

ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	2 March 2020
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Scheme of Governance Review
REPORT NUMBER	GOV/20/035
CHIEF OFFICER	Fraser Bell, Chief Officer - Governance
REPORT AUTHOR	Allison Swanson
TERMS OF REFERENCE	7 and 13

1. PURPOSE OF REPORT

This report meets the Council's instruction to report on the operation of the Scheme of Governance annually and makes recommendations for improvement.

The report also presents proposals regarding the reallocation of both committee places and representation on outside bodies, as well as the removal and/or appointment of posts detailed in Standing Order 5.1 in accordance with the decision of the Urgent Business Committee of 19 December 2019.

2. RECOMMENDATION(S)

That Council:-

Scheme of Governance - Introduction

- 2.1 approves Appendix A, the introduction to the Scheme of Governance, with effect from 1 April 2020;

Committee Terms of Reference

- 2.2 approves Appendix B, the revised Committee Terms of Reference, with effect from 1 April 2020;

Powers Delegated to Officers

- 2.3 approves Appendix C, Powers Delegated to Officers, with effect from 1 April 2020, subject to recommendation 2.4;
- 2.4 instructs the Chief Officer - Strategic Place Planning to seek approval from the Scottish Ministers to amend the Planning Scheme of Delegation under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) - which relates to "Local Developments";

Standing Orders for Council, Committee and Sub Committees

- 2.5 approves Appendix D, the revised Standing Orders for Council, Committee and Sub Committee Meetings, with effect from 1 April 2020;

Financial Regulations

- 2.6 approves Appendix E, the revised Financial Regulations, with effect from 1 April 2020;

Procurement Regulations

- 2.7 approves Appendix F, the revised Procurement Regulations, with effect from 1 April 2020;

Member - Officer Relations Protocol

- 2.8 approves Appendix G, the revised Member Officer Relations Protocol, with effect from 1 April 2020;

Scheme of Governance Implementation

- 2.9 authorises the Chief Officer - Governance, following consultation with the Business Manager, to amend the Scheme of Governance as necessary to take account of the decisions at the Council Budget meeting on 3 March 2020;

Committee Compositions, Allowances and Appointments

- 2.10 approves the membership number for each committee as proposed at paragraph 5.2; and sets a composition for each committee and appoints members on the basis that names of members shall be provided to the Chief Officer - Governance after this meeting and that the Chief Officer - Governance be authorised to finalise membership of committees where required;
- 2.11 appoints a Convener and Vice Convener to the committees listed in paragraph 5.2, as appropriate;
- 2.12 makes appointments to the following positions:-
 - a) Lord Provost;
 - b) Depute Provost;

- c) Leader or Co-Leaders of the Council;
- d) Depute Leader of Council (if applicable);
- e) Business Manager; and
- f) Depute Business Manager;

2.13 approves the remuneration of the Lord Provost and one post of Council Leader and the allocation, and amount in each case, of senior councillor allowances, on the basis of the guidance contained in paragraphs 7.2 to 7.3 of the report;

Sub Committees/Working Groups/Joint Committees/Partnerships/Outside Bodies and Other Appointments

2.14 notes that the membership number and composition of the sub committees detailed in Appendix H will be determined by the respective committees;

2.15 approves the membership number for each working group as detailed in Appendix I; sets a composition for each and appoints members on the basis that names can be provided to the Chief Officer - Governance after the meeting and that he be authorised to finalise membership where required;

2.16 agrees to disband the working groups contained at Appendix J;

2.17 appoints 9 members to the Appointment Panel and agrees the composition of the Panel and appoints members on the basis that names can be provided to the Chief Officer - Governance after the meeting and that he be authorised to finalise membership where required;

2.18 sets a composition for each of the joint committees/partnerships as detailed at Appendix K, and appoints members and substitutes (where applicable) on the basis that names can be provided to the Chief Officer - Governance after the meeting and that he be authorised to finalise membership where required;

2.19 considers the appointment of members to the various outside bodies listed in Appendix L to the report; sets a composition for each and appoints members on the basis that names can be provided to the Chief Officer - Governance after the meeting and that he be authorised to finalise membership where required;

2.20 instructs the Chief Officer - Governance to carry out a further review of outside bodies ahead of the local government elections in elections in 2022 and thereafter report back to Full Council with any proposals as required; and

2.21 notes the resignation of Councillor Donnelly from the licensing board and elects a member to fill the vacancy on the licensing board.

