

**ABERDEENSHIRE COUNCIL**

**PROCEDURES COMMITTEE**

**WOODHILL HOUSE, ABERDEEN, 7 SEPTEMBER, 2018**

**Present:** Councillors W Howatson (Chair), R Cassie, M Ford, A McKelvie (as substitute for Councillor G Owen), N Smith, A Stirling, R Thomson and A Wallace.

**Apology:** Councillor G Owen

**Officers:** Director of Business Services, Legal Services Manager, Accountancy Finance Manager, Policy Manager (Transportation), Principal Committee 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 THE PROCEDURES COMMITTEE OF 25 MAY, 2018**

The Minute of Meeting of the Committee of 25 May, 2018 was circulated, **approved** as a correct record and duly signed by the Chair.

**4. ROAD TRAFFIC ORDERS**

With reference to the Minute of Meeting of the Committee of 25 May, 2018 (Item 10) there had been circulated a report dated 23 August, 2018 by the Director of Business Services seeking consideration of proposed amendments to the Scheme of Governance, following a Members' workshop held on 4 June 2018 and consultation with Area Chairs, to Part 2A (List of Committee Powers) in respect of Area Committee powers when determining proposals for Road Traffic Orders and Part 4 (Glossary) to provide a definition of Road Traffic Order. The report advised that it had been proposed by members attending the workshop that if an Area Committee wished to depart from Council Policy then the Area Committee should provide justification to Infrastructure Services Committee (ISC) in the form of reasons and request consent to depart. If ISC agreed that a departure was justified in the circumstances, only then could a departure from Council Policy be approved.

Having heard from the Acting Head of Legal and Governance, the Committee **agreed**:-

- (1) the Area Committee powers in relation to Roads and Transportation as detailed in Part B of Appendix 1 to the report;
- (2) to recommend that the amendments to the Scheme of Governance as detailed in Parts B and C of Appendix 1 of the report be notified to Full Council on 27 September 2018 and reported for approval to Full Council on 22 November 2018; and
- (3) that officers consider options to provide further guidance on the committee approval process in the form of a flowchart.

#### **5. FESTIVE LIGHTS POLICY – REFERRAL FROM INFRASTRUCTURE SERVICES COMMITTEE**

With reference to the Minute of Meeting of the Infrastructure Services Committee of 21 June, 2018 (Item 9) when consideration had been given to the Festive Lights and Attachments to Street Lighting Columns Policy and it had been agreed, amongst other things, to refer the matter of arrangements for an appropriate appeal process relating principally to disagreement on main footfall areas in communities to the Procedures Committee, there was circulated a report by the Director of Infrastructure Services proposing the delegation of powers to Area Committees to approve main footfall areas within their communities, thereby removing the requirement for an appeal procedure in future, and setting out options for interim arrangements in the event of a dispute between an officer and community group over what constituted a main footfall area during the upcoming festive season.

Following discussion on the timescale available for Area Committees to consider any appeals following a dispute, the Committee **agreed** to recommend to Infrastructure Services Committee:-

- (1) that the Area Committees identify main footfall areas in their area under the Festive Lights and Attachments to Street Lightings Columns Policy and determine any applications outwith those areas under their current remit specified in B.1.1 of Part 2A, List of Committee Powers in the Scheme of Governance; and
- (2) that pending Area Committee approval of the main footfall areas, a temporary delegation be made to Area Managers, following consultation with the Chair and Local Members, to determine any applications over the upcoming festive season in the event of a dispute between an officer and community group regarding what constituted a main footfall area within a community.

#### **6. PROCUREMENT APPROVAL PROCESS AND GRANTS, GRANT APPLICATIONS AND LOANS – UPDATE**

With reference to the Minute of Meeting of the Committee of 25 May, 2018 (Item 6) there had been circulated a report dated 23 August, 2018 by the Director of Business Services (1) advising that a Member workshop on grants and loans had been held on 4 June, 2018 and seeking consideration of feedback received, as detailed in Appendix 1 of the report; and (2) providing an update on progress with the procurement approval process project together with the proposed timetable and action plan, as detailed at Appendix 2 of the report.

Discussion took place on the need for further clarity in terms of delegation to committees and officers for grants and loans including definitions for both, the Council's Procurement Strategy, the management of procurement in response to directions from the Integration Joint Board, whether policy committees should set their own priorities and thresholds for grants and loans, the development of a Grants Register and around requirements that can be

included in tender documents to ensure best value was being achieved, the use of funds was being linked to meeting the council's policies and priorities and on non-financial benefits which could be sought.

Having heard from the Director of Business Services, the Committee **agreed**:-

- (1) to note the Elected Member feedback in Appendix 1 following the grants workshop and that engagement would take place with Policy Committees on grants and loans with a view to agreement being reached on priorities and thresholds, achieving best value and ensuring funds are being used to deliver the Council's agreed priorities;
- (2) that the project plan for the Procurement Approval Process Project, as detailed in Appendix 2, be amended to include delivery of the Council's priorities, achievement of best value, the objective of front loading when engaging with elected members and the identification and delivery of non-financial benefits; and
- (3) that a briefing session on the Council's Joint Procurement Strategy be scheduled for all elected members to include further explanation of the current procurement process, achieving best value, delivery of the Council's priorities and accepted methods of achieving non-financial (social) benefits.

## 7. REVIEW OF COMMITTEE REPORT TEMPLATE

With reference to the Minute of Meeting of the Committee of 20 April, 2018 (Item 4) there was circulated a report dated 1 August, 2018 by the Director of Business Services on a review of the committee report template in terms of presentation style and content. The report (1) explained that clear reports were essential to good governance to ensure that elected members had the information necessary to enable them to make good decisions; (2) advised that the current report template had been developed by the Legal and Governance Service who provide support to report authors and monitor all reports; (3) provided a summary of findings following a comparison exercise undertaken of report styles from other local authorities and from CoSLA; (4) sought feedback from members to allow the Service to assess what future improvement might be required.

Following discussion on the need for reports to be clear and precise, limiting the number of pages reproduced by inserting links to documents already published, include an introduction/summary paragraph, demonstrate how the action proposed would contribute to meeting the Council's priorities, retain a section specifying staffing, financial and risk and include a new paragraph on "other implications" including sustainability, quality of life, wellbeing, town centre first, climate change, economy of towns and possibly equalities, the Committee **agreed** to note that the Head of Legal and Governance would assess improvements required to the template and that consultation would take place across Directorates prior to implementation.

## 8. SCHEME OF GOVERNANCE – ADDITIONAL CHANGES

With reference to the Minute of Meeting of the Committee of 25 May, 2018 (Item 11) when it had been agreed to recommend changes to the Scheme of Governance to Full Council, there was circulated a report dated 2 July, 2018 by the Director of Business Services explaining (1) that a report had been presented to Full Council on 26 June 2018 on the proposed changes agreed, and (2) that since that time further provisions within the Scheme had been identified as requiring review many of which were currently under consideration and would be reported back, and (3) that two of the revisions identified, which sought to clarify current practice only, could be included in the report to Full Council in September 2018 with a recommendation to suspend standing orders to allow implementation on 28 September, 2018. The two revisions proposed (1) an insertion in Part 2C, List of Planning

Delegations to reflect the Area Committee role in agreeing masterplans as required by the Local Development Plan; and (2) an amendment to the delegation to Policy Committees to approve members' attendance at conferences and events to reflect that a Councillor who is not a member of the Committee may be nominated to attend.

The Committee **agreed**:-

- (1) to recommend to Full Council, the changes to the Scheme of Governance, as detailed in Appendix 1 of the report, following the Council's formal two stage approval process; and
- (2) that the Head of Legal and Governance include notification of the changes, detailed at Appendix 1 of the report, to Full Council on 27 September, 2018, with a further report being presented on 22 November, 2018 for final approval and implementation of the changes from 23 November, 2018.

DRAFT