

**The Educational Institute of Scotland**  
**Promoting Greater Accountability and Transparency in Local  
Government in Scotland Bill: Consultation**

**EIS Response**

1. The above consultation was launched as part of a Member's Bill by John Finnie MSP (Independent) - Highlands and Islands entitled "The Local Government Accountability and Transparency (Scotland) Bill".
2. The Bill, inter alia, seeks to diminish the role of non-elected members of committees, remove the obligation to appoint three church representatives on the Education Committee, require that two thirds of the membership of a Local Authority Committee be Councillors and remove the right of non-elected representatives to vote at committee meetings. The narrative to the Bill does not present coherent arguments as to why the existing arrangements should be changed at this time and why changes are not suggested in the context of an overall review of representation on local committees. The arguments which are presented tend to be selective and anecdotal. The remainder of the Bill deals with issues related to voting, webcasting meetings, financial implications etc.
3. The EIS Response

In a sense the Bill seeks to provide a "cure" to a largely unknown "disease" and will almost certainly be regarded as something of a sideshow in relation to the major, wide ranging review of Local Government decision making being conducted by COSLA through its Commission on Strengthening Local Democracy in Scotland. However, in order to be of assistance to Mr Finnie, the EIS offers the following responses to the consultation questions.

**Question 1: Do you agree that the obligation to appoint three church representatives to Education Committees should be removed?**

The EIS has no strong views in relation to whether the obligatory nature of church representation on Education Committees should continue. However, if there is no consistent view on the principle of church representation on Education Committees this could lead to disparities of representation on local committees across the country. It is, nevertheless, important to bear in mind that, historically, Council Education Committees do represent a broad cross section of the Education Community (including: parents, teachers and church representatives) and we would be loath to see this breadth of representation being diluted.

**Question 2: Do you agree that at least two thirds of the members of all Local Authority Committees should be elected Councillors?**

This proposal would, essentially, have the effect of diminishing the input of teachers, parents and church representatives on Education Committees unless the size of these committees could be increased to maintain the current ratio of teacher, parent and church representation. In particular, the EIS would oppose the removal of teacher representation of Council Education Committees and we would press strongly for the retention of voting rights for teacher representatives. Teachers do form a significant group of local authority employees who can and do make an important contribution to the work of Council Education Committees across Scotland.

**Question 3: Do you agree that any unelected members of committees should no longer have a right to vote?**

There is absolutely no argument presented as part of the Bill's consultation which provides any rationale for this proposition. On this basis the EIS would suggest that the status quo is maintained for the reasons outlined in the responses to Questions 1 and 2 above. It should, however be noted that a number of teacher representatives on Education Committees are currently directly elected and that they could not properly be classed as "unelected members".

**Question 4: Do you agree that all votes taken by councils and committees of councils should be recorded in a manner which would allow constituents to identify whether their elected member(s) had been present and able to take part in the vote?**

The EIS has no strong views on the matter, but in general terms, would support the principle of accountability in relation to the voting of committee members, which mirrors practice in many Local Authorities currently and in the Scottish Parliament and its committees.

**Question 5: Do you agree with the following proposed categorisations of votes and no-votes? If not, what categories would best achieve the aim of greater accountability?**

**Names of all members present for that vote**

**Names of those voting yes**

**Names of those voting no**

**Names of those abstaining**

**Names of those ineligible to vote and the reason (eg because of a conflict of interest)**

**Names of those present and eligible but who did not vote**

The EIS has no views on the detail outlined in this question.

**Question 6: Beyond meetings of the whole council and its committees, are there any other meetings which should be covered by such a provision? How should such meetings be defined so as to apply clearly to every local authority and allow for variations in structure?**

In relation to the aims of the Bill, these would be achieved by restricting these provisions to meetings of the full council and its committees.

**Question 7: Do you agree that councillors should be obliged to record, in the same way as set out at question 5, any votes taken regarding local authorities' statutory functions that take place in organisations and bodies out-with the local authority?**

Again, no rationale for this particular proposal is included with the consultation document on, what is, a very complex area. The vast range of organisations on which many Councillors are represented and the wide range of functions (statutory and non-statutory) which are involved would not lend themselves to the very simplistic proposition outlined in the question.

**Question 8: Do you agree that local authorities should be obliged to webcast all meetings to which the public are currently permitted?**

While the EIS would have no objection to the wider broadcast of council and committee meetings, consideration would have to be given to any additional cost issues involved. This is particularly important at a time of financial stringency for all Local Authorities and where teacher numbers are also under pressure.

**Question 9: Should the scope of this measure go beyond meetings of the full council and its committees and sub-committees? If so, what other meetings should local authorities be required to webcast?**

The EIS has no view on this matter.

**Question 10: Do you agree that, in addition to live webcasting, local authorities should be required to make archived recordings available for a period following the meeting? What would an appropriate period be?**

The EIS has no view on this matter.

**Question 11: What is your assessment of the likely financial implications of the proposed Bill?**

Other than the proposal to "webcast" council, committee and other meetings it is difficult to identify major financial implications.

**Question 12: Is the proposed Bill likely to have any substantial positive**

**or negative implications for equality? If it is likely to have a substantial negative implication, how might this be minimised or avoided?**

Again, the lack of detail contained within the consultation document does make such an assessment difficult. However, the diminution of the roles of parents, teachers and church representatives on Education Committees may have indirect effects linked to the narrowing of the broad base of current Education Committee structures. The Bill, itself does not recognise that there exists already a disparity in terms of voting rights across Councils in Scotland.

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