



REPORT TO PROCEDURES COMMITTEE – 24th MAY 2019

NOTICES OF MOTION AND MEMBER PROMOTED ISSUES

1 Recommendations

The Committee is recommended to:

1.1 Consider and comment on the information and data in the report and the appendices

2 Background / Discussion

- 2.1 The Procedures Committee has a remit to consider proposed changes to Aberdeenshire Council's Scheme of Governance, and to make recommendations about required amendments to Full Council.
- 2.2 Section 4.2 of the Council's Standing Orders in Part 1 of the Scheme of Governance (extracted and set out in Appendix 1) provides that an Elected Member may submit a Notice of Motion to Full Council, Policy Committees and Area Committees. During the review of the Scheme of Governance that commenced in June 2018, guidance on Notices of Motion was added to the Scheme of Governance in Part [4E](#) in November 2018. It is attached as Appendix 4.
- 2.3 At its meeting on 19 January 2018, this Committee agreed to request that officers draft a guidance note and protocol for Notices of Motion with the process to be reviewed in 12 months. The guidance was added to the Scheme of Governance on 28 September 2018. So whilst a year is yet to elapse since the introduction of the guidance, a year will have elapsed if any changes are to be made by Full Council in Autumn of 2019. All competent Notices of Motion that have been received since January 2018 to April 2019 are detailed in Appendix 2.
- 2.4 Officers considered that it was an opportune moment for the Committee to also consider Member Promoted Issues as this provision sits with Notices of Motion in the Standing Orders. Standing Order 2.4.8 (extracted and set out in Appendix 1) provides that an Elected Member may promote and raise business at Full Council, Policy Committees and Area Committees using the Mechanism for Member Promoted Issue (MPI). The form and guidance is in Appendix 5 to the report and is found in [Part 4F of the Scheme of Governance](#). The MPI mechanism was introduced when the Scheme of Governance was implemented on 27th January 2017. The Future Governance Working Group recommended its inclusion as it gave Elected Members a mechanism to add items to the agendas of the Council's committees. The details of the MPIs that have been received and considered by committees are in Appendix 3.
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- 2.5 The Committee is being asked in relation to both Notices of Motion and MPIs, to consider and comment on the data in the Appendices with the aim of ensuring that the Standing Orders, Guidance and Form are fit for purpose.
- 2.6 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 and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

3 Scheme of Governance

- 3.1 The Committee is able to consider this item in terms of Section R of the List of Committee Powers in Part 2A of the Scheme of Governance as it relates to matters arising from the Scheme of Governance.

4 Implications and Risk

- 4.1 An equality impact assessment is not required because the recommendations of this report do not have a differential impact on any of the protected characteristics.
- 4.2 There are no staffing or financial implications arising as a result of this report.
- 4.3 The following Risks have been identified as relevant to this matter on a Corporate Level: ACORP004 Business and organisational change (including: ensuring governance structures support change; and, managing the pace of change). The Council needs to be assured that it has the best fit of decision making so as to make it an agile and efficient body and a governance structure that reflects and serves well the communities whose priorities it is here to deliver. The link is here to the [Directorate Risk Registers](#).

RITCHIE JOHNSON DIRECTOR OF BUSINESS SERVICES

Report prepared by Ann Overton (Senior Solicitor, Democratic Services) and Ann Riddell (Principal Committee Officer) in Legal and Governance
Date – May 15th 2019

