

ABERDEENSHIRE COUNCIL**SKYPE MEETING, 19 NOVEMBER, 2020**

Present: Councillors K Adam, W Agnew, D Aitchison, A Allan, P Argyle, N Baillie, D Beagrie, L Berry, A Bews, G Blackett, R Bruce, A Buchan, C Buchan, M Buchan, S Calder, G Carr, R Cassie, J Cox, I Davidson, S Dickinson, A Duncan, E Durno, A Evison, M Ewenson, A Fakley, M Findlater, M Ford, A Forsyth, P Gibb, J Gifford, A Hassan, W Howatson, J Hutchison, M Ingleby, J Ingram, P Johnston, A Kille, A Kloppert, J Latham, S Leslie, D Lonchay, L McAllister, R McKail, A McKelvie, I Mollison, G Owen, G Petrie, C Pike, G Reid, G Reynolds, D Robertson, A Ross, M Roy, A Simpson, H Smith, N Smith, S Smith, A Stirling, I Sutherland, I Taylor, B Topping, I Walker, A Wallace, L Wilson, R Withey and J Whyte.

Apologies: Councillors V Harper, F Hood, D Mair and H Partridge.

Officers: Chief Executive, Director of Business Services, Director of Education and Children's Services, Director of Infrastructure Services, Head of Service (Finance), Head of Service (Legal & Governance) and Principal Committee Services Officer.

CHAIR

Councillor W Howatson, Provost of the Council, presided.

ANNOUNCEMENTS

Prior to consideration of the business of the meeting, the Provost paid tribute to those nominated for the Inspiring Aberdeenshire awards 2020 and congratulated the winners –

Aberdeenshire's Future Award - Thomas Truby;
Inspirational Volunteer Award - Relay for Life Peterhead;
Heart of Aberdeenshire Caring Award - Portlethen Home Care Team;
Cultural Award - joint winners Iona Fyfe and Chris Reid;
Beautiful Aberdeenshire Environmental Award - Marion Montgomery (PAWS ON PLASTIC);
Local Hero Courage Award - Paul Cheyne; and
Inspiring Aberdeenshire Lifetime Achievement Award - Brian McCann

1. DECLARATION OF MEMBERS' INTERESTS

The Provost asked Members if they had any interests to declare in terms of the Councillors' Code of Conduct and the following declaration was intimated –

- (1) Item 9 – Medium Term Financial Strategy – Councillor Johnston declared an interest as a Director of Community Resources Network Scotland and, having applied the objective test, concluded that the interest was remote and insignificant and that he would remain and participate in the meeting.

2A. STATEMENT ON EQUALITIES

In making decisions on the following items of business, the Council **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.

2B. EXEMPT INFORMATION

The Council **agreed**, in terms of Sections 50A (4) and (5) of the Local Government (Scotland) Act 1973, to exclude the public from the meeting during consideration of Item 12 below so as to avoid disclosure of exempt information of the class described in paragraphs 6, 8 and 12 of Part 1 of Schedule 7A to the Act.

3. MINUTES

- (1) Minute of Meeting of Aberdeenshire Council of 24 September, 2020 – The Minute of Meeting of Aberdeenshire Council of 24 September, 2020 had been circulated and was **approved** as a correct record.
- (2) Minute of Special Meeting of Aberdeenshire Council of 7 October, 2020 – The Minute of Special Meeting of Aberdeenshire Council of 7 October, 2020 had been circulated and was **approved** as a correct record.

4. APPOINTMENTS TO MEETING GROUPS

There had been circulated a report dated 16 October, 2020 by the Director of Business Services advising that Councillor Gifford had resigned as Leader of the Council and from positions on a number of meeting groups with effect from 19 November, 2020 and requesting that Council fill the vacant positions reserved for appointment by Full Council including Leader of the Council, Chair of the Appointments Committee and Chair of the Business Services Committee.

Members paid tribute to the work and achievements of Councillor Gifford in his position as Leader of the Council and Councillor Gifford responded stating that it had been a pleasure and privilege to undertake the role on behalf of the Council.

Thereafter, the Council **agreed**:

- (1) to note the resignation of Councillor Gifford as Leader of the Council and from positions on meetings groups as detailed in the report;

- (2) to appoint Councillor Kille as Leader of the Council, Chair of the Appointments Committee and Chair of the Business Services Committee with immediate effect; and
- (3) to note the arrangements for filling the remaining vacancies as detailed in the report.

5. WARD 9 (ELLON AND DISTRICT) BY-ELECTION RESULT AND COMPOSITION OF COMMITTEES

On a circulated report dated 16 October, 2020 by the Director of Business Services on the outcome of the by-election to fill the vacancy in Ward 9 (Ellon and District), the Council **agreed**:

- (1) to note that at the by-election on 15 October, 2020, to fill the vacancy in Ward 9 (Ellon and District), Councillor Louise McAllister was elected;
- (2) to note the change in political group affiliation, following notification to the Chief Executive that Councillor McAllister would form part of the Partnership Group, to the effect that: the Administration had 41 members (comprising Conservatives (18), Liberal Democrats (14) and Aligned Independents (9)); the Partnership had 21 members (comprising SNP (19 – previously 18) and the Aberdeenshire Labour and Communities Alliance (2)) and the remaining 8 members comprised the Democratic Independent Green Group (2), the Social Democratic Group (2) and individuals (4);
- (3) the exact composition of the four Policy Committees and the Audit Committee, having regard to the principle of each member being allocated one committee place as follows –

	Business Services	Education and Children's Services	Infrastructure Services	Communities	Audit
Administration	8	8	9	8	8
Partnership	5	4	4	4	4
Amalgamated small groups and individuals	1	2	1	2	2

- (4) to note that the political proportionality for the current standard 14 member, 8 member and 5 member committees and for sub-committees and working groups as approved by Full Council on 24 September, 2020 did not require amendment as a result of the notification detailed at (2) above.

6. STATEMENT OF OUTSTANDING BUSINESS

There had been circulated a report dated 29 October, 2020 by the Director of Business Services on items of business previously scheduled to be reported back to Council and proposing action to be taken as a result of restrictions on travel and other activities implemented in respect of the COVID-19 pandemic.

The Council **approved** the arrangements for dealing with outstanding business as detailed in the Appendix to the report.

7. COVID-19 UPDATE

There had been circulated a report dated 9 November, 2020 by the Chief Executive providing an update on the Council's response to the ongoing COVID-19 pandemic and work being done on the recovery phase. The report provided a timeline of key events and milestones relating to the pandemic including the Scottish Government's adoption of a new 5 Level System for managing outbreaks and outlined the Council's activities and responsibilities as a Category 1 responder.

The Chief Executive introduced the report and Members acknowledged the commitment of staff and partner organisations in their response to the pandemic, the challenges ahead, the work being carried out to support the delivery of education and the opportunities for innovative and new ways of working.

The Council **noted** the ongoing response of the Council as a Category 1 Responder under the Civil contingencies Act and work being done on the recovery phase.

8. BEST VALUE REPORT AND ACTION PLAN

There had been circulated a report dated 7 October, 2020 by the Director of Business Services on the findings of the Accounts Commission Best Value Assurance report 2020 for Aberdeenshire Council and seeking approval of an Action Plan to manage the improvement activity proposed. The report (1) provided an overview of the Accounts Commission's key findings on the Council's compliance with its duty in terms of delivering Best Value, (2) highlighted nine key areas recommended for improvement activity including a review of priorities and outcomes; improving the approach to performance management; a review of scrutiny arrangements; continuing the development of a corporate approach to workforce planning; continuing the development of area performance reporting and concluding locality plans, and (3) set out the Council's proposed actions in the form of an Action Plan to address the improvement activity.

At this point in the proceedings, Councillor Wallace left the meeting.

Having heard from the Chief Executive, the Council **agreed**:

- (1) to acknowledge the findings of the Best Value Assurance Report 2020;
- (2) to approve the Best Value action plan as detailed in the report; and

- (3) that progress in terms of implementing the action plan be reported to Full Council on a six-monthly basis, along with an update on ongoing best value activity.

9. MEDIUM TERM FINANCIAL STRATEGY UPDATE

With reference to the Minute of Meeting of Aberdeenshire Council of 25 June, 2020 (Item 5) when it had been agreed to develop a revised Medium Term Financial Strategy (MTFS) and to receive regular financial updates, there had been circulated a report dated 30 October, 2020 by the Head of Finance on progress made to date with the transition from the current MTFS to a new proposed MTFS position with the objective of ensuring the Council's short, medium and long term financial health was sound and sustainable, providing financial parameters within which service and financial planning coexisted and producing financial performance data to enable the alignment of services, outcomes and priorities.

The Council heard from the Head of Finance on the Council's strong financial status, improved position in the current financial year and most challenging financial period the Council had ever faced. He advised that regular financial reports had been provided to Council, set out the scale of the financial challenge ahead, reported on the level of financial support available and outlined the measures required to achieve a balanced budget.

During debate on this item, the Council **agreed** to suspend Standing Order 2.1.2 to allow the meeting to continue beyond 1pm.

Following discussion, the Council **agreed**:

- (1) the proposed approach to deliver a revised MTFS;
- (2) the Council's updated Medium Term Financial Strategy (MTFS) as detailed at Appendices 1 and 2 of the report;
- (3) that Policy Committees should receive detailed updated MTFS information; and
- (4) the potential savings options for consideration as part of the MTFS to March 2022 as detailed in Appendix 3 of the report.

10. AUDITED ANNUAL ACCOUNTS 2019/20 FOR ABERDEENSHIRE COUNCIL AND ITS' CHARITABLE TRUSTS

A report dated 21 October, 2020 by the Head of Finance had been circulated on a report by the Council's External Auditors, Audit Scotland, following completion of the audit for the financial year 2019/20, and seeking endorsement of the audited Annual Accounts for Aberdeenshire Council and its Charitable Trusts for the financial year 2019/20. The report advised that a detailed action plan had been prepared to address areas requiring improvement and that a report on progress towards achieving those actions would be presented to the Audit Committee on 25 March 2020.

The Council **agreed:**

- (1) to endorse the Audited Annual Accounts 2019/20 for Aberdeenshire Council; and
- (2) to endorse the accounts for the Council's Charitable Trusts for 2019/20 and to recommend them to the Trustees for signature.

11. CONSULTATION ON REVIEW OF THE COUNCILLORS' CODE OF CONDUCT

There had been circulated a report dated 28 October, 2020 by the Director of Business Services on the launch of the Scottish Government's consultation on the revised Councillors' Code of Conduct and proposed arrangements for consulting with Members and preparing a draft response to the consultation.

The Council **agreed:**

- (1) to acknowledge the launch of the Scottish Government's consultation on the revised Councillors' Code of Conduct;
- (2) to instruct the Head of Legal and Governance to arrange workshops with Elected Members in December 2020 to seek views on a consultation response; and
- (3) to note that a draft response to the consultation would be reported back to Full Council at its meeting on 14 January 2021 for approval.

12. STONEHAVEN FLOOD PROTECTION SCHEME

With reference to the Minute of Meeting of Council of 18 March, 2020 (Item 6) when it had been agreed to include funding provision for the Stonehaven Flood Protection Scheme in the updated Capital Plan from 2020-2035, there was circulated a report dated 29 October, 2020 by the Director of Infrastructure Services on the implications of design variations required to allow completion of one zone of the works.

Having heard from the Head of Roads, Landscape Services and Waste, the Council **agreed:**

- (1) to vary the contract with McLaughlin and Harvey Ltd to incur the additional costs associated with the revised contractor designed element of the works as additional capital expenditure not previously provided for in the Capital Plan;
- (2) that the Head of Roads, Landscape Services and Waste pursue discussions with the Scottish Government with the aim of increasing funding contribution to mitigate the additional costs;
- (3) to instruct the Head of Roads, Landscape Services and Waste to explore all opportunities to mitigate the net financial impact on the Council and provide further updates to Kincardine & Mearns Area Committee and Infrastructure Services Committee as necessary;

- (4) to note plans in place for a robust project communications strategy; and
- (5) to note that the Chief Executive would commission a review of the project and report back to Council at an appropriate time.

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