3. BACKGROUND

3.1 On 4 March 2019, Council considered its first review of the Scheme of Governance approved in 2018 to support the implementation of the Target Operating Model. In March 2019, Council approved the updated Scheme of Governance, comprising the following documents:

- a) Introduction to the Scheme of Governance;
- b) Committee Structure and Terms of Reference;
- c) Powers Delegated to officers;
- d) Standing Orders for Council, Committee and Sub Committee Meetings;
- e) Financial Regulations;
- f) Procurement Regulations; and
- g) Member - Officer Relations Protocol.

3.2 Council also instructed the Chief Officer - Governance to report on a further review of the Scheme of Governance in March 2020 and this report now recommends revisions to the Scheme of Governance documents.

3.3 The proposals recommended for approval have been subject to discussion with Directors, Chief Officers and the Governance Reference Group. Each document comprising the Scheme of Governance is appended to the report with track changes indicating the proposed changes/additions.

4. SCHEME OF GOVERNANCE

4.1 Committee Terms of Reference

4.1.1 Officers have reviewed the Terms of Reference to ensure that they are reflective of the general operation of all committees over the past year and have been updated to reflect any areas of business considered which have not clearly aligned to a remit. The document has also been reviewed to ensure it reflects the progress of the Council in respect of the development and implementation of the commissioning approach but also to reflect decisions made by each committee.

4.1.2 In doing so the language used within the document has been reviewed and the style/layout has been amended to ensure the removal of any duplication. The purpose section has also been streamlined for each committee to ensure that the purpose and remit of the committee is clear and transparent for all audiences with less scope for ambiguity.

4.2 Powers Delegated to Officers

4.2.1 The Powers Delegated to Officers have been reviewed to ensure that the document is reflective of current and pending legislation, for example the new Planning (Scotland) Act 2019, as well as existing operational practice. The review also identified any additional delegations that would enable operation of the respective areas to be undertaken in a more effective manner and improve

the operational delivery to our customers. Further to the report to the City Growth and Resources Committee in February 2020 on the Planning (Scotland) Act (PSA), the review has considered the requirements of the PSA on the authority and the Powers Delegated to Officers have been updated to reflect those responsibilities which should be undertaken by the Chief Officer – Strategic Place Planning.

4.3 Standing Orders for Council, Committees and Sub Committee Meetings

4.3.1 The Standing Orders have been reviewed to ensure that any areas for clarification raised at meetings since March 2019 have been considered, the relevant Standing Order updated, or a new Standing Order added. For example, in respect of additions, a new section in respect of Petitions has been added as the document was previously silent on this. It is also proposed that deadlines be put in place for the submission of motions and amendments for consideration at council, committee and sub committee meetings. A separate deadline in respect of motions and amendments for the budget meeting is also proposed. These have been added to support members with the effective operation of meetings and to provide sufficient time to consider the competency and content of the proposals in advance.

4.4 Financial Regulations

4.4.1 The Financial Regulations have been reviewed in the context of revisions to other parts of the Scheme of Governance; audit recommendations; the new staff Continuous Review and Development; new financial guidance; use of any new powers/funding arrangements and feedback from consultation.

4.5 Procurement Regulations

4.5.1 The Procurement Regulations have been reviewed in the context of revisions to other parts of the Scheme of Governance and to ensure that the Regulations are in line with the Procurement Manual and operational practices.

4.6 Member Officer Relations Protocol

4.6.1 The Member Officer Relations Protocol has been reviewed to ensure that it reflects the organisation's guiding principles (Purpose, Pride, Team, Trust and Value) approved by the Staff Governance Committee on 18 March 2019. There is also an amendment in relation to the Members Enquiries protocol where Members are requested to routinely submit enquiries using the corporate Members Enquiries process. This is important to ensure a consistent service is delivered to all members in line with corporate procedures and that data protection requirements are always met. The Protocol also now clearly distinguishes service for case work and service on behalf of a constituent.

4.7 Impact Assessments/Committee Report Template

4.7.1 As part of the review, officers have considered the current report template and the impact and risk assessments required as part of the committee reporting process. It was recognised that a children's rights assessment required to be

reflected in the committee reporting process. Children’s rights are central to the Council’s ongoing commitment to promote and uphold the United Nations Convention on the Rights of the Child (UNCRC) and its work towards Child Friendly City (CFC) Status. Working together, officers have reviewed the existing processes and requirements in respect of impact assessments, and drafted a revised single form covering all assessments. The single form places greater emphasis on the need to consider decision-making as a collaborative process, highlighting the need to consider human and children’s rights and the impact on specific protected groups. In implementing the new assessment, the Council will be well placed to highlight how children and young people are involved directly in decision-making processes which, in turn, will also support our future CFC accreditation bid.

4.7.2 In respect of current and future climate change duties, officers are continuing to investigate and make arrangements to ensure compliance with developing legislation. Environment/climate change has also been added as a category to the Management of Risk section of the report template.