Appendix 1

Extract from Standing Orders

4.2 Notices of Motion and Member Promoted Issues

1. A Member may submit a Notice of Motion to ask:
 - a. In the case of Full Council, for any matter in which the Council has a general interest to be considered at a Meeting of Full Council; and
 - b. In the case of an Area or Policy Committee, for any matter which can be regarded as competent business for that Area or Policy Committee to be considered at a Meeting of that Area or Policy Committee.
2. The motion must be in a recorded format, identified as being from a Member, and given or sent to the Director of Business Services or the appropriate Area Manager to be received by noon, fourteen calendar days before the relevant next ordinary Meeting.
3. If the Chair determines that the notice of motion is admissible, this will be included on the Agenda for the next ordinary Meeting. Notices of Motion will be listed on the agenda in the order in which they have been received. If the Chair considers the Notice of Motion deals with the same subject as an item of business otherwise on the agenda the subject matter of the Notice of Motion will be considered as part of the item of business.
4. If the Chair determines that the Notice of Motion is inadmissible, at the request of the proposer, it will be included on the agenda with the reasons for inadmissibility subject to any modification considered necessary by the Monitoring Officer.
5. If a Member who has given a Notice of Motion is absent when it is to be considered at the Meeting for the first time, it shall be put on the agenda of the next ordinary Meeting. If, at the next ordinary Meeting, the Member is again absent, the Notice of Motion shall fall.
6. Any Member submitting a Notice of Motion to a Policy Committee or Area Committee for consideration, reporting or determination of the matter shall be invited to attend the Committee. If the mover (Member submitting the Notice of Motion) is not a member of the Committee, they may address that Committee. If the matter is sent to a Sub-Committee by the Committee, the mover shall be invited to attend and may address that Sub-Committee. Provided that unless the mover is a member of the Committee or Sub-Committee to which their motion is referred, they shall not be entitled to vote on the motion.

7. Any Notice of Motion remitted by the Council to a Committee or Sub Committee which is moved but not seconded shall be recorded in the Minutes.
8. A Member may promote and raise business for the attention of Full Council and Area and Policy Committees using the Mechanism for Member Promoted Issues set out in [Part 4F of the Scheme of Governance](#).

Appendix 2

Notices of Motion – January 2018 to April 2019

| Date | Councillor | Meeting | Topic of motion | Action requested | Decision |
|-------------|-------------------|-----------------------|--|---|--|
| 30 01 18 | Calder | Buchan Area Committee | Peterhead Town Centre Regeneration | Requesting update on Peterhead Town Centre Regeneration Programme to each BAC Meeting as standing item in form of an Action Plan. | Motion not supported |
| 08 03 18 | Baillie | Full Council | Private Members Bill seeking to improve family reunification procedures for refugees | Chief Executive to write to Aberdeenshire MPs asking them to give their support at second reading stage | Approved amended motion requiring Group Leaders to write jointly to Aberdeenshire's MPs. |
| 08 05 18 | Calder | Buchan Area Committee | Peterhead Town Centre Regeneration | Update on overdue quarterly update | Noted as related to a later item on the agenda |
| 27 09 18 | Ford | Full Council | Brexit | Support the holding of a further referendum | Motion approved |
| 27 09 18 | Fakley | Full Council | Poppyscotland's Count Them In Campaign | Support the campaign for inclusion of an Armed Forces Question in next Census 2021 | Motion approved |
| 27 09 18 | Wilson | Full Council | Workforce shortages due to continuation of the Seasonal Agricultural Scheme and fall in value of Sterling following Brexit | Chief Executive to write to UK Ministers to express concern | Approved amended motion |
| 17 01 19 | Ford | Full Council | Grant and local tax arrangements | Chief Executive to write to the Scottish Finance Minister | Approved amended motion |

| Date | Councillor | Meeting | Topic of motion | Action requested | Decision |
|-------------|-------------------|----------------|------------------------|---|--|
| 07 03 19 | Johnston | Full Council | Energy from Waste | Aberdeenshire Council proceed no further with its involvement as a partner in the Ness Energy Project | Motion not supported - Contract approved |

No notices of motion submitted to Policy Committees over this period.

