

## REPORT TO INFRASTRUCTURE SERVICES COMMITTEE – 8 JUNE 2022

### APPOINTMENT OF INFRASTRUCTURE SERVICES SUB-COMMITTEES, WORKING GROUPS AND INTER-AUTHORITY WORKING GROUPS

#### 1 Executive Summary/Recommendations

1.1.1 This report provides details of a number of Sub-Committees and Working Groups which were previously established by the Infrastructure Services Committee and requests that members (1) consider retaining those Sub-Committees and Working Groups; (2) consider nominations for representation on each of the Sub-Committees and Working Groups, and (3) makes recommendations on continued representation on inter-authority, partnership working and advisory groups.

1.1.2 It is proposed to retain the Sub-Committees and Working Groups, both internal, and joint with other bodies as detailed in **Appendix 1**. Members are requested to agree this continuation, and determine their membership.

#### 1.2 The Committee is recommended to:

**1.2.1 Consider the retainment of the Sub-Committees, Working Groups and Inter-Authority Groups as detailed in Appendix 1 to the report;**

**1.2.2 Provide nominations for membership to each of the Sub-Committees, Working Groups and Inter-Authority Groups as detailed in Appendix 1 to the report; and**

**1.2.3 Note that the membership of the Sub-Committees and Working Groups are based on the proportionality model approved by Full Council on 19 May 2022, namely that an 8 Member group comprises 5 Administration Members and 3 opposition coalition Members; and a 5 Member groups comprises 3 Administration Members and 2 opposition coalition Members.**

#### 2 Decision Making Route

2.1 Working Groups are not subject to the Access to Information Regulations and they are not required to be open to the press or public. The papers circulated are generally considered as not for publication. While this can be considered to be an advantage in some respects, it should be noted that the Council's aim of openness can be called into question if too much of the Council's detailed consideration of policies and issues takes place at Working Groups, without full subsequent debate, and documentation, in open Committee.

2.3 Both Sub-Committees and Working Groups, when properly established to match the work that requires to be carried out by the Council, have their own merits in contributing to the effective decision-making process.

### 3 Discussion

- 3.1 Sub-Committee – A Sub-Committee is a small group made up of Council Members, set up to look in detail at one aspect, or a related group of aspects, of the Council's, or a Committee's, work. Sub-Committees may have powers delegated by the Council, or parent committee. As formal groups of the Council, they are subject to the provisions of the Local Government (Scotland) Act 1973 and other legislation relevant to the conduct of the Council's business. Meetings of Sub-Committees must be conducted in accordance with the Scheme of Governance. Sub-Committees can meet regularly, or on an ad-hoc basis, and are considered to be a good method of allowing detailed discussions on matters which do not have a natural time limit, or where decision-making would require to be continued over a lengthy period. Sub-Committees are also subject to the Access to Information Regulations, requiring that matters are considered in public unless a resolution is made to treat a matter as exempt in terms of an appropriate classification of the legislation.
- 3.2 Working Groups – Working Groups do not have the same formal requirements of Sub-Committees and can consist of Members, Officers, and others, for example, representatives from a relevant industry. They cannot act with powers, as the Council can only delegate its powers to Committees, Sub-Committees, a named officer, or another Council. They are not subject to the Scheme of Governance and their proceedings do not require to be recorded as part of the Council Minutes. They are usually set up to consider a report on one project, policy, or issue, and consequently often have a limited life

### 4 Council Priorities, Implications and Risk

- 4.1 This report helps to deliver the Strategic Priority "Infrastructure" within the Pillar "Our Environment", having the right people, in the right place, at the right time.
- 4.2 The table below shows whether risks and implications apply if the recommendation(s) is (are) agreed.

Subject	Yes	No	N/A
Financial			X
Staffing			X
Equalities and Fairer Duty Scotland			X
Children and Young People's Rights and Wellbeing			X
Climate Change and Sustainability			X
Health and Wellbeing			X
Town Centre First			X

- 4.3 There are no staffing or financial implications arising directly as a result of this report.

