

Item: 21

General Meeting of the Council: 8 December 2020.

Vacancies on Committees.

Report by Chief Executive.

1. Purpose of Report

To consider making appointments to vacancies on various committees, following the resignation of Councillor David Dawson from membership of the Orkney Health and Care Committee.

2. Recommendations

The Committee is invited to note:

2.1.

That, following the resignation of Councillor David Dawson, a vacancy exists on the Orkney Health and Care Committee.

2.2.

That Councillor Dawson's resignation also creates a vacancy for a proxy for the Integration Joint Board.

2.3.

That, whichever member is appointed to the vacancy on the Orkney Health and Care Committee will automatically be appointed as the third proxy member of the Integration Joint Board as outlined in section 4.2 of this report.

2.4.

That the Clinical and Care Governance Committee, established to provide the Board of NHS Orkney with assurance that robust clinical governance controls and management systems are in place and effective throughout NHS Orkney, also fulfils the function of providing the Integration Joint Board with assurance that robust clinical and care governance controls and management systems are in place and effective for the functions that NHS Orkney and the Council have delegated to it.

2.5.

That current membership of the Clinical and Care Governance Committee allows for four members of the Council, comprising the three voting members of the Integration Board and one of the three proxies.

2.6.

That, following the appointment of Councillor Stephen Sankey as Vice Chair of the Orkney Health and Care Committee, a vacancy exists on the Clinical and Care Governance Committee.

2.7.

The proposal to fill the vacancy on the Clinical and Care Governance Committee, as outlined in section 5.6 of this report.

2.8.

That the appointments made to fill the vacancies on the Orkney Health and Care Committee, the proxy member of the Integration Joint Board and the fourth Council member of the Clinical and Care Governance Committee will last for the remainder of the term of this Council, namely until May 2022.

It is recommended:

2.9.

That an appointment be made to the vacancy on the Orkney Health and Care Committee from the list of members at section 4.3 of this report.

2.10.

That, following the appointment to the vacancy, that Councillor be confirmed as the third proxy member of the Integration Joint Board.

2.11.

That an appointment be made to the vacancy on the Clinical and Care Governance Committee from the list of members at section 5.6 of this report.

3. Background

3.1.

Due to other workload commitments, Councillor David Dawson has tendered his resignation as a member of the Orkney Health and Care Committee. This also creates a vacancy for a proxy for the Integration Joint Board.

3.2.

In terms of the Scheme of Appointment of Members to Committees, which forms Appendix 1 to the Standing Orders, appointments to the Orkney Health and Care Committee do not form part of the allocations procedure. Therefore, it is open to the Council to make an appointment to the existing vacancy.

3.3.

NHS Orkney has requested that the current informal arrangement with regard to attendance at the Clinical and Care Governance Committee be formalised, and further details are provided in section 5 below.

4. Orkney Health and Care Committee

4.1.

The Orkney Health and Care Committee comprises nine members of the Council as follows:

- 3 voting members on the Integration Joint Board.
- 3 other members who act as proxies for the Integration Joint Board.
- Convener.
- Leader.
- Depute Leader.

4.2.

Existing membership is as follows:

- 3 voting members on the Integration Joint Board:
 - Councillor Rachael A King.
 - Councillor John T Richards.
 - Councillor Stephen Sankey.
- 3 other members who act as proxies for the Integration Joint Board:
 - Councillor Alexander G Cowie.
 - Councillor Stephen G Clackson.
 - Councillor David Dawson.
- Councillor J Harvey Johnston – Convener.
- Councillor James W Stockan – Leader.
- Councillor W Leslie Manson – Depute Leader.

4.3.

It is therefore recommended that one of the undernoted members be appointed to the vacancy on the Orkney Health and Care Committee:

- Councillor Norman Craigie.
- Councillor Robin W Crichton.
- Councillor Andrew Drever.
- Councillor Barbara Foulkes.
- Councillor Steven B Heddle.

- Councillor John A R Scott.
- Councillor Gwenda M Shearer.
- Councillor Graham L Sinclair.
- Councillor Magnus O Thomson.
- Councillor Owen Tierney.
- Councillor Duncan A Tullock.
- Councillor Heather N Woodbridge.

