1 Recommendations

Council is recommended to:

1.1 Agree that all Lifelong Learning and Leisure matters be brought under the remit of Communities Committee and approve the amendments to the Scheme of Governance as detailed in Appendix 2;

1.2 Agree to establish a Culture & Sport Business Unit (CSBU) which will manage a group of customer-facing services as detailed at 2.8;

1.3 Agree to instruct officers to explore the establishment of a fundraising entity to support the Business Unit, and report to Communities Committee;

1.4 Delegate authority to the Communities Committee to agree decisions necessary to create a fundraising entity including authority to wind up or modify the existing company (Aberdeenshire Culture and Sport Limited) to achieve this objective;

1.5 Note the implementation arrangements and timetable, and remit responsibility for implementation to Communities Committee;

1.6 Note the preferred composition for the sub-committee of four elected members and four external appointed members;

1.7 Consider the preferred option for selecting a chair of the sub-committee outlined at 2.10;

1.8 Note the proposed pilot period and proposals for reviewing the effectiveness of the Business Unit, in particular the detailed discrete review of the outcomes for each service within the pilot unit.

2 Background / Discussion

Introduction

2.1 Aberdeenshire Council’s priorities include a commitment to improvements in health and wellbeing outcomes. The Council has previously recognised that sport and culture are key tools in delivering this priority, supporting people to make positive changes in their lives which promote a sense of community and reduce isolation and loneliness, having a major impact on individuals’ mental health and delivering longer, healthier lives, best empowering people to live independently in to later years. The financial context for the public sector means it has never been more critical to design an operational environment for culture and sport which maximises their impact.
2.2 At its meeting of 8th March 2018 Aberdeenshire Council considered a report, “Culture & Sport Business Unit”, which presented information about a proposed pilot for a new operational model within the Council, drawing on the organisational strengths of an independent trust, with the objective of maximising these benefits, in particular:

- Closer involvement of business and community expertise
- A model, maximising income where appropriate to cross-invest in service improvement
- Capacity for faster decision making around commercial service innovations
- Service-specific arrangements for, e.g., levels of marketing

2.3 Full Council remitted more detailed consideration of the proposals to the Education & Children’s Services (ECS) Committee and the Communities Committee, which met on March 22nd and March 29th respectively, with their comments and any recommendations being presented to Full Council. Approved minutes from these meetings are not available at this stage. A note of the discussion has been agreed by the Chairs and opposition spokespeople, and is included as Appendix 3.

2.4 This report proposes the establishment of a Business Unit for a group of services which are centred around customers and users, delivering services within a competitive environment. The Business Unit trading brand will be Aberdeenshire Culture & Sport (ACS), and will be established around the principles outlined in the 8th March report to Full Council: it will be lean and specialised. Its primary focus is to deliver on the Council’s social objectives and health and wellbeing priority, through increased participation in services. Its secondary objective is to maximise income for reinvestment in services where appropriate.

Governance

2.5 Lifelong Learning and Leisure matters are presently split between three policy committees, namely Education and Children’s Services Committee, Communities Committee and Infrastructure Services Committee. On 19th January 2018, the Procedures Committee met to consider various matters concerning the review of the Scheme of Governance. Following discussion the Procedures Committee agreed to recommend to Full Council that all Lifelong Learning and Leisure matters be regrouped under the remit of Communities Committee. In the discussion around the 8th March 2018 report to Full Council, it was agreed that the report would be accepted as notice of proposed alteration to the Scheme of Governance to give effect to this change. The required amendments to the Scheme of Governance are set out in Appendix 2.

