

**ABERDEENSHIRE COUNCIL**

**PROCEDURES COMMITTEE**

**WOODHILL HOUSE, ABERDEEN, 28 NOVEMBER, 2013**

**Present:** Councillors J Webster (Chair), T Malone, G L Owen, L Pirie, S W Pratt, E A Robertson and B H Stuart.

**Apology:** Councillor P K Johnston.

**Officers:** Head of Legal and Governance, Legal Services Manager (Governance) and Principal Committee Officer.

**DECLARATION OF MEMBERS' INTERESTS**

The Chair asked members if they had any interests to declare in terms of the Councillors' Code of Conduct. No interests were intimated.

**PUBLIC SECTOR EQUALITY DUTY**

In making decisions on the following items of business, the Committee **agreed**, in terms of Section 149 of the Equality Act, 2010:-

- (1) to have due regard to the need to:-
  - (a) eliminate discrimination, harassment and victimisation;
  - (b) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
  - (c) foster good relations between those who share a protected characteristic and persons who do not share it.
- (2) where an Equality Impact Assessment was provided, to consider its contents and take those into account when reaching their decision.

**1. PROPOSED AMENDMENTS TO SCHEME OF DELEGATION - CLOSURE OF SCHOOLS OR OTHER EDUCATIONAL ESTABLISHMENTS**

With reference to the Minute of Meeting of 20 September, 2012 (Item 1, Page 963), a report dated 19 November, 2013, by the Director of Corporate Services had been circulated requesting the Committee to consider options for potential amendment to the Scheme of Delegation in relation to the closure of schools or other educational establishments.

The report stated that this issue had been referred to the Committee from Full Council and that, while members had considered that the issue merited some priority, it was deferred to await the Commission on the Delivery of Rural Education's report and recommendations. The Commission had now reported and the Scottish Government had indicated that they supported the vast majority of their recommendations and had given a commitment to take the steps necessary to implement them. Although the Commission's recommendations, if implemented, would have significant implications for the Council, they should not make any difference to the internal decision making process, and it remained for the Council to decide which Committee should take the final decision on any school closure proposals. The report therefore set out four possible decision-making models for consideration, providing for a final

decision by either the Education, Learning and Leisure Committee, Policy and Resources Committee or Full Council.

**Option 1** - (Current position) - Final decision by Policy and Resources Committee with recommendation from Area Committee and discussion role for Education, Learning and Leisure Committee.

**Option 2** - Final decision by Policy and Resources Committee with recommendation from Education, Learning and Leisure Committee and discussion role for Area Committee.

**Option 3** - Final decision by Education, Learning and Leisure Committee with recommendation from Area Committee and no involvement of Policy and Resources Committee.

**Option 4** - Final decision by Council with recommendation from Education, Learning and Leisure Committee, discussion role for Area Committee and no involvement of Policy and Resources Committee.

Members expressed no support for continuing with the current position in Option 1, or for having the final decision taken by the Education, Learning and Leisure Committee in Option 3, as that committee included non-elected members. Discussion therefore concentrated on Options 2 and 4.

The members who favoured Option 4 felt that it was most appropriate to have the final decision taken by Full Council, as this would allow all members to participate in an important decision and the process would be seen by the public as robust, open, clear and transparent.

The members who favoured Option 2 felt that detailed discussion of all the relevant issues would be best dealt with at committee level, which would allow all local members to consider the local issues at Area Committee, the Education, Learning and Leisure Committee to add consideration of the educational issues, and the Policy and Resources Committee to add consideration of the wider financial and socio-economic issues before making a decision after full discussion of all the issues. In this model there would still be the mechanism in the Scheme of Delegation to have a referral of the decision to Full Council following a division in Committee.

It was noted that the role of the Area Committee was limited to discussion in Options 2 and 4. Members agreed that the Area Committee had to discuss the local issues, but felt that there had to be an outcome to the discussion by way of a recommendation to the Education, Learning and Leisure Committee, with that committee then making a recommendation to the decision-making body. In order to avoid the confusion of the decision-making body having to consider potentially conflicting recommendations from both the Area Committee and the Education, Learning and Leisure Committee, it was accepted that the recommendations would have to be sequential, whereby the Area Committee would make a recommendation to the Education, Learning and Leisure Committee, and that Committee would then make a recommendation to the decision-making body.

The Head of Legal and Governance commented that, if the final decision were to be taken by the Policy and Resources Committee upon a recommendation from the Education, Learning and Leisure Committee, the Scheme of Delegation as currently written would allow for a referral to Full Council from both committees. This would not be workable and the Scheme of Delegation would require amendment to specifically exclude the ability to have a referral to Full Council from the Education, Learning and Leisure Committee when it is

making a recommendation to the Policy and Resources Committee on the permanent closure of schools and other educational establishments.

Thereafter, the Committee unanimously **agreed** that a recommendation would go forward to Full Council that the Council amend its Scheme of Delegation in relation to the closure of schools or other educational establishments by:-

- (1) adopting a variation of Option 2, whereby the Area Committee would make a recommendation to the Education, Learning and Leisure Committee, and that Committee would then make a recommendation to the Policy and Resources Committee. The recommendations would be sequential, and the Policy and Resources Committee would make the final decision, with the ability to have a referral to Full Council, and
- (2) adding a specific exclusion of the ability to have a referral to Full Council from the Education, Learning and Leisure Committee when it is making a recommendation to the Policy and Resources Committee on the permanent closure of schools and other educational establishments.

