

APPENDIX 3 - South of Scotland Enterprise – Key Links with the Local Authorities - DRAFT

Potential Options	Positives	Negatives
1. Board Membership for Council Member/s	<ul style="list-style-type: none"> • Senior Member from each Council has direct input and a vote on each decision made by the Agency Board • Member will be able to influence other board members through discussion and debate • Local Elected Members seen to have direct influence in Board decisions 	<ul style="list-style-type: none"> • Appointments to the Board will be subject to the Code of Practice set by the Commissioner for Ethical Standards in Public Life in Scotland as directed by the Public Appointments and Public Bodies Act 2003 – specific board places for local authority members would require specific provision in the SOSE legislation and amendments of the Public Appointments Act 2003, which is counter to existing practice for Enterprise agencies, and would likely be opposed by Scottish Government. • Whilst not precluded from applying to join the board, the Code of Practice cautions against the kinds of conflict of interest which would encumber elected members. • Elected Members will be appointed as individuals and not representatives of the Council, as defined by the Code of Practice • Members, if outvoted, will be tied to the decisions of the Board. • Councils will only have 2 votes out of 11 • Potentially neutralises the political power of Members to disagree with the Agency.
2. Joint Committee	<ul style="list-style-type: none"> • Allows high level dialogue on the direction of the Agency • Gives Councils ability to disagree with new Agency • Provides dual channels for Councils to influence the Agency - indirectly through SG Ministers, and directly through discussion with Agency • Potentially provides vehicle for wider advocacy 	<ul style="list-style-type: none"> • Influence is persuasive rather than direct • Restrictions on Joint Committee membership • Some decisions would need to be referred to full Council for agreement • Restricted in its operation by the Local Government Act 1973 • Potentially bureaucratic

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<p>3. Convention of Highlands & Islands Model / Expanded and Strengthened South of Scotland Alliance</p>	<ul style="list-style-type: none"> • Builds on an already established body which is recognised by Scottish Government. • Gives Councils ability to disagree with new Agency • Allows high level dialogue on the direction of the Agency – with Ministers and Board Chair – in public • Flexible template on relationship between Council and Agency, which can be locally adapted and controlled • Includes Scottish Government Cabinet Secretaries and Ministers. • Provides dual channels for Councils to influence the Agency directly through SG Ministers and through discussion with Agency. • Provides vehicle for wider advocacy • Facilitates a broader membership • Enables Scottish Government expertise, thinking and resources to be brought into the process 	<ul style="list-style-type: none"> • Influence is persuasive rather than direct • The Councils would be two of a number of partners involved, so may not always be aligned with all partners •