2.6 It should be noted that this proposal suggests the most effective leadership and scrutiny of the Business Unit as a single entity is through a single committee. It does not change the remit of ECS Committee, nor the delegated responsibility of the Director of Education & Children’s Services, in being responsible for all aspects of the management of schools, including, e.g., school libraries. The Business Unit Chief Officer, via the director, is accountable to any committee in pursuance of its remit.
2.7 The intention is that a report will be brought to the meeting of Communities Committee on 31\(^{st}\) May to request that it establish a sub-committee dedicated to Culture and Sport. This is considered to be the most suitable forum for determining policy, budget and strategic decisions for the Business Unit. Sub-committees are appointed by their parent committees, which agree their remit, membership and delegations. Unlike Council committees, where a proportion of at least two thirds Elected Members is required for the committee membership, there is no limit on the number of non-Elected Members that can be appointed to a sub-committee. As such, it would be the intention to create an Aberdeenshire Culture & Sport sub-committee of the Communities Committee with external membership and decision making powers. This sub-committee would provide effective democratic leadership whilst facilitating wider involvement of business and community expertise, and a culture of social entrepreneurship. The parent committee would be responsible for the strategic direction of the service and retain the responsibility for scrutinising services delivered through the Business Unit, including receiving an annual performance report.

2.8 The customer-facing services included in the new business unit will be:

- Cultural Services – libraries, arts, museums, aquarium
- Sport & Physical Activities Services
- Community halls (currently managed within Business Services)
- Sports pitches (currently managed within Infrastructure Services)
- Catering services (currently managed within the resources service of Education & Children’s Services)

2.9 It is proposed that the Council considers establishing a suitable external vehicle with the objective of raising funds to support the health & wellbeing, learning and regeneration aims of the Business Unit. Its primary purpose would be to attract fundraising otherwise not available to the unit. Officers are currently exploring the most effective way to create such a fundraising mechanism. These options require careful consideration and legal research and may include the retention or modification of the shell company already created (Aberdeenshire Culture and Sport Limited) or other alternatives, such as the setting up of a Scottish Charitable Incorporated Organisation (SCIO). Once scoped, these options will be presented to the Communities Committee. It is proposed that authority is delegated to the Communities Committee to allow it to take decision to create this fundraising vehicle without further recourse to Full Council. Once established, such organisation would be independent of the Council and would require to arrange for its own advice and support. It is also proposed that authority to wind up the existing shell company be delegated to the Communities Committee if it is determined that the existing company no longer serves any useful purpose.

2.10 Both the Education and Children’s Services, and Communities committees agreed that the membership of the sub-committee should comprise four elected members, and four appointed external members. There was considerable discussion at the Education and Children’s Services Committee about whether the Communities Committee should have the authority to select a chair, or whether it should be mandated that the chair is always an elected member.

- The discussion in favour of the committee retaining that authority included references to being able to choose the most appropriate
candidate for the circumstances at the time which could include the option to rotate between Council and external Chairs, being flexible in response to change and providing a signpost about members’ willingness to test the greatest degree of difference from the status quo.

- The contrary discussion noted the potential democratic deficit if elected members were outvoted in the sub-committee by unelected members. The casting vote of an elected member as chair would eliminate this risk.
- It should be noted that Section 6 of the proposed remit (appendix four) includes a “Pause Clause”. In addition to the principle by which any decision of a sub-committee can be ‘called-in’ by the parent committee, this Pause Clause provides that any three members can refer a decision to the parent committee, and that implementation of that decision is suspended until its consideration by the parent committee.

2.11 If agreed officers will seek to recruit external members in line with the process previously agreed by Council with regard to the trust:
- Open advertisement for interested parties (with interested parties from the preceding process continued)
- Short-letting by a panel comprising elected members
- Decision by the Director of Education & Children’s Services
- Formal appointment of sub-committee by Communities Committee

The possibility of appointing the same external members to the fundraising vehicle will be scoped. In discussion, committee noted that intensive induction would be beneficial for appointed members, and this will be a priority. ECS Committee also noted that the parent Committee should seek a balance between culture and sport representatives wherever practical.

Implementation and operating context

2.12 The operation of the Business Unit will be phased in from June 2018, with more detailed timelines reported to Communities Committee, and overseen by the sub-committee. It is anticipated that the model will be effectively fully in place by October 2018.

