



Moray Council

Wednesday, 18 May 2022

NOTICE IS HEREBY GIVEN that a Meeting of the **Moray Council** is to be held at **Council Chambers, Council Office, High Street, Elgin, IV30 1BX** on **Wednesday, 18 May 2022** at **09:30**.

BUSINESS

- 1. Constitution of Council** 5 - 6
The Returning Officer for Moray will read out the membership of the Council following the election on 6 May 2022

- 2. Appointment of Convener for the ensuing five years**

- 3. Appointment of Council Leader for the ensuing five years**

- 4. Constitution of Committees and Appointment of Chairs and Depute Chairs** 7 - 26
Report by Depute Chief Executive (Education, Communities and Organisational Development)

- 5. Timetable and Calendar of Meetings** 27 - 34
Report by the Depute Chief Executive (Education, Communities and Organisational Development)

- 6. Moray Licensing Board - Appointment of Members** 35 - 40
Report by the Head of Governance, Strategy and Performance

Moray Council Committee meetings are currently being held virtually due to Covid-19. If you wish to watch the webcast of the meeting please go to:
http://www.moray.gov.uk/moray_standard/page_43661.html
to watch the meeting live.

GUIDANCE NOTES

* **Declaration of Group Decisions and Members Interests** - The Chair of the meeting shall seek declarations from any individual or political group at the beginning of a meeting whether any prior decision has been reached on how the individual or members of the group will vote on any item(s) of business on the Agenda, and if so on which item(s). A prior decision shall be one that the individual or the group deems to be mandatory on the individual or the group members such that the individual or the group members will be subject to sanctions should they not vote in accordance with the prior decision. Any such prior decisions will be recorded in the Minute of the meeting.

** **Written Questions** - Any Member can put one written question about any relevant and competent business within the specified remits not already on the agenda, to the Chair provided it is received by the Proper Officer or Committee Services by 12 noon two working days prior to the day of the meeting. A copy of any written answer provided by the Chair will be tabled at the start of the relevant section of the meeting. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than 10 minutes after the Council has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he or she can submit it in writing to the Proper Officer who will arrange for a written answer to be provided within 7 working days.

*** **Question Time** - At each ordinary meeting of the Committee ten minutes will be allowed for Members questions when any Member of the Committee can put a question to the Chair on any business within the remit of that Section of the Committee. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than ten minutes after the Committee has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he/she can submit it in writing to the proper officer who will arrange for a written answer to be provided within seven working days.

THE MORAY COUNCIL

Moray Council

SEDERUNT

Councillor James Allan (Member)
Councillor Peter Bloomfield (Member)
Councillor Neil Cameron (Member)
Councillor Tracy Colyer (Member)
Councillor Theresa Coull (Member)
Councillor John Cowe (Member)
Councillor John Divers (Member)
Councillor Amber Dunbar (Member)
Councillor Jérémie Fernandes (Member)
Councillor Donald Gatt (Member)
Councillor David Gordon (Member)
Councillor Juli Harris (Member)
Councillor Sandy Keith (Member)
Councillor Scott Lawrence (Member)
Councillor Graham Leadbitter (Member)
Councillor Marc Macrae (Member)
Councillor Paul McBain (Member)
Councillor Neil McLennan (Member)
Councillor Shona Morrison (Member)
Councillor Bridget Mustard (Member)
Councillor Christopher Thomas Price (Member)
Councillor Kathleen Robertson (Member)
Councillor Derek Ross (Member)
Councillor Draeyk Van Der Horn (Member)
Councillor Sonya Warren (Member)
Councillor Ben Williams (Member)

Clerk Name:	Tracey Sutherland
Clerk Telephone:	07971 879268
Clerk Email:	committee.services@moray.gov.uk

WARD	MEMBER	Item 1.
<p style="text-align: center;">1 SPEYSIDE GLENLIVET</p>	<p>David Gordon Juli Harris Derek Ross</p>	
<p style="text-align: center;">2 KEITH AND CULLEN</p>	<p>Tracy Colyer Theresa Coull Donald Gatt</p>	
<p style="text-align: center;">3 BUCKIE</p>	<p>Neil McLennan Christopher Price Sonya Warren</p>	
<p style="text-align: center;">4 FOCHABERS LHANBRYDE</p>	<p>Marc Macrae Shona Morrison Ben Williams</p>	
<p style="text-align: center;">5 HELDON AND LAICH</p>	<p>James Allan Neil Cameron John Cowe Bridget Mustard</p>	
<p style="text-align: center;">6 ELGIN CITY NORTH</p>	<p>Amber Dunbar Jérémie Fernandes Sandy Keith</p>	
<p style="text-align: center;">7 ELGIN CITY SOUTH</p>	<p>Peter Bloomfield John Divers Graham Leadbitter</p>	
<p style="text-align: center;">8 FORRES</p>	<p>Scott Lawrence Paul McBain Kathleen Robertson Draeyk Van Der Horn</p>	



REPORT TO: MORAY COUNCIL ON 18 MAY 2022

SUBJECT: CONSTITUTION OF COMMITTEES AND APPOINTMENT OF CHAIRS AND DEPUTE CHAIRS

BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND ORGANISATIONAL DEVELOPMENT)

1. REASON FOR REPORT

- 1.1 To invite the Council to establish such committee structure as it considers appropriate, to determine the membership of such committees, sub-committees etc and to appoint a Chair and Deputy Chair where appropriate.
- 1.2 This report is submitted to Council in terms of Sections I, II and III of the Council's Scheme of Administration relating to the establishment of a committee structure, the appointment to committees, the appointment of Chair and Depute Chair thereof and the delegation of functions to committees.