5. COMMITTEE COMPOSITIONS AND MEMBERSHIP

5.1 The position of the Council is currently:-

Aberdeen Labour	9 members
Conservative	10 members
Independent Alliance	3 members
Independent	1 member
Liberal Democrat	3 members
SNP	19 members

5.2 It is proposed that Council continue with the following committee places as detailed in the table below, providing a total of 116 places.

Committee	Total Elected Members
Audit, Risk and Scrutiny	9
Capital Programme	9
City Growth and Resources	9
Education Operational Delivery	13 + 7 external members
Licensing	9
Operational Delivery	13
Pensions	9
Planning Development Management	9
Public Protection	9
Staff Governance	9
Strategic Commissioning	9
Urgent Business	9
Total	116

5.3 It is recommended that Council approves the membership number for each committee as proposed in the table above, and sets the composition for each committee which reflects the composition at Full Council. Following the Council’s decision on the membership number and composition for each

committee, members are asked to supply the Chief Officer - Governance with the names of the elected members for each committee.

6. APPOINTMENTS TO POSITIONS

6.1 In respect of the decision of the Urgent Business Committee of 19 December 2019, Council is recommended to make appointments to each of the following positions:

- Lord Provost;
- Depute Provost;
- Leader or Co-Leaders of the Council;
- Depute Leader of Council (if applicable);
- Business Manager; and
- Depute Business Manager.

Please note that that appointments to Conveners and Vice Conveners is covered under paragraph 7.1.

7. APPOINTMENT OF CONVENERS AND VICE CONVENERS AND PAYMENT OF SENIOR COUNCILLOR ALLOWANCES

7.1 The Council is requested to appoint Conveners and Vice Conveners to the committees in paragraph 5.2 as appropriate. In line with Standing Order 2.7, the Convener and Vice Convener of the Audit, Risk and Scrutiny Committee must be a member of the opposition.

7.2 When making these appointments, the Council must have regard to the following structure for the payment of allowances to Councillors:-

(a) up to 19 Councillors can hold senior positions with an allowance between £23,435 (lower level) and £31,247 (upper level) provided the total is within the maximum permissible of £466,455; and

(b) a basic allowance of £17,854 must be paid as a minimum to each member of the Council as set out in the Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2020.

No member can be paid more than one allowance.

7.3 The Council is asked to agree the senior allowances to be paid noting that separate provision is made for the Civic Head (Lord Provost) and the Leader of the Council.

8. SUB COMMITTEES/WORKING GROUPS

8.1 Appendix H to the report details the Council's current sub committees. Please note that in accordance with Standing Order 46.10, the respective parent

committee will determine the Convener/Vice Conveners, as well as setting the membership for the respective sub committees.

- 8.2 Appendix I to the report details working groups and also sets out the current representatives required and any additional information which affects the Council's appointments. Council is asked to approve the membership number for each working group as detailed in Appendix I; and set a composition for each and appoint members on the basis that names can be provided to the Chief Officer - Governance after the meeting and that he be authorised to finalise membership where required.
- 8.3 Appendix J presents a list of working groups which are recommended to be disbanded.

9. Joint Committees/Partnerships

- 9.1 Appendix K to the report details the Council's current joint committees and partnerships and also sets out the current representatives required and any additional information which affects the Council's appointments. Council is asked to set a political composition for each and appoint members on the basis that names can be provided to the Chief Officer - Governance after the meeting and that he be authorised to finalise membership where required.

10. Appointments to Outside Bodies

- 10.1 The Council is requested to consider the list of current outside bodies at Appendix L; set a composition 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, current members and any further information relevant to the appointment.
- 10.2 A review of outside bodies was undertaken in 2017 and reported to Council, alongside a proposed policy which set the criteria on which Aberdeen City Council will appoint Elected Members to Outside Bodies, as well as guidance on Elected Members' roles and responsibilities once appointed and this policy was subsequently approved. Council is recommended to instruct the Chief Officer - Governance to carry out a further review of outside bodies and the associated policy ahead of the local government elections in 2022. This further review will look comprehensively at each of the remaining outside bodies to ensure that they are still active, still require elected member participation, and are still consistent with the strategic goals of the Council.

11. Licensing Board

- 11.1 A Licensing Board is to consist of such number (not fewer than 5 and not more than 10) of members as may be determined by the relevant council. Aberdeen City Council has agreed that the Licensing Board comprise 9 members. The

members of a Licensing Board are to be elected by the council from among its councillors

- 11.2 Councillor Donnelly submitted a notice of resignation by way of email. The clerk to the Board must, on receipt of a notice of resignation, give the Council a copy of the notice. A copy of the notice is attached as Appendix M.
- 11.3 Where there is a vacancy in the membership of a Licensing Board, the Council must, at their first meeting after the vacancy arises, hold an election to fill the vacancy.

11. FINANCIAL IMPLICATIONS

- 11.1 Adopting the recommendations in this report will have no direct financial implications but will help improve the robust governance framework required to support organisational change and achieve budget targets. Adhering to the terms of the Financial Regulations, an integral part of the stewardship of Council funds, will ensure that all the Council's transactions are conducted in a manner demonstrating openness, integrity and transparency.
- 11.2 Senior Councillor allowances are set in accordance with legislation issued by the Scottish Government. 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.

12. LEGAL IMPLICATIONS

- 12.1 The Scheme of Governance was designed to assist the Council in complying with its statutory duties and functions, whilst also being consistent with both the principles of the Target Operating Model and the CIPFA principles of good governance. The Scheme of Governance also supports the Council's pursuit of the CIPFA Governance Mark of Excellence.
- 12.2 The legislative bases for the various documents comprising the Scheme of Governance are as follows.
- 12.3 Section 56 of the Local Government (Scotland) Act 1973 - the Council may arrange for the discharge of any functions, subject to some exceptions, by a committee or sub committee. These are set out in the Committee Terms of Reference.
- 12.4 The same section also provides that the Council may arrange for the discharge of any of its functions, subject to some exceptions, by an officer of the Council. These delegations are contained in the Powers Delegated to Officers. Section 43 of the Town and Country Planning (Scotland) Act 1997 also requires the Council to publish a Scheme of delegation setting out how certain planning applications are to be dealt with by officers.

- 12.5 Section 62 of the Local Government (Scotland) Act 1973 empowers the Council to make, vary or revoke standing orders for meetings of Councils, committees and sub committees.
- 12.6 Legislation requires the Council to adhere to stringent financial controls and practices. The Financial Regulations are integral to this requirement.
- 12.7 The Procurement Reform (Scotland) Act 2014 and direct EU legislation must be complied with, and the Procurement Regulations achieve this whilst empowering staff and promoting Best Value.
- 12.8 The Council is required under Section 47 of the Police and Fire Reform (Scotland) Act 2012 and Section 41E of the Fire (Scotland) Act 2005 to scrutinise local police plans and local fire and rescue plans respectively. This is undertaken through the terms of reference of the Public Protection Committee.

13. MANAGEMENT OF RISK

	Risk	Low (L), Medium (M), High (H)	Mitigation
Financial	No direct financial implications for the Scheme of Governance	L	The Scheme of Governance itself mitigates against risk of poor financial management, poor value for money, fraud and financial loss.
Legal	The Council's legal obligations are set out in section 12	L	Adherence to the specified legislation ensures accountability
Employee	No direct risk	L	Adherence to the Scheme of Governance protects employees in the undertaking of their roles
Customer	Customers find the decision making structure complex	M	Recommended proposals aim to provide greater clarity on the purpose and remit of each committee
Environment	No direct risk	L	Electronic documents and the paperlight project reduce the impact on the environment through reduced paper use
Technology	No direct risk	L	

Reputational	Failure to update the Scheme of Governance and make other necessary changes could present a reputational risk to the Council	M	Extensive consultation has been undertaken with officers and Elected Members and the recommended proposals are reflective of that process
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14. OUTCOMES

The proposals in this report have no direct impact on the LOIP.

Design Principles of Target Operating Model	
	Impact of Report
Customer Service Design	The revised Terms of Reference will provide greater clarity as to the purpose and remit of each committee and therefore will support participation. The new committee report template ensures that the voice of young people is considered, as well as all protected characteristics stated in the Equality Act 2010.
Governance	This report is concerned with improving the Council's governance arrangements through changes to the Scheme of Governance.
Partnerships and Alliances	The Terms of Reference detail the role of partnerships in respect of each committee undertaking its remit.

15. IMPACT ASSESSMENTS

Assessment	Outcome
Equality & Human Rights Impact Assessment	Full EHRIA not required
Data Protection Impact Assessment	Not required
Duty of Due Regard / Fairer Scotland Duty	Not applicable

16. BACKGROUND PAPERS

N/A

17. APPENDICES

- A. Scheme of Governance Introduction
- B. Committee Terms of Reference
- C. Powers Delegated to Officers
- D. Standing Orders for Council, Committees and Sub Committees
- E. Financial Regulations
- F. Procurement Regulations
- G. Member - Officer Relations Protocol
- H. List of sub committees
- I. List of working groups
- J. List of working groups recommended to be disbanded
- K. List of joint committees/partnerships
- L. List of outside bodies
- M. Email of Resignation of Councillor Donnelly from the Licensing Board

18. REPORT AUTHOR CONTACT DETAILS

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