2.13 To achieve the potential benefits this new model is anticipated to deliver, there will be changes to the operational and governance culture in which the services operate. The directors of Education & Children’s Services and Business Services will put in place appropriate arrangements for business support, to achieve an optimal balance of services using, as appropriate, budget transfer, specific allocation of officer time to the business unit and Service Level Agreements.

Pilot period

2.14 This model is anticipated to deliver significant benefit to the Council and the communities of Aberdeenshire, increasing income, participation and delivering better outcomes. At a suitable point (anticipated to be shortly after the first year of operation) data enabling analysis of whether the model has been effective in achieving these benefits will be reported to elected members with a view to considering whether to embed this model, or revert to the current status quo, or consider other models. This review will include considerable detail about the unit’s performance and in particular will provide detail about the impact on different services within the pilot business unit.
2.15 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. They are satisfied that the report complies with the Scheme of Governance and relevant legislation. The Head of Human Resources & Organisational Development, the Head of Property Services and the Head of Roads, Landscape & Waste Services have been consulted in the preparation of this report.

3 Scheme of Governance

3.1 Full Council is able to consider and take a decision on this item in terms of Section A2.2 and A2.3 of the List of Committee Powers in Part 2A of the Scheme of Governance. Standing Orders require that notice of any proposed alterations to the Scheme of Governance be given at one meeting of Full Council before approval at the next. Notice of the alterations to the Scheme at Appendix 2 was given at the meeting of Full Council on 8 March 2018.

4. Implications and Risk

4.1 An equality impact assessment has been undertaken and is attached at Appendix 1.

4.2 The proposals will impact staff who will be managed within the business unit. From the outset there will be changes to the operating environment and to staffing structures, and which will evolve in line with the unique needs of the business unit. Communication with staff will be critical, and an ongoing dialogue with the trade unions will be a key task.

4.3 Maintaining the independent company will incur intrinsic model costs of a maximum of £20,000pa. In addition there will be non-recurring transitional costs of c£50,000. The service will work to minimise these costs, and it is anticipated that enhanced financial performance will meet these costs, such that the there is no net cost. It is anticipated that the Business Unit will deliver improvements in financial and service delivery performance.

4.4 The following Risks have been identified as relevant to this matter on a Corporate Level:

- Failure to identify the most effective ways of delivering culture and sport services may reduce the impact of the services and impair the capacity to deliver on the Council priority, “Encourage active lifestyles and promote well-being with a focus on obesity & mental health”. It could also impair the capacity to achieve the priority of “A future Fit ECS Estate”, the priority of “Support(ing) inclusive, Vibrant and Healthy Communities” as detailed on page 24 of the Strategic Risk Register pertaining to Education and Children’s Services.

Maria Walker
Director of Education & Children’s Services

Report prepared by John Harding, Head of Lifelong Learning & Leisure
31st March 2018
### Appendix 1 - EQUALITY IMPACT ASSESSMENT

**Stage 1: Title and aims of the activity (“activity” is an umbrella term covering policies, procedures, guidance and decisions).**

<table>
<thead>
<tr>
<th>Service</th>
<th>Education and Children’s Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section</td>
<td>Culture and Sport</td>
</tr>
<tr>
<td>Title of the activity etc.</td>
<td>Formation of Culture and Sport Business Unit</td>
</tr>
<tr>
<td>Aims of the activity</td>
<td>To move towards (on a pilot basis) a new business unit for Culture and Sport Services, reflecting the wider benefits anticipated from the previously considered trust, but without the transfer of staff to a new body.</td>
</tr>
<tr>
<td>Author(s) &amp; Title(s)</td>
<td>John Harding  Head of Service Lifelong Learning</td>
</tr>
</tbody>
</table>