2. RECOMMENDATION

2.1 It is recommended that the Council considers and agrees to:-

- (i) the proposed committee and sub-committee structure, as set out in Section 4 of the report, and determines the membership of the committees and sub-committees which shall consist of Members and such numbers to be agreed by Council;**
- (ii) appoint Chairs and Depute Chairs for each committee and sub-committee set out in Section 4 from the membership agreed at (i) above;**
- (iii) make appointments to community planning and other partnership bodies, as set out in Section 5 of the report; and**
- (iv) note the appointments listed in Section 6 of the report will be paired with the Council Leader/Convener/Committee Chair/Leader of the largest Opposition Group as per custom and practice.**
- (v) make appointments to the Outside Bodies, as set out in Section 7 of the report.**
- (vi) note that due to the large number, a further report on the**

appointment to the remaining Outside Bodies to which the Council is entitled to appoint nominees will be submitted to the next meeting of the Council on 29 June 2022.

(vii) agree the positions, up to 9 in number (in addition to the positions of Leader and Convener) which will attract senior responsibility allowances.

3. BACKGROUND

3.1 As is common with all Scottish Local Authorities, and in accordance with Section 56(1) of the Local Government (Scotland) Act 1973, the Council may discharge any of its functions to a committee, sub-committee or to an officer of the Council.

3.2 The Council have historically established a committee based structure, as opposed to cabinet or executive committee, which has delegated functions to a number of committees which subsequently become responsible for the administration of a number of services. This is done by exercising oversight of the Chief Officer(s) and Department(s) responsible for discharging the Council's functions and by contributing to formulating policy by making recommendations to Moray Council [Full Council] for the development of existing and new services while acting under such authority as has been delegated to the Committees. This approach has been continued to ensure that Council business can proceed. In the event of a view that an alternative should be considered, options would be required to be developed and reported to the council for consideration and potential future implementation. It should also be noted that there is an outstanding action to review the Audit and Scrutiny committee and that a report will come to council in due course to resolve this outstanding matter.

3.3 When appointing to a committee etc, the Council is required to reflect political balance. A copy of the political balance calculator is attached at **Appendix 1**.

4. COMMITTEE STRUCTURE AND MEMBERSHIP

4.1 The previous approved structure of the Council is set out below along with a brief summary of individual remits. A full description of the delegated functions of these Committees can be found in the Scheme of Administration.

Policy

(i) **Corporate Committee**

Remit – To regulate and monitor the finances of the Council, both capital and revenue.

Membership – Previously consisted of 14 Members, although this number has varied over time.

- (a) Membership and appointment of Members
- (b) Appointment of Chair and Depute Chair

Scrutiny

(ii) **Audit and Scrutiny Committee**

Remit – To ensure that the highest standards of probity and public accountability are demonstrated and scrutinise the policies of the Council and their effectiveness.

Membership – Previously consisted of 14 Members, with non-Administration Members appointed to the positions of Chair and Deputy Chair.

- (a) Membership and appointment of Members
- (b) Appointment of Chair and Depute Chair.

Service

(iii) **Education, Children's and Leisure Services Committee**

Remit – To exercise the functions of the Council as Education Authority within the terms of relevant legislation with regard to school education, nurseries and child care, Gaelic, children's services, leisure, libraries and museums, sport and the arts, CLD, life long learning, youth justice and child protection.

Membership – Previously consisted of 14 Members, 3 Church Representatives*, 2 Teacher Representatives (optional), 1 Parent Representative (optional) and 1 Pupil Representative (optional)**

- (a) Membership and appointment of Members
- (b) Appointment of Chair and Depute Chair

* There is a requirement for three statutory Church Representatives (one representative of the Church of Scotland; one representative of the Roman Catholic Church and one person interested in the promotion of Religious Education) to be appointed. Representatives of the Church of Scotland and the Roman Catholic Church are nominated by the respective Church administrative body. Nominations for the third religious representative are sought through an approved administrative procedure undertaken by Committee Services. The three Religious Representatives have the statutory right to speak but not vote on all educational matters considered by the Committee.

**The Council may also appoint: -

- two teacher representatives (one from Primary and one from Secondary) permanently employed in educational establishments under the management of the Council.
- In the event that the elected teacher representative retires during their period of office, it is proposed, in order to allow a reasonable period for the election process, that the appointment continues beyond retirement for a period of 6 months or until the next local government elections, whichever

is the sooner.

- If appointed, it has been the previous practice of the Council to allow the two representatives to speak but not vote, on all educational matters considered by the Committee, both those heard in public and those heard in confidence and it is proposed that this continues.
- One pupil representative and one parent representative.
- If appointed, it has been the previous practice of the Council to allow the two representatives to speak, but not vote, on all educational matters considered by the Committee and it is proposed that this continues.

(iv) **Housing and Community Safety Committee**

Remit – To deal with matters relating to housing/HMOs, housing regeneration, homelessness, social inclusion, equal opportunities, community safety, anti-social behaviour and community liaison.

