

Item: 17.1

General Meeting of the Council: 5 July 2022.

College Management Council Sub-committee.

Appointment of Business and Community Representatives.

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

1. Purpose of Report

To consider the appointment of business and community representatives to serve on the College Management Council Sub-committee of the Education, Leisure and Housing Committee.

2. Recommendations

The Council is invited to note:

2.1.

That the governance arrangements in respect of the College Management Council Sub-committee currently allow for the following membership, all with voting rights:

- 5 elected members of the Education, Leisure and Housing Committee, including the Chair and Vice Chair.
- 3 representatives of the business community.
- 3 representatives of the community, including representatives from the Third Sector.
- 2 student representatives.

2.2.

That all non-Councillor members are appointed initially for a maximum period of four years and can be re-appointed for a further term of office, with the previous business and community representatives appointed up to May 2022.

2.3.

That previous business and community representatives were contacted to ascertain whether they wished to continue for a further term of office, with two business representatives and one community representative indicating they wished to be considered for re-appointment.

2.4.

That expressions of interest will be sought for the one business representative and two community representative vacancies, with the outcome reported to Council in due course.

2.5.

The proposal that, given the term of office for the student representatives is for one year, powers be delegated to the Corporate Director for Strategy, Performance and Business Solutions to confirm the appointments, in order to expedite the process.

2.6.

That, if confirmed by Council, the appointment of business and community representatives will last until the next ordinary Local Government Election, currently scheduled for May 2027.

It is recommended:

2.7.

That the undernoted representatives be re-appointed to serve on the College Management Council Sub-committee for the period to May 2027:

- Business Representatives:
 - Beccy May.
 - Steven Sinclair.
- Community Representatives:
 - Beverly Clubley.

2.8.

That powers be delegated to the Corporate Director for Strategy, Performance and Business Solutions to confirm the appointment of student representatives to serve on the College Management Council Sub-committee.

3. Background

3.1.

The governance arrangements in respect of the College Management Council Sub-committee currently allow for the following membership, all with voting rights:

- 5 elected members of the Education, Leisure and Housing Committee, including the Chair and Vice Chair.
- 3 representatives of the business community.
- 3 representatives of the community, including representatives from the Third Sector.

- 2 student representatives.

3.2.

Previous business and community representatives were appointed for the period up to May 2022, the last Local Government Election. In terms of the constitution of the Sub-committee, business and community representatives are appointed, initially, for a maximum period of four years and can be re-appointed for a further term of office.

4. Business and Community Representatives

4.1.

Previous business and community representatives were contacted to ascertain whether they wished to continue for a further term of office.

4.2.

Two of the three business representatives indicated that they wished to be considered for re-appointment, with the third indicating that they did not wish to be considered for re-appointment.

4.3.

One of the three community representatives indicated that they wished to be considered for re-appointment, with the other two indicating they did not wish to be considered for re-appointment.

4.4.

It is therefore proposed that the following representatives be re-appointed to serve on the College Management Council Sub-committee for the period to May 2027:

- Business Representatives:
 - Beccy May.
 - Steven Sinclair.
- Community Representatives:
 - Beverly Clubley.

5. Vacancies

5.1.

Re-appointment of the representatives detailed at section 4.4 above will result in one vacancy for a business representative and two vacancies for community representatives.

5.2.

A campaign will shortly be undertaken seeking expressions of interest in the vacancies. The outcome of that process will be reported to Council in due course.

6. Student Representatives

6.1.

On 19 February 2019, the Policy and Resources Committee recommended membership of the College Management Council Sub-committee be amended to include two student representatives, with voting rights.

6.2.

Powers were delegated to the Chief Executive to amend the Scheme of Administration in relation to the Orkney College Management Council Sub-committee, together with the detailed constitution, to reflect the amended membership and principles to be adopted.

6.3.

The principles included the following:

- One of the student representatives should be the Highlands and Islands Student Association representative.
- Should the Highlands and Islands Student Association representative be a Further Education student, the other representative should, where possible, be a Higher Education student or vice versa if the Highlands and Islands Student Association representative was a Higher Education student.
- The duration of the term of office of the student representatives should be one year.
- The minimum age of a student representative should be 16 years old.

6.4.

Students who are also employees of Orkney Islands Council are not eligible to sit on the College Management Council Sub-committee, as a voting member, be that as a student, business or community representative. Further, students enrolled at Orkney College are not eligible to sit on the Sub-committee, as a voting member, in the capacity as a business or community representative.

6.5.

The Highlands and Islands Student Association representative commenced in post on 20 June 2022, with the election process for the second student representative due to commence early in the new academic year in August 2022.

6.6.

Given the appointment is for one year and, to date, the student representatives have only served one year, it is proposed that powers be delegated to the Corporate Director for Strategy, Performance and Business Solutions to confirm appointments, in order to expedite the process.

7. Corporate Governance

Appointment of members to various committees and sub-committees is a governance and procedural issue and therefore does not relate specifically to progressing the Council's declared key priorities.

8. Financial Implications

8.1.

There are no financial implications arising directly from the recommendations to this report, which is to appoint members to a Sub-committee.

8.2.

As with councillors, non-elected members of a Council committee or sub-committee may be entitled to claim reimbursement of relevant expenses.

9. Legal Aspects

9.1.

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.

9.2.

There are no statutory rules in force in Scotland as to which councillors should be appointed to which committee. Councils have a free hand to decide the appointment of councillors to their committees and sub-committees.

9.3.

In terms of section 57(3) of the Local Government (Scotland) Act 1973, persons who are not members of the authority can be appointed to a committee or sub-committee of the authority, other than to a committee or sub-committee dealing with finance. Subject to this exception, there is no limit on the number of persons who are not members of the authority that can be on a sub-committee.

9.4.

In terms of section 59 of the Local Government (Scotland) Act 1973, and subject to section 126 of the Act, employees of the authority, or persons otherwise not entitled to sit on the authority as elected members, are disqualified from being members of a committee or sub-committee of the authority. In terms of section 126 of the Act, a person shall not, by reason of their being a teacher employed by the authority, be disqualified from being a member of a committee or sub-committee which deals with the authority's functions as an education authority.

9.5.

In accordance with Standing Order 11.5, Sub-committees shall normally consist of members of the parent committee. Where, in law, as outlined above, it is competent to appoint persons to the Sub-committee who are not elected members of the Council, such members shall only be appointed with the consent of the Council.

10. Contact Officers

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