- 4.4 The screening section as part of Stage One of the Integrated Impact Assessment process has not identified the requirement for any further detailed assessments to be undertaken because the proposals are procedural matters and do not have a differential impact on any of the protected characteristics.
- 4.5 The following Risks have been identified as relevant to this matter on a Corporate Level:

[Aberdeenshire Corporate Risks](#)

ACORP006 – Reputation Management

## **5 Scheme of Governance**

- 5.1 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments are incorporated within the report. They are satisfied that the report complies with the Scheme of Governance and relevant legislation.
- 5.2 The Committee is able to consider and take a decision on this item in terms of Section F 3.1 of the [List of Committee Powers in Part 2A](#) of the Scheme of Governance as it relates to the establishment of Sub-Committees and Working Groups.

**Ritchie Johnson**  
**Director of Business Services**

Report prepared by Frances Brown, Senior Committee Officer  
Date 9 May 2022

**List of Appendices** – Appendix 1, list of Sub-Committees, Working Groups and Partnerships which require Appointments

## APPENDIX 1

Figures in brackets relate to number of recommended Elected Members to Sub-Committees/Working Groups.

**Note – Agreed Proportionality: 8 Member group comprises 5 Administration Members and 3 opposition coalition Members; and a 5 Member groups comprises 3 Administration Members and 2 opposition coalition Members.**

### 1. **Penalty Notice Sub-Committee**

Membership comprises (5) Elected Members of Aberdeenshire Council and Officers. Previous appointments were the Chairs of the three licensing boards, and their named substitutes.

Remit – To consider requests for review by a recipient of a fixed penalty notice, or a penalty charge notice received under the Smoking, Health, and Social Care (Scotland) Act 2015 and its attendant legislation and decide whether to confirm, or withdraw, the fixed penalty notice.

In terms of the Scheme of Governance, Committees can only appoint Sub-Committees with powers to make decisions on the Committee's area of operation. Although legislation may refer to "Panel", in terms of Aberdeenshire's governance, the panel can only be established as a Sub-Committee and so named.

Number of Meetings – as required.

Note – Has only met once (in 2008) since established in 2006, but the authority is required to have a mechanism to hear appeals when they arise.

### 2. **Harbours Sub-Committee**

(Membership 5 Councillors)

The Members of the Sub-Committee shall be appointed by Infrastructure Services Committee. Appointments shall be effective for the full council term. The Sub Committee shall comprise of 5 Members. The members of the Sub-Committee may be members of Infrastructure Services Committee but are not required to be. It is a requirement that Members of the Sub-Committee have knowledge of and understand their responsibilities and accountabilities under the requirements of the Port Marine Safety Code.

The Chair and Vice Chair of the Sub-Committee shall be appointed by the Sub-Committee. The Sub-Committee shall determine the term of appointment, which Shall be no more than one full Council term.

The purpose of the Sub-Committee is to act as the Duty Holder in accordance with the Port Marine Safety Code on behalf of Aberdeenshire Council in relation to the following harbours: -

- (i) Johnshaven
- (ii) Gourdon
- (iii) Stonehaven
- (iv) Portsoy
- (v) Rosehearty
- (vi) Macduff
- (vii) Banff

The Sub-Committee shall maintain strategic oversight and direction of harbour operations with a view to improving, maintaining and managing the harbours within the Aberdeenshire Council area for the benefit of users who include residents, visitors and businesses and conserving and protecting the harbour environment.

Number of Meetings – 2 formal meetings per year (in January of each calendar year and another meeting if business requires a decision).

Note – last met on 23 March, 2022.

### **3. Planning and Economy Member/Officer Working Group**

Membership comprises (8) Elected Members from Aberdeenshire Council and Officers.

Remit - To consider and make recommendations on matters of planning policy and procedural matters arising from time to time.

Number of Meetings – as required.

Note – Last met 2 March 2022.