Membership – Previously consisted of 14 Members and 3 Tenant Representatives *

- (a) Membership* and appointment of Members
- (b) Appointment of Chair and Depute Chair

*The Council may also appoint 3 Tenant Representatives. If appointed, it has been the previous practice of the Council to allow the Tenant Representatives to speak but not vote on all matters, except where they have a direct financial interest in the matter.

(v) **Economic Development and Infrastructure Services Committee**

Remit – To exercise the functions of the Council as Roads and Lighting Authority, in addition to economic development, twinning and tourism, piers and harbours, industrial and commercial development and environmental protection.

Membership – Previously consisted of 14 Members

- (a) Membership and appointment of Members
- (b) Appointment of Chair and Depute Chair
- (c) The role of Chair is also linked to the role of the Council's representative on the Highlands and Islands Regional Economic Partnership.

(vi) **Planning and Regulatory Services Committee**

Remit – To exercise the functions of the Council as Planning Authority, in addition to building standards, trading standards and environmental health and reviewing and preparing of all Strategic and Local Plans.

Membership – Previously consisted of 14 Members

- (a) Membership and appointment of Members
- (b) Appointment of Chair and Depute Chair

(vii) **Police and Fire and Rescue Services Committee**

Remit – To deal with all matters relating to Police and Fire and Rescue Services in Moray, participate in consultations relative to national strategic plans and priorities and set priorities and objectives for the Local Police Plans and Local Fire and Rescue Plans for Moray.

Membership – Previously consisted of 9 Members

- (a) Membership and appointment of Members
- (b) Appointment of Chair and Depute Chair

Other

(viii) **Appeals Committee**

Remit – To consider appeals against grievances and disciplinary action (including dismissals).

Membership – Previously consisted of 9 Members

- (a) Membership and appointment of Members
- (b) Appointment of Chair and Depute Chair

(ix) **Joint Consultative Committee**

Remit – To facilitate formal consultation between the Council and recognised Trade Unions for Scottish Joint Council Employees, Craft Workers and Chief Officers in accordance with the Constitution.

Membership – Previously consisted of 7 Members and 7 Trade Union Representatives

- (a) Membership and appointment of Members
- (b) Appointment of Chair and Depute Chair

(x) **Licensing Committee**

Remit – To deal with all aspects of the issue of licenses by Local Authorities, including taxis, window cleaners and street traders.

Membership – Previously consisted of 14 Members

- (a) Membership and appointment of Members
- (b) Appointment of Chair and Depute Chair

(xi) **Moray Local Review Body**

Remit – To review decisions made by Appointed Officers, under delegated powers, on planning applications.

Membership – Previously consisted of 9 Members

- (a) Membership and appointment of Members

(b) Appointment of Chair and Depute Chair

(xii) **School Placings & Exclusions Appeals Committee**

Remit – To consider appeals, under the Education Act 1980, by parents/guardians relating to placing requests and exclusions.

Membership – Previously consisted of 5 Members and Lay Members

[Minimum Committee consists of 2 Members and 1 Lay Member]

(a) Membership and appointment of Members

NB – Lay Member must be Chair.

Appointments Committees

Remit – To deal with the recruitment of Heads of Services relevant to their service areas.

Membership – Previously consisted of 9 Members (inc. Chair and Depute Chair of Service Committee). The Appointments Committees shall reflect the appropriate political balance in the Council pertaining at the time.

(xiii) **Education, Children’s and Leisure Appointments Committee**

(xiv) **Housing and Community Safety Appointments Committee**

(xv) **Economic Development Infrastructure and Planning Services Appointments Committee** – As this Appointments Committee covers 2 Heads of Service Appointments it is proposed to take the membership from Economic Development and Infrastructure Committee on the assumption that some Members will also sit on Planning and Regulatory Services Committee.

(xvi) **Corporate Appointments Committee**

Sub-Committee

(xvii) **Housing Appeals Sub-Committee**

Remit – To determine appeals relating to the Council’s Allocations or Homelessness Policies and in relation to Private Sector Grants and determine any Housing Management and Right to Buy applications which can not be resolve under, or are outwiwth, Officer’s Scheme of Delegation.

Membership – Previously consisted of a pool of 5 Members, to be drawn from the membership of the Housing and Community Safety Committee for each case. The Chair is appointed at each meeting and Members excluded from sitting on appeals which relate to their Ward.

5. COMMUNITY PLANNING AND OTHER PARTNERSHIP BODIES

5.1 (i) Community Planning Board (part of Community Planning Partnership (CPP))

Remit – To provide effective leadership to the Moray CPP, facilitate agreement on the strategic priorities of the area and scrutinise the performance of the Partnership.

Membership – 15 Community Planning Partners

(a) Appointment of 5 Members

(ii) Community Engagement Group (part of CPP)

Remit – To provide and establish links between local organisations and the Community Planning Board on matters relating to community engagement.

Membership – 18 Community Planning Partners

(a) Appointment of 3 Members

(iii) Grampian Valuation Joint Board

Remit – The Grampian Valuation Joint Board is a public body that exists to provide the local taxation service to the three councils within the Grampian area (Aberdeen City, Aberdeenshire and Moray). By agreement with these councils, the Board is also responsible for the appointment and funding of the Electoral Registration Officer. It is accepted protocol that the Chair of the Board is appointed by the Board at the first meeting of a new Board from amongst the three Moray Council members.

Membership – 15 Members (3 Elected Members from Moray Council and 6 Elected Members each from Aberdeenshire Council and Aberdeen City Council)

(a) Appointment of 3 Members and 3 Substitutes

(iv) Moray Adult Protection Committee

Remit – To develop, implement and monitor the strategic approach to the management of the protection of adults at risk of harm in Moray.

