

## REPORT TO INFRASTRUCTURE SERVICES COMMITTEE – 22 AUGUST 2019

### CONFIDENT GOVERNANCE – NOMINATION TO OUTDOOR ACCESS TRUST FOR SCOTLAND

#### 1 Recommendations

The Committee is recommended to:

**1.1 Nominate an Elected Member to the Outdoor Access Trust for Scotland in a decision making capacity.**

#### 2 Background / Discussion

- 2.1 At its meeting on June 27 2019 (Item 9), Full Council agreed that the Council be represented on the outside body; Outdoor Access Trust for Scotland (OATS) and that this Committee be delegated to nominate the Elected Member. This report now seeks the nomination of an Elected Member in a decision making capacity. This means that the Elected Member will sit on the OATS Board and the Elected Member becomes a member of that organisation (which is separate from his/her role as an Elected Member), can make decisions on behalf of the organisation and carries liability for those decisions. The nominated Elected Member does not have to be a member of Infrastructure Services Committee.
- 2.2 OATS was previously called Cairngorms Outdoor Access Trust for Scotland (COATS) and Full Council agreed on May 18<sup>th</sup> 2017 (Item 8) that the Council would be represented on COATS and that Marr Area Committee be delegated to nominate the Elected Member. At its meeting on 30 May, 2017 (Item 11), Marr Area Committee agreed to nominate Councillor Withey to OATS. Councillor Withey resigned and then Marr Area Committee was asked to make a new nomination on August 21<sup>st</sup> 2018 (Item 18). It nominated Councillor Blackett, who has also resigned.
- 2.3 However, following the second resignation, it was determined that due to the charity now covering the whole of Scotland, there had been a material change to the constitution and aim of COATS now OATS. Therefore, it was required for Full Council to determine whether the Council is to be represented on OATS, which it did on June 27<sup>th</sup> 2019.
- 2.4 The Council has had a long involvement with COATS, including from when it was Upper Deeside Access Trust in 1998. OATS wish for that involvement to continue and made the request for a decision making representative. In Appendix 1, there is an extract from the Confidential Governance questionnaire. This extract gives an indication of the expectation of OATS. [OATS](#) is a registered Scottish charity, No. SC028028 and a company Limited by guarantee No. SC186301. The objectives of OATS are to

- *Conserve and protect our natural heritage and environment by encouraging, development and implementing access management projects*
- *Facilitate and maintain public access to the areas we work in*
- *Advance the education of the public about the natural heritage of the areas we work in*
- *Promote the outdoors to the public by advocating the individual health benefits and the enjoyment of the outdoors*

2.5 The nomination to outside bodies is managed through the Confidential Governance process. This provides a cohesive and consistent process. All outside bodies provide their constitutional documents, accounts and complete an application form and these are examined by officers before the request for representation is put to Full Council. Elected Members who are nominated to an outside body will receive copies of these documents.

2.6 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments are incorporated within the report and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

### **3 Scheme of Governance**

3.1 The Committee is able to consider and take a decision on this item in terms of Section F.1.1.b of the List of Committee Powers in Part 2A of the Scheme of Governance as it relates to Economic Development and Full Council delegated the remit to nominate to the outside body on June 27<sup>th</sup> 2019.

### **4 Implications and Risk**

4.1 An equality impact assessment is not required because the nomination of an elected member to an outside body does not have a differential impact on any of the protected characteristics.

4.2 There are no staffing and financial implications.

4.3 No Risks have been identified as relevant to this matter on a Corporate Level or a Strategic Level.

**Ritchie Johnson**  
**Director of Business Services**

Report prepared by Ann Overton, Senior Solicitor (Democratic Services)  
June 28<sup>th</sup> 2019

**APPENDIX 1**

**Replies from OATS to Confident Governance Questionnaire**

Briefly detail please what would be required of a councillor in relation to any appointment?		Attend 4 OATS Board meetings and at least 1 Public meeting a year plus publicity events and Chair/staff support via e mail/phone relating to projects, H&S and HR issues
Is there any particular expertise required in relation to the appointment? If so, please provide details.		Good knowledge of Aberdeenshire's needs and aspirations, particularly relating to sustainable development of outdoors access and tourism in the area
Why is it necessary that a councillor be nominated for appointment to the outside body?		Councillor support for the Trust since its inception in 1998 has been critical to the success of the Trust and ensuring that its project delivery meets local community needs.
Taking all factors into account, Aberdeenshire Council councillor involvement is the best or only way of achieving the aims of the organisation.		Continued Councillor involvement will be very important for a balanced and effective OATS Board
Please provide any further information which you feel may be relevant		The support of Aberdeenshire Council, who is a founding member of the Trust remains very important as the organisation seeks to expand its role in Aberdeenshire and throughout Scotland

