

Item: 16

Statutory General Meeting of the Council: 16 May 2022.

Appointments and/or Nominations to Other Bodies.

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

1. Purpose of Report

To consider appointments and/or nominations to various bodies.

2. Recommendations

The Council is invited to note:

2.1.

Council policy on appointments and/or nominations to external bodies, as outlined in section 3 of this report.

2.2.

That appointments and/or nominations to the various bodies listed in Appendices 1 to 4 to this report will, unless stated otherwise, last until the Special General Meeting of the Council scheduled for May 2024.

It is recommended:

2.3.

That the Council considers the recommendations associated with the appointments and/or nominations to the various bodies listed in Appendices 1 to 4 to this report and makes appointments/nominations, where required.

3. Policy on Appointments to External Bodies

When making appointments/nominations to external bodies, regard should be made to Council policy whereby the appointment of councillors 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.

4. Term of Appointment

4.1.

Standing Orders provide that the Council will hold its first General Meeting within 21 days of the date of the Local Government Election.

4.2.

At that meeting, the Council will appoint or nominate, as appropriate, members to joint committees, joint boards and community planning partnerships of which the Council is a member, members of the Licensing Board and all other bodies and representative organisations on which the Council is entitled, or is invited, to be represented. All such appointments are for a period of two years, unless otherwise provided by statute, or unless the Council shall otherwise resolve.

4.3.

The term of appointment is detailed at each organisation listed in Appendices 1 to 4 to this report. Appointments for two years will last until the Special General Meeting of the Council to be held in May 2024.

5. Appointments

5.1.

Bearing in mind Council policy outlined in section 3 above, the Council has previously resolved that it should be, or continue to be, represented on the various bodies listed in the Appendices.

5.2.

It is proposed that appointments and/or nominations be made as recommended. Should the Council wish to reconsider whether any appointment and/or nomination should continue, it is suggested that, rather than debate the merits of the appointment at this meeting, the matter be deferred to enable the submission of further reports.

6. Companies and Trusts

6.1.

The Council currently makes appointments to five organisations in this category, namely:

- Kirkwall BID Limited.
- Orkney Ferries Limited.
- Orkney Towage Company Limited.
- Orkney Islands Council General Charitable Trust.
- Pickaquoy Centre Trust.

6.2.

Membership, terms of appointment and recommendations are detailed in Appendix 1 to this report. Previous membership is also provided for information purposes only.

7. Local Government, European and Multi-Agency Bodies

7.1.

The Council currently makes appointments to 12 organisations in this category, namely:

- Islands Deal Joint Committee.
- Orkney and Shetland Valuation Joint Board.
- Board of NHS Orkney.
- Children's Hearings Scotland – Area Support Team.
- Conference of Peripheral Maritime Regions.
- Convention of Highlands and Islands.
- Economic Recovery Steering Group.
- Fostering, Adoption and Permanence Panel.
- Orkney Alcohol and Drugs Partnership.
- Orkney Community Justice Partnership.
- Orkney Memorial Fund.
- Scottish Councils Committee on Radioactive Substances.

7.2.

Membership, terms of appointment and recommendations are detailed in Appendix 2 to this report. Previous membership is also provided for information purposes only.

8. Convention of Scottish Local Authorities

8.1.

The Convention of Scottish Local Authorities (COSLA) has requested the following information from constituent authorities:

- The name and contact details for the Leader, which are to be provided no later than 20 May, with the first Leaders' meeting scheduled for 27 May 2022.
- The names and political party of the Council's delegation to the Convention. Orkney is entitled to three places on the Convention and delegates must reflect the balance of party political representation within the Council.
- Names of representatives to COSLA Boards. Each Council can nominate one elected member, with substitutes permissible, although the substitutes do not require to be named. It is unlikely that the Board will meet before August 2022.

8.2.

Membership, terms of appointment and the recommended appointment(s) are detailed in Appendix 3 to this report. Previous membership is also provided for information purposes only.

9. Miscellaneous

9.1.

There are a number of other organisations to which the Council currently continues to make appointments, namely:

- Council of Society of Friends of St Magnus Cathedral.
- Dounreay Stakeholder Group.
- Highland Reserve Forces' and Cadets' Association.
- Orkney Local Access Forum.
- Orkney Natural History Society Museum Trust.
- St Margaret's Hope Pier Trust.

9.2.