**Stage 2: List the evidence that has been used in this assessment.**

| Internal data (customer satisfaction surveys; equality monitoring data; customer complaints). | Ongoing customer feedback from Culture and Sport services  
Workshop involving staff on future ways of improving delivery.  
Dedicated residents survey entitled ‘The Big Listen’ which has generated in excess of 2000 responses to date.  
Cllr feedback from area committee workshops. |
|:---|---|
| Internal consultation with staff and other services affected. | Workshop involving staff on future ways of improving delivery.  
Cllr feedback from area committee workshops and discussion notes from both ECS and Communities Committee. |
| External consultation (partner organisations, community groups, and councils.) | Dedicated residents survey entitled ‘The Big Listen’ which has generated in excess of 2000 responses to date. Whilst this has primarily focussed on generating material to create new strategies – the delivery of the new strategies is integral to the new business unit.  
Meeting with a Moray based DLO to ensure officers are aware of the practicalities of delivering services as an internal business unit.  
External partners, including grant funded organisations have been encourage to take part in ‘the Big Listen’ |
---|---
Other (general information as appropriate). | A significant amount of consultation had taken part as part of proposals to move to an external ALEO. Although the service is not moving to an ALEO – a lot of the feedback from that process is valuable.
This report establishes a general principle about a different operational context for services, rather than changes to the services delivered. More detailed developments required to implement the principle have been remitted to committee and further investigation, if appropriate will be undertaken to support their consideration.

| Stage 3: Evidence Gaps. |
|---|---|
| Are there any gaps in the information you currently hold? | There may be some benefit in obtaining more information (if available) on effective working practices with similar organisations in other councils (especially pertaining to the delivery of culture, sport or similar services).

| Stage 4: Measures to fill the evidence gaps. |
|---|---|
| What measures will be taken to fill the information gaps before the activity is implemented? These should be included in the action plan at the back of this form. | Measures: |
| | Timescale: |
| Identify and visit other authorities operating a broadly similar business model | May 2018 |

<p>| Stage 5: Are there potential impacts on protected groups? Please complete for each protected group by inserting “yes” in the applicable box/boxes below. |
|---|---|---|---|
| | Positive | Negative | Neutral | Unknown |
| Age – Younger | | | yes | |
| Age – Older | | | yes | |
| Disability | | | yes | |
| Race – (includes Gypsy Travellers) | | | yes | |
| Religion or Belief | | | yes | |</p>
<table>
<thead>
<tr>
<th></th>
<th>Positive (describe the impact for each of the protected characteristics affected)</th>
<th>Negative (describe the impact for each of the protected characteristics affected)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Please detail the potential positive and/or negative impacts on those with protected characteristics you have highlighted above. Detail the impacts and describe those affected.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Stage 7: Have any of the affected groups been consulted?**

If yes, please give details of how this was done and what the results were. If no, how have you ensured that you can make an informed decision about mitigating steps?

As the impact is expected to be neutral - no specific group consultation has taken place. However it is accepted that the services need to be increasingly delivered in a cost effective manner irrespective of future model.

To that end – previous consultations involving the Citizens panel and the general public (pertaining to the need to increase prices and possibility of moving services to an ALEO) identified that people both supported price rises as a means of protecting the existing scope of services and supported the principles underlying the reasons to move to a Trust – much of which still apply to a an internal business unit.
Stage 8: What mitigating steps will be taken to remove or reduce negative impacts?

<table>
<thead>
<tr>
<th>Mitigating Steps</th>
<th>Timescale</th>
</tr>
</thead>
<tbody>
<tr>
<td>The delivery model may change but it is not anticipated that there will be any detrimental change in the level of service delivered.</td>
<td>n/a</td>
</tr>
<tr>
<td>The model will be delivered on a pilot basis in the first instance, allowing its success to be reviewed and the EIA updated</td>
<td>01/04/2019</td>
</tr>
</tbody>
</table>

Stage 9: What steps can be taken to promote good relations between various groups?

| These should be included in the action plan. | Continued engagement and communication with staff, 3rd sector providers, users and general public. |

Stage 10: How does the policy/activity create opportunities for advancing equality of opportunity?

The streamlined business unit is expected to be able to be more responsive to community need – meaning it should be able to react quicker to meet identified needs from groups.

