

ABERDEENSHIRE COUNCIL
PROCEDURES COMMITTEE

WOODHILL HOUSE, ABERDEEN, 19 JANUARY, 2018

Present: Councillors W Howatson (Chair), R A Cassie, A E M Evison (as substitute for Councillor R G Thomson), M A Ford, G L Owen, N J Smith, E A Stirling and A A Wallace.

Apology: Councillor R G Thomson.

Officers: Director of Business Services, Director of Education and Children's Services, Acting Head of Legal and Governance, Accountancy Manager (Finance), Acting Service Manager (Governance), Acting Principal Committee Services Officer and Senior Solicitor (Ann Overton).

1. DECLARATION OF MEMBERS' INTERESTS

No interests were declared by any member of the Committee, in terms of the Councillors' Code of Conduct.

2. PUBLIC SECTOR EQUALITY DUTY

In taking decisions on the undernoted 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, and
- (2) to consider, where an equality impact assessment has been provided, its contents and take those into consideration when reaching a decision.

**3. MINUTE OF MEETING OF THE PROCEDURES COMMITTEE OF
28 NOVEMBER, 2013**

There was circulated and **noted** the Minute of Meeting of the Committee of 28 November, 2013.

4. SCHEME OF GOVERNANCE

With reference to the Minute of Meeting of Aberdeenshire Council of 24 November, 2016 (Item 7, Page 655), when it had been agreed to approve the new Scheme of Governance with an effective implementation date on 27 January, 2017, there was circulated a report by the Director of Business Services, which (1) outlined the background to the creation of the new Scheme of Governance, designed to regulate the Council's decision-making committee structure, (2) explained that the operation of the new Scheme had highlighted a number of areas requiring improvement, including the Council's scrutiny function, the procurement approval process, Committee remits and primacy, and member-promoted issues, (3) advised that the new Scheme had been kept under review by officers, with the intention that

a report recommending revisions would be submitted to the meeting of the Council on 28 June, 2018.

A wide-ranging discussion then took place on the contents of the report, during which members' highlighted issues in respect of the Appeals, Appointments and Audit Committee functions, the provision of service budget information at Committee meetings, remits for policy committees based on grouping of functions, the size of policy committees, substitute arrangements and the role of area committees in policy development.

After detailed consideration, the Committee:-

- (1) **noted** the timetable for reviewing the Scheme of Governance, as contained within the appendix to the report,
- (2) **agreed** to recommend that area committees should be incorporated into the policy development process as a matter of course,
- (3) **agreed** to recommend that methods of reflecting the views of non-committee members should be considered by the Chairs' Group,
- (4) **agreed** to consider area committee powers in respect of setting speed limits and to receive a report thereon at the next meeting of the Committee, and
- (5) **instructed** officers to report to a future meeting with guidance on the Audit Committee scrutiny referral process.

5. GOVERNANCE OF THE PROCUREMENT APPROVAL PROCESS

There was circulated and **noted** a report dated 11 January, 2018, by the Director of Business Services (1) which explained the background to the proposal that elected members should have a greater input into procurement matters, as part of a three stage process encompassing a workplan, the approval of a business case and award of the contract, (2) which detailed issues arising from the practical operation of the new procurement approval process, (3) which set out proposals for revising the new procurement process and (4) to which were appended the template procurement workplan and a guidance note on workplan content for committees.

Members then discussed procurement matters at length, including current issues with procurement reports submitted to committees, procurement in the context of Council priorities and delivery of services, school transport contracts and the evaluation of non-financial benefits in contracts.

Thereafter, the Committee:-

- (1) **noted** the ongoing work being undertaken to improve the operational procurement process,
- (2) **agreed** that cross-directorate procurements should be presented to the policy committee responsible for the largest spend, following consultation with the chairs and vice-chairs of the other policy committees with budgetary responsibility, and the relevant opposition spokespersons,
- (3) **agreed** that a workshop session on procurement should be held for members of the Procedures Committee,

- (4) **noted** that consultation would take place with policy and area committee chairs, the Provost and political group leaders on the Council whenever training on the procurement process was arranged, and
- (5) **instructed** officers to submit a report to a future meeting with proposals for the future operation of the procurement approval process.

6. POLICY COMMITTEE REMITS

With reference to the Minute of Meeting of Aberdeenshire Council of 30 June, 2016 (Item 6, Page 7), when it had been agreed (1) to support the recommendations of the Future Governance Working Group to establish four policy committees, each with responsibility for the aligned service budgets and (2) to confirm the number of members to sit on each Committee, there was circulated a report dated 11 January, 2018, by the Director of Business Services (1) which provided an update on the operation of the new committee structure, together with issues arising, (2) which highlighted the respective volumes of business transacted by the four principal policy committees, together with the impact of the new structure on Council services, (3) which set out considerations around the potential use of technology for remote meeting attendance and (4) to which were appended a list of the main committees and the Council services reporting to each of them, together with a detailed breakdown of committee business since January, 2017.

In the course of a wide-ranging discussion, members highlighted the need to include full Council and Audit Committee in the breakdown of committee business transacted, the need for improvements in technological resources to support remote meeting participation, consideration of the location of the Economic Development unit within the structure, the functions of the Communities Committee, the size of policy committees, substitute arrangements, the operation of the Business Services Committee, and options for the allocation of Lifelong Learning and Leisure functions.

Thereafter, the Committee:-

- (1) **instructed** the Acting Head of Legal and Governance to scope options for proposals for the future of the Business Services Committee and to submit a report to a future meeting, and
- (2) **instructed** officers to submit a report to a future meeting on the use of technology for remote attendance at committee meetings.

Councillor Stirling, seconded by Councillor Howatson, then **moved** that the proposal for the Lifelong Learning and Leisure Service, as contained within the report, be recommended for approval.

As an amendment, Councillor Ford, seconded by Councillor Evison, **moved** that the Head of Legal and Governance and other appropriate officers be instructed to scope options for the allocation of Lifelong Learning and Leisure to an appropriate policy committee, and to submit a report thereon to a future meeting.

Members of the Committee voted as follows:-

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| for the motion | (5) | Councillors Howatson, Owen, Smith, Stirling and Wallace. |
| for the amendment | (3) | Councillors Cassie, Evison and Ford. |

The motion was carried in the following terms:-

that the Committee **agreed** to recommend approval of the proposal for the Lifelong Learning and Leisure Service, as contained within the report.

7. MEMBER-PROMOTED ISSUES AND NOTICES OF MOTION

Consideration was given to a circulated report dated 20 December, 2017, by the Director of Business Services, which (1) explained the background to the process allowing elected members to raise issues at committee other than by a Notice of Motion, invoked at a policy or area committee four times since January, 2017, and (2) detailed the number of occasions on which elected members had put forward Notices of Motion for consideration at policy or area committee meetings prior to, and after, the implementation of the Scheme of Governance.

After consideration, the Committee:-

- (1) **noted** the use of member-promoted issues, since their introduction under the new Scheme of Governance in 2017,
- (2) **noted** the use of Notices of Motion over the previous two years, and
- (3) **agreed** to request officers to draft a guidance note on an appropriate future protocol for Notices of Motion, to be submitted to a future meeting of the Committee for consideration, with the process to be reviewed in 12 months' time.

8. FUTURE MEETING DATES

The Committee **agreed** that another meeting should take place on 20 April, 2018, and to request officers to consider whether a further additional meeting required to be arranged prior to that date.