Membership, terms of appointment and recommendations are detailed in Appendix 4 to this report. Previous membership is also provided for information purposes only.

10. 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.

11. Financial Implications

11.1.

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

11.2.

It should be noted, however, that the appointment as a director of a company carries with it additional responsibilities for the individual appointed that could potentially have financial consequences.

11.3.

Taking a role in a company brings new responsibilities, including legal duties, and board members may be personally liable if the company engages in wrongful trading or any other offence. It also introduces the potential for conflicts of interest for individuals who have a role on the Council. Councillors have a duty under the Code

of Conduct to act in the best interests of the Council and would, as company directors, also be required to act in the interests of the company. A member or officer who scrutinises a company on behalf of the council, or makes funding decisions affecting the company, should not also be a board member of the company.

12. Legal Aspects

12.1.

Appointment as a director of a company confers certain duties towards the company, primarily the duty to act in the best interests of that company. Elected Members must keep in mind that, when sitting on a board of directors, they are there in their capacity as directors and must comply with the directors' duties under the company's constitution and the Companies Act 2006.

12.2.

Appointment as a trustee or member of an external body confers certain obligations towards that body. Members must keep in mind the capacity to which they are appointed to that body and ensure that they are acting in that capacity when they take part in decision-making by that body.

12.3.

With regard to acting in their capacity as an Elected Member, Members appointed to the various external bodies, particularly to companies and trusts, should ensure that they comply with the Councillors' Code of Conduct, and in particular that they register interests in such external bodies appropriately.

13. Contact Officer

Karen Greaves, Corporate Director for Strategy, Performance and Business Solutions, extension 2202, Email karen.greaves@orkney.gov.uk.

14. Appendices

Appendix 1: Companies and Trusts.

Appendix 2: Local Government, European and Multi-Agency Bodies.

Appendix 3: Convention of Scottish Local Authorities.

Appendix 4: Miscellaneous.

Appendix 1.

Companies and Trusts

1. Kirkwall BID Limited

Membership – one member of the Council.

Term of appointment – term of office as councillor.

Previous membership – John Richards.

When making the appointment in 2017, the Council determined that the appointment should be open to any member of the Council.

The BID is a time limited initiative and is due to consider a rebalot of members in 2023.

Recommendation: That the Council appoints a member/Director to the Board of Kirkwall BID Ltd.

2. Orkney Ferries Limited

Membership – 5 directors comprising:

- 1 member representing the North Isles.
- 1 member representing the South Isles.
- 1 member representing the Mainland.
- 2 members with no geographical restriction.

Term of appointment – term of office as councillor.

Previous membership:

- North Isles – Stephen G Clackson.
- South Isles – Magnus O Thomson.
- Mainland – Owen Tierney.
- No geographical restriction:
 - David Dawson.
 - Andrew Drever.

Recommendation – that the Council nominates 5 members to be Directors of Orkney Ferries Ltd, in accordance with the geographical limitations listed above.

3. Orkney Towage Company Limited

Membership – 4 directors comprising:

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

All appointments are ex officio.

Term of appointment – term of office as councillor.

Previous membership:

- Convener – J Harvey Johnston.
- Leader – James W Stockan.
- Chair, Development and Infrastructure Committee – Graham L Sinclair.
- Vice Chair, Development and Infrastructure Committee – Andrew Drever.

Recommendation – as Orkney Towage Company Limited was dissolved on 26 April 2022, no further appointments are necessary.

4. Orkney Islands Council General Charitable Trust

Background

In terms of the Trust Deed, the number of trustees for the Orkney Islands Council General Charitable Trust shall not be less than three nor more than six. Any individual may be appointed as a trustee if they are an elected member or officer of Orkney Islands Council, by way of a majority vote at a meeting of the trustees.

Membership – 6 trustees comprising:

- Convener.
- Leader.
- Chair, Development and Infrastructure Committee.
- Chair, Education, Leisure and Housing Committee.
- Chief Executive.
- Head of Finance.

All appointments are ex officio.

Term of appointment – term of office as councillor.

Previous membership:

- Convener – J Harvey Johnston.

- Leader – James W Stockan.
- Chair, Development and Infrastructure Committee – Graham L Sinclair.
- Chair, Education Leisure and Housing Committee – Gwenda M Shearer.
- Chief Executive – John W Mundell.
- Head of Finance – Gareth Waterson.

