

## **Item: 5**

**Development and Infrastructure Committee: 4 June 2019.**

**Appointments to Sub-committees, Working Groups and Other Bodies.**

**Report by Chief Executive.**

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

To consider appointments and/or nominations to various sub-committees, working groups and other bodies which fall within the remit of the Development and Infrastructure Committee.

### **2. Recommendations**

The Committee is invited to note:

#### **2.1.**

Council policy on appointments and/or nominations to external bodies, as outlined in section 6 of this report.

#### **2.2.**

That, as the term of this Council is five years, it is proposed that, where appointments and/or nominations are made to the bodies listed in Appendix 1 to this report, they should last for the remainder of the term of this Council, namely for three years until May 2022.

**It is recommended:**

#### **2.3.**

That the Committee reviews the appointments/nominations listed in Appendix 1 to this report.

#### **2.4.**

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 2022.

### **3. Background**

#### **3.1.**

There are a number of sub-committees, working groups and other bodies which fall within the remit of the Development and Infrastructure Committee.

### **3.2.**

Some information on each of the bodies, together with the existing constitutional arrangements, are detailed in Appendix 1 to this report. Existing membership is also provided for information.

## **4. Sub-committees**

### **4.1.**

Standing Orders state that committees of the Council may appoint, with the consent of the Council, sub-committees.

### **4.2.**

Standing Order 47 refers to the appointment of the Chair and Vice Chair of Sub-committees. Normally, the Chair and Vice Chair of the parent committee are the Chair and Vice Chair of the sub-committee. However, the sub-committee could determine to appoint an alternative Chair and Vice Chair from its membership.

### **4.3.**

Membership of sub-committees is set out in Standing Orders 48 and 49 and shall normally consist of members of the parent committee. However, non-members can be appointed, but this requires the consent of the Council. Likewise, where the law permits, non-elected members can be appointed to sub-committees, again, only with the consent of the Council.

### **4.4.**

With reference to the Harbour Authority Sub-committee, should non-members of the Development and Infrastructure Committee be nominated and appointed to the two other places, this will require the consent of the Council. In other words, membership should be a recommendation to Council, rather than in terms of powers delegated to the Development and Infrastructure Committee.

## **5. Working Groups**

### **5.1.**

The following principles were agreed by Council as part of the governance review undertaken in 2016:

- A working group should be subject specific.
- A working group should have a short life, ideally no longer than six months.
- The relevant Executive Director should report the findings of the working group to the service committee, including a recommendation to disestablish.

## **5.2.**

It was further agreed that member/officer consultative groups be established where the work of the group was to continue beyond six months and that all existing groups would be reviewed at the May 2017 cycle of meetings.

## **5.3.**

In May 2017, when making appointments to working groups falling within the remit of the Development and Infrastructure Committee, the review referred to above was overlooked on one occasion, namely the Community Benefit Member/Officer Working Group. However, the proposal is that this working group be disestablished and its remit subsumed within the Strategic Projects Project Board.

### **5.3.1.**

The remit of the Strategic Projects Project Board is to provide oversight for the Scale Wind project (now including the Community Wind project) and other strategic projects, where relevant.

### **5.3.2.**

The current membership of the Strategic Projects Project Board is as follows:

- Leader – Councillor James W Stockan.
- Depute Leader – Councillor W Leslie Manson.
- Chair, Development and Infrastructure Committee – Councillor Graham L Sinclair.
- Vice Chair, Development and Infrastructure Committee – to be appointed at this meeting but previously Councillor Andrew Drever.
- One other member – Councillor Stephen Sankey.

## **6. External Bodies**

### **6.1.**

When making appointments/nominations to external bodies listed in Appendix 1 to this report, regard should be made to Council policy whereby the appointment of elected members to external bodies has ceased 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.

### **6.2.**

It should be noted, however, that the Council has previously resolved to make appointments/nominations to those external bodies listed in Appendix 1, bearing in mind the policy referred to above.

## **7. Appointments**

### **7.1.**

The Committee is invited to review the appointments/nominations listed in Appendix 1 to this report.

