

## **Item: 21**

### **General Meeting of the Council: 10 March 2022.**

#### **Notice of Motion.**

#### **Report by Chief Executive.**

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

To consider the implications of the suggested course of action contained in the Notice of Motion, lodged by Councillor Clackson, as detailed on the agenda for this meeting.

### **2. Recommendations**

The Council is invited to note:

#### **2.1.**

That the Chief Executive has received a Notice of Motion in relation to the period of office of Leader as detailed in the Council's Standing Orders.

#### **2.2.**

That the Notice of Motion requests that the Council resolve to amend the terms of Standing Order 5.3.2.2. from:

“The Leader, who shall hold office until the next Local Government Election, shall ex officio be Chair of the Policy and Resources Committee, and shall, ex officio, be a Member of every Service Committee of the Council.”

to:

“The Leader, who shall hold office for two years and be eligible for re-election, shall ex officio be Chair of the Policy and Resources Committee, and shall, ex officio, be a Member of every Service Committee of the Council.”

#### **2.3.**

That the main implication of the suggested course of action is that Standing Order 5.3.2.2 would require to be amended, with the effect being that the Leader would be subject to re-election after two years, consistent with the terms of office of the Depute Leader and the Convener.

#### **It is recommended:**

#### **2.4.**

That the Council considers whether to support the Notice of Motion.

## **2.5.**

That, should the Notice of Motion be carried, Standing Order 5.3.2.2 be amended in accordance with the terms of the Motion.

## **3. Notice of Motion**

### **3.1.**

The Notice of Motion, as detailed on the agenda for this meeting, was lodged on 3 February 2022 in accordance with Standing Order 17.1, and requests that the Council amend Standing Order 5.3.2.2 to state that the Leader shall hold office for two years and be eligible for re-election. As presently framed, Standing Order 5.3.2.2 provides that the Leader, once elected at the Statutory General Meeting, shall hold office until the next Local Government Election.

### **3.2.**

Standing Order 17.2 provides that a Notice of Motion must be received by the Chief Executive at least 14 Clear Days prior to the date of any Meeting of the Council, in order for the Notice of Motion to be included within the business of that Meeting.

### **3.3.**

Standing Order 17.3 states that a Notice of Motion shall be accompanied by a report from the Chief Executive or the relevant Executive Director on the implications of any suggested course of action.

## **4. Background**

### **4.1.**

On 9 February 2017 an Elected Members' Seminar took place on Elected Member Structures. There was discussion at the Seminar of a changing nature of the political landscape and consideration of an option to create a Political Leader role which would be focused on the political elements of the Convener's responsibilities, but at no detriment to the civic/ceremonial duties which could be vested in a new revised office of Convener.

### **4.2.**

At the General Meeting held on 9 March 2017, the Council resolved inter alia:

- That the existing roles of Convener and Vice Convener be disestablished and that roles of Convener (Civic Head) and Leader (Political Leader) be established.
- That a single role of Depute Leader should be established in order to deputise for the Leader.
- That the term of office of the Leader should be for the term of office as councillor.
- That the term of office of the Convener and the Depute Leader should be for two years, on the basis of a four-year term of office.

### **4.3.**

The current Leader was appointed at the Statutory General Meeting of the Council held on 16 May 2017.

### **4.4.**

The Leader has specific responsibilities for strategic leadership and direction, acting as the Council's principal representative on local government bodies, such as CoSLA and the Orkney Partnership, and in discussions with Scottish Government and UK Government, to encourage and support an inclusive political working environment.

## **5. Assessment of Implications of Notice of Motion**

### **5.1.**

Supporting the Notice of Motion might:

- Facilitate achievement of a change in leadership during the Council term to reflect any changes in alliances or alignment which may have developed among Elected Members.
- Provide an opportunity for more regular review of performance and handover in a more cohesive and planned manner.
- Make the provisions on length of term of Leader consistent with those for Convener and Depute Leader, both of whom, in terms of the Council's Standing Orders, "shall hold office for two years and be eligible for re-election".

### **5.2.**

Alternatively, retaining Standing Order 5.3.2.2 as it currently stands might:

- Arguably support strong and stable leadership which may be required at a time when local authorities are facing uncertainty and pressure.
- Provide consistency of representation in discussions with local government bodies and the Scottish Government.
- Permit a Leader sufficient time to implement medium to long term strategies and policies with less difficulty.

### **5.3.**

Standing Order 5.3.2.2 does not preclude any Elected Member from submitting a Motion in terms of Standing Order 22.15, which permits a Motion to be made to remove the Leader from office at any point during their term of office providing that any such Motion is both proposed and seconded. The Standing Orders therefore already provide a route for Elected Members to instigate a change in leadership during the Leader's term of office, albeit that there would need to be proactive steps taken by at least two Elected Members, in terms of proposing and seconding an appropriate Motion, before the issue of who should be Leader could competently be discussed by the Council, whereas supporting the Notice of Motion would have the

effect of allowing the matter to be discussed through the ordinary course of Council business.

## **6. 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.

## **7. Financial Implications**

There are no financial implications arising directly from the recommendations in this report.

## **8. Legal Aspects**

### **8.1.**

If the Notice of Motion is carried, the Standing Orders will require to be amended accordingly.

### **8.2.**

Standing Order 24.3 provides that any Standing Order may only be amended if a resolution to do so is passed either after notice has been given at a previous General Meeting of the Council by the Chief Executive, or after consideration of a report to the Council by the Chief Executive. If the Notice of Motion is carried, a resolution must be passed following consideration of this report.

## **9. Contact Officers**

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