

Item: 3

Special General Meeting of the Council: 20 February 2024.

Appointment of Leader.

Joint Report by Chief Executive and Corporate Director for Strategy, Performance and Business Solutions.

1. Purpose of Report

To make an appointment to the role of Leader.

2. Recommendations

The Council is invited to note:

2.1.

That Councillor James W Stockan has resigned from the Council, with effect from 5 February 2024, thereby creating a vacancy for the role of Leader.

2.2.

The process for appointment of officer bearers, as set out in section 4 of this report.

2.3.

That, although Standing Orders state that the Depute Leader shall hold office for two years and be eligible for re-election, the Council may, by resolution, determine that the term of office should extend to the next Local Government Election scheduled for May 2027.

It is recommended:

2.4.

That the Council appoint to the role of Leader.

2.5.

That, should the current Depute Leader be appointed Leader, the Council should determine whether to appoint a Depute Leader and, if so determine, to proceed to make the appointment.

2.6.

That, should an appointment be made to the post of Depute Leader at this meeting, the term of office should be to the next Local Government Election scheduled for May 2027.

2.7.

That, should any of the current Chairs of the Standing Committees, listed in section 5.3 of this report, be appointed either Leader and/or Depute Leader, the Vice Chair should be appointed interim Chair of that Standing Committee for the period up to 14 May 2024.

3. Background

3.1.

At the Statutory General Meeting of the Council held on 16 May 2022, the Council elected Councillor James W Stockan as Leader.

3.2.

Councillor Stockan resigned from the Council, with effect from 5 February 2024, thereby creating a vacancy for the role of Leader.

4. Appointment of Office Bearers

4.1.

The process for appointing office bearers is set out in the Council's Standing Orders.

4.2. Nomination Process

Standing Order 22 sets out the nomination process for office bearers as follows:

22.1.	Candidates duly nominated for election to the offices of Convener, Leader, Depute Leader and Chair of Committees shall, if they so choose, be permitted to speak once in support of their nomination to office.
22.2.	Candidates exercising their right to speak shall have the opportunity to do so in the order in which their names have been duly nominated.
22.3.	Any such speech shall be made immediately following any speeches by all of the movers and seconders of all of the candidates and prior to other Members who have not already spoken.
22.4.	A candidate's speech shall be limited to 5 minutes.
22.5.	Candidates who choose not to speak shall remain eligible for election to the office for which they have been duly nominated.
22.6.	A candidate who has been nominated for office but is absent from the Meeting shall remain eligible for election.

4.2.1.

In practice, the Convener will call for nominations for the post of Leader, which require to be proposed and seconded.

4.2.2.

The proposer and seconder are permitted to speak in support of their nomination, for up to five minutes each.

4.2.3.

Once all nominations have been received, the candidates, in order of nomination, can speak in support of their nomination, again, up to a maximum of five minutes each.

4.2.4.

If another Elected Member, who has not already spoken, wishes to speak then they may speak for up to five minutes. It should be noted that this is not a “question and answer” session and the candidates are not permitted to speak again.

4.3. Voting Process

The voting process is also set out in the Council’s Standing Orders, as follows:

- Where the number of candidates is greater than the number of vacancies, a vote shall be taken by secret ballot.
- An Elected Member is entitled to vote for as many candidates as there are vacancies (in this case, there is one vacancy).
- One candidate must receive an absolute majority of the votes cast, in order to be appointed.
- Where there are more than two candidates, and the candidate receiving the most votes does not have an overall majority and there are an equal number of votes for the candidates having the fewest votes, an extra vote will be taken between those candidates having the fewest votes. The name of the candidate receiving the fewest votes will be removed from the list of candidates.
 - If however the outcome of that vote is a tie, the candidate to be removed from the list of candidates will be determined by lot.
- Where the voting has reduced the candidates to two, and the outcome of that vote is a tie, the candidate to be removed from the list of candidates will be determined by lot, and the remaining candidate will be duly appointed as the Leader.

4.3.1.

Should lots require to be drawn, the procedure will comprise the names of the candidates being placed in a bowl and the Head of Legal and Governance (as Clerk to the Council and Monitoring Officer) will draw out who is eliminated (if it is a tie for least votes and no overall majority) or who is the unsuccessful candidate (if only two candidates remain and the vote is tied).

5. Implications of other Office Bearers being Appointed

5.1.

Should the current Depute Leader be appointed Leader, the Council is requested to consider whether to appoint to the post of Depute Leader.

5.2.

The same process for nomination and voting, as outlined in section 4 above, would apply.

5.3.

Standing Order 22.14 states that a Member shall be entitled to hold only one office of Chair of a Standing Committee and be entitled to receive only one special payment for being a chairperson.

5.3.1.

The Standing Committees currently comprise the following:

- Policy and Resources Committee.
- Development and Infrastructure Committee.
- Education, Leisure and Housing Committee.
- Monitoring and Audit Committee.
- Planning Committee/Local Review Body.
- Licensing Committee.

5.4.

Should any of the current Chairs of the Standing Committees be appointed either Leader and/or Depute Leader, it is proposed that the Vice Chair should be appointed interim Chair of that Standing Committee for the period up to 14 May 2024. An interim Vice Chair may subsequently be appointed at the next meeting of that Standing Committee.

5.5.

In terms of the Scheme of Administration, the Leader is ineligible for membership of the Planning Committee and the Monitoring and Audit Committee. The Depute Leader is ineligible for membership of the Monitoring and Audit Committee. Depending on who is appointed Leader and/or Depute Leader, membership of those Committees may be reduced for the period up to 14 May 2024.

5.6.

The Special General Meeting of the Council scheduled for 14 May 2024 will consider the following appointments/reappointments:

- Convener.
- Depute Leader (unless at this meeting the Depute Leader is appointed to the role of Leader and a Decision is made in terms of the recommendation in section 2.6 of this report).
- Chairs of the Standing Committees (with the exception of the Licensing Committee).
- Appointments to the Integration Joint Board, including the Chair.
- Membership of Committees.
- Appointments to other bodies.

6. Length of Appointment

6.1.

The Council's Standing Orders state that the Leader shall hold office until the next Local Government Election, shall ex officio be Chair of the Policy and Resources Committee and shall, ex officio, be a Member of every Service Committee of the Council.

6.2.

Accordingly, whoever is appointed Leader at this meeting will hold office until the next Local Government Election scheduled for May 2027.

6.3.

The Standing Orders also state that Depute Leader shall hold office for two years and be eligible for re-election, and shall ex officio be Vice Chair of the Policy and Resources Committee.

6.4.

Should an appointment to the post of Depute Leader be required, it is proposed that the appointment should also be for the period up to the next Local Government Election, scheduled for May 2027, rather than the two years as set out in the Standing Orders.

6.5.

In the previous Council term (May 2017 to May 2022), the Council resolved that appointments made at the mid-term review in May 2019 should be for the remaining term of the Council, namely three years. This negated the requirement to suspend Standing Orders to extend the term of office, from two years to three years.

7. Corporate Governance

This report relates to the Council complying with governance and procedural issues and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

8. Financial Implications

There are no financial implications arising directly from the recommendations of this report.

9. Legal Aspects

There are no legal implications arising directly from the recommendations of this report.

10. Contact Officer

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