

ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	24 August 2022
EXEMPT	No Appendix 12 is exempt - paragraphs 6 and 8
CONFIDENTIAL	No
REPORT TITLE	Committee Structure and Scheme of Governance
REPORT NUMBER	COM/22/161
DIRECTOR	Gale Beattie, Director of Commissioning
CHIEF OFFICER	Vikki Cuthbert, Chief Officer - Governance
REPORT AUTHOR	Martyn Orchard
TERMS OF REFERENCE	7, 17, 18 and 21

1. PURPOSE OF REPORT

- 1.1 To respond to the instruction from the adjourned Council meeting on 13 July 2022, following approval of the notice of motion by the Co-Leaders proposing changes to the Scheme of Governance and the committee structure in particular.

2. RECOMMENDATIONS

That the Council:-

- 2.1 agree, with effect from 14 October 2022, to
- disestablish the Capital Programme Committee
 - disestablish the Strategic Commissioning Committee
 - disestablish the Operational Delivery Committee
 - disestablish the Public Protection Committee
 - rename the Education Operational Delivery Committee as the Education and Children's Services Committee
 - rename the City Growth and Resources Committee as the Finance and Resources Committee
 - establish the Communities, Housing and Public Protection Committee
 - establish the Net Zero, Environment and Transport Committee
 - establish the Anti-Poverty and Inequality Committee;
- 2.2 approve the Terms of Reference for the Finance and Resources Committee, Council, Education and Children's Services Committee, Communities, Housing and Public Protection Committee, Net Zero, Environment and Transport Committee, Anti-Poverty and Inequality Committee and Audit, Risk and Scrutiny Committee as set out in Appendices 1 to 7, to take effect from 14 October 2022;

- 2.3 delegate authority to the Chief Officer - Early Intervention and Community Empowerment, following consultation with the Chief Officer - Governance and the Convener of the Anti-Poverty and Inequality Committee, to determine the process for the selection and appointment of the external advisers to the Anti-Poverty and Inequality Committee and report back to the next Council meeting to seek approval of the appointments;
- 2.4 agree that the Conveners and Vice Conveners of the City Growth and Resources Committee and Education Operational Delivery Committee become the Conveners and Vice Conveners of the Finance and Resources Committee and Education and Children's Services Committee respectively, with effect from 14 October 2022, and that the membership of those committees be unchanged;
- 2.5 appoint Conveners and Vice Conveners to the following committees with effect from 14 October 2022:-
- Communities, Housing and Public Protection Committee
 - Net Zero, Environment and Transport Committee
 - Anti-Poverty and Inequality Committee;
- 2.6 agree the compositions of the new committees as below:-

Committee	Partnership	Labour	Conservative	Cllr Boulton	Cllr Stewart	Total
Communities, Housing and Public Protection	7	3	2	0	1	13
Net Zero, Environment and Transport	7	3	3	0	0	13
Anti-Poverty and Inequality	7	3	3	0	0	13

- 2.7 agree that there be no change to the Planning Scheme of Delegation (i.e. the Scheme of Delegation for dealing with planning applications for Local Developments) in the Powers Delegated to Officers, as detailed in section 3.3 of the report; instruct the Chief Officer – Strategic Place Planning to draft a procedure to allow all interested parties, including ward members, to make representations at Planning Development Management Committee and report this draft procedure to the November meeting of that Committee for approval; and note that said Chief Officer will continue to develop local engagement on planning matters, including through the network of community councils;
- 2.8 approve the changes to Standing Orders 13, 16, 34 and 40, as set out in Appendix 8, with effect from 25 August 2022;

- 2.9 instruct the Chief Officer - Governance to remove from the Scheme of Governance all references to Business Manager and Depute Business Manager, and approve the replacement wording contained within Appendix 9 with immediate effect;
- 2.10 approve the amended Council diary for 2022 and the Council diary for 2023 as set out in Appendices 10 and 11 respectively;
- 2.11 consider the information with regard to additional webcasting requirements as set out in section 3.7 of the report and Appendix 12 (exempt) and refer the matter to the budget process;
- 2.12 appoint Vice Conveners to the Appeals Sub Committee and Licensing Sub Committee as detailed in section 3.8 of the report;
- 2.13 appoint one member to each of the COSLA Boards as set out in section 3.9 of the report;
- 2.14 approve the establishment of the Void Properties Working Group, agree the membership and approve the Terms of Reference as set out in Appendix 13; and
- 2.15 instruct the Chief Officer – Governance to, following consultation with the Co-Leaders, make all other amendments to the Scheme of Governance which are necessary to reflect the decisions taken by the Council at this meeting in relation to this report.