### **4. Fisheries Working Group**

Membership comprises (8) Elected Members from Aberdeenshire Council and Officers.

Remit – To advise the Council on issues affecting the industry and fishing dependant communities.

Number of Meetings – twice a year.

Note – Last met 9 March, 2022.

### **5. Rural Affairs Working Group**

Membership comprises (8) Elected Members from Aberdeenshire Council and Officers.

Remit – To provide an Aberdeenshire focus and enable local agriculture, as well as other rural issues and concerns to be considered.

Number of Meetings – quarterly.

Note – Last met 16 March, 2022.

## **6. North East Scotland Agriculture Advisory Group (NESAAG)**

Membership comprises (7) Elected Members from Aberdeenshire Council, (5) Aberdeen City Council, and (5) Moray Council, Officers, and Farming Communities and Industry.

Remit – To act as an advisory body to the Councils, encompassing all rural affairs, with particular interest in agriculture and rural employment; farm incomes; farming policy; conservation; diversification of farming including forestry, tourism and farm industries; the implications of changes in farming practice and land use; and the provision of infrastructure, services, and facilities in rural areas.

Number of Meetings – twice yearly.

Note – Last met on 22 January, 2022.

## **7. North East Scotland Fisheries Development Partnership (NESFDP)**

Membership comprises (5) Elected Members from Aberdeenshire Council, (5) Aberdeen City Council, and (5) Moray Council, MPs, MSPs and MEPs, representatives from the fisheries industry (fishing and processing), ports, enterprise agencies (e.g. Scottish Enterprise and Highlands & Islands Enterprise), Seafish, and Marine Scotland.

Remit – To act as an advisory body to the Councils and industry, and provide support to fishing dependent communities.

Number of Meetings – twice yearly.

Note – Last met on 18 February 2022.

## **8. Waste Management Working Group**

Membership comprises (8) Elected Members from Aberdeenshire Council and Officers.

Remit – To identify and monitor waste management initiatives and the impact of related legislation and targets. To monitor expenditure, including the Strategic Waste Fund Grant.

Number of Meetings – at least quarterly.

Note – Last met on 2 March, 2022.

**9. Joint Member Energy From Waste Members Engagement Group**

Membership (3) from Aberdeenshire.

To be representatives from the Waste Management Working Group (at No. 8 immediately above). 2 Administration Members and one opposition coalition Member.

Remit: To provide an informal mechanism for updates and discussions with Members across all three Councils, and provides a conduit for feedback to political groups and colleagues in respective authorities.

Number of Meetings – twice per annum – or as required.

Note – last met on 16 December 2021.

**10. European Member/ Officer Working Group**

Membership comprises the Provost, the Chair and Vice Chair of Infrastructure Services Committee, the 6 Area Chairs, the Leader of the Council, and 3 other Members from Infrastructure Services Committee (namely 1 Administration Member and 2 opposition coalition Members) with a specific European Interest.

Remit – To co-ordinate the channelling of information on EU matters and to represent the interests of Aberdeenshire Council in Europe.

Number of meetings – quarterly.

Note - last met on 30 March 2022.

**11. Local Development Partnerships – Fraserburgh, Peterhead, Banff, and Macduff**

Membership (5) Councillors – 3 from Infrastructure Services Committee.

Membership of the Fraserburgh, Banff, and Macduff Local Development Partnerships was agreed, on 17 March 2016, to be Ward Members only for the respective areas. It is recommended that this appointment be delegated to the Banff & Buchan Area Committee to appoint.

It was agreed that the membership of the Peterhead Local Development Partnership should be three Infrastructure Services Committee nominees (two administration and one opposition coalition), with the residual two nominations being delegated to the Buchan Area Committee to progress, as one administration and one opposition Member. It is for this Committee to consider the nomination of three Members to the Peterhead Local Development Partnership.

Remit -To provide leadership and collaborative working to deliver a new Regeneration Strategy for Aberdeenshire.

Number of meetings – approximately quarterly.