### **7.2.**

As this Council is for a five year term, it is proposed that, where appointments and/or nominations are made to the bodies listed in Appendix 1 to this report, these should last for the remainder of the term of this Council, namely for three years until May 2022.

## **8. Corporate Governance**

This report relates to 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 free hand to decide the membership of their committees and sub-committees.

### **10.3.**

A working group is not a committee or sub-committee of the Council. A working group does not have delegated authority to make decisions.

## **11. Contact Officers**

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## **12. Appendix**

Appendix 1: Sub-committees, Working Groups and Other Bodies appointed by Development and Infrastructure Committee.

# **Sub-committees, Working Groups and Other Bodies appointed by Development and Infrastructure Committee**

## **1. Harbour Authority Sub-committee**

### **Remit**

To exercise the function of Duty Holder, with responsibility for the safety of all harbour activities.

### **Existing Constitutional Arrangements**

Seven members of Orkney Islands Council comprising:

- Chair, Development and Infrastructure Committee (ex officio).
- Vice Chair, Development and Infrastructure Committee (ex officio).
- Three other Members of the Development and Infrastructure Committee.
- Two other Members of the Council.

### **Previous Membership**

- Chair, Development and Infrastructure Committee – Councillor Graham L Sinclair.
- Vice Chair, Development and Infrastructure Committee – Councillor Andrew Drever.
- Three other Members of the Development and Infrastructure Committee:
  - Councillor David Dawson.
  - Councillor Gwenda M Shearer.
  - Councillor Kevin F Woodbridge.
- Two other Members of the Council:
  - Councillor Owen Tierney.
  - Councillor Magnus O Thomson.

### **Recommendation**

- To make the three other appointments from membership of the Development and Infrastructure Committee.
- To make the two other appointments, who should not necessarily be members of the Development and Infrastructure Committee.

## **2. Community Benefit Member/Officer Working Group**

### **Background Information**

This working group was established in October 2012 and reappointed in June 2017, when consideration should have been given to renaming it as a consultative group in accordance with the principles agreed in the governance review in 2016.

### **Remit**

To assist with development of a community benefit policy, including division of the Pentland Firth and Orkney Waters with Highland Council.

### **Existing Constitutional Arrangements**

- Leader.
- Depute Leader.
- Chair, Development and Infrastructure Committee.
- Vice Chair, Development and Infrastructure Committee.
- One other Member of the Development and Infrastructure Committee.

### **Previous Membership**

- Leader – Councillor James W Stockan.
- Depute Leader – Councillor W Leslie Manson.
- Chair, Development and Infrastructure Committee – Councillor Graham L Sinclair.
- Vice Chair, Development and Infrastructure Committee – Councillor Andrew Drever.
- Councillor Rachael A King.

### **Recommendation**

As the Community Wind project, which was the subject of recent public events, is a strategic project, it is recommended that this working group be disestablished and consideration of community benefit included within the remit of Strategic Projects Project Board (appointed by the Policy and Resources Committee).

## **3. Planning and Regulatory Services Consultative Group**

### **Remit**

- To develop, scrutinise and monitor various plans within the remit of Planning and Regulatory Services, including the Building Standards Performance Framework, Building Standards Balanced Scorecard, Food Regulatory Service Plan, Animal Welfare Service Plan, Health and Safety Regulatory Service Plan and Planning Performance Framework.
- To assist the Executive Director of Development and Infrastructure in all aspects of reviewing the Local Development Plan.
- To provide a consultative forum on any other relevant matters in respect of all planning and regulatory service issues.

## **Existing Constitutional Arrangements**

- Chair, Development and Infrastructure Committee.
- Vice Chair, Development and Infrastructure Committee.
- Chair, Planning Committee.
- Vice Chair, Planning Committee.
- Three other Members of the Development and Infrastructure Committee.

## **Previous Membership**

- Chair, Development and Infrastructure Committee – Councillor Graham L Sinclair.
- Vice Chair, Development and Infrastructure Committee – Councillor Andrew Drever.
- Chair, Planning Committee – Councillor Owen Tierney.
- Vice Chair, Planning Committee – Councillor Stephen Sankey.
- Three other Members of the Development and Infrastructure Committee:
  - Councillor W Leslie Manson.
  - Councillor Gwenda M Shearer.
  - Councillor Magnus O Thomson.