3. CURRENT SITUATION

3.1 Notice of Motion by Councillors Nicoll and Yuill

- 3.1.1 At the Adjourned Council meeting on 13 July 2022, Council approved the following notice of motion by Councillors Nicoll and Yuill:-

“That Council notes the Policy Statement considered at its meeting on 18 May 2022, and instructs the Chief Officer - Governance to bring forward proposals to the meeting of Full Council on 24 August 2022 with recommended changes to the Scheme of Governance to incorporate the following:-

Terms of Reference

- Dis-establish the Capital Programme Committee and transfer the remit to the City Growth and Resources Committee
- Dis-establish the Strategic Commissioning Committee and transfer the remit to Full Council and any other committee as appropriate
- Extend the scope of the Education Operational Delivery Committee to include children’s services and rename it Education and Children’s Services Committee to reflect its expanded remit
- Dis-establish the Operational Delivery and Public Protection Committees, and create:
 - Communities, Housing and Public Protection Committee; and

- Net Zero, Environment and Transport Committee
- Establish an Anti Poverty Committee for addressing poverty in the city
- Rename the City Growth and Resources Committee as the Finance and Resources Committee

Powers Delegated to Officers

- To review the Planning Scheme of Delegation with a view to exploring the possibilities for ward members to direct that applications be determined by the Planning Development Management Committee rather than be determined under officer delegation.

Standing Orders

- Amend Standing Order 13 to remove Administration Leaders from the list of people to whom draft reports must be submitted except for reports to the Council and City Growth and Resources Committee
- Amend Standing Order 16 to reflect that any local member can speak at a committee without the need for consent from the Convener
- Amend Standing Order 34 to reflect that where one third of committee refers a matter to Full Council, and the next Full Council meeting is too late, the matter can be considered at a meeting of the Urgent Business Committee
- Amend Standing Order 40 regarding the length of meetings to reflect that meetings cannot last any longer than 6 hours (including, for the avoidance of doubt, any adjournments), unless Standing Orders are suspended

Scheme of Governance

- Remove all references to Business Manager and Depute Business Manager

Council Diary

- Meetings to be on an eight-week cycle, including Full Council, other than those which meet more frequently (e.g. PDMC) or less frequently (e.g. Pensions Committee)
- Change all committee start times to 10.00am

Webcasting

- Bring forward a proposal on how all Full Council and committee meetings could be made hybrid and webcast from the Chamber or Committee Room 2.”

3.1.2 This report fulfils the instruction to the Chief Officer - Governance as set out in the approved notice of motion.

3.1.3 Furthermore, the Council resolved:-

- to note that at the Budget Meeting in March 2022 as noted in the Business Planner, Council agreed to instruct the Chief Executive to bring forward a refreshed Target Operating Model to the August Council meeting; and

- to agree the Chief Executive's refreshed Target Operating Model report should set out in a manner which allows for the discharge by the Council of its different functions taking into consideration the financial climate the Council finds itself in and taking into consideration the agreed Partnership's Council 2022-2027 policy document adopted at the May 2022 Council meeting.

3.1.4 The refreshed Target Operating Model is also on the agenda for this meeting and fulfils this further instruction.

3.2 **Committee Structure**

3.2.1 It is proposed that the current committee structure continue for one further cycle of meetings, with the last meeting under the current structure being the Public Protection Committee on 12 October 2022. This will allow a smoother transition of business from the current committee structure to the new committee structure.

3.2.2 Terms of Reference for the affected (current) committees, Council and the new committees are set out in Appendices 1 to 7, and significant changes are tracked where possible. It is recommended that these be effective from 14 October 2022.

3.2.3 The Terms of Reference of Council and all committees will be reviewed again towards the end of the year and in early 2023, as part of the annual review of the Scheme of Governance to be reported to Council in February 2023. This will allow the new committees and renamed committees the opportunity to bed in and for officers and members to feed into the review based on their operation from October to February.