Recommendation – that the Council nominates the ex officio appointments for consideration by the Orkney Islands Council General Charitable Trust.

5. Pickaquoy Centre Trust

Membership

The Trust deed, updated in February 2022, states that the Trustees shall comprise five elected members of Orkney Islands Council (nominated by the Council) and eight members of the public.

Of the five elected members:

- One shall be a representative of the Education, Leisure and Housing Committee or such other committee operated by the Council for the purposes of having responsibility for leisure services, or such other similar purpose.
- One shall be a representative of the Monitoring and Audit Committee or such other committee operated by the Council for the purpose of having responsibility for oversight, auditing and monitoring or such other similar purpose.

If, for any reason, it is not possible to appoint a member or representative of Orkney Islands Council as a Trustee, the Trustees shall appoint a Trustee from outwith Orkney Islands Council in either a personal or an ex officio capacity.

The Council has also determined that members of the Orkney Islands Area Licensing Board are ineligible for nomination as Trustees.

Term of appointment – term of office as councillor/ex officio appointment.

Previous membership:

- Chair, Education, Leisure and Housing Committee – Gwenda Shearer.
- Chair, Monitoring and Audit Committee – John T Richards.
- Three other members:
 - Andrew Drever.
 - Stephen Sankey.
 - John A R Scott.

Recommendation – that the Council nominates 5 members as Trustees to the Pickaquoy Centre Trust, bearing in mind the provisions in the Trust Deed set out above.

Local Government, European and Multi-Agency Bodies

1. Islands Deal Joint Committee

On 5 October 2021, the Council resolved to establish a Joint Committee, in terms of Section 57 of the Local Government (Scotland) Act 1973, between Orkney Islands Council, Comhairle nan Eilean Siar and Shetland Islands Council for the purpose of managing implementation of the Growth Deal for the Islands.

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. 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. The settled position of the Islands Deal Programme Board was 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 Council further resolved 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.

Membership:

- Leader ex officio.
- Chair, Development and Infrastructure Committee ex officio.

Term of appointment – term of office of ex officio appointment.

Previous membership:

- Leader – Councillor James W Stockan.
- Chair, Development and Infrastructure Committee – Councillor Graham L Sinclair.

Recommendation – that the Council appoints the Leader and the Chair of the Development and Infrastructure Committee ex officio.

2. Orkney and Shetland Valuation Joint Board

Membership – 5 members and 2 substitutes.

Term of appointment – term of office as councillor.

Previous membership:

- Substantive members:
 - Councillor Robin W Crichton.
 - Councillor David Dawson.
 - Councillor Andrew Drever.
 - Councillor Barbara Foulkes.
 - Councillor J Harvey Johnston.
- Substitutes:
 - Councillor Steven B Heddle.
 - Councillor Heather N Woodbridge.

Recommendation – that the Council appoints 5 substantive members and 2 substitute members.

3. Board of NHS Orkney

Membership:

The presence of elected member representation on NHS Boards is to:

- Improve communications between the two parties.
- Support closer partnership working, consistent with the principles of community planning.
- More specifically to strengthen collaboration in both service delivery and community care.

As full members of the NHS Boards, Local Authority members would be expected to be bound by the need for collective responsibility and being able to fully participate in the committee structures of the Board.

It is vital that Local Authority members of NHS Boards have the full confidence of their authorities and are able to commit to decisions on health and health services which could affect their local communities.

In this regard it is proposed that Local Authorities nominate one of the following, to be appointed by the Minister, as a member of the NHS Board:

- The Leader.
- The Deputy Leader. Or.
- The senior member of the Local Authority with designated responsibility for public health related issues.

The above are guidelines and it is a matter for the Council to nominate its representative.

The Council's representative on the Board of NHS Orkney receives a payment.

Term of appointment – term of office as councillor/ex officio appointment.

Previous membership – Councillor James W Stockan.

Recommendation – that the Council nominates a representative, for consideration by the relevant Scottish Minister, to serve on the Board of NHS Orkney.

4. Children’s Hearings Scotland – Area Support Team

The Children’s Hearings (Scotland) Act 2011, which came into force on 24 June 2013, created the role of National Convener and Children’s Hearings Scotland (CHS). The National Convener operates independently, has a limited number of statutory functions and acts as an ambassador and advocate for Scotland’s 2,700 volunteer Children’s Panel members, to ensure that they are supported to a consistently high standard.

