

Item: 14

General Meeting of the Council: 1 May 2018.

College Management Council Sub-committee.

Appointment of Business and Community Representatives.

Report by Chief Executive.

1. Purpose of Report

To consider the appointment of business and community representatives to serve on the College Management Council Sub-committee of the Education, Leisure and Housing Committee.

2. Recommendations

The Council is invited to note:

2.1.

That the governance arrangements in respect of the College Management Council Sub-committee currently allow for the following membership, all with voting rights:

- 5 elected members of the Education, Leisure and Housing Committee, including the Chair and Vice Chair.
- 4 representatives of the business community.
- 4 representatives of the community, including representatives from the Third Sector.

2.2.

That, following advertisement, five applications were received in respect of vacancies and resignations for business and community representatives to serve on the College Management Council Sub-committee.

2.3.

That, following a recruitment and selection process, all five representatives are recommended for appointment to the College Management Council Sub-committee.

2.4.

That, if confirmed by Council, the appointments would last until the next ordinary Local Government Election, currently scheduled for May 2022.

It is recommended:

2.5.

That the undernoted representatives be appointed to serve on the College Management Council Sub-committee for the period to May 2022:

- Business Representatives:
 - Roy Brown.
 - Mark G Jones.
 - Steven Sinclair.
- Community Representatives:
 - Beverly Clubley.
 - Peter J B Slater.

2.6.

That the undernoted community representatives be re-appointed to serve on the College Management Council Sub-committee for the period to May 2022:

- Ian Carse.
- Malcolm Graves.

3. Policy Aspects

Appointment of members to various committees and sub-committees is a governance and procedural issue and therefore does not relate specifically to progressing the Council's declared key priorities.

4. Background

4.1.

The governance arrangements in respect of the College Management Council Sub-committee currently allow for the following membership, all with voting rights:

- 5 elected members of the Education, Leisure and Housing Committee, including the Chair and Vice Chair.
- 4 representatives of the business community.
- 4 representatives of the community, including representatives from the Third Sector.

4.2.

Existing business and community representatives were appointed for the period up to May 2017, the last Local Government Election. In terms of the constitution of the Sub-committee, all non-Councillor members are appointed, initially, for a maximum period of four years and can be re-appointed for a further term of office.

4.3.

Accordingly, the existing non-Councillor members were asked whether they wished to continue for a further term of office.

4.4.

There were currently two vacancies for business representatives, and the two existing representatives both indicated that they did not wish to be considered for re-appointment.

4.5.

Of the four existing community representatives, two indicated they did not wish to be considered for re-appointment.

4.6.

Accordingly, an advertisement was placed seeking expressions of interest for vacancies on the College Management Council Sub-committee.

5. Expressions of Interest

5.1.

Following the advertisement, five expressions of interest were received.

5.2.

Interviews were held as part of the selection process, which has identified three business representatives and two community representatives.

5.3.

Accordingly, it is recommended that the Council confirms the appointment of the undernoted representatives on the College Management Council Sub-committee:

- Business Representatives:
 - Roy Brown.
 - Mark Jones.
 - Steven Sinclair.
- Community Representatives:
 - Beverly Clubley.
 - Peter J B Slater.

6. Re-appointments

It is further recommended that the Council confirms re-appointment of the following community representatives on the College Management Council Sub-committee for a further period to May 2022:

- Ian Carse.
- Malcolm Graves.

7. Financial Implications

7.1.

There are no financial implications arising directly from the recommendations to this report, which is to appoint members to a Sub-committee.

7.2.

As with councillors, non-elected members of a Council committee or sub-committee may be entitled to claim reimbursement of relevant expenses.

8. Legal Aspects

8.1.

With limited exceptions, section 56 of the Local Government (Scotland) Act 1973 provides that a local authority may arrange for the discharge of any of their functions by a committee of the authority, a sub-committee, an officer of the authority or by any other local authority in Scotland. The discharge of functions also includes doing anything which is calculated to facilitate or is conducive or incidental to the discharge of any of these functions.

8.2.

There are no statutory rules in force in Scotland as to which councillors should be appointed to which committee. Councils have a free hand to decide the appointment of councillors to their committees and sub-committees.

8.3

In terms of section 57(3) of the Local Government (Scotland) Act 1973, non-elected members of the authority can be appointed to a committee or sub-committee of the authority, other than to a committee or sub-committee dealing with finance. Subject to this exception, there is no limit on the number of non-members of the authority that can be on a sub-committee.

8.4

In terms of section 59 of the Local Government (Scotland) Act 1973, and subject to section 126 of the Act, employees of the authority, or persons otherwise not entitled to sit on the authority as elected members, are disqualified from being members of a committee or sub-committee of the authority. In terms of section 126 of the Act, a person shall not, by reason of their being a teacher employed by the authority, be disqualified from being a member of a committee or sub-committee which deals with the authority's functions as an education authority.

8.5.

In accordance with Standing Order 48, Sub-committees shall normally consist of members of the parent committee. Where, in law, as outlined above, it is competent to appoint persons to the Sub-committee who are not elected members of the Council, such members shall only be appointed with the consent of the Council.

9. Contact Officers

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