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To: All Members of the Council

Town House,
ABERDEEN, 8 May 2012

STATUTORY COUNCIL MEETING

The Members of **ABERDEEN CITY COUNCIL** are requested to meet in Council Chamber - Town House on **WEDNESDAY, 16 MAY 2012 at 10.30am.**

Any member seeking information or advice with regard to procedures to be followed at the meeting should contact the Chief Executive or myself.

JANE G. MACEACHRAN
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

- 1 Election of Councillors - Declaration by Returning Officer
- 2 Election and Installation of the Lord Provost
- 3 Appointment of Depute Provost
- 4 Appointment of Council Leader and Depute Leader
- 5 Appointment of Members to Committees and Appointment of Conveners and Vice-Conveners - Report by the Chief Executive (to follow)
- 6 Appointment of Members to Specific Council Sub-Committees, Groups, Council Supported Trusts and Organisations - Report by Director of Corporate Governance (to follow)

- 7 Appointment of Representatives to Outside Bodies - Report by Director of Corporate Governance (Pages 1 - 12)
- 8 Appointment of Members to Aberdeen City Licensing Board - Report by Clerk to the Licensing Board (Pages 13 - 16)
- 9 Aberdeen and Peterhead Prison Visiting Committees - Appointment of City Council Representatives - Report by Director of Corporate Governance (Pages 17 - 24)
- 10 School Placings and Exclusions Appeal Committee - Pool of Members - Report by Director of Corporate Governance (Pages 25 - 28)
- 11 Local Review Body - Pool of Members - Report by Director of Corporate Governance (Pages 29 - 34)
- 12 Membership of Local Licensing Forum - Report by Director of Corporate Governance (Pages 35 - 44)
- 13 Appeals Committee - Report by Director of Corporate Governance (Pages 45 - 46)
- 14 Pensions Panel - Report by Director of Corporate Governance (Pages 47 - 50)
- 15 Appointment of Baillies - Report by Director of Corporate Governance (Pages 51 - 52)
- 16 Miscellaneous Appointments (Pages 53 - 54)
 - (a) Master of Shore Works
 - (b) Master of Kirk and Bridge Works
 - (c) Master of Mortifications
 - (d) Master of Guild Brethren's Hospital

Website Address: www.aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Martyn Orchard, tel. (52)3097 or email morchard@aberdeencity.gov.uk

ABERDEEN CITY COUNCIL

COMMITTEE	Statutory Council Meeting
DATE	16 May 2012
DIRECTOR	Stewart Carruth
TITLE OF REPORT	Appointment of Representatives to Outside Bodies
REPORT NUMBER:	CG/12/057

1. PURPOSE OF REPORT

The purpose of this report is to assist elected members in making appointments to a number of outside bodies and organisations.

2. RECOMMENDATION(S)

The Council is recommended to:-

- (a) consider the appointment of members to the various bodies listed in the appendix to the report; and
- (b) consider whether it wishes to nominate any members for the positions of President and Vice President of COSLA.

3. FINANCIAL IMPLICATIONS

The financial implications associated with this report are negligible.

4. OTHER IMPLICATIONS

None

5. BACKGROUND/MAIN ISSUES

The Council is requested to consider the appendix and appoint members to the appropriate outside bodies and organisations listed therein.

The appendix lists the name of the organisation, the number of members previously appointed by the Council and any further information relevant to the appointment.

Examples of possible combinations for appointments to outside bodies will be circulated at the same time as the reports marked 'to follow' on the agenda.

The Council is also requested to consider whether it wishes to nominate any elected members for the positions of President and Vice President of COSLA.

6. IMPACT

Once decisions have been made as to the composition of the bodies contained within the report, the relevant organisations will be contacted as to the representatives nominated, and meetings can be held.

7. BACKGROUND PAPERS

None

9. REPORT AUTHOR DETAILS

Martyn Orchard

Senior Committee Services Officer



morchard@aberdeencity.gov.uk



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APPENDIX

APPOINTMENT OF REPRESENTATIVES TO OUTSIDE BODIES

Organisation	Council Representatives Required	Additional Information
Aberdeen Airport Consultative Committee	4	
Aberdeen Art Gallery and Museums, Friends of the Gallery	1	
Aberdeen Business Improvement District (BID) Board	1	(Council Leader)
Aberdeen City and Shire Economic Future	1	
Aberdeen City Centre Association	2	(Council Leader and 1 member)
Aberdeen City Centre Closed Circuit Television Liaison Group	1	
Aberdeen Committee for Older People	1	
Aberdeen Community Safety Partnership	3	(1 member of the Police Board, 1 member of the Fire Board and either Convener of Vice- Convener of Housing and Environment Committee)
Aberdeen Domestic Abuse Partnership	3	
Aberdeen Endowment Trust	3	(At least 2 members to be from Education, Culture and Sport Committee)

Organisation	Council Representatives Required	Additional Information
Aberdeen Exhibition and Conference Centre	5	
Aberdeen Foyer	2	
Aberdeen Greenspace	4	
Aberdeen Heat and Power	2	
Aberdeen Lads Club	2	
Aberdeen Outdoor Access Forum	1	(Plus 1 substitute member)
Aberdeen Performing Arts	7	
Aberdeen Renewable Energy Group (AREG)	1	(Plus 1 substitute member)
Aberdeen Sports Council Executive Committee	1	
Aberdeen Sports Village	2	
Aberdeen Torshavn Commission	2	(Lord Provost and Council Leader)
Aberdeen Victim Support Scheme	1	
Alcohol and Drugs Partnership	3	
Alcohol Support Limited	1	
Association of North Sea Societies	1	
Association of Port Health Authorities	1	

Organisation	Council Representatives Required	Additional Information
Association for Public Service Excellence (APSE)	1	
Association for Public Service Excellence National Advisory Group on Citizen Engagement	1	
Care and Repair Initiative Scotland - Aberdeen Agency	3	
Castlegate Arts Ltd	2	
Citizens Advice Bureau Management Committee	3	
City Development Company	4	
City Garden Project Management Board	1	
City Heritage Trust	4	
Community Health Partnership	5	
Convener Court of Old Aberdeen Hammerman Trade and the Fleshers and Fisher Trade Society	3	
COSLA Best Value Elected Members Network	1	
COSLA Community Safety Executive Group	1	
COSLA Community and Wellbeing and Safety Executive Group	1	

Organisation	Council Representatives Required	Additional Information
COSLA Convention	5	
COSLA Education, Children and Young People Executive Group	1	
COSLA Health and Wellbeing Executive Group	1	
COSLA Regeneration and Sustainable Development Executive Group	1	
COSLA Resources and Capacity Executive Group	1	
COSLA Strategic Human Resource Management Executive Group	1	
Cowdray Hall Committee	6	(Members to be appointed from Education, Culture and Sport Committee)
Disabled Persons Housing Service	1	
East Grampian Coastal Partnership Management Group	1	
Enterprise North East Trust Limited	1	
Epilepsy Association of Scotland	1	
Fairer Scotland Fund Board	3	

Organisation	Council Representatives Required	Additional Information
Fersands Area Forum	3	(Local members)
Gaelic Education Advisory Group	2	
Garthdee Alpine Sports Board	5	(3 local members plus 2 other members)
General Committee for Older Peoples Week	1	
George, James and Alexander Chalmers Trust	3	(Lord Provost in an ex officio role and 2 other members)
Gordon Highlanders Museum Board	4	(Lord Provost plus 3 other members)
Grampian Community Care Charitable Trust	2	
Grampian Housing Association Ltd	1	
Grampian Houston Association	4	(The Lord Provost is an honorary member in addition to the 4 members)
Grampian Institute of Sport	1	
Grampian Japan Trust	2	
Grampian Joint Older People's Strategy	1	
Grampian Racial Equality Council	2	
Gypsy Traveller Education & Information Project (North East)	1	

