

## **Item: 16**

**General Meeting of the Council: 7 March 2023.**

**College Management Council Sub-committee.**

**Appointment of Business and Community Representatives.**

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

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

To consider extending the term of appointment of business and community representatives serving 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, on 16 February 2022, when considering a business planning review of Orkney College, the Education, Leisure and Housing Committee recommended:

- That a short-life working group, to conclude by the end of 2022, with a remit to inform a draft detailed business review and business plan for Orkney College, be established.
- That the Executive Director of Education, Leisure and Housing should submit a report, to the Education, Leisure and Housing Committee in early 2023, advising of the outcome of the detailed business review for Orkney College and presenting a business plan.

#### **2.2.**

That, on 5 July 2022, the Council re-appointed two business representatives and one community representative to the College Management Council Sub-committee, for the period to May 2023, to enable the Corporate Director for Strategy, Performance and Business Solutions to undertake a review of the composition and operation of the Sub-committee, to be reported no later than May 2023.

#### **2.3.**

That, on 25 October 2022, the Council resolved that the constitutional arrangements for the College Management Council Sub-committee be temporarily amended for the period up to May 2023, by increasing the numbers of both the business and community representatives from three to four, by which time the outcome of all the outstanding reviews relating to Orkney College should be known.

## **2.4.**

That the outstanding reviews relating to Orkney College are due to be reported through the Committee process during June 2023.

## **2.5.**

The proposal that the term of appointment of the four business representatives and the four community representatives on the College Management Council Sub-committee be extended until such time as the outcome of the reviews relating to Orkney College, including a review of the composition and operation of the Sub-committee, are reported to the relevant Committees, and thereafter to Council, currently expected to be July 2023.

**It is recommended:**

## **2.6.**

That the term of appointment of the four business representatives and the four community representatives on the College Management Council Sub-committee be extended until such time as the outcome of the reviews relating to Orkney College, including a review of the composition and operation of the Sub-committee, are reported to the relevant Committees, and thereafter to Council, currently expected to be July 2023.

# **3. Background**

## **3.1.**

On 16 February 2022, the Education, Leisure and Housing Committee considered actions being taken in regard to a business planning review of Orkney College, as well as other relevant issues. As a result, the Committee recommended:

- That a short-life working group, to conclude by the end of 2022, with a remit to inform a draft detailed business review and business plan for Orkney College, be established.
- That the Executive Director of Education, Leisure and Housing should submit a report, to the Education, Leisure and Housing Committee in early 2023, advising of the outcome of the detailed business review for Orkney College and presenting a business plan.

## **3.2.**

On 5 July 2022, when considering various appointments, the Council re-appointed two business representatives and one community representative to the College Management Council Sub-committee, for the period to May 2023.

### **3.2.1.**

The Council further resolved that the Corporate Director for Strategy, Performance and Business Solutions should review the composition and operation of the College Management Council Sub-committee, following receipt of expressions of interest in respect of vacancies for business and community representatives, and submit a report to the Education, Leisure and Housing Committee no later than May 2023.

### **3.3.**

On 25 October 2022, the Council noted the proposal that the constitutional arrangements for the College Management Council Sub-committee be temporarily amended for the period up to May 2023, by increasing the numbers of both the business and community representatives from three to four, by which time the outcome of all the outstanding reviews relating to Orkney College should be known.

#### **3.3.1.**

The Council thereafter resolved:

- That the constitutional arrangements for the College Management Council Sub-committee be temporarily amended, for the period up to May 2023, as follows:
  - 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 student representatives.
- That two further business representatives and three community representatives be appointed to the College Management Council Sub-committee, for the period to May 2023.

## **4. Proposal to Extend Appointments**

### **4.1.**

The short-life working group has been meeting regularly since October 2022, facilitated by an external consultant. At its latest meeting held on 24 February 2023, a timetable for next steps was considered, which includes a proposal that the outstanding reviews relating to Orkney College be reported through the Committee process in June 2023.

### **4.2.**

Accordingly, it is proposed that the term of appointment of the four business representatives and the four community representatives be extended, from May 2023 until such time as the outcome of the reviews are reported to the relevant Committees, and thereafter to Council, currently expected to be July 2023. This will

include a review of the composition and operation of the College Management Council Sub-committee.

## **5. Corporate Governance**

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.

## **6. Financial Implications**

### **6.1.**

There are no financial implications arising directly from the recommendations to this report, which is to extend the term of appointment of members 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.**

The recommendation in this report to extend the term of appointment of the four business representatives and the four community representatives on the College Management Council Sub-committee until July 2023 is contradictory to the decisions of the Council on 5 July and 25 October 2022, detailed in sections 3.2 and 3.3 above, in terms of which the appointments of the current business and community representatives were to be for the period to May 2023.

### **7.2.**

In terms of Standing Order 23.1, a motion shall not be competent if it is contradictory of a previous decision of the Council made within the last 12 months. However, in terms of Standing Order 23.2, it will be competent for the Council to review a decision before the end of the 12 month period provided that the Chief Executive is satisfied that a material change of circumstances has occurred.

### **7.3.**

When the Council made the appointments on 5 July 2022, the Council also resolved that a review of the composition and operation of the College Management Council Sub-committee be undertaken and reported no later than May 2023. It was envisaged at the time of the Decision that the review would be informed by the work of a short-life working group, established to undertake a detailed business review and business plan for Orkney College, which was due to conclude its work by the end of 2022 and that a report on the outcome of the detailed business review for Orkney College and a business plan would be presented to the Education, Leisure and Housing Committee in early 2023.

#### **7.4.**

Due to a number of factors outwith officers' control, including travel disruption occasioned by adverse weather, a number of meetings of the aforementioned short-life working group had to be postponed and, as a result, it was unable to complete its work by the end of 2022 and, in fact, its final meeting did not take place until 24 February 2023. The delayed conclusion of its work has left insufficient time to complete the review or prepare and present the reports, envisaged in sections 3.1 and 3.2 above, to the Education, Leisure and Housing Committee scheduled to take place on 29 March 2023, including the proposed report on the future composition and operation of the College Management Council Sub-committee. Accordingly, the extension of the current appointments is necessary in the meantime pending the outcome of the reviews being presented to the Council in June-July 2023.

#### **7.5.**

It is submitted that the delay in progress of its review by the short-life working group, whose work will inform the recommendations to be made in relation to the future composition and operation of the College Management Council Sub-committee, amounts to a material change in circumstances and justifies the extension of the current appointments notwithstanding that this would be contradictory of the Council's Decisions referred to above. As such, it is submitted that Standing Order 23.2 is engaged and that it is therefore competent to review the decisions of the Council of 5 July and 25 October 2022 without any requirement to suspend Standing Order 23.1.

### **8. Contact Officers**

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