Appendix 3

Member Promoted Issues January 2017 – April 2019

| Date Submitted | Councillor | Meeting | Topic of MPI | Decision | Current Position if Applicable |
|----------------|------------------|--|---|---|---|
| 20 03 17 | Cassie Findlater | Infrastructure Services Committee - 01 06 17 | Macduff Harbour Review | Action taken by Director | Issue resolved |
| 11 05 17 | Ford | Garioch Area Committee - 07 06 17 | Lack of Progress with Kingseat Development | Working Group expanded. Playpark has been built. | Issue partially resolved Working Group meets regularly and minutes reported to Garioch Area Committee |
| 14 07 17 | Topping | Infrastructure Services Committee - 05 10 17 | Footway Weed Control | The Committee agreed that Officers report back to future committee on costed options for footway weed control, noting (a) Members' expressed preference for local teams and (b) requirement for workforce flexibility to undertake work at optimum times. | MPI resolved At ISC on 30 th November, 2017 the service provided costed information on various options for the future application of footpath weed treatment operation and programme. The Committee agreed to approve the recommended phased approach to footway weed control as set out in this report, specifically: Phase 1: Glyphosate Based Regime delivered via hybrid Internal/External approach and Phase 2: Alternative Technologies and Operating Models |
| 13 11 17 | Ford | Garioch Area Committee - 30 01 18 | Prevention of speeding to improve road safety in Hillbrae Way and | Committee agreed to welcome the report and actions. Report requested for May 29 th 2018. | MPI not resolved 4 reports to Garioch Area Committee. |

| Date Submitted | Councillor | Meeting | Topic of MPI | Decision | Current Position if Applicable |
|----------------|------------|--|--|--|--|
| | | | Corseduick Road, Newmachar | | <ol style="list-style-type: none"> 1. January 30th 2018 – asked for a report in May 2. May 29th 2018 – asked for a report for 28th August 2018 3. December 4th 2018 – report to note progress. 4. May 14th 2018. Committee agreed proposals. Plans produced. Work to be done by Autumn 2019. Committee Review process initiated and Stage 1 report required for meeting on June 25th 2019. |
| 07 03 18 | Davidson | Infrastructure Services Committee - 10 05 18 | Development of a Policy to Ban all Dogs from School Grounds and Enclosed Children's Play Areas | <p>ISC agreed that an options report be considered by all area committees and on 29 November 2018 the final report was sent to ISC. This committee determined to target problem areas as and when issues arise. This included erection of signs, local publicity campaign, stepping up of patrols by the Dog Wardens who would also use enforcement powers if necessary.</p> <p>And that -</p> <p>a) The Service managing the land in question, in conjunction with the Environmental Health</p> | MPI was finalised at ISC on November 29 th 2018 |

| Date Submitted | Councillor | Meeting | Topic of MPI | Decision | Current Position if Applicable |
|----------------|------------|-----------------------------------|---|---|--------------------------------|
| | | | | <p>Service, will assess the areas giving rise to concerns regarding dog fouling and/or dog control, as identified by the public, Members or Council officers.</p> <p>b) The Services will work in partnership to select the most appropriate measures to deal with identified areas/issues. These measures are likely to include signage as per Appendix 2 and local publicity/education.</p> <p>c) The area will be subject to additional monitoring to enforce dog fouling and dog control legislation.</p> <p>d) Signage can be amended, dependent upon circumstances of the site.</p> <p>e) Services will work with the local community to ensure an appropriate and balanced approach is taken, protecting public safety and public health, and that appropriate education/information messages are highlighted.</p> | |
| 12 04 18 | Ford | Garioch Area Committee - 08 05 18 | Closure of Tuach Hill for public access | Decision to support officers proposed course of action; and | MPI resolved |