## **Recommendation**

To make the three other appointments.

## **4. Roads and Environmental Services Consultative Group**

### **Remit**

To contribute towards development of policy and provide a consultative forum in respect of all roads and environmental services issues, including the management of waste.

## **Existing Constitutional Arrangements**

- Chair, Development and Infrastructure Committee.
- Vice Chair, Development and Infrastructure Committee.
- Five other Members of the Development and Infrastructure Committee.

## **Previous Membership**

- Chair, Development and Infrastructure Committee – Councillor Graham L Sinclair.
- Vice Chair, Development and Infrastructure Committee – Councillor Andrew Drever.
- Five other Members of the Development and Infrastructure Committee:
  - Councillor Norman R Craigie.
  - Councillor David Dawson.
  - Councillor Gwenda M Shearer.
  - Councillor Magnus O Thomson.

- Councillor Duncan A Tullock.

## **Recommendation**

To make the five other appointments.

## **5. Transport Fairer Funding Consultative Group**

### **Background Information**

In order to reflect the current stage of dialogue with Transport Scotland and the Scottish Government arising from the STAG process which has identified the role of air and ferry services as lifeline links to island communities, in June 2017, the Committee agreed to rename the former Ferry Services Member/Officer Working Group as the Transport Fairer Funding Consultative Group, in order to match the scope of the studies and negotiation which will take place.

### **Remit**

To develop and scrutinise work with the Scottish Government to address financial and policy considerations in relation to the replacement of the internal ferries and infrastructure.

### **Existing Constitutional Arrangements**

- Leader.
- Depute Leader.
- Chair, Development and Infrastructure Committee.
- Vice Chair, Development and Infrastructure Committee.
- Three other Members of the Development and Infrastructure Committee.

### **Previous Membership**

- Leader – Councillor James W Stockan.
- Depute Leader – Councillor W Leslie Manson.
- Chair, Development and Infrastructure Committee – Councillor Graham L Sinclair.
- Vice Chair, Development and Infrastructure Committee – Councillor Andrew Drever.
- Three other Members of the Development and Infrastructure Committee:
  - Councillor J Harvey Johnston.
  - Councillor Magnus O Thomson.
  - Councillor Duncan A Tullock.

### **Recommendations**

- To revise the remit to include wider transportation infrastructure, including air services.
- To make the three other appointments.

## **6. Regulatory Appeals Panel**

### **Background Information**

The Smoking Prohibition (Children in Motor Vehicles) (Scotland) Act 2016 came into force on 5 December 2016. Paragraph 6 of Schedule 1 to the Act allows for the recipient of a Fixed Penalty Notice to request a hearing.

Recipients of Fixed Penalty Notices issued in terms of the Dog Fouling (Scotland) Act 2003 can also request a hearing.

### **Remit**

To determine hearings in connection with the serving of Fixed Penalty Notices issued in terms of regulatory legislation within the remit of Environmental Health services

### **Existing Constitutional Arrangements**

Three members of the Committee to be selected on an ad hoc basis as and when required.

Powers are delegated to the Chief Executive to select members to sit on the Regulatory Appeals Panel, as and when required, depending on availability and the nature of the appeal. This is the existing practice with the Education Appeals Committee.

### **Recommendation**

To note current arrangements.

## **7. Destination Orkney Strategic Partnership**

### **Remit**

To lead, manage and review the sustainable growth, management and protection of Orkney as a tourism destination to 2025, focussing on the following four key areas:

- Development and agreement of the Destination Orkney Strategy and Priorities 2018 to 2025 (based on the existing 'Rocket').
- Completion and sign off Destination Orkney project mapping and emerging Development Plan and agreed actions and lead responsibilities for each action area.
- Agreement on the funding model for Destination Orkney 2018 to 2025 based on the above.
- Co-ordination, review and monitoring progress of the Destination Orkney Development Plan, present the work to date and forward an annual plan of Destination Orkney to an annual tourism summit open to all tourism businesses, stakeholders and interested parties.

