

## **Item: 18**

**General Meeting of the Council: 5 October 2021.**

**Appointments to Islands Deal Joint Committee.**

**Joint Report by Chief Executive and Interim Executive Director of Finance, Regulatory, Marine and Transportation Services.**

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

To consider making appointments to the Islands Deal Joint Committee.

### **2. Recommendations**

The Council is invited to note:

#### **2.1.**

That a Joint Committee between Orkney Islands Council, Comhairle nan Eilean Siar and Shetland Islands Council is to be established for the purpose of managing implementation of the Growth Deal for the Islands.

#### **2.2.**

That the Joint Committee Governance Agreement in relation to the Islands Deal states there will be equal representation from each of the three Councils on the Joint Committee, with two representatives from each Council.

#### **2.3.**

That one of the two representatives to be appointed by each Council shall be the Leader, with the second representative to be determined by the relevant Council.

#### **2.4.**

That the settled position of the Islands Deal Programme Board is that the second appointment shall be the relevant Chair of economic development functions, having regard to the economic significance of the various projects within the Islands Deal Programme.

#### **2.5.**

That elected member appointments to the Islands Deal Joint Committee will last for the remainder of the Council term, namely until May 2022.

**It is recommended:**

## **2.6.**

That the Leader and the Chair of the Development and Infrastructure Committee be appointed as the Council's representatives on the Islands Deal Joint Committee, once established.

## **3. Background**

### **3.1.**

Following the formal announcement of the Islands Deal by both the UK and Scottish Governments in July 2020, Heads of Terms, which confirm the final list of projects in the Deal, together with the funding allocated to each one, was signed on 17 March 2021.

### **3.2.**

The individual project teams are now developing Outline Business Cases in accordance with Treasury Green Book procedures. Successful conclusion of this process will result in the signing of the Final Deal, likely in Autumn 2022.

## **4. Proposed Governance Structure**

### **4.1.**

An Islands Deal Programme Board has been established to provide an interim governance structure for the early stages of the work on the Islands Deal. The Programme Board consists of the Chief Executives and Executive Directors of Development (or equivalent) from each of the three constituent Councils, together with a representative from Highlands and Islands Enterprise.

### **4.2.**

While this has worked very well in bringing the participating authorities together, formal governance arrangements, including appropriate engagement by Elected Members, require to be agreed in order to secure further progress and implementation of the Deal and to satisfy UK and Scottish Government governance requirements.

### **4.3.**

The formation of a Joint Committee has therefore been proposed to provide governance over strategic and investment decisions in respect of implementation of the Islands Deal. The Joint Committee will have specific functions delegated to it by the constituent authorities, whilst allowing for certain matters to be reserved to the constituent authorities to determine.

#### **4.4.**

Section 57 of the Local Government (Scotland) Act 1973 permits two or more local authorities to form a joint committee for the purposes of discharging any of their functions. Such committees do not have a separate legal personality, and remain a committee of the appointing authorities.

#### **4.5.**

On 21 September 2021, the Policy and Resources Committee recommended:

- That a Joint Committee be established under Section 57 of the Local Government (Scotland) Act 1973 between Orkney Islands Council, Comhairle nan Eilean Siar and Shetland Islands Council for the purposes of managing implementation of the Growth Deal for the Islands.
- That, subject to any minor amendments, the Joint Committee Governance Agreement be approved for agreement with Comhairle nan Eilean Siar and Shetland Islands Council.

#### **4.6.**

The Committee also noted that, should the proposed governance structure be approved and the Joint Committee subsequently established, elected member appointments to the Joint Committee would be considered at the General Meeting of the Council to be held on 5 October 2021.

### **5. Appointments to Joint Committee**

#### **5.1.**

In terms of Council policy, 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.

##### **5.1.1.**

The proposed Joint Committee falls under the third category.

#### **5.2.**

In terms of Section 2.1.18 of the Scheme of Administration, appointment of Members of the Council to external bodies is a retained function of the Council.

### **5.3.**

In terms of the proposed Joint Committee Governance Agreement referred to at section 4.5 above, there will be equal representation from each of the three Councils on the Joint Committee. Two representatives from each Council shall be appointed to the Joint Committee, with the Chair and Vice-Chair rotating annually and held by different Authorities in each instance. In terms of the Joint Committee Governance Agreement, one of the two representatives to be appointed by each Council shall be the Leader of their Council.

### **5.4.**

The second representative to be appointed by each Council is to be determined by the relevant Council. The settled position of the Islands Deal Programme Board is that the second appointment shall be the relevant Chair of economic development functions, having regard to the economic significance of the various projects within the Islands Deal Programme. The recommendation is therefore to appoint the Chair of the Development and Infrastructure Committee as the Council's second representative on the Joint Committee.

### **5.5.**

It is envisaged that the appointments will last for the period of the remainder of the Council term or term of the office bearer. Following the Local Government Elections, scheduled for 5 May 2022, appointments to external bodies will be considered by the Council at its Statutory General Meeting which, in accordance with Standing Orders, must be held within 21 days of the Election.

## **6. Method of Voting**

### **6.1.**

The Council's Standing Orders set out the process for making appointments or nominations.

#### **6.1.1.**

Standing Order 22.7 states:

In the making of appointments or nominations by the Council, where the number of candidates is greater than the number of vacancies, a vote shall be taken by secret ballot.

#### **6.1.2.**

Standing Orders 22.10 to 22.12 make provision for where one vacancy exists:

22.10. Where only one vacancy requires to be filled and one candidate has an absolute majority of the votes cast, that candidate will be declared elected, nominated or appointed, as the case may be.

22.11. Where there are more than two candidates and the first vote does not produce an absolute majority in favour of any candidate, the name of the candidate having least votes will be removed from the list of candidates, and a fresh vote will take place.

22.11.1. This process will continue until one candidate has a majority of the votes cast.

22.12. Where there is an equal number of votes for the candidates having least votes, an extra vote will be taken between those candidates.

22.12.1. The name of the candidate receiving fewest votes will be removed from the list of candidates.

22.12.2. If an equal number of votes remains, the candidate to be removed from the list of candidates will be determined by lot.

## **6.2.**

In the event that more than one nomination is made and consequently a secret ballot is required, the normal process is obviously not possible, given that the meeting is being held remotely on Microsoft Teams. Accordingly, the following process, which was used to make nominations and appointments at the Special General Meeting of the Council held on 11 June 2020, will be implemented:

- The Convener will confirm the nominations.
- All members should email the Senior Committees Officer their nomination with the name of the candidate as the subject of the email.
- Once the Senior Committees Officer has received 21 emails (or the total of those members present and voting), she will read out the names, as would normally happen during a secret ballot held in the Chamber.
- The Senior Committees Officer will then announce the result.

## **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 as a result of the recommendations of this report.

## **9. Legal Aspects**

The legal aspects are contained within the body of this report.

## **10. Contact Officers**

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