| Date Submitted | Councillor | Meeting | Topic of MPI | Decision | Current Position if Applicable |
|----------------|----------------------------------|---|--|---|---|
| | | | | request that a further briefing note be provided to the Committee in due course. | |
| 03 05 18 | Hassan supported by Ward 8 Cllrs | Formartine Area Committee - 05 06 18 | Renewal of Lease of The Prop of Ythsie, Tarves | It was agreed following a vote that the lease should not be renewed and the Area Manager was instructed to liaise with the Planning Environment Service, the Haddo Estate and the local community to seek to establish a Friends of the Prop of Ythsie group, or similar, to assist with the maintenance of the structure. | MPI proposal not agreed |
| 16 05 18 | Pike | Kincardine & Mearns Area Committee - 26 06 18 | Hillside Pitches | It was agreed to indicate a commitment to promoting a 3G pitch at Hillside, Portlethen, and requested that a report be brought to the Communities Committee to consider funding options for the construction of a 3G pitch to include whether a recommendation to include such provision within the Capital Plan should be recommended to Full Council. | Resolution of MPI is ongoing as at 28.03.2019 the position is that the Service has developed a timeline for considering the provision of outdoor sporting facilities across all of Aberdeenshire. This is a considerable task which is anticipated to take until Autumn. In line with the committee's decision to review provision in Portlethen as a priority, an additional timeline is in place. Initial desk research and local fact-finding engagement is underway, in liaison with the area |

| Date Submitted | Councillor | Meeting | Topic of MPI | Decision | Current Position if Applicable |
|----------------|------------|--|---|--|--|
| | | | | | <p>management team. This will include a review of booking and management arrangements for outdoor sport facilities. It is anticipated that draft proposals will be available at the end of the first quarter in line with the committee's expectations. A further briefing has been issued to local members with more details of the process underway and the anticipated timescale.</p> |
| 13 06 18 | Ford | Infrastructure Services Committee - 23 08 18 | Feasibility of Council Agreeing to Adopt Public Open Spaces in New Developments | <p>Following discussion on cost implications, the current policy which requires that the maintenance of new public open space has to be agreed between the developer and the persons purchasing the properties, options available to address the matter, including offering guidance and advice to residents to find ways to ensure the adequate maintenance of open space in their residential area, the Committee agreed:- (1) To take no action on the Member Promoted Issue; and</p> | MPI proposal not agreed |

| Date Submitted | Councillor | Meeting | Topic of MPI | Decision | Current Position if Applicable |
|----------------|------------|--|---|--|--|
| | | | | (2) That Officers should consider ways to give advice and support to residents in relation to options for the maintenance of open spaces in new housing developments. | |
| 08 10 18 | Pike | Kincardine & Mearns Area Committee - 11 12 18 | Investigation of suitable Council owned land for allotments at Portlethen | The committee agreed to delegate to the Area Manager to take forward discussions in liaison with the service. To provide advice to the Allotment Group on the options available to them including the comments from the Area Committee and then report back to the Area Committee. | Area Manager is engaging with groups and with Elected Members. |
| 12 11 18 | Ford | Education & Children's Services Committee - 07 02 18 | Council actions to help children grow up with nature | Agreed to note the Member Promoted Issue appended to the report, (2) noted the report entitled "Why Educating Children about the Natural World Matters", appended to the report, and (3) requested officers to make a presentation to members on work currently being done in schools, in this regard. | Presentation to the Elected Members has yet to be held. |
| 09 01 18 | Evison | Education & Children's Services Committee - | Detailed Analysis of Flexi Schooling | The Committee acknowledged that the | The Service are working on a review of the policy. The review |

| Date Submitted | Councillor | Meeting | Topic of MPI | Decision | Current Position if Applicable |
|----------------|------------|---|---|---|---|
| | | 07 02 18 | | Council's Home Education Policy was currently being reviewed by officers and should be brought back to the Committee for consideration at the appropriate time. | will follow the Policy Development Review Framework in Part 4B of the Scheme of Governance. |
| 28 01 19 | Ford | Report is going to Education & Children's Services on May 30 th 2019 | Promoting and Improving Recycling and Composting in Aberdeenshire Schools | pending | |
| 27 03 19 | Cox | Banff & Buchan Area Committee – report pending | Ladysbridge to Whitehills Access Links | pending | |
| 30 04 19 | Ford | Garioch Area Committee – report pending | Speeding Kintore | pending | |



From mountain to sea

Scheme of Governance

Part 4E – Notice of Motion

Guidance

28 September, 2018



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1 GUIDANCE ON NOTICES OF MOTION

Aberdeenshire Council welcomes the submission of Notices of Motion from its Members. This guidance will support Members in using Notices of Motion effectively and encourages and promotes good practice.