Stage 11: What equality monitoring arrangements will be put in place?

| These should be included in any action plan (for example customer satisfaction questionnaires). | Continue use of: • Internal Customer satisfaction survey • Employee engagements • Equalities champion and service group |

Stage 12: What is the outcome of the Assessment?

<table>
<thead>
<tr>
<th>Please complete the appropriate box/boxes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1  No negative impacts have been identified – please explain.</td>
</tr>
<tr>
<td>The delivery model may change but it is not anticipated that there will be any detrimental change in the level of service delivered.</td>
</tr>
<tr>
<td>2  Negative Impacts have been identified, these can be mitigated - please explain.</td>
</tr>
<tr>
<td>* Please fill in Stage 13 if this option is chosen.</td>
</tr>
<tr>
<td>3  The activity will have negative impacts which cannot be mitigated fully – please explain.</td>
</tr>
<tr>
<td>* Please fill in Stage 13 if this option is chosen.</td>
</tr>
</tbody>
</table>
**Stage 13:** Set out the justification that the activity can and should go ahead despite the negative impact.

N/A

**Stage 14:** Sign off and authorisation.

<table>
<thead>
<tr>
<th>1) Service and Team</th>
<th>Education and Children’s Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>2) Title of Policy/Activity</td>
<td>Alternative Delivery Model Culture and Sport</td>
</tr>
<tr>
<td>3) <strong>Authors:</strong> I/We have completed the equality impact assessment for this policy/activity.</td>
<td></td>
</tr>
<tr>
<td>Name:</td>
<td>Tim Stephen</td>
</tr>
<tr>
<td>Position:</td>
<td>Service Manager</td>
</tr>
<tr>
<td>Date:</td>
<td>27/02/18</td>
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<tr>
<td>Signature:</td>
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<td>Name:</td>
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<tr>
<th>4) Consultation with Service Manager</th>
<th>Name: Kay Morrison / Craig Elliot / Claire d Thomson</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date:</td>
<td>27/02/18</td>
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<table>
<thead>
<tr>
<th>5) Authorisation by Director or Head of Service</th>
<th>Name: John Harding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Position:</td>
<td>Head of Service</td>
</tr>
<tr>
<td>Date:</td>
<td></td>
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<tr>
<td>Signature:</td>
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</tbody>
</table>

| 6) If the EIA relates to a matter that has to go before a Committee, Committee report author sends the Committee Report and this form, and any supporting assessment documents, to the Officers responsible for monitoring and the Committee Officer of the relevant Committee. eg. Social Work and Housing Committee. | Date: 28th February 2018 |

<table>
<thead>
<tr>
<th>7) EIA author sends a copy of the finalised form to:</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td><a href="mailto:equalities@aberdeenshire.gov.uk">equalities@aberdeenshire.gov.uk</a></td>
<td></td>
</tr>
</tbody>
</table>

(Equalsities team to complete)

Has the completed form been published on the website?  YES/NO
Appendix 2

Amendments to the List of Committee Powers at Part 2 of the Scheme of Governance

The proposed amendments are in bold:

Section B - Area Committees

7. **Leisure Services**

7.1 To determine appropriate promotional initiatives and to make temporary variations to charges for leisure facilities

Section D – Communities Committee

1. **Committee Functions**

1.1 The following functions of the Council are delegated to this Committee.

Subject to the General Provisions, the Committee shall have full powers to decide on all policy issues and resource matters (within agreed budgets) relating to those functions which have not been reserved to the Full Council, are not within the remit of the Aberdeenshire Integration Joint Board or specifically delegated to any other Committee of the Council:

a. Aberdeenshire Integration Joint Board Monitoring.
b. Adult Social Work Services, except those delegated to the Aberdeenshire Integration Joint Board.
c. Community Planning.
d. Housing.
e. Lifelong Learning and Leisure matters relating to Leisure and Sport.
f. Scottish Fire and Rescue Service.
g. Scottish Police Authority (Police Scotland).