## **Existing Constitutional Arrangements**

Membership and participation on the Destination Orkney Strategic Partnership is in an advisory capacity only, whilst representing the function and remit of the stakeholder organisation represented.

- Leader, with Depute Leader as substitute.
- Chair of Development and Infrastructure Committee, with Vice Chair as substitute.

## **Previous Membership**

- Leader – Councillor James W Stockan.
- Depute Leader – Councillor W Leslie Manson (substitute).
- Chair of Development and Infrastructure Committee – Councillor Graham L Sinclair.
- Vice Chair of Development and Infrastructure Committee – Councillor Andrew Drever (substitute).

## **Recommendation**

To confirm existing arrangements and appointments.

## **8. Highlands and Islands Transport Partnership (HITRANS)**

### **Remit**

HITRANS, the Highlands and Islands Transport Partnership, is a statutory regional transport partnership covering Eilean Siar, Orkney, Highland, Moray and most of the Argyll and Bute area.

HITRANS works with local authorities, the Scottish Government, Transport Scotland, Highlands and Islands Enterprise, transport operators and other stakeholders to improve transport services and infrastructure in the north of Scotland and on routes to the Highlands and Islands.

### **Existing Constitutional Arrangements**

- Chair, Development and Infrastructure Committee.
- One other Member of the Development and Infrastructure Committee as substitute.

### **Previous Membership**

- Councillor Graham L Sinclair.
- Councillor James W Stockan (substitute).

### **Recommendation**

To make the appointment of a substitute.

## **9. Northern Roads Collaboration Forum**

### **Background Information**

On 2 February 2016, the Development and Infrastructure Committee considered a report on the Northern Roads Collaboration Forum, which had been established with a remit to explore options for sharing resources and/or service collaboration.

The Committee recommended that the Chair of the Committee should represent the Council on the Forum, with the Vice Chair as a substitute. It was also agreed that elected member representation on the Forum be reviewed after a period of one year.

It was also noted that any recommendation to set up formal joint working arrangements would only be made after a full options appraisal, including legal and financial advice, had been undertaken and reported back to Committee.

Eight councils were initially involved with the Forum, namely:

- Argyll and Bute Council.
- The Highland Council.
- Moray Council.
- Orkney Islands Council.
- Aberdeen City Council.
- Aberdeenshire Council.
- Angus Council.
- Western Isles Council.

In 2017, the seven other councils agreed to the formation of the Northern Roads Collaboration Joint Committee, which effectively ended the need for the forum.

### **Remit**

To explore options for sharing resources and/or service collaboration.

### **Existing Constitutional Arrangements**

- Chair, Development and Infrastructure Committee.
- Vice Chair, Development and Infrastructure Committee, as substitute.

### **Previous Membership**

- Councillor Andrew Drever (substitute).
- Councillor Graham L Sinclair.

### **Recommendation**

That, following formation of the Northern Roads Collaboration Joint Committee in 2017, there is no longer a requirement to appoint representatives to the Northern Roads Collaboration Forum.

## **10. Orkney Local Plan District Partnership**

### **Remit**

- To oversee, facilitate, plan and enable all work that will result in the agreement of Flood Risk Management strategies and delivery of the Local Flood Risk Management Plan.
- To deal with all aspects of communications and stakeholder management.

### **Existing Constitutional Arrangements**

One member of the Development and Infrastructure Committee.

### **Previous Membership**

Councillor David Dawson.

### **Recommendation**

To make the appointment.

## **11. Orkney Renewable Energy Forum**

### **Remit**

- To encourage the preferential use of renewable energy in Orkney.
- To debate the best technical and sustainable options for increasing renewable energy and energy efficiency in Orkney.
- To facilitate Research and Development in renewable energy and energy efficiency.
- To disseminate information on renewable energy and energy efficiency.
- To lobby on the strategic issues affecting the development of a renewable energy sector in Orkney.
- To act as a consultative body on issues related to connecting Orkney to renewable energy markets.