Children’s Hearings Scotland is the dedicated Non-Departmental Public Body that has a duty to support the National Convener in the delivery of the functions conferred by the 2011 Act. The Act empowers the National Convener to establish a national Children’s Panel for Scotland and Area Support Teams (ASTs), which will be responsible for supporting the national Children’s Panel at a local level.

The AST is responsible at a local level for the following:

- Panel member recruitment.
- Selecting applicants for recommendation to the National Convener for appointment and making recommendations for panel member reappointment.
- Panel member induction.
- Management of the rota in the Orkney area.
- Support, practice observation and practice review processes for panel members at area level.
- Organising panel member training at the local level.
- Organising information sessions on resources and initiatives available locally, awards ceremonies and an annual recognition event.

Membership – 2 members.

Appointment – term of office as councillor.

Previous membership:

- Councillor David Dawson.
- Councillor John A R Scott.

Recommendation – that the Council nominates 2 members, for approval by the National Convener of Children’s Hearings Scotland.

5. Conference of Peripheral Maritime Regions

The Conference of Peripheral Maritime Regions is an independent network of approximately 160 European Regions from both within and outside the European Union representing peripheral maritime regions. The Conference of Peripheral Maritime Regions operates to bring the regions together for discussion and debate on areas of common concern and is instrumental in lobbying for the interests of its members at European level.

In November 2017, consideration of continued membership of the Conference of Peripheral Maritime Regions from 1 January 2019 was deferred pending the outcome of the budget setting process for 2018/19. The budget setting process subsequently resolved to remove the budget for the membership and, as a result, notice of discontinuation of membership was submitted to the organisation.

Membership – Leader ex officio.

Appointment – term of office of ex officio appointment.

Previous membership – James W Stockan.

Recommendation – as the Council is no longer a member of the Conference of Peripheral Maritime Regions, no appointment is required.

6. Convention of Highlands and Islands

Membership:

- Convener ex officio.
- Leader ex officio.

Appointment – term of office of ex officio appointment.

Previous membership:

- Convener – Councillor J Harvey Johnston.
- Leader – Councillor James W Stockan.

Recommendation – that the Council appoints the Convener and the Leader ex officio.

7. Economic Recovery Steering Group

In June 2020, the Orkney Partnership Board established a short life working group, entitled the Economic Recovery Steering Group, with a remit to develop a strategy for Orkney's economic recovery from the COVID-19 pandemic.

Membership:

- Five Elected Members of the Council.
- Nine representatives from Orkney's business sector.
- Senior officers from the Council and Highlands and Islands Enterprise.

Appointment – as this is a short life working group, the appointment should last for the term of the group. Membership will, if still required, be reviewed at the Special General Meeting of the Council to be held in May 2024.

Previous membership:

- Councillor Barbara Foulkes.
- Councillor Rachael A King.
- Councillor John T Richards.
- Councillor Graham L Sinclair.
- Councillor James W Stockan.

Recommendation – that the Council appoints 5 members to the Economic Recovery Steering Group.

8. Fostering, Adoption and Permanence Panel

The Council is required by law to establish fostering, adoption and permanence panels. These panels are advisory bodies which meet as required. In Orkney, the panels are combined to form the Orkney Fostering, Adoption and Permanence Panel.

The constitution for the Orkney Fostering, Adoption and Permanence Panel specifies that at least one elected member should be appointed to the Panel. The Council can, therefore, nominate more than one member to serve on the Panel, with the Agency Decision Maker approving those nominations.

In July 2017, the Council determined that two members be nominated to serve on the Fostering, Adoption and Permanence Panel, with the appointment being for the term of office as councillor in order to ensure best use of training and experience which takes time to accumulate.

Membership – two members.

Term of appointment – term of office as councillor.

Previous membership:

- Councillor David Dawson.
- Councillor Gwenda M Shearer.

Recommendation: That the Council appoints two members to the Fostering, Adoption and Permanence Panel.

9. Orkney Alcohol and Drugs Partnership

The Orkney Alcohol and Drugs Partnership is a multi-agency organisation incorporating over 30 members, including NHS Orkney, the Council, Police Scotland and the voluntary sector.

Membership – one member.

Term of appointment – two years.

Previous membership – Councillor Alexander G Cowie.

