

## **Item: 5**

**Development and Infrastructure Committee: 7 June 2022.**

**Appointments to Sub-committees, Groups and Other Bodies.**

**Report by Corporate Director for Strategy, Performance and Business Solutions.**

### **1. Purpose of Report**

To consider appointments and/or nominations to various sub-committees, groups and other bodies which fall within the remit of the Development and Infrastructure Committee.

### **2. Recommendations**

#### **2.1.**

Council policy on appointments and/or nominations to external bodies, as outlined in section 6 of this report.

#### **2.2.**

That appointments and/or nominations made to the bodies listed in Appendix 1 to this report will last until the Special General Meeting of the Council to be held in May 2024.

**It is recommended:**

#### **2.3.**

That the Committee considers the recommendations associated with the appointments/nominations to the various sub-committees, groups and other bodies, listed in Appendix 1 to this report, and makes appointments/ nominations, where required.

### **3. Background**

#### **3.1.**

There are a number of sub-committees, consultative groups and other bodies which fall within the remit of the Development and Infrastructure Committee.

#### **3.2.**

Some information on each of the bodies, together with the existing constitutional arrangements, are detailed in Appendix 1 to this report. Previous membership is also provided for information.

## **4. Sub-committees**

### **4.1.**

Standing Orders state that committees of the Council may appoint, with the consent of the Council, sub-committees.

### **4.2.**

Standing Orders 11.2 and 11.3 refer to the appointment of the Chair and Vice Chair of Sub committees. Normally, the Chair and Vice Chair of the parent committee are the Chair and Vice Chair of the sub-committee. However, the sub-committee could determine to appoint an alternative Chair and Vice Chair from its membership.

### **4.3.**

Membership of sub-committees is set out in Standing Orders 11.4 to 11.7 and shall normally consist of members of the parent committee. However, non-members can be appointed, but this requires the consent of the Council. Likewise, where the law permits, non-elected members can be appointed to sub-committees, again, only with the consent of the Council.

### **4.4.**

With reference to the Harbour Authority Sub-committee, should non-members of the Development and Infrastructure Committee be nominated and recommended for appointment to the two other places, this will require the consent of the Council. In order words, those nominations should be a recommendation to Council, rather than in terms of powers delegated to the Development and Infrastructure Committee.

## **5. Working Groups and Consultative Groups**

### **5.1.**

The Council has agreed the following principles in respect of working and consultative groups:

- A working group should be subject specific and short life, ideally no longer than six months.
- The relevant Corporate Director should report the findings of the working group to the service committee, including a recommendation to disestablish.
- Member/officer consultative groups should be established where the work of the group is likely to continue beyond six months.

### **5.2.**

The working groups listed in Appendix 1 have a variety of membership numbers, ranging from two to four, not including ex officio appointments, as agreed in 2019 when the mid-term review of appointments took place, or more recently, when the group was established.

### **5.3.**

When establishing a working group, the recommended membership would be four, not including the Chair and Vice Chair of the Committee, making a total of six members. This equates to 50% of the membership of a service committee (which comprise 12 members).

### **5.4.**

It is open to the Committee to reconsider membership size, bearing in mind nominations received and/or any interest indicated by any individual member, depending on the subject matter of the working group.

## **6. External Bodies**

### **6.1.**

When making appointments/nominations to external bodies listed in Appendix 1 to this report, regard should be had to Council policy whereby the appointment of elected members to external bodies has ceased with the exception of the following:

- Organisations which are wholly owned by the Council.
- Organisations in which the Council has a majority financial interest.
- Statutory organisations or other bodies to which a Council appointment would be prudent.

### **6.2.**

The Council has previously resolved to make appointments/nominations to those external bodies listed in Appendix 1, bearing in mind the policy referred to above. However, it is open to the Development and Infrastructure Committee to reconsider whether any appointment should be made.

## **7. Appointments**

### **7.1.**

The Committee is invited to consider the recommendations associated with the appointments/nominations to the various sub-committees, groups and other bodies listed in Appendix 1 to this report, and make appointments/nominations, where required.