3.2.4 It is proposed that the existing Conveners and Vice Conveners of the City Growth and Resources and Education Operational Delivery Committees become the Conveners and Vice Conveners of the Finance and Resources and Education and Children's Services Committees respectively, and that the memberships of those committees be the same as is currently the case.

3.2.5 Conveners and Vice Conveners of the three new committees (Communities, Housing and Public Protection, Net Zero, Environment and Transport and Anti Poverty and Inequality) will require to be appointed, and the Council will be required to determine their level of remuneration with regard to senior councillor allowances.

3.2.6 By way of comparison, senior councillor allowances are currently paid to the four Conveners of the committees proposed to be disestablished, however the four Vice Conveners are not in receipt of a senior councillor allowance for that role.

3.2.7 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 £25,691 (lower level in terms of current practice) and £34,254 (upper level) provided that the total is within the maximum permissible of £511,316; and
- (b) a basic allowance of £19,571 must be paid as a minimum to each member of the Council as set out in the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007. No member can be paid more than one allowance.

3.2.8 The Council is asked to agree the senior allowances to be paid, bearing in mind that separate provision is made for the Civic Head (Lord Provost) and the Leader of the Council. For the avoidance of any doubt, the Lord Provost and the Leader of the Council are not included in the maximum of 19 Councillors who can hold senior positions, nor the maximum £511,316 limit referred to above.

3.2.9 With regard to the composition and membership of the three new committees, it is proposed that they each have 13 members based on the following compositions. Names can be provided to the Chief Officer - Governance following the Council meeting.

Committee	Partnership	Labour	Conservative	Cllr Boulton	Cllr Stewart	Total
Communities, Housing and Public Protection	7	3	2	0	1	13
Net Zero, Environment and Transport	7	3	3	0	0	13
Anti-Poverty and Inequality	7	3	3	0	0	13

3.3 Planning Scheme of Delegation

3.3.1 Officers in Strategic Place Planning do not recommend amending the Planning Scheme of Delegation (i.e. the Scheme of Delegation for dealing with planning applications for Local Developments) in the Powers Delegated to Officers to allow ward members to direct that applications be determined by the Planning Development Management Committee (PDMC) rather than determined under officer delegation.

3.3.2 If an application was to be referred to PDMC, this could add up to 5 weeks to the determination process based on the current committee intervals, depending on when in the committee cycle such a referral was requested; such delays

would make the process less efficient and would have a detrimental impact in a number of areas.

- 3.3.3 The current triggers in the Planning Scheme of Delegation are tailored to allow more controversial applications to be considered by PDMC and allow members to directly participate in decision making. These triggers erode the justification for referral to PDMC, as such referrals would by definition be for applications with fewer than 6 objections or where the Community Council had not objected, rather than for applications that were more controversial in the local community.
- 3.3.4 Officers have also considered ward members making representations on behalf of constituents at PDMC. This can be done, but due to provisions in the Councillors' Code of Conduct, there must be a procedure to allow equal opportunity for all interested parties to make representations. Officers will draft a procedure to allow all interested parties, including ward members, to make representations at PDMC and will report back to the November PDMC. In addition, further work to increase community engagement on planning matters will be undertaken, particularly to utilise the network of community councils to provide opportunities for participation and engagement.
- 3.3.5 Officers will also look to produce an easy to read PDF guidance leaflet for wide circulation to make it easier for people to compose and submit a valid representation to a planning application. This would show people how to monitor and view planning applications, and the document would also be publicised and displayed on the Council website.

3.4 Standing Orders

- 3.4.1 Appendix 8 provides details of the proposed changes to Standing Orders 13, 16, 34 and 40 in terms of the notice of motion by the Co-Leaders.
- 3.4.2 Similar to the Planning Scheme of Delegation, officers in Strategic Place Planning and Legal Services do not recommend amending Standing Order 16 in respect of quasi-judicial matters. However, as detailed at 3.3.4 above, it is proposed that a procedure be prepared on making representations to the PDMC. There is already a process in place to allow equal opportunity for interested parties to speak at the Licensing Committee, so ward members can make representations there, subject to the statutory processes governing licensing.

