meaning given to that term by clause 4.8(c) of this Constitution.
- 19.4 "Leaders Meeting" shall have the meaning given to that term by Clause 6.2 of this Constitution.
- 19.5 "Member councils" shall have the meaning given to that term by Clause 1.1 of this Constitution.
- 19.6 "Political Group" shall mean a group comprising 2 or more Members of the Convention who are members of the same political party or who share a political affiliation (including independents) and "Political Group Leader" shall mean the leader from time to time appointed by a Political Group.
- 19.7 "Declaration of Acceptance" means a declaration in terms of The Local Authorities (Councillors) (Declaration of Acceptance of Office) (Scotland) Order 1990 or any equivalent legislation.

## APPENDIX 1

### COUNCILS' PROPORTIONATE REPRESENTATION 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
<b>TOTAL</b>	<b>133</b>