4.4.

It should be noted that, whichever member is appointed to the vacancy on the Orkney Health and Care Committee will automatically be appointed as the third proxy member of the Integration Joint Board, as outlined in section 4.2 above.

5. Clinical and Care Governance Committee

5.1.

The Clinical and Care Governance Committee was established to provide the Board of NHS Orkney with assurance that robust clinical governance controls and management systems are in place and effective throughout NHS Orkney; and to fulfil the function of providing the Integration Joint Board with assurance that robust clinical and care governance controls and management systems are in place and effective for the functions that NHS Orkney and the Council have delegated to it. It is a requirement of the Orkney Integration Scheme that the Clinical and Care Governance Committee includes the Integration Joint Board and representatives of the relevant professional groups for all health and social care professions.

5.2.

Current membership of the Clinical and Care Governance Committee allows for four members of the Council, comprising the three voting members of the Integration Board and one of the three proxies.

5.3.

Previously, Council membership on the Clinical and Care Governance Committee comprised Councillors Rachael King, John Richards and Stephen Sankey, being the three voting members of the Integration Joint Board, together with the late Dr Kevin Woodbridge, being the Vice Chair of the Orkney Health and Care Committee and one of the three proxies for the Integration Joint Board.

5.4.

Following Councillor Sankey being appointed Vice Chair of the Orkney Health and Care Committee, this created a “vacancy” on the Clinical and Care Governance Committee, as Councillor Sankey was already a member by virtue of being one of the voting members of the Integration Joint Board.

5.5.

Previously, an informal arrangement operated whereby one of the three proxies would ensure they could attend the Clinical and Care Governance Committee to ensure full Council representation. However, the Council has since been requested to formalise an appointment.

5.6.

It is therefore recommended that one of the undernoted members, being the three proxies for the Integration Joint Board, be appointed to the vacancy on the Clinical and Care Governance Committee:

- Councillor Stephen G Clackson.
- Councillor Alexander G Cowie.
- To be appointed in terms of section 4 above.

6. Method of Voting

6.1.

The Council's Standing Orders set out the process for making appointments or nominations.

6.1.1.

Standing Order 22.7 states:

In the making of appointments or nominations by the Council, where the number of candidates is greater than the number of vacancies, a vote shall be taken by secret ballot.

6.1.2.

Standing Order 22.13 makes provision for where two or more vacancies exist:

22.13. Where the number of vacancies exceeds one and where the number of candidates exceeds the number of vacancies, then the "first past the post" method of voting shall apply, subject to the following provisions:

22.13.1. The number of candidates amounting to the same number as there are vacancies and receiving the highest number of votes cast shall be held to be duly elected, nominated or appointed, as the case may be.

22.13.2. Where there is an equal number of votes between two or more candidates which affect such election, an extra vote will be taken between those candidates, whereby the candidate receiving the highest number of votes cast shall be held to be duly elected, nominated or appointed, as the case may be. And.

22.13.3. In the event that Standing Order 22.13.2 still produces an equality of votes, the decision will be by lot, whereby the first named candidate drawn shall be held to be duly elected, nominated or appointed, as the case may be, followed by the

second named candidate, should there be more than two candidates with an equality of votes, until the number of candidates amounts to the same number as there are vacancies.

6.2.

In the event that more than two nominations are made and consequently a secret ballot is required, the normal process is obviously not possible, given that the meeting is being held remotely on Microsoft Teams. Accordingly, the following process, which was used to make nominations and appointments at the Special General Meeting of the Council held on 11 June 2020, will be implemented:

- The Convener will confirm the nominations.
- All members should email the Senior Committees Officer their nomination with the name of the candidate as the subject of the email.
- Once the Senior Committees Officer has received 21 emails (or the total of those members present and voting), she will read out the names, as would normally happen during a secret ballot held in the Chamber.
- The Senior Committees Officer will then announce the result.

7. Appointments

It is proposed that the appointments made to fill the various vacancies outlined in this report should last for the remainder of the term of this Council, namely until May 2022.

8. 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.

9. Financial Implications

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

10. Legal Aspects

10.1.

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.

10.2.

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.

11. Contact Officers

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