The Scheme of Governance makes provision for individual Members to raise matters for consideration at Full Council, Policy and Area Committee meetings. This may be in the form of a **Notice of Motion** or by using the **Mechanism for Member Promoted Issues** as provided for in Standing Order 4.2.

Both provisions are intended to provide a degree of flexibility. It is for Members to determine which method will best meet their requirements. This guidance is for Notices of Motion, there is separate guidance on Member Promoted Issues.

The procedure and timescale for the submission and consideration of a Notice of Motion is detailed in **Appendix A**.

For Full Council, this can be used to address matters in which the Council has a general interest and in the case of Area and Policy Committees, for any matter which can be regarded as competent business for that Committee based on its remit, as specified within Part 2A of the Scheme of Governance.

When determining the admissibility of the Notice of Motion for Full Council and whether the subject matter of the Notice of Motion is of general interest to Aberdeenshire Council, the Provost may have regard to any of the following:

1. the relevancy of the subject matter to Aberdeenshire;
2. any impact on local concerns and issues;
3. any impact on residents of Aberdeenshire;
4. the work and functions of Aberdeenshire Council.

As examples of matters of general interest, Notices of Motion that have been admissible are –

- *Royal Bank of Scotland closures*, as a matter relevant to Aberdeenshire
- *Pausing of Universal Credit* as a matter that may impact local concerns and issues
- *Fair Transitional State Pension arrangements for all women born on or after 6 April 1951* as a matter that may impact residents of Aberdeenshire

- *Council commending the Aberdeenshire Child Protection Committee in response to child trafficking and exploitation, as a matter relating to the work and functions of Aberdeenshire.*

Prior to lodging a Notice of Motion, Members should take the opportunity to engage with the relevant Service on current action being taken and options available to have the subject matter addressed. This will assist Members in formulating the terms of the Notice of Motion. Guidance should also be sought from Legal and Governance on wording and competency.

Members must submit their Notice of Motion to the Director of Business Services (or the appropriate Area Manager in respect of Notices of Motion to Area Committees) and should set out the proposal succinctly and clearly. When submitting a Notice of Motion, Members should provide information to the Director, or Area Manager, where appropriate, on any steps taken to have the subject matter dealt with by the relevant Service.

Notices of Motion are not always guaranteed to be at the start of the meeting. If the Notice of Motion relates to an item of business that is on the agenda of the meeting, if deemed admissible, the Chair will indicate that the Notice of Motion will be considered at the time of the item of the related business.

Otherwise, if there is more than one Notice of Motion, they will be considered in the order of received by the Director of Business Services.

It should be noted that if the subject matter is already being dealt with by the service and is, or is due to be, reported to a future meeting of the Council/Committee, this may be a ground for inadmissibility at the discretion of the Provost/Chair.

For requests for urgent Notices of Motion which have been submitted after the deadline, the Chair will consider if the matter is genuinely urgent in considering its admissibility. In having regard as to whether the matter is urgent, the timing of when the issue first emerged may be considered, and whether that precluded normal procedure being followed.

APPENDIX A – NOTICE OF MOTION

Definition of Notice of Motion

1. A Notice of Motion is a proposal by a Member formally submitted in terms of the approved procedures to a Meeting of Council, Policy or Area Committee for discussion and thereafter possible adoption as a resolution.

When to use a Notice of Motion

2. For Council - to address matters specifically reserved to Council, as specified in Part 2A of the Scheme of Governance, or for matters in which the Council has a general interest.
3. For Area and Policy Committees - to address any matter which can be regarded as competent business for that Committee based on its remit, as specified within Part 2A of the Scheme of Governance.