### **7.2.**

Appointments and/or nominations made to the bodies listed in Appendix 1 to this report will last until the Special General Meeting of the Council scheduled for May 2024.

## **8. 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.

## **9. Financial Implications**

There are no financial implications arising directly as a result of the recommendations of this report.

## **10. Legal Aspects**

### **10.1.**

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.

### **10.2.**

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 membership of their committees and sub-committees.

### **10.3.**

A working group is not a committee or sub-committee of the Council. A working group does not have delegated authority to make decisions.

## **11. Contact Officers**

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## **12. Appendix**

Appendix 1: Sub-committees, Working Groups and Other Bodies appointed by Development and Infrastructure Committee.

# **Sub-committees, Groups and Other Bodies appointed by Development and Infrastructure Committee**

## **1. Harbour Authority Sub-committee**

### **Remit**

To exercise the function of Duty Holder, with responsibility for the safety, effectiveness and affordability of all harbour activities and for compliance with all appropriate codes and legislation.

### **Existing Constitutional Arrangements**

Seven members of Orkney Islands Council comprising:

- Chair, Development and Infrastructure Committee (ex officio).
- Vice Chair, Development and Infrastructure Committee (ex officio).
- Three other Members of the Development and Infrastructure Committee.
- Two other Members of the Council.

### **Previous Membership**

- Chair, Development and Infrastructure Committee – Councillor Graham L Sinclair.
- Vice Chair, Development and Infrastructure Committee – Councillor Andrew Drever.
- Three other Members of the Development and Infrastructure Committee:
  - Councillor Robin W Crichton.
  - Councillor David Dawson.
  - Councillor Heather N Woodbridge.
- Two other Members of the Council:
  - Councillor Magnus O Thomson.
  - Councillor Owen Tierney.

### **Background Information**

In October 2018, the Council agreed to establish a project board in order to provide oversight for the Scale Wind project and other strategic projects, where relevant.

On 19 May 2022, the Policy and Resources Committee approved the proposal clarifying the remit of the Strategic Projects Project Board, in that reference to “other strategic projects” should include projects included within and related to the Orkney Harbours Masterplan, given that they have a wider significance for Orkney and not just the Harbour Authority.

## **Recommendations**

- To clarify the remit of the Sub-committee in that it relates to the Duty Holder function for **existing** harbour activities, noting that projects included within and associated with the Orkney Harbours Masterplan now fall within the remit of the Strategic Projects Project Board and are reported through the Policy and Resources Committee.
- That, as the role of Duty Holder rests with the Council, the Designated Person's Annual Audit Report should be reported through the Policy and Resources Committee.
- To make the three other appointments from membership of the Development and Infrastructure Committee.
- To make the two other appointments, who should not necessarily be members of the Development and Infrastructure Committee.

## **2. Community Benefit Member/Officer Working Group**

### **Remit**

To assist with development of a community benefit policy, including division of the Pentland Firth and Orkney Waters with Highland Council.

### **Existing Constitutional Arrangements**

- Leader.
- Depute Leader.
- Chair, Development and Infrastructure Committee.
- Vice Chair, Development and Infrastructure Committee.
- One other Member of the Development and Infrastructure Committee.

### **Previous Membership**

- Leader – Councillor James W Stockan.
- Depute Leader – Councillor W Leslie Manson.
- Chair, Development and Infrastructure Committee – Councillor Graham L Sinclair.
- Vice Chair, Development and Infrastructure Committee – Councillor Andrew Drever.
- Councillor Rachael A King.

### **Background Information**

In June 2019, the Development and Infrastructure Committee was advised that, as the Community Wind project was a strategic project, consideration be given to disestablishing this working group and community benefit included within the remit of Strategic Projects Project Board (appointed by the Policy and Resources Committee). The Committee, however, resolved to make appointments to the working group.

In the interim period, the Council has adopted a policy on community benefit from offshore renewable energy developments which was reported to the Policy and Resources Committee. Development of a community benefit policy in relation to Orkney's Community Wind Farm project remains ongoing.

## **Recommendation**

For the reasons set out above, it is recommended that this working group be disestablished and community benefit included within the remit of Strategic Projects Project Board (appointed by the Policy and Resources Committee).

