



Item: 9

Special General Meeting of the Council: 14 May 2024.

Appointments and/or Nominations to Other Bodies.

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

1. Overview

- 1.1. The Council's Standing Orders set out the requirement for, and timings of, various appointments, as well as the processes to be followed.
- 1.2. The Council has adopted a policy whereby appointments and/or nominations to external bodies should cease, 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.
- 1.3. Having regard to the policy position set out above, there are a number of appointments and/or nominations to other bodies which the Council has previously agreed to make. These are set out in detail in the Appendices to this report, including existing appointments for information purposes.
- 1.4. Although appointments would normally last for two years, given that Local Government Elections are held at five yearly intervals, it is proposed that all appointments made at this meeting should last until the next Local Government Election, currently scheduled for May 2027.

2. Recommendations

- 2.1. It is recommended that members of the Council:
 - i. Consider the recommendations associated with the appointments and/or nominations to the various bodies listed in Appendices 1 and 2 to this report, and make appointments/nominations where required.

- ii. Agree that, where appointments and/or nominations are made, these should be for the remainder of the term of this Council, namely for three years to May 2027.

3. Appointments to External Bodies

3.1. The following should be borne in mind by any member appointed as a director or a trustee, or as a member of an external body:

- 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. It also introduces the potential for conflicts of interest for individuals who have a role on the Council. A member who is appointed or nominated on to a company by the Council may not participate in consideration by the Council of a matter relating to that company if the matter being considered is quasi-judicial or regulatory.
- 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.
- 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.
- 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.

For Further Information please contact:

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Implications of Report

1. **Financial:** none arising directly from this report, however see section 3 above.
2. **Legal:** none arising directly from this report, however see section 3 above.
3. **Corporate Governance:** Procedures and processes are regulated by the Council's Standing Orders.
4. **Human Resources:** none.
5. **Equalities:** not applicable.
6. **Island Communities Impact:** not applicable.
7. **Links to Council Plan:** not applicable.
8. **Links to Local Outcomes Improvement Plan:** not applicable.
9. **Environmental and Climate Risk:** not applicable.
10. **Risk –** not applicable.
11. **Procurement –** not applicable.
12. **Health and Safety:** not applicable.
13. **Property and Assets:** not applicable.
14. **Information Technology:** not applicable.
15. **Cost of Living:** not applicable.

List of Background Papers

Standing Orders for the Regulation of Proceedings and Business of Orkney Islands Council.

Minute of the Statutory General Meeting of Orkney Islands Council held on 16 May 2022.

Appendices

Appendix 1 – Local Government, European and Multi-Agency Bodies.

Appendix 2 – Miscellaneous.

Local Government, European and Multi-Agency Bodies

1. 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.

Existing membership:

- Councillor Rachael A King.
- Councillor John A R Scott.
- Councillor Gillian Skuse.
- Councillor James W Stockan (resigned in February 2024).
- Councillor Mellissa-Louise Thomson.
- Councillor Heather N Woodbridge.

Recommendation – as the Economic Recovery Steering Group has fulfilled its brief as a short life working group, and has subsequently been disbanded, no appointments are required.

2. 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.

Existing membership:

- Councillor P Lindsay Hall.
- Councillor Jean E Stevenson.

Recommendation: As there is no requirement for elected members to serve on the Fostering, Adoption and Permanence Panel, it is recommended that the Council should cease making nominations to the Panel.

3. 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.

Existing membership – Councillor Jean E Stevenson.

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

4. Orkney Community Justice Partnership

Membership – two members of the Council.

Term of appointment – two years.

Existing membership:

- Councillor P Lindsay Hall.
- Councillor Alexander G Cowie (substitute).

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

5. 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 2).

Term of appointment – two years.

Existing 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.

6. Scotland Excel

Scotland Excel was formed under section 57 of the Local Government (Scotland) Act 1973 to carry out a range of procurement functions on behalf of councils and associate members.

Scotland Excel's £2 billion portfolio of collaborative contracts ensures that its members achieve best value from procurement through their combined spending power and well-managed effective supply chains. The contracts are used to purchase goods and services to support a wide range of public sector activity including social care, construction, roads, transport, environmental services, facilities management, food and education.

The contracts are awarded as "frameworks" with multiple lots and suppliers which allow members to choose the suppliers which best meet their specific needs.

Scotland Excel also offers a "framework efficiency review" to all their local authority members as a core service included within their membership fees.

Scotland Excel is governed by a joint committee, comprising one or more Elected Members from each of Scotland's local authorities. It meets twice each year to scrutinise the performance and activities of Scotland Excel and is responsible for approving the annual budget and operating plan.

Orkney Islands Council, as a local authority member, can therefore appoint one Elected Member to sit on the Scotland Excel Joint Committee.

Membership – one member.

Term of appointment – two years.

Existing membership – not applicable.

Recommendation: That the Council appoints one member to the Scotland Excel Joint Committee.

Miscellaneous

1. 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.

Existing membership:

- Councillor Stephen G Clackson
- Councillor Kristopher D Leask (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.