

Item: 6

Statutory General Meeting of the Council: 16 May 2022.

Procedure for Appointments.

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

1. Purpose of Report

To consider various procedural matters in relation to the appointments to be made at this meeting.

2. Recommendations

The Council is invited to note:

2.1.

That, in accordance with Standing Orders:

- The Convener, Depute Leader and Chairs of Committees shall hold office for two years and shall be eligible for re-election.
- The Leader shall hold office until the next Local Government Election.
- Unless the Council resolves otherwise, appointments to Committees shall be for two years, with the exception of the Licensing Committee, which shall be until the next Local Government Election.

2.2.

That the Chief Executive has amended Standing Orders and the Scheme of Appointment of Members to Committees to reflect the disestablishment of the Orkney Health and Care Committee agreed by the Council in December 2021.

2.3.

That appointments to standing and other committees to be made at this meeting will last until the Special General Meeting of the Council scheduled for May 2024.

It is recommended:

2.4.

That members be appointed to standing and other committees in accordance with the Scheme of Appointment of Members to Committees.

3. Introduction

3.1.

In terms of legislation, the Council must hold its first General Meeting within 21 days of the date of the Local Government election.

3.2.

At that meeting, known as the Statutory General Meeting, various appointments are made. These are set out in the Standing Orders.

4. Appointment of Office Bearers

4.1.

The first appointment to be made at the Statutory General Meeting is the Convener. This is followed by the Leader, the Depute Leader and the Chairs of the various Committees.

4.2.

In accordance with Standing Orders:

- The Convener, Depute Leader and Chairs of Committees shall hold office for two years and shall be eligible for re-election.
- The Leader shall hold office until the next Local Government Election.
- Unless the Council resolves otherwise, appointments to Committees shall be for two years, with the exception of the Licensing Committee, which shall be until the next Local Government Election.

4.3.

The nomination procedure for appointments is set out in Standing Orders. In summary, candidates may, if they so choose, speak in support of their nomination. This is done in the order of nomination, following any speeches by all the movers and seconders of all of the candidates. A candidate's speech is limited to five minutes.

5. Allocations Process

5.1.

The Scheme of Appointments of Members to Committees, which forms part of Standing Orders, sets out how members are allocated to the various committees.

5.2.

As a result of the disestablishment of the Orkney Health and Care Committee agreed in December 2021, the Scheme of Appointments of Members to Committee required amendment. The amended Scheme is attached as Appendix 1 to this report.

5.3.

All members were invited to complete a preference sheet for the committees they wish to serve on.

5.4.

The process will appoint members to the following Committees:

- Development and Infrastructure Committee.
- Education, Leisure and Housing Committee.
- Licensing Committee.
- Monitoring and Audit Committee.

5.5.

Further information regarding the Licensing Committee and the Orkney Islands Area Licensing Board is provided in Appendices 2 and 3 respectively to this report.

5.6.

In terms of Standing Orders, all appointments are normally for two years, with the exception of the Licensing Committee, which is for the term of office as councillor.

5.7.

Appointments to the various committees made at this meeting, with the exception of the Licensing Committee, will last until the Special General Meeting of the Council to be arranged for May 2024. This includes membership of the following committees, which are appointed separately to the preference process:

- Policy and Resources Committee – all 21 members.
- Planning Committee – currently two members from each of the six electoral wards.

5.7.1.

A separate report on this agenda relates to membership of the Planning Committee. Depending on which option members adopt will determine the method of appointing members to the Planning Committee. Accordingly, the Planning Committee has been included on the proforma for committee preferences which members are invited to complete

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 as a result of the recommendations of this report.

8. Legal Aspects

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

9. Contact Officer

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10. Appendices

Appendix 1 – Scheme of Appointment of Members to Committees.

Appendix 2 – Licensing Committee.

Appendix 3 – Orkney Islands Area Licensing Board.

Scheme of Appointment of Members to Committees

1. Committee Composition

There are 3 Committees, each comprising 12 members, as follows:

- Development and Infrastructure Committee.
- Education, Leisure and Housing Committee.
- Planning Committee.

In addition to the above:

- All members will be allocated places on the Policy and Resources Committee.
- 3 members will be allocated places on the Integration Joint Board.
- 7 members will be allocated places on the Monitoring and Audit Committee.
- 8 members will be allocated places on the Licensing Committee.