6. **Lifelong Learning and Leisure**

6.1 To exercise the functions and duties of the Council to ensure the adequate provision, development and support of facilities for sporting and leisure activities.
6.2 To exercise the Council’s statutory powers to support activities related to the development of sport and leisure.

6.3 To arrange for the management of the Council’s library and museum services and the provision of arts and cultural development activity.

6.4 To exercise the functions and duties of the Council to ensure the adequate provision, development and support of facilities for cultural and social activities.

6.5 To exercise the Council’s statutory powers to support activities related to the development of culture and heritage.

6.6 To deal with matters related to the provision of museums and related services.

6.7 To determine appropriate promotional initiatives and to make temporary variations to charges for leisure facilities

Section E – Education and Children’s Services Committee

1. Committee Functions

1.1 The following functions of the Council are delegated to this Committee.

Subject to the General Provisions, the Committee shall have full powers to decide on all policy issues and resource matters (within agreed budgets) relating to these functions which have not been reserved to the Full Council, or specifically delegated to any other Committee of the Council:


b. Education.

c. Human resource matters relating only to teaching staff and associated professionals.

d. Lifelong, Learning and Leisure matters relating to Libraries, Culture and Museums.

3. Education

3.1 Following consultation with the appropriate Area Committee, to exercise the functions relating to:

a. School capacities, considering available accommodation and school rolls, and

b. Reviewing and implementing school zoning.
3.2 To make recommendations to Full Council on proposals for the permanent closure of schools or other educational establishments.

3.3 To exercise the statutory functions of the Council under the Schools (Consultation) (Scotland) Act 2010 including those relating to approval of proposals and review of proposals following consultation, but with the exception of matters properly delegated to officers of the Council, and those matters reserved to any other Committee.

3.4 To oversee the functions of the Council under the Education (Scotland) Acts, the Education (Additional Support for Learning) (Scotland) Act 2004, and all other relevant legislation and regulations.

3.5 To carry out the duties of the Council in regard to Parent Councils.

3.6 To exercise the functions of the Council under the Children and Young Persons (Scotland) Act 1937.

3.7 To oversee provision of early years child care to provide the service either internally or externally through commissioning of services in terms of Children and Young People (Scotland) Act 2014.

3.8 To oversee Community Learning and Development in terms of The Community Learning and Development Regulations 2013.

6. **Lifelong Learning and Leisure**

6.1 To oversee Community Learning and Development in terms of The Community Learning and Development Regulations 2013.

6.2 To arrange for the management of the Council’s library and museum services and the provision of arts and cultural development activity.

6.3 To exercise the functions and duties of the Council to ensure the adequate provision, development and support of facilities for cultural and social activities.

6.4 To exercise the Council’s statutory powers to support activities related to the development of culture and heritage.

6.5 To deal with matters related to the provision of museums and related services.
Section F – Infrastructure Services Committee

1. Committee Functions

1.1 The following functions of the Council are delegated to this Committee.

Subject to the General Provisions, the Committee shall have full powers to decide on all policy issues and resource matters (within agreed budgets) relating to those functions which have not been reserved to the Full Council, or specifically delegated to any other Committee of the Council:

a. Aberdeen City Region Deal.
c. Planning and Building Standards.
d. Roads, Landscape Services and Waste Management.
e. The Northern Roads Collaboration Joint Committee.
f. Transportation.
g. Visitor Attractions (not including Museums).
Appendix Three – Officer’s notes from committee consideration

Education & Children’s Service Committee, 22nd March 2018

There was general agreement between members that...
  • Should the remit for the Business Unit services sit with the Communities Committee
    the ongoing responsibility of ECS Committee for all matters to do with schools and
    education should be made clear, and thought given to the formal mechanisms that
    exist for ECS Committee to contribute positively to developments, and exercise its
    scrutiny role effectively.
  • The proposal of five appointed external members of the sub-committee and three
    elected members was not agreed, the preference being for four and four.
  • The parent Committee should seek a balance between sport and cultural
    representation on the sub committee wherever practical.