Recommendation: That the Council appoints one member to the Orkney Alcohol and Drugs Partnership.

10. Orkney Community Justice Partnership

Membership – two members of the Council.

Term of appointment – two years.

Existing membership:

- Councillor David Dawson.
- Councillor Alexander G Cowie (substitute).

Recommendation: That the Council appoints one member and one substitute to the Orkney Community Justice Partnership.

11. Orkney Memorial Fund

In 1988, following the Piper Alpha disaster, the Council established the Orkney Memorial Fund, primarily to provide immediate assistance to families with dependent children who had suffered hardship as a result of the sudden death or incapacity of a parent or parents.

Any councillor is empowered to request a meeting of the administrators of the Orkney Memorial Fund to consider awarding assistance.

Each application to the Orkney Memorial Fund is considered on its own merit, with qualifying criteria provided for guidance.

Membership:

- Convener.
- Leader.
- Chair, Education, Leisure and Housing Committee.
- Vice Chair, Education, Leisure and Housing Committee.

Appointment – term of office of ex officio appointment.

Previous membership:

- Convener – Councillor J Harvey Johnston.
- Leader – Councillor James W Stockan.
- Chair, Education, Leisure and Housing Committee – Councillor Gwenda M Shearer.
- Vice Chair, Education, Leisure and Housing Committee – Councillor Alexander G Cowie.

Recommendation – that the Council appoints the Convener, the Leader and the Chair and Vice Chair of the Education, Leisure and Housing Committee to administer the Orkney Memorial Fund.

12. Scottish Councils Committee on Radioactive Substances

The Scottish Councils Committee on Radioactive Substances (SCCORS) is a committee established in May 2009 with the support of COSLA and the Scottish Government and with funding from the Nuclear Decommissioning Authority (NDA). The Committee is not governed by the Scottish Government, the NDA or COSLA.

Remit:

- To provide a mechanism to identify a common, Scottish local authority viewpoint on matters relating to radioactive waste substances, in particular radioactive management.
- To act as an interface with the Scottish Government, Scottish Parliament and regulatory bodies as they consult on radioactive waste management and clean-up policy and practice.
- To influence national policy on radioactive waste management in the interests of the communities affected.

Terms of Reference:

Bearing in mind the renewed emphasis on stronger local government and the recognition by the Scottish Government, Scottish Parliament and regulatory bodies of each authority's role as leader of its community, SCCORS will:

- Seek to ensure that all radioactive waste management operates to the highest safety, security and environmental standards by contributing to best practice in the development of a policy framework for radioactive waste management.
- Provide a forum through which to seek to establish a common local government view about the Scottish Government, Scottish Parliament and regulatory bodies' radioactive waste management policy development processes.
- Provide a forum through which advice and support can be supplied.
- Having regard to the foregoing, hold meetings as appropriate, seek appropriate local government representation on relevant bodies, provide for the briefing of Scottish local authority members on the issues concerned, publicise the issues within the local government, and seek a mechanism that will ensure appropriate community representation in all relevant decision making.

Aims:

- To seek to ensure that all radioactive waste management activities operate to the highest safety, security and environmental standards.
- To raise the profile of debate within local government on any issue with very significant implications for any area affected by future proposed radioactive waste development.

- To aid 'capacity building' within local government and enable informed responses to the Scottish Government, Scottish Parliament and other relevant agencies from a broader based local government grouping.
- To be an interface with the Scottish Government, Scottish Parliament and other relevant agencies on future strategic radioactive waste policy issues.
- To effectively utilise the democratic legitimacy of local government and increase influence over policy and strategy proposals that will be critical to national progress on radioactive waste management issues.
- To provide representatives on consultative, stakeholder and advisory bodies and to report back to local government.
- To identify means by which to lever resources to enable 'capacity building' within local government so that national policy can develop with broad based democratic consent.

Meetings

Meetings take place in different locations in Scotland and, if possible, at least once a year video conferencing facilities will be available. Between meetings, consultation papers and information on matters which may be of interest to members are circulated by e-mail and a Knowledge Hub Group (restricted to members only) has also been established to facilitate communications.

Background

In 2019, when reviewing this appointment, the Council noted that its representative had only managed to attend one meeting of this group. Continuation of the appointment was debated and the Council subsequently agreed to continue meantime.

