

Aberdeenshire Council – 26 April 2018

Written Questions determined by the Provost to be admissible.

From Councillor A S Buchan

- (1) **To The Chair of Aberdeenshire Council:** On the 8th February 2018 the Chair of Aberdeenshire Council refused to allow an extremely important motion regarding Peterhead Academy to be put to Members. Since that time the Chair has failed to give any coherent reason for his actions that can be supported by the Council's Standing Orders. Given the enormous impact this anti-democratic decision will now have on child welfare in North East Peterhead, when will the Chair be resigning the Council position of Provost.
- (A) At the Full Council meeting on 8th February 2018 the Chair of Aberdeenshire Council ruled a purported amendment from Cllr A. S. Buchan to Item 5 as incompetent and it was not put to the meeting. Standing Order 5.1.6 allows the Chair to decide all matters of order, admissibility and urgency and that ruling will be final. Standing Order 5.2.2 states that where the Chair rules any purported motion or amendment as irrelevant or incompetent, it shall not be put to the meeting. Standing Orders do not require the Chair to provide reasons for such a decision at the meeting or afterwards. Notwithstanding that, the reason for the Chair's ruling can be summarised as follows:

The amendment was unachievable: the construction of the Peterhead Community Campus physically could not begin in 18/19 because no works had been scheduled in to start that early and also there was no provision for the Revenue Budget costs arising from the Capital Plan commitment until later years. The proposal would have resulted in a revenue budget cost in 2018/19 as a result of the accelerated capital borrowing commitment. As this revenue budget cost was not proposed with equivalent savings, the resultant revenue budget would have been out of balance and therefore not competent for consideration. The Head of Finance and Acting Head of Legal and Governance agree that the amendment could not have been competently considered and that Standing Orders were followed appropriately.

Standing Order 1.1 provides for the election of the Provost at the first meeting of Full Council following an ordinary election and that the appointment will be

effective for the full council term unless provided otherwise by statute or a motion for removal is carried by a majority of Members present and voting. The Chair has no intention to resign from his position as Provost.

From Councillor Evison

(1) **To the Chief Executive:**

a. How are council staff and councillors supported by current policies against bullying and harassment, including through the availability of an external reporting mechanism?

(A) The Council has a number of mechanisms, and subsequent processes to report and address incidents of bullying and harassment, including:

- Zero tolerance guidelines and materials, which provides guidance and advice to managers and employees to successfully manage challenging situations in their workplace. (<http://arcadialite.aberdeenshire.gov.uk/zero-tolerance/>).
- Anti-bullying and harassment guidance, which aims to ensure that employees and line managers are equipped to recognise and act appropriately to challenge bullying and harassment when this happens. (<http://arcadialite.aberdeenshire.gov.uk/bullying-and-harassment-guidance/>).
- Prejudice and Discrimination Incident Reporting, which outlines the process for reporting incidents involving prejudice or discrimination against an individual and the actions to be taken by the Council on the submission of such an incident report. (<https://aberdeenshire.sharepoint.com/sites/ArcadiaDEV/services/Pages/Business%20Services/Custom%20Communication%20and%20Improvement/Policy,%20Performance%20and%20Improvement/Equalities/Predjudice-and-Discrimination-Incident-Reporting.aspx>)

In respect of external reporting mechanisms, reference is included within the above resources to the trade unions, Stonewall and the Equalities and Human Rights Commission.

To help promote awareness of the various mechanisms and support that exists in reporting and managing incidents of harassment, an article was published on Arcadia on 13 April 2018 which includes links to the various guidance and documentation referred to above.

In respect of councillors, Ministers have published proposed changes to the Councillors' Code of Conduct that will explicitly prohibit harassment and bullying.

The amendment states that 'bullying or harassment is completely unacceptable and will be considered to be a breach of this Code'. The changes have been endorsed by the Standards Commission and the Commissioner for Ethical Standards in Public Life, the independent bodies responsible for enforcing the Code, as well as by COSLA.

The amended Code has been submitted to the Scottish Parliament for approval and, if agreed, the changes to the Code are expected to come into force in the summer.

b. What plans are there to update materials about the "zero tolerance" approach to harassment and bullying, given that some of these date from 2008?

(A) The Council's policies and procedures, including those relating to "zero tolerance" are regularly reviewed to ensure that they incorporate any changes to legislation and reflect best practice.

The Bullying and Harassment Guidance is currently being reviewed in light of recent sexual harassment cases and guidance issued from the Equality and Human Rights Commission. If however there are specific materials in mind, officers will be pleased to review those to ensure they are up-to-date.

Written questions determined by the Provost as inadmissible.

In terms of Standing Order 4.3.2 at the request of the proposer, any question ruled inadmissible will be included on the agenda with the reasons for inadmissibility subject to any modification considered necessary by the Monitoring Officer. These are noted below.

From Councillor A S Buchan

- (1) **To The Chair of COSLA:** On the 8th February 2018 at the Aberdeenshire Council Meeting the Chair of Aberdeenshire Council refused to recognised an important motion regarding Peterhead Academy that was moved in accordance with The Standing Orders of Aberdeenshire Council. Given the research from Glasgow Caledonia University that confirms the findings of other studies showing extremely high child deprivation figures in the Peterhead Academy area, will she condemn the anti-democratic actions of Chair of Aberdeenshire Council which will impact heavily on child welfare in the North East Peterhead area.

Reason for inadmissibility:

The question is not in accordance with Standing Order 4.3.1 which requires that the question be addressed to either the Provost, a Committee Chair, or the Chief Executive. Questions to the Chair/President of COSLA are not competent business.

- (2) **To The Chair of Aberdeenshire Council:** In his previous term as Provost, the Provost supported a Councillor being suspended from the Council for six months for supposedly breaking Council rules. No evidence of the Councillor's so called 'breach of rules' was ever made public despite repeated attempts by Councillors, media and public requesting reasons for the suspension. Given this precedent, should the Provost now accept a similar sanction for the breach of Council rules that took place at the Full Council Meeting of 8th February 2018.

Reason for inadmissibility:

The hearing referred to was in 2009 when the Conduct Committee had responsibility for enforcement of the Code of Conduct. In 2011 the Commissioner for Ethical Standards in Public Life in Scotland assumed statutory responsibility for investigating conduct complaints against councillors. The Standards Commission for Scotland determine contraventions of the Code of Conduct and apply sanctions. The question is not competent business in terms of Standing Order 4.3.1.