### **Existing Constitutional Arrangements**

- Chair, Development and Infrastructure Committee.
- Vice Chair, Development and Infrastructure Committee.

Both appointments are observer status only.

### **Previous Membership**

- Councillor Andrew Drever.
- Councillor Graham L Sinclair.

### **Recommendation**

To confirm the appointments, noting observer status only.

## **12. Road Safety Forum**

### **Remit**

The Road Safety Forum was established in the mid 1990's to bring various agencies together to formulate a strategic approach to road safety in Orkney. The Forum meets quarterly to review and adjust its delivery plans. This multi-agency group currently comprises representation from Orkney Islands Council, Police Scotland, NHS Orkney, Scottish Ambulance Service, Scottish Fire and Rescue Service, Driving Instructors and other interested parties.

### **Existing Constitutional Arrangements**

- Chair, Development and Infrastructure Committee.
- Vice Chair, Development and Infrastructure Committee.
- One other Member of the Development and Infrastructure Committee.

### **Previous Membership**

- Councillor David Dawson.
- Councillor Andrew Drever.
- Councillor Graham L Sinclair.

### **Recommendation**

To make the one other appointment.

## **13. Orkney Energy Strategy Stakeholder Group**

### **Background Information**

In December 2014, the Council established a key stakeholder group in order to inform development of the Orkney Energy Strategy.

Membership of the stakeholder group comprised the following, noting this was prior to the revised elected member structure:

- Convener.
- Vice Convener.
- Chair, Development and Infrastructure Committee.
- Vice Chair, Development and Infrastructure Committee.
- Head of Strategic Development and Regeneration – representing the Officer Energy Group.
- Head of Housing and Homelessness – representing the challenges of Fuel Poverty and Energy Efficiency.
- Chair, Orkney Renewable Energy Forum.
- Innovation Manager, Community Energy Scotland – representing development projects within Orkney.

- Area Manager, Highlands and Islands Enterprise – representing oil and gas.

## **Recommendations**

- That the remit of the Orkney Energy Strategy Stakeholder Group be confirmed as follows:
  - To oversee development and review of the Orkney Energy Strategy.
  - To oversee development and delivery of an action plan to progress the Orkney Energy Strategy.
- That membership of the Orkney Energy Strategy Stakeholder Group should comprise the following:
  - Convener.
  - Leader.
  - Depute Leader.
  - Chair, Development and Infrastructure Committee.
  - Vice Chair, Development and Infrastructure Committee.
  - Head of Strategic Projects and Infrastructure.
  - Head of Marine Services, Engineering and Transportation.
  - Head of Planning, Development and Regulatory Services.
  - Head of Housing, Homelessness and Schoolcare Accommodation Services.
  - Chair, Orkney Renewable Energy Forum.
  - Innovation Manager, Community Energy Scotland.
  - Managing Director, EMEC.
  - Area Manager, Orkney, Highlands and Islands Enterprise.

## **14. Hydrogen Project Board**

### **Background Information**

In July 2015, the Council established a Hydrogen Project Board to provide governance and support the Council's participation in existing hydrogen projects and any future projects that the Council might participate in.

Membership of the Project Board comprised the following, noting this was prior to the revised elected member structure:

- Convener.
- Vice Convener.
- Chair, Development and Infrastructure Committee.
- Vice Chair, Development and Infrastructure Committee.

In reviewing all the appointments, consideration was given to disestablishing the Hydrogen Project Board and subsuming the remit within the Orkney Energy Strategy Stakeholder Group referred to at Item 13 above. However, the Hydrogen Project Board's preference is to remain as a separate body in order to retain specific focus on hydrogen projects.

## **Recommendations**

- To determine whether to retain the Hydrogen Project Board or disestablish and subsume the remit within the Orkney Energy Strategy Stakeholder Group.
- Should the Committee determine to retain the Hydrogen Project Board, to confirm the constitutional arrangements as follows:
  - Convener.
  - Leader.
  - Chair, Development and Infrastructure Committee.
  - Vice Chair, Development and Infrastructure Committee.