There was a discussion about...
  • the inclusion of the catering service and janitorial services within the business unit
    remit
  • whether the terms of office for the sub-committee should be mandated to be different
    to the parent committee, however there was no clear will to provide such a mandate.
    The importance of effective induction for appointees was highlighted.

There was a formal motion to mandate that the chair of the sub-committee should always be
an elected member. The motion was not carried.

Note taken by John Harding, Head of Lifelong Learning & Leisure
Agreed to be a reasonable note by the Director of Education & Children’s Services and the
Chair of the Education & Children’s Services Committee.

Communities Committee, 29th March 2018

There was general agreement between members that...
  • The proposal of five appointed external members of the sub-committee and three
    elected members was not agreed, the preference being for four and four.

There was a discussion about...
  • the use of language around “social entrepreneurship”, with agreement that the
    narrative should be clear about the primacy of the social objectives
  • whether the chair should be mandated to be a councillor, with agreement that the
    options would be captured in the report to Full Council

Note taken by John Harding, Head of Lifelong Learning & Leisure
Agreed to be a reasonable note by the Chair of the Communities Committee and the
Opposition Spokesperson for Communities Committee.
Appendix Four

Aberdeenshire Culture and Sport Sub-Committee – Draft Terms of Reference

1 REMIT

1.1 This Sub-Committee is established by and takes its authority from the Communities Committee. The Communities Committee may agree, review and amend this Terms of Reference but will not alter the number of Elected Members and External Members appointed to the Sub-Committee without agreement by Full Council.

1.2 The remit of the Sub-Committee will be to promote and oversee the delivery of Culture and Sport facilities and services across Aberdeenshire through the Aberdeenshire Culture and Sport Business Unit. Culture and Sport includes the following functions:-

1.2.1 Cultural Services, Libraries and Museums
1.2.2 Sport and Physical Activity Services
1.2.3 Community halls
1.2.4 Sports pitches
1.2.5 Catering services

1.3 The Sub-Committee shall conduct its business in accordance with the Council’s Standing Orders or such other set of Standing Orders as approved by it.

2 MEMBERSHIP

2.1 The Members of the Sub-Committee shall be appointed by the Communities Committee. Appointments shall be effective for the full council term unless provided otherwise by statute or a motion to remove a Member or External Member is carried by a majority of Members present and voting at the Communities Committee meeting.

2.2 The Sub-Committee shall comprise of [8] Members which shall be composed of [4] Aberdeenshire Elected Members and [4] External Members. The Aberdeenshire Elected Members may be members of the Communities Committee, but are not required to be.

2.3 All Members of the Sub-Committee shall act in the best interests of the Council and in accordance with and subject to:

2.3.1 The law,
2.3.3 The principles of best value,
2.3.6 The Public Sector Equality Duty, and
2.3.7 The Councillors Code of Conduct.

2.4 The following shall apply to the Sub-Committee unless Full Council agree otherwise:

2.4.1 The policies and procedures adopted by the Council,
2.4.2 The terms and conditions of the Council’s Financial Regulations, and
2.4.3 Any relevant provisions contained elsewhere in the Council’s Scheme of Governance.

2.5 Where any External Member of the Sub-Committee fails to act in accordance with the duties set out in 2.3, the Communities Committee may remove the Member from the Sub-Committee as set out in paragraph 2.1 above.

2.6 The Chair and the Vice-Chair of the Sub-Committee shall be appointed by the Communities Committee.

3 DELEGATIONS

3.1 The Sub-Committee shall have the powers to decide on all policy issues and resource matters (within agreed budgets) relating to those functions which have not been reserved to Full Council or specifically delegated or reserved to any other Committee of the Council in relation to Culture and Sport and as set out in paragraph 2.1.

3.2 In particular, the Sub-Committee shall have the following specific powers:

3.2.1 To exercise the functions and duties of the Council to ensure the adequate provision, development and support of facilities and programmes for sporting and leisure activities.

3.2.2 To exercise the Council’s statutory powers to support activities related to the development of sport and leisure.

3.2.3 To arrange for the management of the Council’s library and museum services and the adequate provision of arts and cultural development activity.