## **3. Planning and Regulatory Services Consultative Group**

### **Remit**

- To develop, scrutinise and monitor various plans within the remit of Planning and Regulatory Services, including the Building Standards Performance Framework, Building Standards Balanced Scorecard, Food Regulatory Service Plan, Animal Welfare Service Plan, Health and Safety Regulatory Service Plan and Planning Performance Framework.
- To assist the Executive Director of Development and Infrastructure in all aspects of reviewing the Local Development Plan.
- To provide a consultative forum on any other relevant matters in respect of all planning and regulatory service issues.

### **Existing Constitutional Arrangements**

- Chair, Development and Infrastructure Committee.
- Vice Chair, Development and Infrastructure Committee.
- Chair, Planning Committee.
- Vice Chair, Planning Committee.
- Three other Members of the Development and Infrastructure Committee.

### **Previous Membership**

- Chair, Development and Infrastructure Committee – Councillor Graham L Sinclair.
- Vice Chair, Development and Infrastructure Committee – Councillor Andrew Drever.
- Chair, Planning Committee – Councillor Robin W Crichton.
- Vice Chair, Planning Committee – Councillor John A R Scott.
- Three other Members of the Development and Infrastructure Committee:
  - Councillor Norman R Craigie.
  - Councillor David Dawson.
  - Councillor Stephen Sankey.

### **Proposal**

To reflect the new management structure, it is proposed that the name of this group be amended to the Planning and Community Protection Consultative Group, with the remit also amended accordingly.

## **Recommendations**

- That the Planning and Regulatory Services Consultative Group be renamed the Planning and Community Protection Consultative Group.
- That the remit be amended as follows:
  - To develop, scrutinise and monitor various service plans within the remit of Planning and Community Protection, including the Building Standards Performance Framework, Building Standards Balanced Scorecard, Food Regulatory Service Plan, Animal Welfare Service Plan, Health and Safety Regulatory Service Plan and Planning Performance Framework.
  - To assist the Corporate Director for Neighbourhood Services and Infrastructure in all aspects of reviewing the Local Development Plan.
  - To provide a consultative forum on any other relevant matters in respect of all Planning and Community Protection service issues.
- To make the three other appointments.

## **4. Roads and Environmental Services Consultative Group**

### **Remit**

To contribute towards development of policy and provide a consultative forum in respect of all roads and environmental services issues, including the management of waste.

### **Existing Constitutional Arrangements**

- Chair, Development and Infrastructure Committee.
- Vice Chair, Development and Infrastructure Committee.
- Five other Members of the Development and Infrastructure Committee.

### **Previous Membership**

- Chair, Development and Infrastructure Committee – Councillor Graham L Sinclair.
- Vice Chair, Development and Infrastructure Committee – Councillor Andrew Drever.
- Five other Members of the Development and Infrastructure Committee:
  - Councillor Norman R Craigie.
  - Councillor Robin W Crichton.
  - Councillor J Harvey Johnston.
  - Councillor Stephen Sankey.
  - Councillor Duncan A Tullock.

### **Proposal**

To reflect the new management structure, it is proposed that the name of this group be amended to the Neighbourhood Consultative Group, with the remit also amended accordingly.



## **Recommendations**

- That the Roads and Environmental Services Consultative Group be renamed the Neighbourhood Services Consultative Group.
- That the remit be amended as follows:
  - To contribute towards development of policy and provide a consultative forum in respect of all Neighbourhood Services issues, including roads and environmental services and the management of waste.
- To make the five other appointments.

## **5. Transport Fairer Funding Consultative Group**

### **Remit**

To develop and scrutinise work with the Scottish Government to address financial and policy considerations in relation to wider transportation infrastructure, including the replacement of the internal ferries and infrastructure and internal air services.

### **Existing Constitutional Arrangements**

- Leader.
- Depute Leader.
- Chair, Development and Infrastructure Committee.
- Vice Chair, Development and Infrastructure Committee.
- Three other Members of the Development and Infrastructure Committee.

### **Previous Membership**

- Leader – Councillor James W Stockan.
- Depute Leader – Councillor W Leslie Manson.
- Chair, Development and Infrastructure Committee – Councillor Graham L Sinclair.
- Vice Chair, Development and Infrastructure Committee – Councillor Andrew Drever.
- Three other Members of the Development and Infrastructure Committee:
  - Councillor Robin W Crichton.
  - Councillor Duncan A Tullock.
  - Councillor Heather N Woodbridge.

### **Recommendations**

To make the three other appointments.

## **6. Regulatory Appeals Panel**

### **Background Information**

The Smoking Prohibition (Children in Motor Vehicles) (Scotland) Act 2016 came into force on 5 December 2016. Paragraph 6 of Schedule 1 to the Act allows for the recipient of a Fixed Penalty Notice to request a hearing.

Recipients of Fixed Penalty Notices issued in terms of the Dog Fouling (Scotland) Act 2003 can also request a hearing.

### **Remit**

To determine hearings in connection with the serving of Fixed Penalty Notices issued in terms of regulatory legislation within the remit of the Environmental Health service.

### **Existing Constitutional Arrangements**

- Three members of the Committee to be selected on an ad hoc basis as and when required.

Powers are delegated to the Chief Executive to select members to sit on the Regulatory Appeals Panel, as and when required, depending on availability and the nature of the appeal. This is the existing practice with the Education Appeals Committee.

### **Recommendation**

To note current arrangements.

## **7. Destination Orkney Strategic Partnership**

### **Remit**

To lead, manage and review the sustainable growth, management and protection of Orkney as a tourism destination to 2025, focussing on the following four key areas:

- Development and agreement of the Destination Orkney Strategy and Priorities 2018 to 2025 (based on the existing 'Rocket').
- Completion and sign off Destination Orkney project mapping and emerging Development Plan and agreed actions and lead responsibilities for each action area.
- Agreement on the funding model for Destination Orkney 2018 to 2025 based on the above.
- Co-ordination, review and monitoring progress of the Destination Orkney Development Plan, present the work to date and forward an annual plan of Destination Orkney to an annual tourism summit open to all tourism businesses, stakeholders and interested parties.

## **Existing Constitutional Arrangements**

Membership and participation on the Destination Orkney Strategic Partnership is in an advisory capacity only, whilst representing the function and remit of the stakeholder organisation represented.

- Leader, with Depute Leader as substitute.
- Chair, Development and Infrastructure Committee, with Vice Chair as substitute.

## **Previous Membership**

- Leader – Councillor James W Stockan.
- Depute Leader – Councillor W Leslie Manson (substitute).
- Chair, Development and Infrastructure Committee – Councillor Graham L Sinclair.
- Vice Chair, Development and Infrastructure Committee – Councillor Andrew Drever (substitute).

## **Recommendation**

To confirm existing arrangements and appointments.

## **8. Highlands and Islands Transport Partnership (HITRANS)**

### **Remit**

HITRANS, the Highlands and Islands Transport Partnership, is a statutory regional transport partnership covering Eilean Siar, Orkney, Highland, Moray and most of the Argyll and Bute area.

HITRANS works with local authorities, the Scottish Government, Transport Scotland, Highlands and Islands Enterprise, transport operators and other stakeholders to improve transport services and infrastructure in the north of Scotland and on routes to the Highlands and Islands.

## **Existing Constitutional Arrangements**

- Chair, Development and Infrastructure Committee.
- Vice Chair, Development and Infrastructure Committee as substitute.

## **Previous Membership**

- Chair, Development and Infrastructure Committee – Councillor Graham L Sinclair.
- Vice Chair, Development and Infrastructure Committee – Councillor Andrew Drever (substitute).

## **Recommendation**

To confirm existing arrangements and appointments.

## **9. Hydrogen Project Board**

### **Remit**

In July 2015, the Council established a Hydrogen Project Board to provide governance and support the Council's participation in existing hydrogen projects and any future projects that the Council might participate in.

### **Existing Constitutional Arrangements**

- Convener.
- Leader.
- Chair, Development and Infrastructure Committee.
- Vice Chair, Development and Infrastructure Committee.

### **Background Information**

In 2019, when reviewing all appointments, consideration was given to disestablishing the Hydrogen Project Board and subsuming the remit within the Orkney Energy Strategy Stakeholder Group referred to at Item 11 below.

Noting the Hydrogen Project Board's preference to remain as a separate body in order to retain specific focus on hydrogen projects, the Development and Infrastructure Committee resolved that the Hydrogen Project Board be retained meantime in order to retain specific focus on hydrogen projects. The Committee thereafter confirmed the constitutional arrangements outlined above.

### **Proposal**

On 24 November 2021, the Hydrogen Project Board was advised that no terms of reference existed and considered various options proposed by officers. The Board agreed to disband, with hydrogen incorporated more fully as an item for discussion at the Strategic Projects Project Board.

On 19 May 2022, the Policy and Resources Committee noted that the Development and Infrastructure Committee would be considering a recommendation to disestablish the Hydrogen Project Board (which has a very similar membership to the Strategic Projects Project Board), and the remit subsumed within the Strategic Projects Project Board

### **Recommendations**

- That the Hydrogen Project Board be disestablished and its remit subsumed within the remit of the Strategic Projects Project Board.

## **10. KIMO**

### **Remit**

KIMO is a local authority international environmental organisation designed to give municipalities a political voice at regional, national and international level, with a clear mission statement and is committed to the development of coastal communities.

There are over 70 members in Belgium, Denmark, the Faroe Islands, Germany, the Netherlands, Sweden and the United Kingdom. KIMO International was formed in 1990, quickly followed by national organisations with KIMO UK being formed in 1991.

The stated mission of KIMO International is a commitment to the development of sustainable coastal communities by:

- Preventing pollution of the seas and coastal waters of North West Europe and preserving, improving and enhancing them for future generations.
- Protecting coastal communities from the impacts of marine pollution and climate change.
- Representing its member local authorities and associated members at an international and national level.

### **Existing Constitutional Arrangements**

- One member of the Harbour Authority Sub-committee.

### **Previous Membership**

- Councillor Heather N Woodbridge.

### **Background Information**

On 12 November 2019, the Development and Infrastructure Committee considered Elected Member representation on the environmental group, KIMO. Noting Council policy on appointments to external bodies, the Committee resolved that an Elected Member should be nominated to represent the Council on KIMO. The Committee further agreed that the Council representative should be a member of the Harbour Authority Sub-committee.

### **Recommendations**

- That the Council determines whether to continue with an appointment to KIMO.
- That, should the Council continue with an appointment, to seek nominations and appoint a member.

## **11. Orkney Energy Strategy Stakeholder Group**

### **Remit**

- To oversee development and review of the Orkney Energy Strategy.
- To oversee development and delivery of an action plan to progress the Orkney Energy Strategy.

### **Existing Constitutional Arrangements**

- Convener.
- Leader.
- Depute Leader.

- Chair, Development and Infrastructure Committee.
- Vice Chair, Development and Infrastructure Committee.
- Head of Strategic Projects and Infrastructure.
- Head of Marine Services, Engineering and Transportation.
- Head of Planning, Development and Regulatory Services.
- Head of Housing, Homelessness and Schoolcare Accommodation Services.
- Chair, Orkney Renewable Energy Forum.
- Innovation Manager, Community Energy Scotland.
- Managing Director, EMEC.
- Area Manager, Orkney, Highlands and Islands Enterprise.

### **Previous Membership**

- Convener – Councillor J Harvey Johnston.
- Leader – Councillor James W Stockan.
- Depute Leader – Councillor W Leslie Manson (substitute).
- Chair, Development and Infrastructure Committee – Councillor Graham L Sinclair.
- Vice Chair, Development and Infrastructure Committee – Councillor Andrew Drever.

### **Recommendations**

- To confirm existing arrangements and appointments, including amendments to officer representation to reflect the revised management structure as follows:
  - Head of Enterprise and Economic Growth.
  - Head of Marine Services, Transportation and Harbour Master.
  - Head of Planning and Community Protection.
  - Head of Community Learning, Leisure and Housing.
- That, to provide corporate oversight, the undernoted Corporate Directors be invited to participate, as and when required:
  - Corporate Director for Enterprise and Sustainable Regeneration.
  - Corporate Director for Neighbourhood Services and Infrastructure.
  - Corporate Director for Education, Leisure and Housing.

## **12. Orkney Local Plan District Partnership**

### **Remit**

- To oversee, facilitate, plan and enable all work that will result in the agreement of Flood Risk Management strategies and delivery of the Local Flood Risk Management Plan.
- To deal with all aspects of communications and stakeholder management.

### **Existing Constitutional Arrangements**

- One member of the Development and Infrastructure Committee.

## **Previous Membership**

- Councillor David Dawson.

## **Recommendation**

To make the appointment.

## **13. Orkney Marine Planning Advisory Group**

### **Remit**

To provide advice and feedback on development of the Orkney Regional Marine Plan and help ensure effective stakeholder and public participation in developing the Plan.

### **Existing Constitutional Arrangements**

Representation from the following:

- Orkney Islands Council.
- Scottish Environment Protection Agency.
- NatureScot.
- Historic Environment Scotland.
- Royal Society for the Protection of Birds.
- Orkney Marinas.
- Orkney Sub Aqua Club.
- Orkney Sustainable Fisheries.
- Scottish and Southern Electricity Networks.
- Scottish Salmon.
- Orkney Harbour Authority.
- Orkney Marine Services Association.
- Repsol Sinopec.
- Visit Scotland.
- Crown Estate Scotland.
- Orkney Renewable Energy Forum.
- Heriot Watt University International Centre for Island Technology.

### **Proposal**

The Terms of Reference for the Orkney Marine Planning Advisory Group delegate responsibility for providing the roles of Chair and Vice Chair of the Orkney Marine Planning Advisory Group to Orkney Islands Council. Neither has any voting powers.

When the Advisory Group was initially established in March 2021, as a temporary measure the Chair of the Development and Infrastructure Committee was nominated as the Chair and the Head of Planning, Development and Regulatory Services as the Vice Chair.

It is now proposed that the Chair and Vice Chair of the Development and Infrastructure Committee be appointed as the Chair and Vice Chair respectively of the Orkney Marine Planning Advisory Group.

## **Recommendations**

That the Chair and Vice Chair of the Development and Infrastructure Committee be appointed as the Chair and Vice Chair respectively of the Orkney Marine Planning Advisory Group.

## **14. Orkney Renewable Energy Forum**

### **Remit**

- To encourage the preferential use of renewable energy in Orkney.
- To debate the best technical and sustainable options for increasing renewable energy and energy efficiency in Orkney.
- To facilitate Research and Development in renewable energy and energy efficiency.
- To disseminate information on renewable energy and energy efficiency.
- To lobby on the strategic issues affecting the development of a renewable energy sector in Orkney.
- To act as a consultative body on issues related to connecting Orkney to renewable energy markets.

### **Existing Constitutional Arrangements**

- Chair, Development and Infrastructure Committee.
- Vice Chair, Development and Infrastructure Committee.

Both appointments are observer status only.

### **Previous Membership**

- Chair, Development and Infrastructure Committee – Councillor Graham L Sinclair.
- Vice Chair, Development and Infrastructure Committee – Councillor Andrew Drever.

### **Recommendation**

To confirm the appointments, noting observer status only.

## **15. Road Safety Forum**

### **Remit**

The Road Safety Forum was established in the mid 1990's to bring various agencies together to formulate a strategic approach to road safety in Orkney. The Forum meets quarterly to review and adjust its delivery plans. This multi-agency group currently comprises representation from Orkney Islands Council, Police Scotland, NHS Orkney, Scottish Ambulance Service, Scottish Fire and Rescue Service, Driving Instructors and other interested parties.



## **Existing Constitutional Arrangements**

- Chair, Development and Infrastructure Committee.
- Vice Chair, Development and Infrastructure Committee.
- One other Member of the Development and Infrastructure Committee.

## **Previous Membership**

- Chair, Development and Infrastructure Committee – Councillor Graham L Sinclair.
- Vice Chair, Development and Infrastructure Committee – Councillor Andrew Drever.
- Councillor David Dawson.

## **Recommendation**

To make the one other appointment.