In total, all members, with the exception of the Convener and the Leader, will serve on the following:

- Either Development and Infrastructure Committee or Education, Leisure and Housing Committee; and
- Not more than two from the following:
 - Planning Committee.
 - Monitoring and Audit Committee.
 - Licensing Committee.

2. Allocation Procedure

At the Statutory General Meeting of the Council, the Convener, the Leader and the Depute Leader will be appointed followed by the Chairs of all Standing Committees. The order of appointment of Chairs to the Standing Committees will be drawn by lot and circulated to all members along with the notice of the meeting.

Following the appointment of Chairs, the remaining 11 members of the Planning Committee will be appointed, to ensure representation from each electoral ward. Thereafter 3 members will be appointed to the Integration Joint Board, together with the 3 proxy members of the Integration Joint Board. All other appointments are made through the allocation procedure.

Members' preferences will be adjusted, if necessary, following the appointment of chairs, in order that the committee to which they have been appointed as chair is their first choice.

The system allocates all members' first preferences, unless there are more first preferences than places on any committee, in which case members will be allocated places in an order of priority generated randomly.

The process is then repeated in respect of second choices, and so on, until all allocated spaces are filled.

Notes

Preferences in respect of any vacancy will be drawn by lot.

In the event of any anomalies in committee composition arising as a result of the Scheme, powers are delegated to the Chief Executive, in consultation with the Convener, to revise the composition in line with the general principles of the Scheme.

Appendix 2.

Licensing Committee

Remit

The Licensing Committee has responsibility for all matters relating to civic and other licensing roles within the remit of the Council.

This includes the consideration of applications, including suspension and revocation, for licences, permits and registrations relating to various activities which require to be licensed in terms of the Civic Government (Scotland) Act 1982, including the following:

- Houses in multiple occupation.
- Indoor sports entertainment.
- Late hours catering.
- Market operators.
- Metal dealers.
- Public entertainment.
- Second hand dealers.
- Skin piercing and tattooing.
- Street trading.
- Taxis and private hire cars and their drivers.
- Theatres.
- Window cleaners.

The Licensing Committee also sets fees and charges for, as well as standard conditions to apply to, the various licences, permits and registrations.

Membership

Orkney Islands Council has determined that the Licensing Committee should comprise 8 councillors and that membership should be identical to the Orkney Islands Area Licensing Board.

Term of appointment

Appointments last for the term of office as Councillor.

Previous membership

- Alexander Cowie.
- Norman Craigie.
- Robin Crichton.
- Barbara Foulkes.
- Steven Heddle.

- Harvey Johnston.
- Owen Tierney.
- Duncan Tullock.

Appendix 3.

Orkney Islands Area Licensing Board

Remit

The Orkney Islands Area Licensing Board has responsibility for all matters relating to the regulation and administration of liquor (alcohol) licensing, gambling and such other activities as provided in terms of legislation.

Membership

A Licensing Board is to consist of such number (being not fewer than 5 and not more than 10) of members as may be determined by the relevant council.

Orkney Islands Council has determined that the Licensing Board should comprise 8 councillors.

The members of a Licensing Board are to be elected by the relevant council from among their councillors.

Disqualification from Membership

A councillor is disqualified from election as, and from being, a member of a Licensing Board if the councillor is:

- (a) a premises licence holder,
- (b) an employee of a premises licence holder and works as such in licensed premises,
- (c) whether alone or in partnership with another person, engaged in the business of producing or selling alcohol,
- (d) a director or other officer of a company so engaged, or
- (e) an employee of any person so engaged and works as such in that business.

It is suggested that the Council's representative on the local health board should not be a member of the Licensing Board, given the health board's role in public health and the potential for the health board to submit objections/representations in relation to applications to be considered by the Board.

The Council has also agreed that members of the Orkney Islands Area Licensing Board are ineligible for nomination as a trustee of the Pickaquoy Centre Trust.

Training of members

Councillors who are appointed to the Licensing Board must undergo training. This must happen within 3 months of being appointed to the Board. Councillors cannot take part in any proceedings of the Board until they can show evidence to their training. They must be able to do this within 4 months of being appointed to the Board.

Term of appointment

Appointments last for the term of office as Councillor. Councillors re-elected at the following local government election are eligible for re-appointment to the Licensing Board.

Previous membership

- Alexander Cowie.
- Norman Craigie.
- Robin Crichton.
- Barbara Foulkes.
- Steven Heddle.
- Harvey Johnston.
- Owen Tierney.
- Duncan Tullock.