Membership – one member (in the past the representative has also been the Council's representative on the Dounreay Stakeholders Group – see Miscellaneous appointments in Appendix 4).

Term of appointment – two years.

Previous membership – Councillor Stephen G Clackson.

Recommendations:

- That the Council determines whether to continue with an appointment to the Scottish Councils Committee on Radioactive Substances.
- That, should the Council continue with an appointment, to appoint a member to the Scottish Councils Committee on Radioactive Substances, noting that the appointment is also the Council's representative on the Dounreay Stakeholders Group.

Convention of Scottish Local Authorities

1. Leader's Meeting

This meeting takes place eight times a year on the last Friday of the month.

Membership – Leader.

Term of appointment – term of appointment as Leader.

Previous membership – Councillor James W Stockan.

Recommendation – that the Council notes the appointment of the Leader to the Leaders' meeting.

2. Convention

The Convention is the ruling body with overall control of COSLA's policy and direction. It meets four times per year and consists of representatives from all member councils and political groups representing Scottish local government.

Membership – Orkney is entitled to three places on the Convention and delegates must reflect the balance of party political representation within the Council. Previously the Council's delegates were the Leader and Depute Leader, both ex officio, together with one other member.

Term of appointment – term of office of ex officio appointment/term of office as councillor.

Previous membership:

- Leader – Councillor James W Stockan.
- Depute Leader – Councillor W Leslie Manson.
- Councillor Steven B Heddle.

Recommendation – that the Council appoints the Leader, the Depute Leader and one other member to the Convention.

3. Boards

COSLA has four policy Boards which meet six times a year. Each Council can nominate one elected member as their representative, with substitutes permissible, although the substitutes do not require to be named.

For the period 2017 to 2022:

- Councillor Steven B Heddle was appointed the COSLA spokesperson for the Environment and Economy.

- Due to the Chair of the Police and Fire Sub-committee having other substantial commitments, the Vice Chair was the Council representative on the Community Wellbeing Board.

Membership – representatives on COSLA Boards are the Chairs of the most appropriate committee.

Term of appointment – term of office of ex officio appointment.

Recommendation – that the following ex officio appointments be made to COSLA's Boards:

- Children and Young People – Chair, Education, Leisure and Housing Committee.
- Health and Social Care – Chair/Vice Chair, Integration Joint Board, whichever is the Council appointment.
- Environment and Economy – Chair, Development and Infrastructure Committee.
- Community Wellbeing – Chair, Police and Fire Sub-committee.

Miscellaneous

1. Council of Society of Friends of St Magnus Cathedral

The Society of the Friends of St Magnus Cathedral was formed in 1958 when it became apparent that additional funds would be required for the long term maintenance and development of the Cathedral. The main objective of the Society is to raise funds to ensure the preservation of St Magnus Cathedral as an inspiring place to visit and worship.

A Council of Members, chaired by the Lord Lieutenant of Orkney, was set up to manage the affairs of the Society and its membership comprises representatives of Orkney Islands Council, the Cathedral congregation, and four other independent members.

Membership – four members.

Term of appointment – term of office as councillor.

Previous membership:

- Councillor Stephen G Clackson.
- Councillor Steven B Heddle.
- Councillor John T Richards.
- Councillor John A R Scott.

Recommendation – that the Council appoints 4 members.

2. Dounreay Stakeholder Group

The Dounreay Stakeholder Group (DSG) is an independent body whose role is to provide public scrutiny of the Dounreay site, by providing an active, two-way channel of communication between the site operators, the Nuclear Decommissioning Authority (NDA) and local stakeholders.

The primary purpose of the DSG is to be the main interface between the community, the site operator and the NDA. In this role it exists:

- To provide an active, two-way channel of communication between the site operator, the NDA and local stakeholders.
- To give an opportunity for questioning the operator, the NDA and regulators.
- To represent local views and input timely advice to the NDA and site operator.
- To comment on the performance of NDA and site operator with regard to achievement of plans, value for money, etc.
- To commission and receive reports about activities and their impact on, for example, safety, the environment and local economy.
- To review arrangements for such matters as emergency response.

- To scrutinise and input into the prioritisation of work programmes.
- To scrutinise and input into the priorities of socio economic activities by the NDA, PBO and the site licence company and how these link into the Caithness and North Sutherland Regeneration Partnership.
- To provide views and comments to the NDA and site operator on the future of the site.
- To provide views on the NDA contract and the performance of the operator.
- To set up sub-groups to address specific issues relevant to the clean-up programme.
- To facilitate participation in the wider local consultation via public meetings and other mechanisms as required.