Membership – 7 Partners

(a) Appointment of 2 Members

(v) Moray Child Protection Committee

Remit – To contribute to promoting the care and welfare of children in the Moray area and to promote inter-agency working and continuous improvement through self-evaluation and sharing best practice in child protection services.

Membership – 10 Partners

(a) Appointment of 3 Members

(vi) **Moray Integration Joint Board**

Remit – To plan, deliver and resource health and social care services as delegated by the NHS Board and Local Authority.

Membership – 8 (4 Elected Members and 4 NHS Grampian Board representatives)

(a) Appointment of 4 Members and 4 Substitutes

(vii) **Northern Roads Collaboration Joint Committee**

Remit – To work collaboratively for the joint discharge of road and road-related functions, including ports and harbours.

Membership – 16 Members (2 Elected Members from each of the following Councils: Aberdeenshire; Aberdeen City; Angus; Argyll and Bute; Highland; Moray; Orkney and Western Isles)

(a) Appointment of 2 Members and 2 Substitutes

6. **PAIRED APPOINTMENTS**

6.1 As has been the past custom and practice the undernoted appointments will be paired as detailed:

Convention of the Highlands and Islands – Leader of the Council
Cosla Appointments:

- Leaders – Council Leader
- Children and Young Peoples Board – Chair of Education, Children's and Leisure Services Committee
- Community and Wellbeing Board – Chair of Housing and Community Safety Committee
- Environmental and Economy Board – Chair of Economic Development and Infrastructure Committee
- Health and Social Care Board – Convener (Joint Chair of IJB)
- Convention – Council Leader
Convener
Leader of largest Opposition Group

1. NHS Grampian Board – Usually the Leader, Convener or a senior member of the local authority with designated responsibility for public health related issues. Further details on the requirements for the appointment are contained in **Appendix 2.**

7. OUTSIDE BODIES

7.1 (i) Cairngorm National Park Authority

Remit – To conserve and enhance the natural and cultural heritage of the area; to promote sustainable use of the natural resources of the area; to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public and to promote sustainable economic and social development of the area's communities.

Frequency of Meetings – Variable at various locations (Ballater, Blair Athol, Grantown and Boat of Garten)

- (a) Appointment of 1 Member someone whose sole or main residence is within the National Park, or the person is a Councillor for an electoral ward, or is a member of a community council, any part of whose area is in the National Park

(ii) Highland & Islands Strategic Transport Partnership (HITRANS)

Remit – Statutory regional transport partnership covering area that works with Councils (Eilean Siar, Orkney, Highland, Moray and Argyll and Bute), the Scottish Government, Transport Scotland, Highlands & Islands Enterprise (HIE), transport operators and other stakeholders to improve transport services and infrastructure in the north of Scotland and on routes to the Highlands and Islands.

Frequency of Meetings – 5 times a year

- (a) Appointment of 1 Member and 1 Substitute

(iii) Moray Leisure Centre: Board of Directors

Remit:- To provide and arrange for the management and administration of the Moray Leisure Centre, incorporating a swimming pool and ice rink, together with such ancillary facilities as the directors of the company from time to time shall deem appropriate, for the recreational, educational benefit and in the interests of the social welfare of the public (both resident and visitor) of the district of Moray.

Frequency of Meetings – 4 times a year in Elgin

- (a) Appointment of 3 Members

8. SUMMARY OF IMPLICATIONS

(a) Moray 2026: A Plan for the Future and Moray Corporate Plan 2015 - 2017

None arising from this report.

(b) Policy and Legal

The proposals set out in this report comply with Sections (I) (II) & (III) of

the Council's Scheme of Administration relating to the delegation of functions to Committees and Sub-Committees, the appointments of Members to these and the appointment of Chair & Deputy Chairs.

(c) Financial implications

Payment of allowances to Members is governed by the Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2016 and the Local Government (Allowances and Expenses) (Scotland) Regulations 2007 with maximum rates of payment of remuneration and allowances and expenses being specified by Scottish Ministers.

(d) Risk Implications

None arising from this report.

(e) Staffing Implications

The administration of appointments to Committees and Sub-Committees can be met within existing resources.

(f) Property

None arising from this report.

(g) Equalities

None arising from this report.

(h) Climate Change and Biodiversity

None arising from this report

(i) Consultations

The Depute Chief Executive (Education, Communities and Organisational Development), Head of Governance, Strategy and Performance, the Democratic Services Manager and the Equalities Officer have been consulted and any comments incorporated into the report.

9. CONCLUSION

9.1 Council is invited to consider establishing such committee structure as it deems appropriate, to determine the membership of such committees, sub-committees etc and to appoint a Chair and Deputy Chair where appropriate.

