

Item: 9

Policy and Resources Committee: 18 February 2020.

Vacancies on Committees and Sub-committees.

Report by Chief Executive.

1. Purpose of Report

To consider governance arrangements and appointments to various Committees and Sub-committees.

2. Recommendations

The Committee is invited to note:

2.1.

That Councillor Graham L Sinclair has intimated a wish to reduce his commitments, including demitting his position on the following Committees and Sub-committees:

- Planning Committee and Local Review Body.
- Asset Management Sub-committee.
- Human Resources Sub-committee and Staff Appeals Sub-committee.
- Investments Sub-committee and Pension Fund Sub-committee.

2.2.

That, in terms of the constitutional arrangements of the Planning Committee, Councillor Stephen G Clackson, being the third member of the North Isles electoral ward, should fill the vacancy created by Councillor Sinclair's resignation.

2.3.

The options available for filling the vacancy, summarised as follows, should Councillor Clackson decline the appointment to the Planning Committee:

- Option 1 – amend the constitutional arrangements to “at least one member” from each electoral ward and make an appointment, noting the implications for the three 3 member wards.
- Option 2 – make no appointment, thereby reducing membership of the Planning Committee to 11 members for the period up to May 2022.

2.4.

That, as membership of the Local Review Body is the same as the Planning Committee, whoever is appointed to the vacancy on the Planning Committee will also serve on the Local Review Body.

2.5.

That, should no appointment be made to the Planning Committee, the Local Review Body would also be reduced to 11 members for the period up to May 2022.

2.6.

That appointments made to fill the vacancies on the various Sub-committees will last for the remainder of the term of this Council, namely until May 2022.

It is recommended:

2.7.

That Councillor Stephen G Clackson be appointed to the Planning Committee and Local Review Body for the period to May 2022.

2.8.

That, should Councillor Clackson decline the appointment referred to above, members should consider the options at paragraph 2.3 above and determine the matter accordingly.

2.9.

That appointments be made to the vacancies on the undernoted sub-committees:

- Asset Management Sub-committee – from the list of members at section 5.5 of this report.
- Human Resources Sub-committee and Staff Appeals Sub-committee – from the list of members at section 6.3 of this report.
- Investments Sub-committee and Pension Fund Sub-committee – from the list of members at section 7.4 of this report.

3. Background

3.1.

Councillor Graham L Sinclair has intimated a wish to reduce his commitments, including demitting his position on the following Committees and Sub-committees:

- Planning Committee and Local Review Body.
- Asset Management Sub-committee.
- Human Resources Sub-committee and Staff Appeals Sub-committee.
- Investments Sub-committee and Pension Fund Sub-committee.

3.2.

Filling the vacancy created on the Planning Committee and the Local Review Body is considered in section 4 below.

3.3.

The Sub-committees referred to above are all sub-committees of the Policy and Resources Committee, therefore consideration can be given to filling the vacancy created by Councillor Sinclair stepping down. Constitutional arrangements and existing membership are detailed in the corresponding sections below.

4. Planning Committee and Local Review Body

4.1.

In July 2018, following a governance review, Council amended the constitutional arrangements in respect of the Planning Committee, from 12 members of the Council, to two elected members from each of the six electoral wards.

4.2.

The reason for this change was that, for the period 2015 to 2017, all four members representing the West Mainland electoral ward were appointed to the Planning Committee. Consequently, an applicant for, or an objector to, a planning application relating to a proposed development in the West Mainland area could not raise any concerns with those members, as it would require those members to then declare an interest and remove themselves from the meeting at which the application was being considered, in accordance with the terms of the Councillors' Code of Conduct.

4.3.

In May 2017, Councillors Graham L Sinclair and Kevin F Woodbridge were appointed as the North Isles representatives on the Planning Committee. These appointments were reaffirmed in May 2019.

4.4.

In terms of the constitutional arrangements of the Planning Committee, Councillor Stephen G Clackson, being the third member of the North Isles electoral ward, should, therefore, fill the vacancy created by Councillor Sinclair's resignation.

4.5.

Should Councillor Clackson decline that appointment, consideration could be given to further reviewing the constitutional arrangements of the Planning Committee. Rather than two representatives from each electoral ward, one option would be to amend to "at least one member".

4.6.

However, with Orkney Islands Council comprising three 3 member wards and three 4 member wards, should a member from one of the 3 member wards be appointed, this would result in the same situation pre-2017, whereby all members of that electoral ward would be members of the Planning Committee.

4.6.1.

Appointing a member from one of the 4 member wards would result in the remaining member from that ward not serving on the Planning Committee.

4.7.

Another option would be not to fill the vacancy, thereby reducing overall membership of the Planning Committee to 11 members. This could then be reviewed in May 2022, following the ordinary election of members.

4.8.

Current membership of the Planning Committee is as follows:

- Kirkwall East:
 - Councillor David Dawson.
 - Councillor John A R Scott.
- Kirkwall West and Orphir:
 - Councillor Alexander G Cowie.
 - Councillor Barbara Foulkes.
- Stromness and South Isles:
 - Councillor Robin W Crichton.
 - Councillor Magnus O Thomson.
- West Mainland:
 - Councillor Owen Tierney.
 - Councillor Duncan A Tullock.
- East Mainland, South Ronaldsay and Burray:
 - Councillor Norman R Craigie.
 - Councillor Stephen Sankey.
- North Isles:
 - Councillor Graham L Sinclair.
 - Councillor Kevin F Woodbridge.