The group also functions as the Local Liaison Committee for the Vulcan Naval Reactor Test Establishment, providing a formal interface between the Ministry of Defence operator, the Naval Superintendent Vulcan and the local community. In this role it exists:

- To provide an active, two-way channel of communication between the Ministry of Defence and local stakeholders.
- To give an opportunity to question the Ministry of Defence operator and Defence site regulators on site operational matters.
- To review arrangements for such matters as emergency response.
- To provide views and comments to the Ministry of Defence operator on the future of the site.

Core membership of the DSG includes the following:

- Highland Council.
- Orkney Islands Council.
- Shetland Island Council.
- Community Councils.
- Business representation.
- Trade Unions.
- Health Service.
- Local enterprise company.
- Non-Government organisations.
- Community representatives.
- Voluntary Sector.
- Local residents.

Meetings:

Full meetings of the DSG are held in public and normally at least four times a year. These meetings are held in Thurso in the evening. Dates for future meetings include 18 June 2022, 21 September 2022, 7 December 2022 and 22 March 2023.

Background:

In 2019, when reviewing this appointment, the Council noted that feedback from the previous appointee who felt strongly that the Council should have representation on the Dounreay Stakeholder Group, as the Dounreay nuclear decommissioning facility is only 37 miles as the crow-flies from Stromness and, in Caithness, the ferry and electric cable infrastructure that Orkney relies upon are even nearer to Dounreay. Continuation of the appointment was debated and the Council subsequently agreed to continue meantime.

Membership – one member and one substitute.

Previously the Council's substantive member was also its representative on the Scottish Councils' Committee on Radioactive Substances.

Term of appointment – two years.

Previous membership:

- Councillor Stephen G Clackson
- Councillor Stephen Sankey (substitute).

Recommendations:

- That the Council determines whether to continue with appointments to the Dounreay Stakeholders Group.
- That, should the Council continue with an appointment, to appoint a member and a substitute to the Dounreay Stakeholders Group, noting that the substantive appointment is also the Council's representative on the Scottish Councils Committee on Radioactive Substances.

3. Highland Reserve Forces' and Cadets' Association

The Highland Reserve Forces' and Cadets' Association (RFCA) is a Crown Agency, established by Act of Parliament (under the Reserve Forces Act 1996) as one of 13 separate independent and autonomous Tri-Service corporate bodies, to support the Reserve Forces and Cadets in the Highlands and Islands of Scotland.

Highland RFCA is one of two RFCAs in Scotland. The Highland area covers 22,000 square miles and stretches from Campbeltown in Argyllshire to Lerwick in Shetland, and from Aberdeen to the Western Isles. Governance is exercised by a Ministerial Advisory Committee of the Ministry of Defence, through the Council of RFCAs, to Highland RFCA. Funding for Highland RFCA's activities is derived from MOD stakeholders which include the Defence Staff, HQ Fleet, HQ Land Forces, HQ Air Command, and Defence Estates.

The Association provides support to the Reserve Forces and Service Cadet Organisations across the Highlands of Scotland in order to enhance their effectiveness, and through representation by the Association to inform and influence the wider community on issues relating to the Armed Forces-in-Society. The Highland RFCA has an Executive Board and three Area Committees.

The Association Membership is made up of Lord Lieutenants (Ex-Officio President and Vice Presidents), Ex-Officio unit and sub-unit commanders of the Naval, Marine, Army and Air Force Reserves, and the Army Cadet Force and Air Training Corps, Selected Regular and Reserve personnel with interests in the Reserves and Cadets, representatives of Local Government, Universities, Employers, Employees and all four Cadet organisations (SCC, ACF, ATC, and CCF).

Nomination to the Association is discretionary.

Membership – one member.

Term of appointment – term of office as councillor.

Previous membership – Councillor David Dawson.

Recommendations:

- That, as nomination to the Association is discretionary, the Council determines whether to continue with the nomination.
- Should the Council determine to continue with the nomination, to nominate one member to the Highland Reserve Forces' and Cadets' Association.