How to submit a Notice of Motion

4. A Notice of Motion must be in a recorded format, identified as being from a Member and given or sent to the Director of Business Services (for Council and Policy Committee matters) or to the relevant Area Manager (for Area Committee matters) to be **received by noon, fourteen calendar days before the relevant next Ordinary Meeting**.
5. Notices of Motion may not be submitted for consideration at Special Meetings of Council, Area or Policy Committee.

At the Meeting

6. If a Member who has given a notice of motion is absent when it is to be considered at the Meeting for the first time, it shall be put on the agenda of the next ordinary Meeting. If, at the next ordinary Meeting, the Member is again absent, the notice of motion shall fall.
7. Any Member submitting a notice of motion to a Policy Committee or Area Committee for consideration, reporting or determination of the matter shall be invited to attend the Committee. If the mover (Member submitting the notice of motion) is not a member of the Committee, they may address that Committee. If the matter is sent to a Sub-Committee by the Committee, the mover shall be invited to attend and may address that Sub-Committee. Provided that unless the mover is a member of the Committee or Sub-Committee to which their motion is referred, they shall not be entitled to vote on the motion.
8. Any notice of motion remitted by the Council to a Committee or Sub Committee which is moved but not seconded shall be recorded in the Minutes.

1 MECHANISM FOR MEMBER PROMOTED ISSUES

1. A Member may complete and submit the attached MEMBER PROMOTED ISSUE FORM (“the form”) to the Director of Business Services.
2. The Director of Business Services will ensure that a report is compiled by suitably qualified officers within 28 days of receipt of the form.
3. The report will then be submitted to the next cycle of Area Committee, Policy Committee or Full Council for consideration of the business proposed.
4. The Director of Business Services will ensure that the officers compiling the report liaise with the Member who has raised the issue in the production of the report. The purpose of liaising is to ensure that the Member concerned is assisted to fully narrate and explain the background to the issue and enable the officers to accurately reflect the matter in their report.
5. Once it reaches a meeting of the Area Committee, Policy Committee or Full Council, the member who has promoted the issue may propose the recommendations and speak to the report. However, the report remains an officer report in which officers will give their professional views on the issue raised and the implications for the Council in progressing the issue further.
6. Whilst officers will strive to ensure that matters raised through this mechanism receive timeous and prompt attention, it is recognised that not all issues can receive the justified treatment they warrant in a short period of time. If the Member promoting the issue is in agreement, the period of 28 days can be extended further as appropriate so as to allow the report to be drafted with all due professional care. In the event of a Member failing to agree to extend the period of 28 days, the Director of Business Services will present a report indicating, so far as possible, the officer response to the issue being promoted and any reasons for the lack of opportunity to make full recommendations on the issue. A decision can be taken by Full Council or Committee as the case may be as to whether to further extend officer consideration of the issue or to deal with matter as presented.
7. Area Committee, Policy Committee or Full Council will give full consideration to the promoted issue and take a decision on whether to progress it further and if so minded, give appropriate instructions to officers to enable this to happen.

MEMBER PROMOTED ISSUE FORM

SUBMITTED BY MEMBER _____, WARD _____.

FULL DESCRIPTION OF THE ISSUE TO BE PROMOTED:

IS THIS ISSUE CONNECTED OR RELATED TO ANY OTHER PROJECT CURRENTLY BEING PROGRESSED, PLEASE OUTLINE:

HAS THIS ISSUE ARISEN AS THE RESULT OF ANY REPRESENTATION BY CONSTITUENTS OR OTHER PARTIES, PLEASE IDENTIFY ANY INTERESTED PARTIES:

HAS THIS ISSUE BEEN CONSIDERED IN THE PAST AND IF SO, WHEN AND BY WHOM (OFFICER OR COMMITTEE):

IF AN ISSUE PARTICULAR TO AN AREA, HAS THE AREA MANAGER BEEN CONSULTED, IF SO WHEN AND WHAT WAS THE OUTCOME?

SIGNED:

DATED: