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To: Councillor Laing, Convener; Councillor Lumsden MSP, Vice Convener; and Councillors Boulton, Jackie Dunbar MSP, Grant, Houghton, McRae, Alex Nicoll and Yuill.

Town House,
ABERDEEN, 12 May 2021

URGENT BUSINESS COMMITTEE

The Members of the **URGENT BUSINESS COMMITTEE** are requested to meet remotely on **THURSDAY, 13 MAY 2021 at 1.00pm.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

In accordance with UK and Scottish Government guidance, meetings of this Committee will be held remotely as required. In these circumstances the meetings will be recorded and available on the Committee page on the website.

BUSINESS

DETERMINATION OF URGENT BUSINESS

- 1 Determination of Urgent Business

DECLARATIONS OF INTEREST

- 2 Members are requested to intimate any declarations of interest (Pages 3 - 4)

BUSINESS

- 3 Senior Councillor Appointments - COM/21/137 (Pages 5 - 8)

Should you require any further information about this agenda, please contact:-
Martyn Orchard - morchard@aberdeencity.gov.uk

DECLARATIONS OF INTEREST

You must consider at the earliest stage possible whether you have an interest to declare in relation to any matter which is to be considered. You should consider whether reports for meetings raise any issue of declaration of interest. Your declaration of interest must be made under the standing item on the agenda, however if you do identify the need for a declaration of interest only when a particular matter is being discussed then you must declare the interest as soon as you realise it is necessary. The following wording may be helpful for you in making your declaration.

I declare an interest in item (x) for the following reasons

For example, I know the applicant / I am a member of the Board of X / I am employed by... and I will therefore withdraw from the meeting room during any discussion and voting on that item.

OR

I have considered whether I require to declare an interest in item (x) for the following reasons however, having applied the objective test, I consider that my interest is so remote / insignificant that it does not require me to remove myself from consideration of the item.

OR

I declare an interest in item (x) for the following reasons however I consider that a specific exclusion applies as my interest is as a member of xxxx, which is

- (a) a devolved public body as defined in Schedule 3 to the Act;
- (b) a public body established by enactment or in pursuance of statutory powers or by the authority of statute or a statutory scheme;
- (c) a body with whom there is in force an agreement which has been made in pursuance of Section 19 of the Enterprise and New Towns (Scotland) Act 1990 by Scottish Enterprise or Highlands and Islands Enterprise for the discharge by that body of any of the functions of Scottish Enterprise or, as the case may be, Highlands and Islands Enterprise; or
- (d) a body being a company:-
 - i. established wholly or mainly for the purpose of providing services to the Councillor's local authority; and
 - ii. which has entered into a contractual arrangement with that local authority for the supply of goods and/or services to that local authority.

OR

I declare an interest in item (x) for the following reasons.....and although the body is covered by a specific exclusion, the matter before the Committee is one that is quasi-judicial / regulatory in nature where the body I am a member of:

- is applying for a licence, a consent or an approval
- is making an objection or representation
- has a material interest concerning a licence consent or approval
- is the subject of a statutory order of a regulatory nature made or proposed to be made by the local authority.... and I will therefore withdraw from the meeting room during any discussion and voting on that item.

ABERDEEN CITY COUNCIL

COMMITTEE	Urgent Business Committee
DATE	13 May 2021
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Senior Councillor Appointments
REPORT NUMBER	COM/21/137
DIRECTOR	Commissioning
CHIEF OFFICER	Fraser Bell, Chief Officer - Governance
REPORT AUTHOR	Martyn Orchard
TERMS OF REFERENCE	1

1. PURPOSE OF REPORT

- 1.1 To seek replacement appointments to various Senior Councillor roles following the resignation of Councillor Lumsden MSP from those roles.

2. RECOMMENDATIONS

That the Committee:-

- 2.1 consider making appointments to the following Senior Councillor roles which have been vacated by Councillor Lumsden MSP:-
- Co-Leader;
 - Convener of City Growth and Resources Committee;
 - Vice Convener of Capital Programme Committee;
- 2.2 note that the Conservative group can replace Councillor Lumsden MSP as an ordinary member of committees from within their group;
- 2.3 note that the Administration can replace Councillor Lumsden MSP on outside bodies following his resignation from those positions; and
- 2.4 note that the SNP group can replace Councillors Jackie Dunbar MSP and Audrey Nicoll MSP as ordinary members of committees, or on outside bodies, from within their group should this be required.

3. BACKGROUND

3.1 Following the Scottish Parliament election of 6 May 2021, Councillor Lumsden was elected as a Member of the Scottish Parliament for the North East Scotland region. Councillors Jackie Dunbar and Audrey Nicoll were also elected as Members of the Scottish Parliament for the Aberdeen Donside and Aberdeen South and North Kincardine constituencies respectively.

3.2 The Chief Officer - Governance received notification that Councillor Houghton had been elected as the Conservative Group Leader replacing Councillor Lumsden. In addition, the Chief Officer - Governance was notified that Councillor Lumsden would be resigning from the following positions as of 13 May 2021:

- Council Co-Leader
- Convener, City Growth and Resources Committee
- Vice Convener, Capital Programme Committee

Any appointment to the roles of Co-Leader, Convener or Vice Convener require a decision of elected members. Given the nature of these Senior Councillor roles, the Committee is requested to consider making replacement appointments to those roles at today's meeting.

3.3 In addition, Councillor Lumsden MSP is an ordinary member of a number of committees. The Conservative group can replace Councillor Lumsden MSP as an ordinary member on committees from within their group by notifying the Committees Lead Officer.

3.4 It should also be noted that the Administration can replace Councillor Lumsden MSP on outside bodies from within the Administration. Again, this can be done by notifying the Committees Lead Officer.

3.5 Similarly, Councillors Jackie Dunbar MSP and Audrey Nicoll MSP are ordinary members on committees and Council appointees to various outside bodies. The SNP group can appoint replacements to those positions from within their group, should this be required, by notifying the Committees Lead Officer.

4. FINANCIAL IMPLICATIONS

4.1 Remuneration is regulated and capped by the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007 as amended. The legislation sets a minimum and maximum amount of allowances for Senior Councillors, fixes a maximum number of Senior Councillors and an overall limit on the total allowances paid to Senior Councillors.

4.2 The Regulations stipulate the amount of remuneration that can be paid out to an individual Councillor which varies depending on their role. Regulation 6 states that 'Each local authority shall pay remuneration to one Leader of the Council of authority of an amount as provided for in paragraph 2 (of Regulation 6).'

4.3 In line with the above, at the Statutory Council meeting on 17 May 2017 (and at subsequent Council meetings), Councillor remuneration was agreed, and remuneration for the role of Council Leader has been paid to Councillor Laing.

5. LEGAL IMPLICATIONS

5.1 The Council has to comply with the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007; however, the Co-Leadership model is neither envisaged, nor prohibited by legislation. The appointment of a Council Leader or Depute Leader is not a statutory requirement.

5.2 There are no other legal implications arising from the recommendations of this report.

6. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
Strategic Risk	No direct risk	L	
Compliance	Failure to comply with the relevant legislation regarding the payment of Senior Councillor allowances.	L	Consultation has been undertaken with Finance officers and the relevant elected members, and the financial implications section of the report has regard to that.
Operational	No direct risk	L	
Financial	No direct risk	L	
Reputational	Failure to consider making replacement appointments to Senior Councillor roles could present a reputational risk to the Council.	L	Consultation has been undertaken with the relevant elected members and the recommendations have regard to that.
Environment / Climate	No direct risk	L	

7. OUTCOMES

The proposals in this report have no impact on the Council Delivery Plan.

8. IMPACT ASSESSMENTS

Assessment	Outcome
Impact Assessment	Full impact assessment not required.
Data Protection Impact Assessment	Not required

9. BACKGROUND PAPERS

None

10. APPENDICES

None

11. REPORT AUTHOR CONTACT DETAILS

Name	Martyn Orchard
Title	Committees Lead
Email Address	morchard@aberdeencity.gov.uk
Tel	01224 523097