4. Orkney Local Access Forum

The Land Reform (Scotland) Act 2003 requires local authorities to set up at least one Local Access Forum, comprising representatives with a range of interests in access, including the following:

- Users (eg representing walkers, cyclists, horse riders, people with disabilities and water sports).
- Land managers (eg bodies representing farming, estates and businesses, forestry).
- Public agencies (eg access authority, local enterprise company, NatureScot, Forestry Commission).
- Community interests (eg representing the community council, local residents' association).

The Local Access Forum will encourage dialogue among these interests about access issues. The functions of the Local Access Forum are to provide an advisory and dispute-resolution service for the access authority and others.

Background:

Since 2007, Council representation on the Countryside Committee and the Local Access Forum has varied.

In May 2012, the Council was advised that the Orkney Countryside Committee had been disestablished and its remit subsumed by the Local Access Forum. From that date, appointments to the Local Access Forum have comprised the following:

- May 2012 to May 2015 – Chair, Planning Committee.
- May 2015 to May 2017 – Member, Development and Infrastructure Committee.

In May 2015, the reason for a member of the Development and Infrastructure Committee being appointed as the Council’s representative on the Local Access Forum was that management of outdoor access now fell within the remit of that Committee.

However, in April 2018, the Council determined that, as the referred functions of the Development and Infrastructure Committee include matters relating to operation of the Orkney Local Access Forum and access to the countryside, in order to be able to fulfil the role of Council representative on the local access forum, the appointed person should not be a member of the Development and Infrastructure Committee.

The latest edition of A guide to good practice on Local Access Forums, produced by NatureScot (formerly Scottish Natural Heritage) states:

“Members of the access authority can be appointed to serve on the Forum. This provides a useful link to the political process and can raise the profile of access if the members in question are effective ‘access champions’. But it raises the need to be clear as to whether these members represent ‘public agency’ interests or ‘community’ interests.”.

As access disputes could be reported to the Development and Infrastructure Committee for resolution and the Local Access Forum has a statutory role in advising the Council on access disputes, it would seem appropriate that the Council’s representative should not be a member of that Committee. Alternatively, there are wider benefits to having a member of the Development and Infrastructure Committee on the Forum, subject to appropriate governance in place to deal with dispute advice to ensure independence.

Membership – one member, who is not a member of the Development and Infrastructure Committee.

Term of appointment – two years.

Previous membership – Councillor Owen Tierney.

Recommendation:

- That the Council determines whether its representative on the Local Access Forum should continue to be a member not on the Development and Infrastructure Committee.
- That, should the Council determine that its representative on the Local Access Forum should continue to be a member not on the Development and Infrastructure Committee, to defer appointment until the General Meeting of the Council scheduled for 5 July 2022, when membership of the Committees will be known.
- That, should the Council determine that its representative on the Local Access Forum should be open to any member of the Council, to make the appointment.

5. Orkney Natural History Society Museum Trust

The Council provides curatorial assistance and a small annual grant to this Trust, which manages the Stromness Museum.

In May 2019, when reviewing appointments, the Council resolved that the Chief Executive should submit a report, to the Policy and Resources Committee, reviewing representation on the Orkney Natural History Society Museum Trust.

It has since been ascertained that the Council has not been represented on the Trust for a period in excess of 10 years. Further, as the Trust is one of the key organisations who receive core funding from the Council's Culture Fund, it would be inappropriate for a member to be appointed as a Trustee, given that none of the other key organisations have an appointed Council representatives on their respective management committees.

Previous Membership – Chair, Education, Leisure and Housing Committee ex officio, with the Vice Chair ex officio as a substitute.

Term of appointment – term of office of ex officio appointment.

Recommendation – that the Council should no longer make an appointment to the Orkney Natural History Society Museum Trust.

6. St Margaret's Hope Pier Trust

The Pier and Harbour Orders Confirmation (Number 2) Act 1902 suggests that the Council is obliged to appoint three of its members as Trustees.

The Council has previously been advised that the St Margaret's Hope Pier Trust was considering changes to its constitutional arrangements which included consideration of removing the requirement for Council appointments.

Previous Membership – three members elected to represent the East Mainland, South Ronaldsay and Burray electoral ward.

Term of appointment – term of office as councillor.

Recommendations:

- That the Council notes the requirement to appoint members as Trustees of the St Margaret's Hope Pier Trust.
- That a further report be submitted to Council clarifying the Council's obligations regarding appointing trustees to the St Margaret's Hope Pier Trust.