Author of Report: Democratic Services Manager
Background Papers:
Ref:

Political Balance v1.4

Total Councillors	Conservative	Labour	SNP	Lib Dem	Green	Independent
26	11	3	8	1	1	2

Total number on Committee	Conservative	Labour	SNP	Lib Dem	Green	Independent	Check
5	2.12	0.58	1.54	0.19	0.19	0.38	5.00
6	2.54	0.69	1.85	0.23	0.23	0.46	6.00
7	2.96	0.81	2.15	0.27	0.27	0.54	7.00
8	3.38	0.92	2.46	0.31	0.31	0.62	8.00
9	3.81	1.04	2.77	0.35	0.35	0.69	9.00
10	4.23	1.15	3.08	0.38	0.38	0.77	10.00
11	4.65	1.27	3.38	0.42	0.42	0.85	11.00
12	5.08	1.38	3.69	0.46	0.46	0.92	12.00
13	5.50	1.50	4.00	0.50	0.50	1.00	13.00
14	5.92	1.62	4.31	0.54	0.54	1.08	14.00
15	6.35	1.73	4.62	0.58	0.58	1.15	15.00
16	6.77	1.85	4.92	0.62	0.62	1.23	16.00

Seats (applied by rounding up)

Total number on Committee	Conservative	Labour	SNP	Lib Dem	Green	Independent
5	2	1	2	0	0	0
6	3	1	2	0	0	0
7	3	1	2	0	0	1
8	3	1	2	0	0	1
9	4	1	3	0	0	1
10	4	1	3	0	0	1
11	5	1	3	0	0	1
12	5	1	4	0	0	1
13	6	2	4	1	1	1
14	6	2	4	1	1	1
15	6	2	5	1	1	1
16	7	2	5	1	1	1



Person Specification for Non Executive Board member

Essential Requirements of the Role	What does this mean?
<p>Ability to demonstrate NHS Scotland's shared values. These are:</p> <ul style="list-style-type: none"> • care and compassion; • dignity and respect; • openness, honesty and responsibility; and, • quality and teamwork. 	<p>Embedding these values in everything we do. In practice this means:</p> <ul style="list-style-type: none"> • demonstrating our values in the way we work and treat each other; • using our values to guide the decisions we take; • identifying and dealing with behaviours that don't live up to our expectations; and, • being responsible for the way we work and not just the work we do.
<p>Knowledge about or connection to health and social care services provided by NHS Grampian and policy direction</p>	<p>We are looking for individuals who have some knowledge about or connection to health and social care services provided by the NHS Grampian. This can be demonstrated in a variety of ways, for example:</p> <ul style="list-style-type: none"> • Knowledge/understanding of health and social care and the NHS in Scotland, the role of NHS Grampian and the challenges it faces • Able to explain your personal experience of health and/or social care services • Understanding of the challenges facing the delivery of health and social care • Understanding the connections between health and social care services and other public sector services provided by councils, fire, police, education providers
<p>Ability to communicate effectively</p>	<ul style="list-style-type: none"> • Being focused and succinct in your communication, with active listening skills – showing you are taking into account what is being said • Able to effectively express views and opinions in a group setting • Being engaging and enthusiastic • Able to adapt your style appropriately for different situations



Person Specification for Non Executive Board member

<p>Ability to influence decision making and challenge constructively</p>	<ul style="list-style-type: none"> • Being constructive, confident, and objective in questioning proposals and debating issues • Challenging the status quo and encouraging new thinking • Helping others to consider their own position in a constructive and non-confrontational way • Able to accept a collective decision even if it goes against a personal view • Ability to encourage diversity of contributions • Ability to harness colliding perspectives
<p>Ability to contribute to longer term planning by seeing the 'bigger picture'</p>	<ul style="list-style-type: none"> • Being able to see the "bigger picture" when considering issues and topics • Identifying relevant implications from what is being considered and identifying challenges and risks where appropriate • Seeing beyond your own personal experience and giving consideration to other information and views • Looking ahead and considering issues within different timeframes • Able to see the strategic issues of importance relevant to the Board
<p>Ability to analyse and review complex issues</p>	<ul style="list-style-type: none"> • Being able to compare information from different sources to gain a wider understanding and inform decision making • Being able to identify key points of detail which are critical to decision making • Being able to balance a number of different considerations • Being able to recognise when information is limited and when more information might be needed • Being able to identify the implications associated with what you are considering, such as priorities, risks, opportunities etc

Role of Board Members (based on draft Blueprint for Good Governance – April 2022)

There are three categories of NHS Board Members: publicly appointed, stakeholder and executive members. All Board Members are appointed by the Cabinet Secretary. Stakeholder members, including local authority members, are appointed for specific time periods but can be re-appointed provided the stakeholder body continues to nominate them.

Irrespective of the basis of their appointment all Board Members are personally responsible for:

- Ensuring the Board focuses on developing and maintaining a strategic direction designed to deliver the Scottish Government's policies and priorities.
- Providing effective scrutiny, challenge, support and advice to the Chief Executive Team on the delivery of the organisation's purpose, aims, values, corporate objectives operational priorities and targets.
- Contributing to the identification and management of strategic and operational risks.
- Bringing independence, external perspectives and impartial judgement to the business of the NHS Board to support timely, well-informed, evidence-based and risk-assessed decision making at Board level.
- Upholding the highest standards of integrity and probity and acting in accordance with the principle of collective and corporate responsibility for Board decisions.
- Undertaking ongoing personal development activities.
- Understanding and promoting diversity and equality.
- Engaging with stakeholders, including patients, service users, the public, managers and staff.

To help Board Members discharge their responsibilities, the Standards Commission have issued a range of advice notes, including advice to help them distinguish between strategic and operational matters, in order to comply with the Code of Conduct for Members of NHS Boards.

As a general rule, the role of Board Members is to provide governance, i.e. setting direction and overseeing the delivery of services. This primarily involves agreeing strategy and policy and holding the Chief Executive Team to account for the delivery of the Board's purpose, aims, values, corporate objectives, operational priorities and targets.