4.9.

Should Councillor Clackson decline the appointment to the vacancy on the Planning Committee, members are invited to consider the options, summarised as follows:

- Option 1 – amend the constitutional arrangements to “at least one member” from each electoral ward and make an appointment, noting the implications for the three 3 member wards.

- Option 2 – make no appointment, thereby reducing membership of the Planning Committee to 11 members for the period up to May 2022.

4.10.

As membership of the Local Review Body is the same as the Planning Committee, whoever is appointed to the vacancy on the Planning Committee will also serve on the Local Review Body. Alternatively, should no appointment be made, the Local Review Body would also be reduced to 11 members for the period up to May 2022.

5. Asset Management Sub-committee

5.1.

The Asset Management Sub-committee comprises:

- Chair, Policy and Resources Committee.
- Vice Chair, Policy and Resources Committee.
- 5 other Members of the Policy and Resources Committee.

5.2.

Existing membership is as follows:

- Councillor Norman R Craigie.
- Councillor Robin W Crichton.
- Councillor Steven B Heddle.
- Councillor W Leslie Manson.
- Councillor John A R Scott.
- Councillor Graham L Sinclair.
- Councillor James W Stockan.

5.3.

In May 2019, the following members were appointed to the Community Asset Transfer Review Sub-committee, which acts as the review body in respect of decisions relating to Asset Transfer Requests, as defined in Section 86(10) in the Community Empowerment (Scotland) Act 2015:

- Councillor Alexander G Cowie.
- Councillor David Dawson.
- Councillor Barbara Foulkes.
- Councillor Rachael A King.
- Councillor Gwenda M Shearer.
- Councillor Owen Tierney.
- Councillor Kevin F Woodbridge.

5.4.

Accordingly, the seven members listed at section 5.3 above cannot serve on both the Asset Management Sub-committee and the Community Asset Transfer Review Sub-committee.

5.5.

It is therefore recommended that one of the undernoted members be appointed to the vacancy on the Asset Management Sub-committee:

- Councillor Stephen G Clackson.
- Councillor Andrew Drever.
- Councillor J Harvey Johnston.
- Councillor John T Richards.
- Councillor Stephen Sankey.
- Councillor Magnus O Thomson.
- Councillor Duncan A Tullock.

6. Human Resources Sub-committee

6.1.

The Human Resources Sub-committee comprises:

- Chair, Policy and Resources Committee.
- Vice Chair, Policy and Resources Committee.
- 6 other Members of the Policy and Resources Committee.

6.2.

Existing membership is as follows:

- Councillor Robin W Crichton.
- Councillor Steven B Heddle.
- Councillor W Leslie Manson.
- Councillor John T Richards.
- Councillor Gwenda M Shearer.
- Councillor Graham L Sinclair.
- Councillor James W Stockan.
- Councillor Duncan A Tullock.

6.3.

It is therefore recommended that one of the undernoted members be appointed to the vacancy on the Human Resources Sub-committee:

- Councillor Stephen G Clackson.
- Councillor Alexander G Cowie.
- Councillor Norman R Craigie.
- Councillor David Dawson.
- Councillor Andrew Drever.
- Councillor Barbara Foulkes.
- Councillor J Harvey Johnston.
- Councillor Rachael A King.
- Councillor Stephen Sankey.
- Councillor John A R Scott.
- Councillor Magnus O Thomson.
- Councillor Owen Tierney.
- Councillor Kevin F Woodbridge.

6.4.

As the Human Resources Sub-committee also sits as the Staff Appeals Sub-committee, the member appointed from the list at section 6.3 above, will also be appointed to that Sub-committee.

7. Investments Sub-committee

7.1.

The Investments Sub-committee comprises:

- Chair, Policy and Resources Committee.
- Vice Chair, Policy and Resources Committee.
- 5 other Members of the Policy and Resources Committee.

7.2.

Existing membership is as follows:

- Councillor Alexander G Cowie.
- Councillor Steven B Heddle.
- Councillor Rachael A King.
- Councillor W Leslie Manson.
- Councillor Stephen Sankey.
- Councillor Graham L Sinclair.
- Councillor James W Stockan.

7.3.

Because of training requirements, the Pension Fund Sub-committee comprises the same membership as the Investments Sub-committee. In May 2019, the following members were appointed to the Pension Board and are therefore ineligible for membership of the Pension Fund Sub-committee and, by default, the Investments Sub-committee:

- Councillor J Harvey Johnston.
- Councillor Owen Tierney.
- Councillor Duncan A Tullock.

7.4.

It is therefore recommended that one of the undernoted members be appointed to the vacancies on the Investments Sub-committee and the Pension Fund Sub-committee:

- Councillor Stephen G Clackson.
- Councillor Norman R Craigie.
- Councillor Robin W Crichton.
- Councillor David Dawson.
- Councillor Andrew Drever.
- Councillor Barbara Foulkes.
- Councillor John T Richards.
- Councillor John A R Scott.
- Councillor Gwenda M Shearer.
- Councillor Magnus O Thomson.
- Councillor Kevin F Woodbridge.

8. Appointments

It is proposed that the appointments made to fill the vacancies on the various Sub-committees should last for the remainder of the term of this Council, namely until May 2022.

9. 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.

10. Financial Implications

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

11. Legal Aspects

11.1.

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.

11.2.

There are no statutory rules in force in Scotland as to which councillors should be appointed to which committee. Councils have a discretion to decide the membership of their committees and sub-committees.

12. Contact Officers

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