Organisation	Council Representatives Required	Additional Information
Highland Reserves Forces and Cadets Association	1	
Instant Neighbour Charitable Trust	1	
Inter-authorities Standing Group on Gaelic	1	
KIMO	1	
Langstane Housing Association Ltd	1	
Local Authority Fair Trade Forum	1	
MacDonald Art Committee	4	
Mastrick Young Unemployed Project	3	(Local members)
Mental Health Aberdeen City Council	1	
Middlefield Community Project Management Committee	3	(Local members)
Museums Galleries Scotland	1	
National Council on Deafness	1	
National Society for Clean Air and Environmental Protection	1	
NEM (SITA) Management Board	1	

Organisation	Council Representatives Required	Additional Information
NESTRANS (North East Scotland Transport Partnership)	4	(Plus 4 substitute members)
NESTour	3	
NHS Grampian Board	1	A meeting is to be held on 12 June 2012
North East Agricultural Advisory Committee	5	
North East Scotland Climate Change Partnership	1	
North East of Scotland Port Welfare Committee	1	
North East Scotland Touring Arts Co-ordinating Association	2	
North East Sensory Service (NESS)	1	
North East Waste Partnership	2	
North Sea Commission and East of Scotland European Consortium	1	
Northfield Area Forum	3	(Local members)
Oakbank School of Governors	9	
Peacock Printmakers Ltd Board of Management	3	
POLIS	1	

Organisation	Council Representatives Required	Additional Information
Powis Community Project	3	(Local members)
Primrosehill Family Centre	3	(Local members)
Printfield Community Project	3	(Local members)
Rail Transport Working Party	2	
Retail Rocks PSG	1	
Retail Rocks Abdn Ltd	3	
Robb's Trust	2	
Robert Gordon's College Board of Governors	4	
Robert Nichol Trust	1	
Royal Scottish National Orchestra	1	
Rubislaw Field Committee	3	
St Machar Parents Support Project	3	
Satrosphere	2	
SCARF	2	
Scotland Excel	2	
Scottish Accident Prevention Council - Water and Leisure Safety; Road Safety; and Home Safety	3	(1 member to be appointed to each of the 3 committees)

Organisation	Council Representatives Required	Additional Information
Scottish Councils' Committee on Radioactive Substances	1	
Scottish Council on Deafness	1	
Scottish Council for Single Homeless	1	
Scottish Joint Negotiating Committee for Teaching Staff	1	
Scottish Local Government Against Poverty	2	
Shopmobility Management Committee	2	
South Aberdeen Coastal Regeneration Project Steering Group	1	
Sport Aberdeen	3	
Strategic Development Planning Authority	6	(Plus 6 substitute members)
Transition Extreme Limited Board	1	
University of Aberdeen University Court	1	
Voluntary Service Aberdeen Board	1	
William Harvey Trust	1	
Woodside Neighbourhood Community Planning and Regeneration Network	3	(Local members)

Organisation	Council Representatives Required	Additional Information
World Energy Cities Partnership	1	(Traditionally held by Lord Provost)

ABERDEEN CITY COUNCIL

COMMITTEE: Council

DATE: 16 May 2012

CLERK TO THE BOARD: Jane MacEachran

TITLE OF REPORT: Appointment of Members to Aberdeen City
Licensing Board

REPORT NUMBER: CG/12/028

1. PURPOSE OF REPORT

The purpose of this report is to advise Members of the procedure for establishing a Licensing Board for the City of Aberdeen.

2. RECOMMENDATION(S)

That the Council:

1. determine the number of Members to be elected to the Licensing Board, and
2. elect the appropriate number of Members to the Licensing Board.

3. FINANCIAL IMPLICATIONS

The training cost will be met from the Member Training Budget.

4. OTHER IMPLICATIONS

None

5. BACKGROUND/MAIN ISSUES

5.1. Membership

The Licensing (Scotland) Act 2005 and the Gambling Act 2005 require that a Licensing Board be established in each Local Authority area.

The Licensing (Scotland) Act 2005 provides that the Council **must** at their first meeting after each ordinary election of the council, hold an election of Members to the Licensing Board.

The Board should consist of such number, being not fewer than 5 and not more than 10, of elected Members as may be determined by the Council.

A quorum for a meeting of a Licensing Board is one half of the number of Members, but in any case not fewer than 3.

The Board currently has 9 Members. This number prevents the occurrence of a situation whereby the Convener has to use a casting vote on applications.

5.2 Disqualification from Membership

The Licensing (Scotland) Act provides that a Councillor is disqualified from election as, and from being, a Member of the Licensing Board if the Councillor is -

- (a) a premises licence holder
- (b) an employee of a premises licence holder and works as such in a licensed premises,
- (c) whether alone or in partnership with another person, engaged in the business of producing or selling alcohol,
- (d) a director or other officer of a company so engaged, or
- (e) an employee of any person so engaged and works as such in that business.

5.3 Tenure of Office

A Member of a Licensing Board holds office during the period (i) beginning on the day after the Member's election, and (ii) ending on the day on which the next election of Members of the Board is held.

A Member of a Licensing Board:

- is eligible for re-election as a Member
- may, at anytime, resign by giving notice to the Clerk of the Board and
- ceases to hold office (i) on ceasing to be a Councillor or (ii) on becoming disqualified from being a Member of the Licensing Board.

5.4 Training

Each Licensing Board Member must, within 3 months of being elected or re-elected undertake training and produce to the Clerk to the Board their Scottish Licensing Board Members' Certificate (SCLBM) within 4 months and cannot take part in any Board proceedings until they have done so.

Should a Member fail to successfully complete the training and produce their training certificate within the 4 month period, the Member ceases to hold office as a Member of the Board.

Officers have set aside Tuesday 29 May 2012 as the date on which Board Members will undertake the statutory training.

The previous training provider has been contacted and agreed to provide the training and exam at the Town House on that date. This was on the basis that current Members were satisfied by the service provided by this training provider previously.

5.5. Frequency of Meetings

The Board meets on an eight week cycle. Additional meetings of the Board may be called in agreement with the Convener.

6. IMPACT

None

7. BACKGROUND PAPERS

None

8. REPORT AUTHOR DETAILS

Arlene Dunbar, Administration Officer, ardunbar@aberdeencity.gov.uk
3411

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ABERDEEN CITY COUNCIL

COMMITTEE	Council Statutory Meeting
DATE	16 May 2012
DIRECTOR	Stewart Carruth
TITLE OF REPORT	Aberdeen and Peterhead Prison Visiting Committees – Appointment of City Council Representatives
REPORT NUMBER:	CG/ 12/038

1. PURPOSE OF REPORT

The report requests the elected members to consider the appointment of Aberdeen City Council's representatives on the Aberdeen and Peterhead Prison Visiting Committees.

2. RECOMMENDATION(S)

That the Council appoint:-

- (a) four people to serve on Aberdeen Prison Visiting Committee, in accordance with the detail at 5.2.1 and 5.2.2 of the report; and
- (b) three people to serve on Peterhead Prison Visiting Committee, in accordance with the detail at 5.2.4 of the report.

It would be possible to delegate the appointments to Group Leaders. Although it is preferred that representatives be appointed directly this afternoon.

3. FINANCIAL IMPLICATIONS

Democratic Services has traditionally supplied a Committee Services Officer to act as Clerk to Aberdeen Prison Visiting Committee. This has been done gratis on account of what is usually the relatively low workload implications.

However, the Cabinet Secretary on 5 December 2011, announced his decision to disband Visiting Committees. On the basis of the latest update from the Minister, it is anticipated that Visiting Committees will be disbanded as of 1 April 2013, and the new service will begin. Therefore the services of Democratic Services will no longer be required from then on.