Role of Board Members (based on draft Blueprint for Good Governance – April 2022)

The line between strategic and operational matters is not always distinct. Therefore, if in doubt, Board Members should refer to the Standard Commission's advice to avoid becoming inappropriately involved in operational matters. The Board Chair should be consulted if the issue cannot be resolved following a Board Member's review of the Standard Commission's Advice Note.

Non-Executive Board Members may also be required to support the business of the Board by being a chair or member of standing committees and other meetings relevant to the business of the NHS Board. The Board Chair proposes the appointment of committee chairs and members and this is then considered and approved by the Grampian NHS Board.

Non-Executive Board Members may also play a part in supporting the Executive Leadership Team's management of the organisation that goes beyond their roles as standing committee chairs or members. This includes supporting HR appeals and Whistleblowing investigations. Board members may also be asked to act as chair or representative for other groups where the NHS is a member.

Role of Board Members (based on draft Blueprint for Good Governance – April 2022)

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- Providing effective scrutiny, challenge, support and advice to the Chief Executive Team on the delivery of the organisation's purpose, aims, values, corporate objectives operational priorities and targets.
- Contributing to the identification and management of strategic and operational risks.
- Bringing independence, external perspectives and impartial judgement to the business of the NHS Board to support timely, well-informed, evidence-based and risk-assessed decision making at Board level.
- Upholding the highest standards of integrity and probity and acting in accordance with the principle of collective and corporate responsibility for Board decisions.
- Undertaking ongoing personal development activities.
- Understanding and promoting diversity and equality.
- Engaging with stakeholders, including patients, service users, the public, managers and staff.

To help Board Members discharge their responsibilities, the Standards Commission have issued a range of advice notes, including advice to help them distinguish between strategic and operational matters, in order to comply with the Code of Conduct for Members of NHS Boards.

As a general rule, the role of Board Members is to provide governance, i.e. setting direction and overseeing the delivery of services. This primarily involves agreeing strategy and policy and holding the Chief Executive Team to account for the delivery

Role of Board Members (based on draft Blueprint for Good Governance – April 2022)

of the Board's purpose, aims, values, corporate objectives, operational priorities and targets.

The line between strategic and operational matters is not always distinct. Therefore, if in doubt, Board Members should refer to the Standard Commission's advice to avoid becoming inappropriately involved in operational matters. The Board Chair should be consulted if the issue cannot be resolved following a Board Member's review of the Standard Commission's Advice Note.

Non-Executive Board Members may also be required to support the business of the Board by being a chair or member of standing committees and other meetings relevant to the business of the NHS Board. The Board Chair proposes the appointment of committee chairs and members and this is then considered and approved by the Grampian NHS Board.

Non-Executive Board Members may also play a part in supporting the Executive Leadership Team's management of the organisation that goes beyond their roles as standing committee chairs or members. This includes supporting HR appeals and Whistleblowing investigations. Board members may also be asked to act as chair or representative for other groups where the NHS is a member.



REPORT TO: MORAY COUNCIL ON 18 MAY 2022

SUBJECT: TIMETABLE AND CALENDAR OF MEETINGS

BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND ORGANISATIONAL DEVELOPMENT)

1. REASON FOR REPORT

1.1 To invite the Council to consider, subject to approval of the preceding item on the agenda 'Constitution of Committees and Appointment of Chairs and Depute Chairs', a proposed eight-week cycle and calendar of meetings.

1.2 This report is submitted to Council in terms of Section II (10) of the Council's Scheme of Administration relating to committee structures, distribution of functions and responsibilities.

2. RECOMMENDATION

2.1 It is recommended that the Council:-

(i) consider and agree the cycle of meetings, as detailed in paragraph 3.3 of the report;

(ii) agrees the calendar of meetings for the period 31 May 2022 to 29 June 2023, as set out in Appendix 1 of the report; and

(iii) should the Council agree (i) and (ii) above, note that a meeting diary will be prepared and published for the period to April 2027.

3. BACKGROUND

3.1 Subject to the approval of the proceeding item on the agenda 'Constitution of Committees and Appointment of Chairs and Depute Chairs', the Council are invited to consider the cycle of meetings.

3.2 During the previous Administration, the cycle of meetings did not take into account the school holiday periods which was problematic in terms of the provision of reports, the timely issuing of agenda papers and the attendance of both Officers and Members during these periods. In order to try and alleviate these issues the weekly cycle has been amended to avoid the school holiday periods.

3.3 Based on the information above, the Council are invited to consider the following for its cycle of meetings avoiding school holidays:-

Week 1 – No scheduled meetings

Week 2 – Tuesday: Planning and Regulatory Services Committee
Wednesday: Appeals Committee

Week 3 – Wednesday: Education, Children’s and Leisure Services Committee

Week 4 – Tuesday: Corporate Committee

Week 5 – Tuesday: Economic Development and Infrastructure Services Committee (am)
Housing and Community Safety Committee (pm)
Wednesday: Licensing Committee (am)
Licensing Board (pm)

Week 6 – Wednesday: Audit & Scrutiny Committee

Week 7 – No scheduled meetings

Week 8 – Wednesday: Moray Council

3.4 In addition, the Moray Local Review Body will meet on the third Thursday of each calendar month, excluding July and October (school holidays).

