

ABERDEENSHIRE COUNCIL

PROCEDURES COMMITTEE

SKYPE MEETING, 21 APRIL, 2021

Present: Councillors W Howatson (Chair), R Cassie, M Ford, A Kille, G Owen, G Petrie, A Stirling and J Whyte (as substitute for Councillor N Smith).

Apology: Councillor N Smith.

Officers: Head of Legal and People, Legal Service Manager (Governance), Planning Service Manager (M Stewart), Team Manager (N Stewart), Strategic Finance Manager and Principal Committee Services Officer.

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 5 FEBRUARY, 2020

The Minute of Meeting of the Committee of 5 February, 2020 was circulated, and **approved** as a correct record.

4. STATEMENT OF OUTSTANDING BUSINESS

There was circulated a report which provided an update on progress made against outstanding actions agreed at previous meetings of the Procedures Committee.

The Head of Legal and People explained that the transfer of the remit of the Procedures Committee to the Recovery Reference Group during the pandemic had resulted in essential business such as the annual review of the Scheme of Governance and progress with some elements of the outstanding actions being delayed due to a lack of

resources over that period. She advised that the proposed increase in threshold for procurement of works contracts up to £250,000 would now be dealt with under the forthcoming Annual review of the Scheme of Governance, that Members views were sought on whether sufficient time was available to progress the proposed Review of Committee remits prior to the next Council term and that an update on outstanding actions relating to Scrutiny at Aberdeenshire was included in the Forward Plan report on the agenda for the meeting.

Following discussion, the Committee **agreed**:

- (1) to note the report and oral update on outstanding business; and
- (2) that the proposed Review of Committee Remits be deferred until the next Council term to allow the new Council to determine whether a review was required.

5. FORWARD PLAN – UPDATE

With reference to the Minute of Meeting of 5 February, 2020 (Item 7), there was circulated a report dated 8 April, 2021 by the Director of Business Services providing an update on the items listed on the Procedures Committee forward plan and seeking approval of a revised timetable for future business.

The Head of Legal and People introduced the report and provided an update on the proposed timescale for the annual review of the Scheme of Governance to be reported to Full Council in November 2021 and January 2022; the review of the Policy Development and Review Framework to be undertaken by the Customer and Digital Services Team over the summer 2021; the current position with the Expenditure Approval Process Project (EAPP); and the proposed review of Planning Delegations, which was included as a separate item on the agenda for the meeting.

The Legal Service Manager (Governance) also (1) highlighted training delivered to Members and Officers on the Scrutiny at Aberdeenshire process in 2019/2020 and the subsequent development and roll out of a scrutiny toolkit and ALDO online training, (2) outlined proposals for a review of the Council's scrutiny arrangements in response to an action arising from the Best Value report presented to Full Council on 19 November, 2020 and now incorporated in the Corporate Improvement Plan, and (3) sought Members views on the scope and timescale for completion of the review of scrutiny arrangements.

Discussion took place on potential options for introducing more structure to scrutiny at meetings in a variety of formats including question and answer sessions with Directors, scrutiny investigations, the relative role of members and officers in examining issues, stronger links between Audit and Policy Committees, supporting continuous improvement through the scrutiny process, reporting on reputation tracker and survey results through committees as part of the scrutiny process and the need for more regular performance reporting to committees.

Thereafter, the Committee **agreed**:

- (1) to note the updates to the items on the Forward Plan agreed by Committee on 5 February 2020;

- (2) that the proposed scope of the review of scrutiny arrangements include –
 - (i) potential options for introducing more structure to scrutiny at meetings in a variety of formats including question and answer sessions with Directors;
 - (ii) the relative role of members and officers in examining issues;
 - (iii) stronger links between Audit and Policy Committees;
 - (iv) supporting continuous improvement through the scrutiny process;
 - (v) reporting on reputation tracker and survey results through committees as part of the scrutiny process;
 - (vi) the need for more regular performance reporting to committees; and
- (3) the revised Forward Plan as detailed in Appendix 1 of the report.

6. REVIEW OF PLANNING DELEGATIONS

There had been circulated a report dated 9 April, 2021 by the Director of Business Services on a proposed review of Part 2C - Planning Delegations in the Scheme of Governance. The report sought the Committee's views on (1) the scope of the review which it was proposed should include the (a) member notification process, (b) number of valid objections, (c) referral procedures, (d) significant departures, (e) definition of regional significance, (f) pre-determination hearings, (g) modification and discharge of planning obligations, and (h) preparation of the Local Development Plan, and (2) the timeline within which the review should be undertaken allowing for consultation with the Planning and Environment Member Officer Working Group and the Procedures Committee prior to reporting to Full Council in November, 2021 as part of the annual review of the Scheme of Governance.

Following a full discussion, the Committee **agreed**:

- (1) to approve the scope of the review of Part 2C of the Scheme of Governance as outlined in the report with the addition of the following areas –
 - (i) the member notification process should include options –
 - to abandon that process altogether, and
 - for a Member referral process in respect of an officer decision to approve an application;
 - (ii) clarification around the process and status of pre application discussions;
 - (iii) to review the current practice of treating all representations from each household as one representation; and
 - (iii) the make up and shape of the Local Review Body, subject to views from the Planning and Environment Member Officer Working Group in

terms of time and interest in pursuing this proposal in light of recent work undertaken in this regard; and

- (2) the timeline for Officers to undertake the review as outlined in the report.

7. REVIEW OF VIRTUAL MEETING ARRANGEMENTS

With reference to the Minute of Meeting of Aberdeenshire Council of 14 January, 2021 (Item 11) when it had been agreed to continue to hold all meetings of Council and its Committee online pending a further review on 29 April, 2021, there was circulated a report dated 9 April, 2021 by the Director of Business Services seeking comments from the Committee on proposals to continue with virtual meetings as the default position for the Council and its Committees until after the summer recess to allow a full options appraisal exercise to be undertaken on future ways of working, including consultation with Members, before reporting back to Council in September 2021.

The Head of Legal and People introduced the report and advised that Members feedback to date on their virtual meeting experience had been very positive, that the options appraisal would be subject to emerging guidance from Scottish Government restrictions and would include provision for face to face, hybrid and fully online meetings.

The Committee also heard from the Legal Service Manager (Governance) and discussion took place on the current Scottish Government route map for returning to offices, face to face and hybrid meeting options, plans for engagement with elected members on virtual meeting proposals and discretion available to Committee Chairs to schedule face to face meetings should the situation change significantly over the summer recess period.

Thereafter, the Committee **agreed** to:

- (1) support the proposal to continue with virtual meetings as the default position for meetings of the Council and its Committees pending a further review on 23rd September 2021; and
- (2) note the work ongoing to develop an options appraisal for hybrid meetings which would be shared with elected members for input prior to being reported to Full Council in September, 2021.