4. OTHER IMPLICATIONS

N/A

5. BACKGROUND/MAIN ISSUES

Aberdeen and Peterhead Prison Visiting Committees

5.1. Background

5.1.1 Many elected members will be familiar with the role of Prison Visiting Committees which, very broadly, act on behalf of the First Minister as independent observers concentrating on the conditions in prisons and, in particular, the treatment of prisoners.

5.1.2 Some form of independent oversight of prisons in Scotland has existed for well over a century. The modern context of the Visiting Committee is a sophisticated one which assumes harmony between the Committee and the Governor but, ultimately, provides for the possibility that the Committee might not be satisfied by remedial action taken by the Governor in response to its concerns, and for the referral of difficulties to the First Minister.

5.1.3 Ideally, and this is certainly the case at present in Aberdeen and Peterhead, the Governor welcomes the involvement and participation of the Visiting Committee in the strategic planning process but, ultimately, the Committee has no veto in value judgements reached in the course of that process. However, the absence of ultimate managerial responsibility does not entail lack of real influence.

5.1.4 Every member of a Visiting Committee has the right to enter the establishment at any time and to have access to every part of it, and to every prisoner. This right must of course be exercised with common sense, and with due regard to the routines of the establishment. A visiting rota is arranged, with a minimum of two members visiting every fortnight. The new Committees have to be appointed by Aberdeen City Council and Aberdeenshire Council, and, ideally, the City Council representatives - for Aberdeen *and* Peterhead - would be appointed at today's meeting.

5.2. Appointments

Aberdeen Prison Visiting Committee

5.2.1 The legislation determines that Aberdeen Prison Visiting Committee should have six members in total, four appointed by the City Council and just two by Aberdeenshire Council. Of the

four to be appointed by the City Council, there need be no elected member at all. However, traditionally, the Council has gone for two elected members (no more than two can be appointed) and two external members (i.e. non-members of the Council).

5.2.2 There is some confusion about this issue. The legislation is framed in such a way as to emphasise that Councillors should not outnumber "external" members, meaning that, at the very least, there should be parity between the two categories. However, it is not the case that that parity is itself obligatory, and all four City Council representatives could be "externals".

5.2.3 The current City Council appointments on Aberdeen Prison Visiting Committee are as follows:-

Councillor Kiddie (Convener of the Committee)
Councillor Allan
Eileen Lawson (external)
Fraser Forsyth (external)

Eileen Lawson has confirmed that she would wish to continue her membership on the Committee. Whilst Councillors Allan and Kiddie, and Fraser Forsyth have been elected as Councillors in the Local Government election for the Aberdeen City area.

Peterhead Prison Visiting Committee

5.2.4 The Council also has to make appointments to the Peterhead Committee, which is supported by Aberdeenshire's legal department. There is a slight difference here, however; the statutory rules for Peterhead stipulate that the Council needs to appoint only *three* representatives. Again, all three can be external members but, in this case, external members *can* be outnumbered by Councillors and so here the choice is between three externals, two externals and one elected member, or two elected and one external (i.e. three elected is not possible).

5.2.5 The current City Council appointments on Peterhead Prison Visiting Committee are as follows:-

Councillor Donnelly
Ms Heather Morgan
Mr William Stark

5.3. The Association of Visiting Committees for Scottish Penal Establishments – Appointment Procedure

As members may recall the Association of Visiting Committees for Scottish Penal Establishments has promoted the idea that local authorities should adopt a new procedure for the appointment of external members, this to involve advertisements

in the local press to invite people living within reasonable travelling distance of the prison in question to apply for membership to the Visiting Committee. Accordingly, a Council would establish a Visiting Appointments Panel, and this panel would conduct a recruitment process leading to the establishment of a pool of suitable candidates from which, subsequently, the Council would make the necessary appointments.

- 5.3.2 A number of local authorities have decided to follow this new procedure for the selection of external members, however this is not mandatory and to date, the Council have chosen not to adopt this new process. In light of the Cabinet Minister's announcement of his decision to abolish Visiting Committees, it would seem cumbersome to implement this for what could be the Council's last external appointments to the Committee. That being said, it is a decision for Council to make.

5.4 Future of Visiting Committees

- 5.4.1 As referred to above, the Cabinet Secretary for Justice on 5 December 2011, announced his decision to disband Visiting Committees and to replace the current function of the Visiting Committees with a dedicated independent prisoner advocacy service which will be delivered by a consortium of third sector organisations across the whole prison estate. The Government is now conducting the required process for this change. This is a lengthy process which includes the requirement for a draft order and explanatory document still to be laid before Parliament, and a subsequent public consultation process also to be held. It is worth highlighting that the decision has not been welcomed by Visiting Committees for a number of reasons, and in this regard the Association of Visiting Committees continues its campaign to reverse the Minister's decision.

- 5.4.2 Given, the early nature of the process, and the ongoing dialogue with the Association of Visiting Committees, it cannot be said that an ultimate decision has been made, however the likelihood is that Visiting Committees will cease. On the basis of the latest update from the Minister, it is anticipated that Visiting Committees will be disbanded as of 1 April 2013, and the new service will begin. Therefore, the appointments made by Council today would be for the entirety of the period leading up to the commencement on the new service.

6. IMPACT

Corporate - The Council is statutorily obliged to appoint members to the Committees; the value judgements underpinning the existence of the Committees are outlined in the narrative.

6. BACKGROUND PAPERS

Letter from Cabinet Minister to Prison Visiting Committees dated 5 December 2011 (attached at Appendix 1)

Letter from the Scottish Government in relation to Prison Visiting Committees and elected member arrangements post-election dated 25 April 2012 (attached at Appendix 2)

9. REPORT AUTHOR DETAILS

R MacBeath, Senior Democratic Services Manager



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(52)3054

αβχδεφγηιϑ

5 December 2011

Dear Colleague

I am writing to you to inform you of the outcome of the consultation on independent monitoring of prisons and have attached a copy of the Analysis Report for your information.

I would firstly like to thank you for your hard work and dedication in the role you carry out as a volunteer, I appreciate the time, effort and commitment that you have brought to your role. I place a high personal value on the role that is played by those who make the commitment to volunteer in the pursuit of public service. I appreciate this has been an uncertain time for you as you waited for the outcome of the recent consultation. I thank you for your patience in this regard and I am pleased that I can now confirm the decision I have made and the thinking behind that decision.

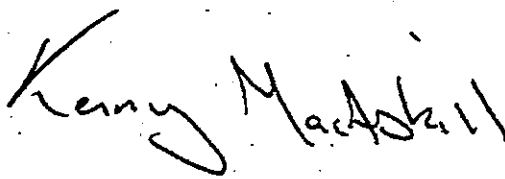
I am sure that you will share my view that it is crucial that prisoners have the right to an independent service to raise issues they have regarding their treatment and rehabilitation, and also to be confident that these issues are dealt with effectively. I have carefully considered and balanced the wide range of views expressed in the consultation and have concluded that the evidence supports my decision that the time is now right to replace the current function of the Visiting Committees to reflect the changing environment in which we operate.

The current service will be replaced by a dedicated independent prisoner advocacy service which will be delivered by a consortium of third sector organisations across the whole prison estate. I am committed to continually improving our public sector and ensuring it operates to maximum efficiency and this change is one part of a wider set of reforms, including moving to a single Police Service, and a single Fire and Rescue Service, as well as other changes to rationalise the number of public bodies and simplify the landscape. This new service will support prisoners who may otherwise have difficulty using established routes to access mainstream services, with the aim of improving prisoner links with the community.

Visiting Committees were established in the 19th Century when prisoner care was significantly different from the current day. Over this time the prison landscape has changed and it is right that the support for prisoners should do so too. Prisons today are more accountable, transparent and open than when the Visiting Committees were first set up. HM Chief Inspector of Prisons carries out routine inspections, announced and unannounced follow up inspections and provides a detailed report with recommendations. There is also a wide range of service providers who regularly visit and work in prisons who deal with prisoners on a regular basis. The skills set for the advocacy service will require the provider to have a local knowledge of working with offenders and will require them to support prisoners in improving communication with families; literacy issues; referrals in and out of prison; establish links with the local community and prisoners returning to communities. Service providers will have both advocacy experience and qualifications where appropriate. The advocacy service will visit the prison on a regular announced basis. The tendering process for the service will commence early in 2012 and I envisage the new service to be up and running later in the year. Until the new service is in place Visiting Committees will continue to operate as they currently do. My officials will provide updates on proposals and timings as they develop.

In reaching my decision I weighed the evidence from a wide range of sources. The view of prisoners themselves was an important element in reaching that decision. In addition to the formal consultation, my officials facilitated prisoner focus groups, speaking with approximately 150 prisoners from four different prisons. The prisoners involved in the focus groups made it clear that they would be in favour of a dedicated service that they could use to speak to about issues which are of concern to them and which could provide advice and support independent of the Scottish Prison Service. The Analysis report can be found on the Scottish Government website at www.scotland.gov.uk/Publications/2011/12/01141729/0

Again, I would like to take this opportunity to thank you again for your dedicated work and commitment and I wish you well in any future or continuing role you play in volunteering in the delivery of public service.



KENNY MACASKILL

Anil Gupta
Community Resourcing Team
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25 April 2012

Dear Anil,

I thought it would be helpful to set out our position on Visiting Committees in advance of the Local Authority elections and provide guidance on how we envisage the Visiting Committees to continue until the new replacement service is in place. This is proposed for April 2013.

As you will be aware, in the recent parliamentary debate on visiting committees it was recognised that an independent prisoner advocacy service would contribute to better offender outcomes, which the Scottish Government is committed to deliver. The debate did however raise concerns about the future independent monitoring of prisons. The Scottish Government accepts that monitoring is required and has committed to address this by continuing to work closely with partners to help shape the thinking about how we ensure there is effective independent monitoring of prisons.

The Cabinet Secretary for Justice will be publishing a section 14 order to remove the prison visiting committees under the Public Services Reform (Scotland) Act 2010 at the end of May 2012, together with a proposed draft order and an explanatory document, which will also be published on the Scottish Government website. The consultation period will last for 60 days. This will provide a further opportunity for the Government to seek a broad range of views on the proposals.

Until the new service is in place Visiting Committees will continue to operate as they currently do. Therefore the elected member complement for each of the current Visiting Committees will still be required after the May elections.

I would be grateful if you can disseminate this information with local council officials. Any questions regarding the above can be directed to Hannah Keates at hannah.keates@scotland.gsi.gov.uk or 0131 244 6925.

Yours ever,
Joe

ABERDEEN CITY COUNCIL

COMMITTEE	Council Statutory Meeting
DATE	16 May 2012
DIRECTOR	Stewart Carruth
TITLE OF REPORT	School Placings and Exclusions Appeal Committee - Pool of Members
REPORT NUMBER:	CG/ 12/037

1. PURPOSE OF REPORT

This report seeks the Council's approval to appoint a pool of Councillors and external members from which individuals will be drawn to form the membership of the School Placings and Exclusions Appeal Committee.

2. RECOMMENDATION(S)

The Council is recommended:-

- (1) to appoint a pool of Councillors and external Members from which individuals can be drawn to form Appeal Committees, comprising (i) all Members of the Council; (ii) Members of School Parent Councils who were previously Members of the Pool; (iii) Ex-Members of former School Boards/Parent Councils who have experience of the Committee on the basis that training sessions are attended; and (iv) Members of the Council who have demitted office and who have expressed an interest in participating in the work of the Committee;
- (2) to appoint the Senior Democratic Services Manager as the Clerk to the School Placings and Exclusions Appeal Committee and to authorise Martin Allan, Martyn Orchard and Allison Swanson as Assistant Clerks to act in his name; and
- (3) to agree that Council accommodation continue to be used for hearings for the reasons set out in paragraphs 3.1 and 3.2 of this report.

3. FINANCIAL IMPLICATIONS

No significant additional costs although external members are entitled to claim travel allowances. Training costs are met from existing budgets for training of members and staff. In the future, there may be significant costs arising from the need to hire accommodation in hotels or so called "neutral" venues and this is addressed in the report.

4. OTHER IMPLICATIONS

None.

5. BACKGROUND/MAIN ISSUES

1. **Introduction**

- 1.1 The Council is required to establish a School Placings and Exclusions Appeal Committee in terms of the Education (Scotland) Act 1980 and 1981, as amended, to hear appeals against the refusal of parental requests to place children in particular schools and against the decisions of the Education Authority to exclude pupils from the schools which they attend.
- 1.2 The statutory requirement is for an Appeals Committee to be drawn from a pool of individuals with each committee comprising three, five or seven members; statute also states that Councillors may not outnumber lay members by more than one and that no member of a Council's Education Committee may chair a meeting.
- 1.3 The majority of appeals are submitted by parents who have not been successful in their requests to have their children placed in particular schools. These appeals begin to be submitted in early May and hearings can continue throughout the summer until late August. The first of the appeal hearings is normally held about a month later, with the majority being held during June and July. Accordingly, meetings can be very frequent during the holiday period when it is most difficult to secure a full committee membership. It is not unusual for the committee to meet four or five times a week during this period, and occasionally twice a day. The number of appeals submitted varies; last year, 76 appeals were received and over 30 meetings held.
- 1.4 Statute requires that appeals be dealt with within 28 days of the date of receipt and accordingly the majority of appeals will continue to be disposed of during June. Statute also requires that the Council be able to hold two meetings concurrently, if necessary, but so far this has not been required.
- 1.5 Over the years, there has been continuing difficulty in obtaining a sufficient number of members to allow hearings to run with more than three members sitting and all now run with the statutory minimum. In an effort to increase the size of the pool of members available, the Council previously agreed that all members of the Council be appointed, not just those on the Education Committee and further agreed that external members who are no longer chairs of School Boards but who had experience of the Appeal Committee be permitted to continue membership and that members of School Parent Councils who are not chairs also be invited to join the pool.

2. **Recruitment**

- 2.1 There are still difficulties in securing and retaining a significant number of external members. However, over the past two years we have been successful in securing and retaining 7 external members. These members have been vital to process and have become experienced in their role, in order to retain their services, it is recommended that external members of the pool be permitted to continue their membership as long as they participate in training courses. Some members of the Council who have demitted office have indicated that they would be willing to continue to participate in the work of the committee and, accordingly, it is further recommended that such members be invited to accept appointments as external members of the pool. Occasionally, Councillors or external members will bring to our attention the name of a particular individual who would be willing to join the pool of members and it is proposed that, in the event of this occurring, such individuals be welcomed on the basis that they meet the statutory requirements and that they receive training before sitting on any Committee.

3. **Accommodation**

- 3.1 In 2000, the Scottish Committee of the Council on Tribunals, which supervises tribunals operating in Scotland, published a report on Education Appeal Committees and one of its recommendations to COSLA was that neutral venues should be used for appeal hearings, as opposed to buildings belonging to the authority, as an appellant may perceive as this being contrary to the human right of a fair trial. COSLA's response has been to recommend that the use of Education Authority (by which is meant the Council) premises should be avoided wherever possible, although COSLA acknowledged that practical considerations may dictate the use of Council premises on occasion.
- 3.2 The Clerk's view on this issue is that Council accommodation at the Town House is modern, central, easily accessible, has a microphone system in each room, is accessible for people with ambulatory difficulties and is the location of the officers responsible for administering the appeal process. Other accommodation may not be of this standard, maybe less accessible and would undoubtedly require to be hired. If it is the perception of neutrality which is the issue - and it appears to be the case - I would suggest that this Council's practice of always appointing external chairs, as opposed to appointing a Councillor as the regulations permit, is more indicative of neutrality to an appellant than the choice of venue.
- 3.3 More recently, in November, 2006, the Scottish Executive published proposals to reform Education Appeal Committees and amongst the issues proposed was the use of suitable venues, bearing in mind the previous recommendations of the Scottish Committee of the Council on

Tribunals. More specifically, it appears that the hiring of hotels was being envisaged. The consultation analysis was published at the end of March, 2007, which showed that this concern over neutral venues had been questioned by a number of respondents. However, it is for the Government to decide whether to take this proposal forward or not, and if it does, there will undoubtedly be financial implications arising.

5. IMPACT

Corporate - As well as being a statutory requirement, the School Placings and Exclusions Appeal Committee increases the number of citizens volunteering.

Public - A diverse membership of the pool would be welcomed. In terms of access to the committee rooms, the Town House is compliant with the requirements of the Disability Discrimination Act.

7. BACKGROUND PAPERS

9. REPORT AUTHOR DETAILS

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ABERDEEN CITY COUNCIL

COMMITTEE	Council Statutory Meeting
DATE	16 May, 2012
DIRECTOR	Stewart Carruth
TITLE OF REPORT	Local Review Body – Pool of Members
REPORT NUMBER:	CG/12/047

1. PURPOSE OF REPORT

This report seeks the Council's approval to appoint a pool of councillors to form the membership of the statutory Local Review Body.

2. RECOMMENDATIONS

The Council is recommended:-

- (1) to appoint a pool of councillors from which individuals can be drawn to form members of the statutory Local Review Body; and
- (2) to note that appropriate training will be provided to the pool of members appointed.

3. FINANCIAL IMPLICATIONS

There are no direct financial implications relating to this report.

4. OTHER IMPLICATIONS

None.

5. BACKGROUND/MAIN ISSUES

1 INTRODUCTION

- 1.1 The Council is required to establish a Local Review Body in terms of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.
- 1.2 Part 3 of the Planning Etc (Scotland) Act 2006 (the 2006 Act) introduced a number of important changes to the planning appeals system in Scotland. At the centre of these are the provisions covering new schemes of delegation for local

developments and the opportunity for the applicant to seek a review of a decision by the Planning Authority in certain circumstances where an appeal to Scottish Ministers will no longer be available. The new provisions are intended to improve efficiency in the decision making process whilst retaining a high quality of determination. The Scottish Government's intention is that planning authorities should make the most effective use of powers to delegate decisions of straightforward planning applications to officials, allowing elected members to focus attention on more complex or controversial applications. The approach taken in the legislation and regulations is to provide planning authorities with significant scope to develop schemes of delegation that are appropriate for local circumstances and to provide a clear framework for conducting reviews of decisions locally.

- 1.3 The Council adopted a scheme of delegation in 2009 - which was subsequently approved by Scottish Ministers, as required by legislation (a copy of which forms the appendix to the report).
- 1.4 As set out in the legislation, where an application for planning permission, or for consent, agreement or approval of a proposal in the category of local developments falling within the scheme of delegation has been
 - refused by an appointed officer
 - granted subject to conditions or
 - has not been determined within the prescribed period (2 months) but is of a class of application that falls within the scope of delegation
 the applicant may require the planning authority to review the case. The legislation requires that review cases are to be conducted by a committee of the planning authority comprising at least 3 members of the authority. Since the Local Review Body was set up in Aberdeen City Council, the membership has been 3 councillors and it is proposed to retain this format for the time being.
- 1.5 Members participating in review cases will receive appropriate training in planning issues and in how to conduct the Local Review Body process and it is essential that early training sessions for the pool of members appointed to the Local Review Body are held.
- 1.6 The Council agreed that any member in the pool will not be allowed to sit on the Local Review Body if one of the cases to be determined is within that Councillor's ward. As such, it is important that the pool of members is sufficiently large to give flexibility in terms of membership.
- 1.7 The Council, in its previous term, had 16 members who formed the pool for the Local Review Body and a similar or greater number would be required in this term.
- 1.8 In 2011 there were 9 meetings of the Local Review Body considering a total of 11 cases.

6. IMPACT

None.

7. BACKGROUND PAPERS

None.

9. REPORT AUTHOR DETAILS

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SCHEME OF DELEGATION

PLANNING ETC (SCOTLAND) ACT 2006

THE TOWN AND COUNTRY PLANNING (SCOTLAND)
ACT 1997

Introduction

In keeping with the aims of the Scottish Ministers that the planning system should respond in a more proportionate and efficient way to proposals that come before it and to ensure that applications for planning permission are dealt with in a way that is appropriate to their scale and complexity, Aberdeen City Council as planning authority for the city have adopted this Scheme of Delegation.

This Scheme of Delegation has been prepared in pursuance of the provisions of Section 43A of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act), as introduced by Section 17 of the Planning etc. (Scotland) Act 2006, and in accordance with the requirements set down within The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

The meaning of all words and phrases used within this Scheme, where not otherwise given, will be as provided for under the various Acts and Regulations referred to.

For the avoidance of doubt attention is drawn to the fact that, in accordance with the Planning etc. (Scotland) Act 2006, the Scottish Ministers will determine what applications fall into the category of “major development” or the category of “local development”. There is no scope for local interpretation either by planning authorities, applicants or by other stakeholders.

“Local development” for the purposes of this Scheme of Delegation will include all development other than national development, as designated in a National Planning Framework document prepared and published by the Scottish Ministers under Part 1A of the 1997 Act; and major development, as identified in terms of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

Scheme of Delegation

1. Appointed Officer. The Council as planning authority shall for the purposes of this Scheme of Delegation, appoint a member of its professional planning staff to act as the “appointed officer”, whose duties, subject to the terms of paragraphs 2 and 3 hereof, shall be to determine:-

- (a) all applications for planning permission in respect of development within the category of local development; and
- (b) all applications for consent, agreement or approval required by a condition imposed on a grant of planning permission for a development within the category of local development.

2. Prohibition. The appointed officer under this Scheme of Delegation is prohibited however from determining an application for planning permission for development within the category of local development, where:-

- (a) that application has been made by or on behalf of Aberdeen City Council (the planning authority) or a member of that authority; or
- (b) that application has been made by or on behalf of a member of staff directly involved with the Planning Service provided by the planning authority, by or on behalf of the Chief Executive or by or on behalf of any other member of the Senior Management Team, of the planning authority; or

- (c) that application relates to land in the ownership of the planning authority or in respect of which the planning authority have a financial interest; or
- (d) that application relates to development (one) which will for whatever reason, if supported by the planning authority, require to be the subject of formal notification to the Scottish Ministers, or (two) in respect of which it has been decided, an Environmental Impact Assessment should be undertaken; or
- (e) that application relates to proposed development which would require to be the subject of a notice in a newspaper circulating in the locality in which the neighbouring land is situated, in accordance with regulation 20(1)(c) and Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008; or
- (f) that application has been the subject of formal objection by the local Community Council, by local roads officers or by local environmental health officials; or
- (g) that application following advertisement and/or notification has been the subject of a level of timeous objection which the planning authority have pre-determined as significant and to warrant consideration of the proposal by the Development Management Sub-Committee (or equivalent). [For the purposes of this Scheme of Delegation the Development Management Sub-Committee have indicated that six (6) or more letters of objection would represent a significant level of opposition to any local development proposal.]

3. Particular Circumstances. The powers delegated to the appointed officer under paragraph 1 hereof are further qualified to the extent outlined in the provisions of Section 43 A (6) of the 1997 Act. Accordingly the planning authority may decide, for whatever reason, that the particular circumstances of an application which would in terms of this Scheme fall to be determined by the Appointed Officer are such that the application should be determined by the Development Management Sub-Committee. Applications shall be identified for potential treatment in accordance with the provisions of Sections 43A(6) and (7) of the Town and Country Planning (Scotland) Act 1997, by the Head of Planning and Sustainable Development who, in consultation with the Convener of the Development Management Sub-Committee, shall bring such cases to the notice of elected members in the form of a report to that Committee.

Review

The Governments proposals for modernising the planning system involve changes to the appeals process. It continues, however, to be an important aspect of the modernised system that applicants who are unhappy with the terms of a planning decision have recourse to a process that enables an effective review of that decision to take place. It is also clear that people should have access to a review process which avoids unnecessary complexity or lengthy procedures that do not add value to the quality of a decision.

Accordingly, applicants for planning permission whose proposals are determined under this Scheme of Delegation will have the right to seek a review of the decision taken, by lodging a Notice of Review to that effect with the local planning authority.

A Notice of Review in accordance with the terms of regulation 9 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008, would require to be served on the Local Review Body within a period of three months from the date of the decision notice or (in a deemed refusal situation) from the date of expiry of the period allowed for determining the application.

commser/socals/valentine/Scheme of Delegation Planning

ABERDEEN CITY COUNCIL

COMMITTEE	Statutory Council
DATE	16 May 2012
DIRECTOR	Stewart Carruth
TITLE OF REPORT	Membership of Local Licensing Forum
REPORT NUMBER:	CG/12/048

1. PURPOSE OF REPORT

To establish a Local Licensing Forum for Aberdeen, in accordance with the Licensing (Scotland) Act 2005.

2. RECOMMENDATION(S)

- (i) that the Council re-establish Aberdeen Local Licensing Forum, and to re-appoint the current members as listed in Appendix A;
- (ii) delegate powers to the Forum to adjust membership as the need arises; and
- (iii) determine whether it wishes to appoint a representative to the Forum and, if so, to make such an appointment.

3. FINANCIAL IMPLICATIONS

There are no financial implications arising directly out of this report.

4. OTHER IMPLICATIONS

The Council has a statutory requirement to retain the Forum and could be challenged if it does not.

5. BACKGROUND/MAIN ISSUES

- 5.1 Under the Licensing (Scotland) Act 2005, each Council was required to establish and retain a Local Licensing Forum for their area. The Council in 2007 approved the establishment of a Forum, which has been operating since that time.
- 5.2 The Forums must meet at least 4 times a year and have one joint meeting with the Licensing Board each year. Currently the Aberdeen Local Licensing Forum meets every 8-10 weeks and aims to meet with the Licensing Board twice a year. However due to time constraints this tends to be an annual meeting, in accordance with statutory requirements.

- 5.3 A Forum must consist of between 5 and 21 members as the Council may determine. A list of current members is attached as Appendix A.
- 5.4 The other members are to be representative of the 5 key interest areas which are:
- holders of premises licenses and personal licenses (licensees)
 - the Chief Constable for the police area in which the Forum's area is situated
 - persons having functions relating to health, education or social work
 - young people
 - persons resident within the Forum's area.
- 5.5 The Forum's role is to keep under review the operation of the Licensing Act in the Forum's area and to give advice and make recommendations to the Board in relation to those matters as the Forum considers appropriate, particularly in relation to the five licensing objectives prescribed by the Act. This will be mainly at a policy level as the Forum cannot comment on individual cases. The Aberdeen Local Licensing Forum constitution is attached as Appendix B for information.
- 5.6 Licensing Boards and local authorities are free to adopt their own individual working practices and innovative ways for the Forums to carry out their work provided they are consistent with the provisions of the Act.
- 5.7 Licensing Forums are independent from the Licensing Board and it is the responsibility of the Council to select Forum members. This process will take into account the mandatory requirements of the Act and local representation.
- 5.8 The Council agreed in October 2007 that it should be represented on the Forum. Three members were appointed although only one, Councillor Greig, remains on the Forum. The Council is asked to consider whether it wishes to continue being represented on the Forum. Whilst the relevant legislation does not prevent an elected member being appointed to the Forum, any member appointed could not also be a member of the Licensing Board. At present, there would be one vacancy for a representative of the Council on the Forum.
- 5.9 An effective Licensing Forum should be widely recognised as being both independent and expert. To ensure independence, the Forum should develop an identity that is clearly separate from the Licensing Board or any other interest groups.
- 5.10 The Forum has indicated that it wishes to hold a joint meeting with the Board shortly after it has been appointed, and that this be an information-sharing exercise on the five licensing objectives.

6. IMPACT

Corporate - The Licensing Forum is an example of cross-service and partnership working.

Public - Meetings of the Licensing Forum are open to the public.

7. BACKGROUND PAPERS

None

9. REPORT AUTHOR DETAILS

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Appendix A

ABERDEEN CITY MEMBERSHIP OF THE LOCAL LICENSING FORUM
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REPRESENTATIVES OF HOLDERS OF PREMISES LICENSES/PERSONAL
LICENSES

George Wyatt	Aberdeen Excise License Holders Association
Craig Adams	Holders of Premises Licenses/Personal Licences
Gerard Rattray	Holders of Premises Licenses/Personal Licences

REPRESENTATIVE OF THE CHIEF CONSTABLE

Inspector John Soutar	Grampian Police
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REPRESENTATIVES OF FUNCTIONS RELATING TO HEALTH,
EDUCATION AND SOCIAL WORK

Sandy Kelman	Alcohol and Drugs Partnership
David Wright	Education
Tom Cowan	Social Care
Linda Smith	Health
Heather Manning	Samaritans

REPRESENTATIVES OF COMMUNITY SAFETY

Garry Burnett	Grampian Fire and Rescue
Mark Donlevy	Unight Scheme
Michelle Wall	Unight Scheme
Bob Westland	Security Industry

REPRESENTATIVES OF YOUNG PEOPLE

Barry Black	Member of Scottish Youth Parliament
Callum Martin	Robert Gordon University

REPRESENTATIVE OF ABERDEEN CITY COUNCIL

Councillor Greig	Aberdeen City Council
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REPRESENTATIVE OF RESIDENTS WITHIN THE FORUM'S AREA

Allan McIntosh	Aberdeen Civic Forum
Ken Eddie	Aberdeen Civic Forum
Mary Crawford	Aberdeen Civic Forum

LICENSING STANDARDS OFFICER

Raymond Morrison or Diane Sande	Licensing Standards Officer
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Appendix B

ABERDEEN LOCAL LICENSING FORUM

CONSTITUTION

The following sets out the Constitution for the ABERDEEN LOCAL LICENSING FORUM (hereinafter referred to as “the Forum”).

1. NAME

The name of the organisation shall be ABERDEEN LOCAL LICENSING FORUM.

2. AGE

In order to be eligible for membership of the forum, a person must be aged 16 years or above.

3. GEOGRAPHICAL BOUNDARY OF THE FORUM

The geographical boundary of matters that the Forum shall deal with shall coincide with the boundaries of Aberdeen City Council.

4. TERMS OF REFERENCE

The terms of reference of the Forum are as follows:-

- (i) to keep the liquor licensing system in Aberdeen under regular review and to respond to consultation exercises undertaken by the Aberdeen City Licensing Board and the Scottish Government as appropriate;
- (ii) to consider the implications of relevant local data and statistics provided by the local police force, the local Health Board and the various Aberdeen Drugs and Alcohol Groups;
- (iii) to meet the Aberdeen City Licensing Board at least once per year; and
- (iv) to give advice and make recommendations to the Aberdeen City Licensing Board in relation to any matters that the Forum considers appropriate, excepting individual licensing applications.

5. MEMBERSHIP

In terms of the Licensing (Scotland) Act 2005 (“the Act”), the Forum shall consist of not fewer than five and not more than twenty members from the various representative groups specified in the Act.

Members will be appointed at the first meeting of Aberdeen City Council following an election and will serve for the term of that Council, after which they will be eligible for re-election.

Any vacancies during this term may be filled by the Forum on behalf of Aberdeen City Council, and will run for the remainder of the term detailed above. The names and addresses of applicants for membership shall be submitted in writing to the Clerk to the Forum at least 14 days before the meeting of the Forum at which the vacancy is to be filled. In order to be eligible for membership of the Forum, a person should be currently employed in or be a duly appointed representative of one or more of the following groups, namely,

The Chief Constable, persons having functions relating to health, education and social work, holders of premises licences and personal licences, persons resident within the Forum area or young people in the area of Aberdeen.

Notwithstanding the above, the Forum may invite representatives from other groups who may have an interest relevant to the Forum's general functions, to attend and participate in meetings of the Forum, but without voting rights.

The Licensing Standards Officer shall be appointed as a member of the Forum.

If any member of the Forum should miss three meetings consecutively, it will be open to the Forum to exclude that member on a permanent basis. This will not apply if the said member has arranged for a substitute to be present at the meetings.

6. SUB-COMMITTEES

The Forum may, as it sees necessary, appoint Sub-Committees to carry out any of its functions.

The quorum of all Sub-Committees shall be one half of the total membership.

7. MEETINGS

- (i) as laid out in the Licensing (Scotland) Act 2005, there shall be at least four meetings of the Forum per calendar year, including one meeting with the Licensing Board;
- (ii) notice of the place, time and date of meetings of the Forum will be given to every member not later than seven days prior to the meeting; and
- (iii) any member unable to attend in person may appoint a substitute to attend on their behalf who can express their views. The Clerk to the Forum must be given prior notification of any substitutions;

- (iv) all meetings of the Forum shall be open to members of the Press and Public.
- (v) the quorum for a meeting of the Forum shall be one-half of the number of members (but in any case not fewer than three). No decisions will be taken at any meeting unless that meeting is quorate.

8. CONDUCT OF BUSINESS

Forum members will elect a Convener, and Vice-Convener at their first meeting in each calendar year.

Meetings of the Forum are to be chaired by the Convener.

If the Office of Convener is vacant or for any other reason the Convener is unable to attend, a meeting of the Forum should be chaired by the Vice-Convener. If this is not possible, a meeting may be chaired by any other member present.

An Office Bearer may be removed from office at any of the Forum meetings or at a Special Meeting convened for this purpose at the requisition of at least half of the membership of the Forum, provided due intimation of such proposed alteration shall have been sent to each member at least seven days before such meeting.

Persons who have not been invited by the Forum to attend, and who wish to speak at a meeting of the Forum must contact the Clerk to the Forum one clear working day (excluding Saturdays and Sundays) prior to the meeting, to state the subject on which they wish to be heard.

9. VOTING

- (i) Each member present at a meeting shall be entitled to one vote. The Convener shall have a casting vote, except in cases of appointment of a member to any particular office, in which case the decision will be by lot;
- (ii) Voting shall be by way of a show of hands, but a roll call can be requested by any member of the Forum should they feel this appropriate.

10. POWERS AND DUTIES OF THE CONVENOR

It shall be the duty of the Convener to:-

- (i) preserve order, and to ensure that every member of the Forum shall have a fair hearing;
- (ii) decide all matters of order, competency and relevancy;
- (iii) decide between two or more members of the Forum wishing to speak by calling on the member who has first caught his or her eye; and

- (iv) ensure that due and sufficient opportunity is given to members of the Forum who wish to speak to express their views on the subject under discussion.

The decision of the Convener on all matters within his or her competency shall be final, and shall not be open to question or discussion.

11. AGENDAS AND MINUTES

Any items to be included in the agenda for meetings of the Forum shall first be submitted to the Clerk of the Forum no later than fourteen days prior to the date of any scheduled meeting.

No items may be otherwise included in the agenda for any meeting of the Forum, save at the discretion of the Convener on the grounds of urgency.

A Minute of each meeting will be prepared by the Clerk to the Forum, and the draft Minute circulated with the agenda for the following meeting. Agendas and Minutes will be published on the Aberdeen City Council Website.

12. ALTERATIONS TO CONSTITUTION AND POWERS TO MAKE OR AMEND RULES

The Forum shall have the power to alter the Constitution of the Forum and to make or amend rules relating to the conduct and administration of the Forum at any of its meetings, or at a Special Meeting convened for this purpose at the requisition of at least half of the members of the Forum, the proposed alteration being included on the agenda prior to such meeting.

All such alterations require to be approved by at least half of the members of the Forum present and voting. The Forum shall not be permitted to alter the Constitution if such alteration would conflict with the terms of the Act.

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ABERDEEN CITY COUNCIL

COMMITTEE: Council
DATE: 16th May 2012
DIRECTOR: Stewart Carruth
TITLE OF REPORT: Appeals Committee
REPORT NUMBER:

1. PURPOSE OF REPORT

The purpose of this Report is to invite the Council to appoint Members to sit on the employee Appeals Committee.

2. RECOMMENDATION(S)

It is recommended that the Council:-

- (a) appoints Members to the Appeals Committee, comprising 9 Members of the Council who also serve on the Committee dealing with Human Resources matters, namely Corporate Policy & Performance;
- (b) notes that the Convener and Vice-Convener of the Appeals Committee should not hold any other convenership of any Standing Committee of the Council; and
- (c) determines the political balance of the Appeals Committee accordingly

3. FINANCIAL IMPLICATIONS

There are no direct financial implications arising from this Report.

4. SERVICE & COMMUNITY IMPACT

As the Appeals Committee is an internal appeals mechanism for employees, there are no direct links to the Community Plan.

5. OTHER IMPLICATIONS

None

6. REPORT

The Appeals Committee exists to hear appeals from employees against decisions made in respect of certain employment matters. The role of the

Committee is to consider the evidence presented by both the appellant and the employing service of the Council and then reach a determination as to whether the appeal should be upheld or dismissed. The membership of the Appeals Committee requires to be drawn from the membership of the Committee charged with dealing with staffing matters, which is currently the Corporate Policy & Performance Committee. Given the nature of the business of the Appeals Committee, it is desirable that the Convener and Vice-Convener of the Appeals Committee do not chair other Standing Committees of the Council.

The Council is asked to consider appointing nine Members to the Appeals Committee. The number of Members is not specified by Standing Orders, however it is desirable to keep the Appeals Committee reasonably small. Further, whilst the Committee endeavours, and usually manages to reach a decision unanimously, it is appropriate that the number of Members should not be even in order to avoid a tied vote.

Having regard to Standing Orders, it is necessary for there to be a political balance within the membership of the Appeals Committee and Members are requested to refer to elsewhere on this agenda for the potential compositions of Council groups based on the political make-up of the Council.

Given the role of the Appeals Committee, comprehensive induction training is provided to Members prior to the first meeting. The training and first meeting are scheduled to take place on 30th May 2012 at 10am. An early date is necessary as there are a number of Appeals which require to be determined.

7. REPORT AUTHOR DETAILS

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8. BACKGROUND PAPERS

None.

ABERDEEN CITY COUNCIL

COMMITTEE: Council

DATE: 16th May 2012

DIRECTOR: Stewart Carruth

TITLE OF REPORT: Pensions Panel

REPORT NUMBER:

1. PURPOSE OF REPORT

The purpose of this Report is to invite the Council to appoint Members to sit on the Pensions Panel and Joint Investment Advisory Committee

2. RECOMMENDATION(S)

It is recommended that the Council:-

- (a) appoints a Pensions Panel, comprising 4 Members of the Council; and
- (b) appoints the Members of the Pensions Panel as its representatives to the Joint Investment Advisory Committee

3. FINANCIAL IMPLICATIONS

There are no direct financial implications arising from this Report, however the Pensions Panel is responsible for the management of the North East Scotland Pensions Fund (NESPF).

4. SERVICE & COMMUNITY IMPACT

As the Pensions Panel is an internal body, there are no direct links to the Community Plan.

5. OTHER IMPLICATIONS

None

6. REPORT

The function of the Pensions Panel is the management of the Pension Fund. This is a significant function as the Panel has duties analogous to those of trustees in relation to the management of funds valued in the region of £1.1 billion. Whilst it acts on the advice of suitably qualified professionals, the Committee is, in a real sense, responsible for matters such as the strategy for

managing the Fund and the appointment, performance monitoring and review of investment managers.

To secure the proper governance of the investment management function, it is important that there is effective supervision at elected member level. It should be borne in mind that under-performance in this area can have significant financial consequences well beyond the boundaries of the City, as the Fund covers the whole of the former Grampian Region area and is, in effect, “balanced” by the contributions paid by the participating employers. Accordingly, accountability at the highest level is vital.

On the other hand, the Pension Fund does not exist in isolation. It exists to pay the benefits and other costs arising out of the administration of the Local Government Pension Scheme in the former Grampian area. All of the functions associated with the Scheme, whilst they are this Council’s responsibility under statute, are exercised on behalf of a wider constituency and have more to do with the wider scheme than with the rest of the Council’s discrete functions. It is therefore appropriate that benefits and other aspects of Scheme administration are governed, along with the management of the Fund, in a stand-alone Committee.

Since its creation in 2003, the Pensions Panel has operated with a compliment of four Elected Members. Given the training demands arising out of the nature of the Panel’s responsibilities, the call for interaction with representatives of fund managers and the need, on occasion, to convene at relatively short notice, a reasonably small number of members is been practical. It may also be prudent to bear in mind that political considerations should never be to the fore in relation to a Panel or Committee such as this.

In addition to the Pensions Panel, the Council, along with other authorities participating in the NESPF, appoints representatives to sit on the Joint Investment Advisory Committee. The purpose of the Joint Investment Advisory Committee is to advise and make recommendations to the Pensions Panel regarding the investment management and performance of the Fund or Funds, having regard to the requirements of the Local Government Pension Scheme (Management and Investment of Funds) (Scotland) Regulations 1998 (as amended) and to suitable professional advice, relevant statutory and other guidance and good industry practice. It has been the practice of the Council to appoint the Members of the Pensions Panel to sit on the Joint Investment Advisory Committee.

Given the role and responsibility of the Pensions Panel, comprehensive induction training is provided to Members.

7. REPORT AUTHOR DETAILS

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8. BACKGROUND PAPERS

None.

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ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	16 May, 2012
DIRECTOR	Stewart Carruth
TITLE OF REPORT	Appointment of Baillies
REPORT NUMBER:	CG/12/044

1. PURPOSE OF REPORT

To request that members consider appointing Baillies to assist in the undertaking of the ceremonial duties on behalf of the Lord Provost.

2. RECOMMENDATIONS

It is recommended that Council –

- (a) takes a view as to whether the office of Baillies be continued.

If Council is supportive of continuing, it is further recommended that Council –

- (b) appoints Baillies as it deems appropriate;
- (c) notes the decision of Council of 16 May, 2007 (article 14 refers), whereby it was agreed that any serving former Lord Provost would automatically become a Baillie;
- (d) agrees that the allocation of robes and chains be at the discretion of the Lord Provost; and
- (e) agrees that the Baillies will receive no remuneration, but notes that those undertaking civic duties on the Lord Provost are entitled to claim reimbursement of receipted expenditure within the limits specified for the Council.

3. FINANCIAL IMPLICATIONS

There are no additional financial implications (other than those outlined at 5.5 of this report) as it is recommended that the Baillies will not receive remuneration for their duties.

4. OTHER IMPLICATIONS

None.

5. BACKGROUND/MAIN ISSUES

- 5.1 The role of Baillie was reintroduced at the meeting of Council of 25 June, 2003 (article 22 refers) in order that a small number of named Councillors could deputise for the Lord Provost at civic events and host civic functions, enabling a sense of tradition to be brought to these events, and reduce the demands made on the Lord Provost.
- 5.2 At the meeting of Council of 16 May, 2007, members further agreed that any serving former Lord Provost would automatically become a Baillie (article 14 refers).
- 5.3 In 2003, four Baillies were appointed (one from each political group), and in 2007 five Baillies were appointed (one from each political group, and Councillor Reynolds as a former Lord Provost).
- 5.4 The robes and chains which Councillors can be invited to wear on formal occasions are those of former Baillies (pre 1975). Members are asked to consider whether the robes and chains (outwith those allocated to the Baillies) should continue to be allocated to Councillors by invitation by the Lord Provost on specific occasions (such as graduation ceremonies, Remembrance Sunday and civic funerals).
- 5.5 In 2003, it was agreed that Baillies would not receive remuneration, and the same decision was taken by members in 2007. However those undertaking civic duties on behalf of the Lord Provost are entitled to claim reimbursement if receipted expenditure within the limits specified for the Council (currently £4,000).

6. IMPACT

Corporate – the implementation of the recommendations will enable a sense of tradition to be brought to civic events and functions in circumstances when the Lord Provost may not be able to attend.

Public – this report is not likely to be of interest to members of the public.

7. BACKGROUND PAPERS

Report to meeting of Council – 25 June, 2003 (Appointment of Baillies)

Report to statutory meeting of Council – 16 May, 2007 (Appointment of Baillies)

9. REPORT AUTHOR DETAILS

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Officebearers of the Council.

Originally these were the members of the Council delegated to carry out particular tasks on behalf of the community. Generally they had access to communal funds to carry out these tasks or were empowered to raise money for specific purposes; consequently part of their responsibility was to furnish an annual account of their expenditure. As the Council was then elected for one year, so too were the officebearers.

The Treasurer collected the income from burgh properties and paid the salaries of the burgh officials and servants. The early surviving records show that originally the Provost had undertaken this himself and the Treasurer's post probably dates from the early 16th century.

The Dean of Guild - who enforced burgh regulations on respect of trade and industry and since he collected substantial fines carrying out this role, was in general terms responsible for the upkeep of buildings belonging to the burgh. From c.1427 to 1833 he was an officebearer appointed by the councillors from among their number, but the Scottish Burghs Reform Act separated the Guildry from the Council and instituted the Dean of Guild as a representative of the former.

The Master of Kirk and Bridge Works - responsible for the upkeep of St Nicholas Kirk, for the Bridge of Don and from 1527 for the newly built Bridge of Dee.

The Master of Shoreworks - who upheld the harbour and its approaches and was empowered to levy a tax on cargo to pay for harbour works. His office was created in 1596 and his accounting responsibilities ceased in 1810, when the new body of Harbour Trustees took over the running of the Harbour. He remained, however, the Town's principal representative (after the Provost) on the Harbour Trustees and later the Harbour Commissioners.

The Master of the Guild Brethren's Hospital which was founded by the Town Council in 1607 using the property of the pre-Reformation Poors Hospital. He was responsible for administering its funds and the hospital (essentially an old people's home for impoverished members of the guildry with (at least to begin with) religious overtones). Increasingly the beneficiaries preferred to remain in more congenial surroundings outside the hospital, which was eventually sold in 1770. The Hospital property lay within the triangle bound by Correction Wynd, St Nicholas Lane and the west side of the St Nicholas Centre..

All the office bearers were responsible for keeping the accounts of their particular office until the mid 18th century, when in the interests of uniformity it became the responsibility of the Town Clerk Depute and after 1812 of the City Chamberlain (who was also the Town Clerk Depute for most of the 19th century). It has remained the custom to designate members of the Council as the five office bearers and in the 19th century these were the first steps in the *cursus honorum* which led through the rising posts of baillie to the provostship.

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