3.5 The Police and Fire and Rescue Services Committee will meet on a quarterly basis and the dates have been incorporated into the proposed calendar in consultation with senior officials from both Police Scotland and the Scottish Fire and Rescue Service.

3.6 A calendar of meetings, based on the proposed cycle, for the period 31 May 2022 to 29 June 2023 is attached as **Appendix 1**.

4. SUMMARY OF IMPLICATIONS

(a) **Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**
None.

(b) **Policy and Legal**
None.

(c) **Financial implications**
None arising from this report.

(d) **Risk Implications**
None arising from this report.

(e) Staffing Implications

None arising from this report.

(f) Property

None arising from this report.

(g) Equalities/Socio Economic Impact

None arising from this report.

(h) Climate Change and Biodiversity Impacts

None arising from this report.

(i) Consultations

The Head of Governance, Strategy and Performance has been consulted and is in agreement with the terms of the report.

5. CONCLUSION

5.1 A cycle of meetings has been proposed for the Council's consideration and a calendar, for the period 31 May 2022 to 29 June 2023, provided as Appendix 1 to the report.

5.2 Should the Council agree the proposed cycle, a calendar for the period to April 2027, based on that cycle, will be prepared and published.

Author of Report: Democratic Services Manager

Background Papers:

Ref:

Proposed Committee Timetable May 2022 to June 2023		
May 2022		
31/05/2022	Planning and Regulatory	9.30am
June 2022		
01/06/2022	Appeals	9.30am
02/06/2022	Police and Fire	2:00pm
08/06/2022	Education, Children's and Leisure	9.30am
14/06/2022	Corporate	9.30am
16/06/2022	Moray Local Review Body	9.30am
21/06/2022	Economic Development and Infrastructure	9.30am
21/06/2022	Housing and Community Safety	2.00pm
22/06/2022	Licensing Committee	9.30am
22/06/2022	Licensing Board	2.00pm
28/06/2022	Audit and Scrutiny	9.30am
29/06/2022	Moray Council	9.30am
August 2022		
10/08/2022	Moray Council	9:30am
16/08/2022	Planning and Regulatory	9.30am
17/08/2022	Appeals	9.30am
18/08/2022	Moray Local Review Body	9.30am
24/08/2022	Education, Children's and Leisure	9.30am
30/08/2022	Corporate	9.30am
September 2022		
01/09/2022	Police and Fire	2:00pm
06/09/2022	Economic Development and Infrastructure	9.30am
06/09/2022	Housing and Community Safety	2.00pm
07/09/2022	Licensing Committee	9.30am
07/09/2022	Licensing Board	2.00pm
14/09/2022	Audit and Scrutiny	9.30am
15/09/2022	Moray Local Review Body	9.30am
28/09/2022	Moray Council	9.30am
October 2022		
25/10/2022	Planning and Regulatory	9.30am
26/10/2022	Appeals	9.30am
November 2022		
02/11/2022	Education, Children's and Leisure	9.30am
08/11/2022	Corporate	9.30am
15/11/2022	Economic Development and Infrastructure	9.30am
15/11/2022	Housing and Community Safety	2.00pm
16/11/2022	Licensing Committee	9.30am
16/11/2022	Licensing Board	2.00pm
17/11/2022	Moray Local Review Body	9.30am
17/11/2023	Police and Fire	2:00pm

APPENDIX 1

23/11/2022	Audit and Scrutiny	9.30am
December 2022		
07/12/2022	Moray Council	9.30am
15/12/2022	Moray Local Review Body	9.30am
20/12/2022	Planning and Regulatory	9.30am
January 2023		
18/01/2023	Appeals	9.30am
19/01/2023	Moray Local Review Body	9.30am
25/01/2023	Education, Children's and Leisure	9.30am
31/03/2023	Corporate	9.30am
February 2023		
07/02/2023	Economic Development and Infrastructure	9.30am
07/02/2023	Housing and Community Safety	2.00pm
08/02/2023	Licensing Committee	9.30am
08/02/2023	Licensing Board	2.00pm
09/02/2023	Police and Fire	2:00pm
15/02/2023	Audit and Scrutiny	9.30am
16/02/2023	Moray Local Review Body	9.30am
March 2023		
01/03/2023	Moray Council	9.30am
14/03/2023	Planning and Regulatory	9.30am
15/03/2023	Appeals	9.30am
16/03/2023	Moray Local Review Body	9.30am
April 2023		
19/04/2023	Education, Children's and Leisure	9.30am
20/04/2023	Moray Local Review Body	9.30am
25/04/2023	Corporate	9.30am
May 2023		
02/05/2023	Economic Development and Infrastructure	9.30am
02/05/2023	Housing and Community Safety	2.00pm
03/05/2023	Licensing Committee	9.30am
03/05/2023	Licensing Board	2.00pm
04/05/2023	Police and Fire	2:00pm
10/05/2023	Audit and Scrutiny	9.30am
18/05/2023	Moray Local Review Body	9.30am
24/05/2023	Moray Council	9.30am
30/05/2023	Planning and Regulatory	9.30am
31/05/2023	Appeals	9.30am
June 2023		
07/06/2023	Education, Children's and Leisure	9.30am
13/06/2023	Corporate	9.30am
15/06/2023	Moray Local Review Body	9.30am
20/06/2023	Economic Development and Infrastructure	9.30am
20/06/2023	Housing and Community Safety	2.00pm
21/06/2023	Licensing Committee	9.30am

APPENDIX 1

21/06/2023	Licensing Board	2.00pm
27/06/2023	Audit and Scrutiny	9.30am
28/06/2023	Moray Council	9.30am



REPORT TO: MORAY COUNCIL ON 18 MAY 2022

SUBJECT: MORAY LICENSING BOARD: APPOINTMENT OF MEMBERS

BY: HEAD OF GOVERNANCE STRATEGY AND PERFORMANCE

1. REASON FOR REPORT

- 1.1 To invite the Council to appoint Members to the Moray Licensing Board (“the Board”) from the membership of the new Moray Council.
- 1.2 This report is submitted by the Head of Governance Strategy and Performance in his capacity as Clerk to the Moray Licensing Board.

2. RECOMMENDATION

- 2.1 **It is recommended that the Council agree the number of Members who should serve on the Moray Licensing Board for the period until May 2027 and make appointments to the Board accordingly.**

3. BACKGROUND

- 3.1 The Licensing (Scotland) Act 2005 (“The 2005 Act”) currently provides for the administration of licensing with respect to alcoholic liquor by the establishment of Licensing Boards for the area of each Council within Scotland.
- 3.2 Schedule 1 of the 2005 Act makes further provision for the membership and constitution of Licensing Boards.
- 3.3 The 2005 Act requires a council to hold an election of members to a Licensing Board for their council’s area at their first meeting after each ordinary election of the council.
- 3.4 The Licensing Board is a separate legal entity to the Council but is wholly staffed and resourced by the Council and all of the Board’s income is handed to the Council.
- 3.5 The Licensing Board in Moray has in the recent past consisted of 9 members. The 2005 Act stipulates that 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 from among their councillors. The membership of 9 has traditionally been chosen as a number that can generally give at least a majority decision. The quorum is not less than half so a minimum of 5 members.

4. DISQUALIFICATION OF INTERESTED PARTIES

4.1 The 2005 Act states that 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.

5. OTHER INFORMATION

5.1 The Licensing Board meets to deal with applications for alcohol related licences for licensed premises in Moray and for all other matters which fall to be dealt with in terms of the Licensing (Scotland) Act 2005.

5.2 The Licensing Board is also the relevant authority for the granting of licences and permissions under the Gambling Act 2005. Other licence types for example taxis are dealt with by the Licensing Committee of the Council.

5.3 Licensing Boards will sit at a frequency fixed by themselves to deal efficiently with the business they are required to transact. It has been found that an eight weekly cycle of meetings enables most of the Board's business to be transacted. An additional, ad hoc, meeting may be required if, for example, a request for review is submitted as the review must be heard within 42 days of the request being made. To date this has not been an issue. A suggested timetable of meetings is attached at **Appendix 1**. The Board is free to make its own rules so subsequent meeting dates may be subject to change by the Board.

5.4 In terms of the 2005 Act, a Licensing Board must, at their first meeting after each election of members of the Board, elect one of their members as Convener.

5.5 Each member of the Licensing Board must comply with the training requirements before that member may take part in any proceedings of the Board. Training for all members of the new Licensing Board has therefore been arranged for 8 June 2022. This involves a day of training followed by a brief examination after which members will be required to produce evidence of successful passing of the course to the Clerk.

6 SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The provisions of alcohol licensing directly relate to the priorities within the 10 Year Plan in relation to healthier citizens, a growing and diverse economy and safer communities. Alcohol and alcohol dependency influence the health of the population. The alcohol industry in terms of production, retail and the positive effects on tourism all aid a growing economy. Regulation of the sale of alcohol contributes to a safer community.

(b) Policy and Legal

The Licensing (Scotland) Act 2005 (“The 2005 Act”) currently provides for the administration of licensing with respect to alcoholic liquor by the establishment of Licensing Boards for the area of each Council within Scotland. Schedule 1 of the 2005 Act makes further provision for the membership and constitution of Licensing Boards.

The 2005 Act requires a council to hold an election of members to a Licensing Board for their council’s area at their first meeting after each ordinary election of the council.

(c) Financial implications

Payment of allowances to Members is governed by the Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2016 and the Local Government (Allowances and Expenses) (Scotland) Regulations 2007 with maximum rates of payment of remuneration and allowances and expenses being specified by Scottish Ministers.

(d) Risk Implications

None arising from this report.

(e) Staffing Implications

The administration of appointments to Committees and Sub-Committees can be met within existing resources.

(f) Property

None arising from this report.

(g) Equalities

None arising from this report.

(h) Climate Change and Biodiversity Impacts

None arising from this report.

(i) Consultations

The Depute Chief Executive (Education, Communities and

Organisational Development), the Democratic Services Manager and the Equalities Officer have been consulted and any comments incorporated into the report.

7 CONCLUSIONS

7.1 Council is invited to agree the number of Members who should serve on the Moray Licensing Board for the period until May 2027 and make appointments to the Board accordingly.

Author of Report: Sean Hoath Senior Solicitor and Depute Clerk to the Board

Background Papers: The Licensing (Scotland) Act 2005 ("The 2005 Act")

Appendix I

It is proposed that the dates for the Meetings of the Board be as follows:

Proposed Meetings

DAY	DATE
Wednesday	22 June 2022
Wednesday	7 September 2022
Wednesday	16 November 2022
Wednesday	8 February 2023
Wednesday	3 May 2023
Wednesday	21 June 2023

