

Item: 11

General Meeting of the Council: 11 December 2018.

College Management Council Sub-committee.

Appointment of Business Representative.

Report by Chief Executive.

1. Purpose of Report

To consider the appointment of a business representative 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 a recruitment and selection process earlier in 2018, five new appointments for business and community representatives on the College Management Council Sub-committee, were confirmed, with one vacancy for a business representative remaining.

2.3.

That, since May 2018, one of the community representatives has resigned, creating another vacancy.

2.4.

That, following advertisement, one application was received in respect of the vacancies for business and community representatives to serve on the College Management Council Sub-committee.

2.5.

That, following a recruitment and selection process, the applicant is recommended for appointment to the College Management Council Sub-committee as a business representative.

2.6.

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

It is recommended:

2.7.

That Rebecca May be appointed, as a business representative, to serve on the College Management Council Sub-committee for the period to May 2022.

3. Background

3.1.

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.

3.2.

On 1 May 2018, the Council was advised of a recruitment exercise to fill vacancies and resignations of business and community representatives, resulting in five new appointments being made. This resulted in one vacancy remaining for a business representative. However, one of the community representatives has since resigned, creating another vacancy.

3.3.

Accordingly, a further advertisement was placed in October 2018 seeking expressions of interest for the remaining vacancies.

4. Expressions of Interest

4.1.

Following the advertisement, one expression of interest was received.

4.2.

Accordingly, following a short interview in line with the process followed previously, it is recommended that the Council confirms the appointment of the undernoted representative on the College Management Council Sub-committee for the period up to May 2022:

- Business Representative:
 - Rebecca May.

5. Corporate Governance

This report relates to 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.

6. Financial Implications

6.1.

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

6.2.

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

7. Legal Aspects

7.1.

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.

7.2.

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.

7.3

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.

7.4.

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.

7.5.

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.

8. Contact Officers

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