

ABERDEENSHIRE COUNCIL

PROCEDURES COMMITTEE

WOODHILL HOUSE, ABERDEEN, 20 APRIL, 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, Acting Head of Legal and Governance, Acting Service Manager (Governance), Accountancy Finance Manager (Susan Donald), Policy Manager, Transportation, 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 19 JANUARY, 2018

The Minute of Meeting of the Committee of 19 January, 2018 was circulated and **approved** as a correct record and thereafter signed by the Chair.

4. POLICY DEVELOPMENT AND REVIEW FRAMEWORK – ROLE OF AREA COMMITTEES

With reference to the Minute of Meeting of the Committee of 19 January 2018 (Item 4), there was circulated a report dated 27 March 2018 by the Director of Business Services which confirmed (1) the overarching aims of the Policy Development and Review Framework as contained in Part 4A of the Scheme of Governance, (2) the role of Elected Members and in particular the Area Committees in the Framework, (3) that a policy register had been created within Pentana, the council's corporate performance management system, to allow officers, members and residents to understand the policies in place to support effective service delivery and manage the life cycle of a policy, (4) training being delivered to Services to raise awareness and ensure compliance with the Framework, and (5) changes required to the Framework as part of the review of the Scheme of Governance to update the advice on

privacy impact assessments to reflect the introduction of the General Data Protection Regulations from May 2018 and include the Town Centre First Principle to ensure all policies take account of the principle where appropriate.

Officers responded to questions from Members on mechanisms in place to ensure all of the Council's priorities and principles are taken in to account at an early stage when developing and reviewing Council policies, and how this might be better reflected in the corporate report template, including evidence of best value being achieved.

Thereafter, the Committee **agreed**:-

- (1) to note the role of Area Committees in the Policy Development & Review Framework;
- (2) to note the progress update on the implementation of the Policy Development & Review Framework;
- (3) to recommend as part of the review of the Scheme of Governance that the Framework be amended to update the advice on privacy impact assessments to reflect the introduction of the General Data Protection Regulations from May 2018 and to ensure that all of the Council's priorities and agreed principles are taken in to account as part of that process and not just the Town Centre First principle as proposed; and
- (4) that officers report to a future meeting reviewing the committee report template to demonstrate that the Council's priorities and agreed principles relevant to the subject matter had been taken in to account including evidence of best value being achieved.

5. USE OF SKYPE FOR BUSINESS FOR REMOTE ATTENDANCE AT MEETINGS

With reference to the Minute of Meeting of the Committee of 19 January 2018 (Item 6), there had been circulated a report dated 19 February 2018 by the Director of Business Services setting out draft guidance for Members on how skype for business could be used to manage Members remote attendance at committee and other meetings. The report (1) made reference to the provisions within the Scheme of Governance permitting Members remote attendance at committee meetings in exceptional circumstances, (2) outlined the proposed procedures to be followed to manage those arrangements, (3) highlighted further considerations relating to quasi-judicial, exempt and confidential business, and (4) proposed that Members use skype to attend informal meetings to familiarise themselves fully with the benefits and features that Skype provides.

There then followed a full discussion during which Members highlighted the importance of their physical attendance at meetings including concerns relating to accountability, the provision for substitute member attendance, the impact of remote attendance on the dynamics of a meeting and behaviour in general and the appropriateness of participating in a vote when attending a meeting remotely. Members also questioned the reliability of the technology, the proposed requirement to use video settings to identify Members, the 3 day notice proposed and the language used in the draft guidance. A preference was expressed for the use of skype in less formal meetings and for officers to attend committee meetings remotely to minimise travel and time spent travelling.

Thereafter, the Committee **agreed** that:-

- (1) the provision for Members remote attendance at meetings should continue to be in exceptional circumstances only;

- (2) Officers report further setting out more clearly when and how skype for business might be used for remote member attendance;
- (3) the draft Guidance be amended to –
 - (a) be less prescriptive in terms of language,
 - (b) provide more flexibility on the timescale for providing notice, and
 - (c) clarify that the Chair can skype in to a meeting and, in those circumstances, that the meeting should be chaired by Vice Chair or other appointed member;
 - (d) review the appropriateness of Members voting via a remote connection especially when determining quasi-judicial matters; and
- (4) Officers be encouraged to use skype for business to attend meetings remotely to minimise travel cost/time.

6. GRANTS, GRANT APPLICATIONS AND LOANS

There had been circulated a report dated 10 April, 2018 by the Director of Business Services (1) outlining the current governance arrangements in place to support (a) the allocation of grant funding to external bodies, (b) the Council applying for grant funding to fund projects in Area and Services, and (c) the approval of loans to external bodies, and (2) containing proposals for the setting of financial thresholds to provide further clarity around the delegated powers to officers and committees to ensure that grant funding, grant applications and loans are determined in an accountable and transparent manner.

Following discussion on whether the criteria for grants and loans and had been reviewed to fit with the Council's current priorities, the mechanism for reporting back on outcomes, the appropriate level of decision making in relation to grant conditions to be imposed, implementation of recommendations by the former Scrutiny and Audit Committee on the need for a grant register and achieving best value, it was **agreed** that prior to making a recommendation to Council on the governance and approval process in respect of grants, grant applications and loans that a workshop be scheduled to discuss and clarify current processes, procedures and criteria applied including the mechanisms in place to ensure these were reviewed in terms of the Council's current priorities and that the Policy Committee Chairs/Vice Chairs and Opposition Spokespersons be invited to participate in the workshop.

7. DELEGATED POWERS OF AREA COMMITTEES – SPEED LIMITS

With reference to the Minute of Meeting of the Committee of 19 January 2018 (Item 4) when it had been agreed to receive a report on area committee powers in respect of setting speed limits, a report dated 10 April, 2018 by the Director of Business Services had been circulated which (1) set out the current procedure for setting speed limits including legislative provision, national guidance and council policy; (2) explained the committee and officer delegations within the Scheme of Governance for consideration and determination of traffic regulation orders; and (3) proposed the addition of a proviso under the Area Committee powers at B.11 in the Scheme of Governance to the effect that should Area Committees not comply with officer recommendations and existing council policy in this regard, then the matter should be referred to Infrastructure Services Committee for determination.

Discussion took place on the two stage reporting process for approval of traffic orders, comparable process for determination of planning applications, need for clarity around any current discretion available to Area Committees to deal with borderline and exceptional cases and the need for consistency across policy and strategy to ensure connectedness.

Thereafter, the Committee **agreed**:-

- (1) to note the current powers in Section B.11 of Part 2A, List of Committee Powers in the Scheme of Governance as set out in Part A of Appendix 1;
- (2) to note the discussion in the report and the comments received from the Head of Roads, Landscape Services and Waste Services and the Head of Transportation;
and
- (3) that officers report back to a future meeting with proposed amended wording to further clarify the decision making process and the committee delegations in relation to road traffic orders in Part 2A of the Scheme of Governance.

8. NEXT MEETING

The Committee **noted** that the next meeting would take place on Friday 25 May, 2018 at 10am.

DRAFT