3.2.4 To exercise the Council’s statutory powers to support activities related to the development of arts, culture, museums and libraries.

3.2.5 To approve promotional activities and initiatives for Culture and Sport facilities and services.

3.2.6 To determine a purchase of works, goods or services either in principle in the format of a Business Case and/or when the contract is awarded where the matter is in the approved annual Capital Plan or Revenue Budget for the services and functions delegated to the Sub-Committee:

a. where the value of the matter exceeds £1,000,000 or,

b. where the value of the matter is between £50,000 and £1,000,000 and
   i. the Sub-Committee has reserved the right to approve the Business Case following approval of a Work Plan, or
   ii. a Business Case is required for approval where the matter has not previously been reported to Committee on a Work Plan or,

c. an officer has chosen not to exercise their delegated power to approve the Business Case and or award of contract and,
d. relates to more than one Area or,
e. a decision made by an Area Committee is not in accordance with Officer recommendations and/or existing Council Policy and,

Provided that in the case of maintenance contracts to be met from revenue, no approval shall be required provided the tender or revised estimate is within the total allowance for maintenance set in the Revenue Budget.

3.2.7 To set and approve fees and charges related to Culture and Sport facilities and services within agreed budgets.

3.2.8 To approve funding arrangements for Culture and Sport facilities and services.

3.2.9 To review policy implementation, performance and service delivery in relation to Culture and Sport and to identify and where appropriate implement potential improvements.

3.2.10 To establish working groups.

4 STRATEGIC PLANNING, PERFORMANCE AND SCRUTINY

4.1 The Communities Committee has reserved authority to receive and approve the Aberdeenshire Cultural and Aberdeenshire Sports and Physical Activity Strategies, following appropriate consultation with other Committees:

The Communities Committee shall receive:

4.1.1 An annual performance report from the Aberdeenshire Culture and Sport Business Unit on strategic outcomes achieved;
4.1.2 The annual Business Plan and Report of Activity for the Aberdeenshire Culture and Sport Business Unit;
4.1.3 The minutes of meetings of the Sub-Committee for noting;
4.1.4 Other progress and update reports as deemed appropriate.

4.2 Where a matter of service delivery has been identified, the Communities Committee may make recommendations and instruct the implementation of improvements to the performance of services in relation to Culture and Sport. Any decision by the Communities Committee on such matters shall be binding on the Sub-Committee.

4.3 The Communities Committee may call upon any officer of the Council to give evidence or provide a written report in relation to any matter relating to Culture and Sport.

5 AUDIT

5.1 The Aberdeenshire Culture and Sport Business Unit will be subject to internal and external audit and audit reports will be received and considered by the Audit Committee.
6 RIGHT TO "CALL-IN" A SUB-COMMITTEE DECISION

6.1 Any decision of the Sub-Committee shall be referred to the Communities Committee where either of the following applies:-

6.1.1 Where, having considered the minutes of any meeting of the Sub-Committee, the Communities Committee considers that a decision of the Sub-Committee significantly departs from the agreed strategy for the service; or

6.1.2 Where at least a third of the Members of the Sub-Committee request that a decision be referred to the Communities Committee.

6.2 Where a decision has been referred to the Communities Committee or where the Communities Committee exercises its authority to "call-in" a decision of its own accord, implementation of that decision shall be suspended pending the outcome of the referral.

6.3 In the event of a referral the Communities Committee shall have the option to:

6.3.1 Agree the decision of the Sub-Committee in which case the decision shall have immediate effect;

6.3.2 Refer the decision back to the Sub-Committee for re-consideration, providing any comment or reasons as to why it should be re-considered; or

6.3.3 Substitute the decision of the Sub-Committee with an alternative decision and report back to the Sub-Committee with the reasons as to why the alternative decision has been taken.

6.4 The Communities Committee may instruct any officer of the Council to provide evidence or reports to assist and inform its consideration of the referral.