3.5 Scheme of Governance - Business Manager and Depute Business Manager and other amendments

- 3.5.1 The vast majority of references to Business Manager and Depute Business Manager within the Scheme of Governance documents can simply be removed without any impact. However, there are a small number of Business Manager references where the Council is requested to make a decision in terms of replacement wording, and these are contained within Appendix 9.
- 3.5.2 Furthermore, numerous (minor) amendments to the Scheme of Governance will be necessary in order to reflect the Council's decisions in relation to this

report and an instruction is sought for the Chief Officer – Governance to make these amendments following consultation with the Co-Leaders. For example, in the Powers Delegated to Officers, references to conveners of disestablished Committees will require to be replaced with references to conveners of the relevant new Committees. As another example, various amendments to the Procurement Regulations will be required in order to reflect any changes made to the Terms of Reference in relation to procurement matters.

3.6 Council Diary

3.6.1 Appendix 10 is the amended Council diary for the remainder of 2022, which is based on the current committee structure running up to and including the Public Protection Committee meeting on 12 October 2022, although with committee start times generally changed to 10.00am. Thereafter, the new committees are scheduled. In line with the instruction that all meetings be on an eight-week cycle, including Full Council, an additional Council meeting has been identified on 13 October 2022.

3.6.2 Appendix 11 is the proposed Council diary for 2023. This is based on an extra meeting of most committees taking account of the desire for an eight-week cycle. In line with previous practice, the school holidays have been kept free of ordinary committee meetings which results in the first half of the year being more congested than the second half of the year, however this cannot be avoided unless meetings are scheduled during the school holidays.

3.7 Webcasting

3.7.1 The relevant information is contained within Appendix 12 which is exempt.

3.8 Appeals Sub Committee and Licensing Sub Committee

3.8.1 The Conveners of the Staff Governance and Licensing Committees have indicated that they would like Vice Conveners to be appointed for the Appeals Sub Committee and the Licensing Sub Committee, in order that if the Convener was not available the Vice Convener would chair the meeting.

3.8.2 The Appeals Sub Committee Procedure can be amended by officers under delegated powers to that effect, however only once the decision to appoint a Vice Convener has been agreed.

3.9 COSLA Boards - Appointment of Members

3.9.1 Colleagues at COSLA (Convention of Scottish Local Authorities) have advised that their board structure has been confirmed and they therefore require one elected member to be appointed by the Council to each of the following boards:-

- Health and Social Care
- Children and Young People
- Environment and Economy
- Community Wellbeing

3.10 Void Properties Working Group

3.10.1 At its meeting on 19 January 2022, the Operational Delivery Committee resolved to hold a cross party meeting to establish the feasibility and potential remit of a Voids Working Group. Following the local government election in May 2022, the Chief Officer - Early Intervention and Community Empowerment contacted Group Leaders and Independent Councillors requesting nominations to participate in this meeting. Such meeting took place where it was agreed that a working group was feasible, and Terms of Reference were agreed amongst the group which are attached at Appendix 13.

4. FINANCIAL IMPLICATIONS

4.1 The financial implications associated with appointing new Conveners and Vice Conveners will be met from existing approved budgets.

4.2 The financial implications relating to additional webcasting provision are not currently covered by existing budgets and, if the Council wish to proceed with additional webcasting, a source of funding would need to be identified. The specific costs are contained in Appendix 12.

5. LEGAL IMPLICATIONS

5.1 Under Section 56 of the Local Government (Scotland) Act 1973, subject to certain exceptions, the Council may arrange for the discharge of any of its functions by a Committee or Sub Committee.

5.2 The Scheme of Delegation for dealing with planning applications for Local Developments is a statutory requirement and as such any changes to it may require to be approved by Scottish Ministers.

6. ENVIRONMENTAL IMPLICATIONS

6.1 There are no direct environmental implications arising from the recommendations of this report.

7. RISK

7.1 The assessment of risk contained within the table below is considered to be consistent with the Council's Risk Appetite Statement.

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	No significant	N/A	N/A	N/A

	risks identified			
Compliance	Council must comply with legislation and the Scheme of Governance	The recommendations comply with statutory obligations and the Scheme of Governance	L	Yes
Operational	No significant risks identified	N/A	N/A	N/A
Financial	No significant risks identified	N/A	N/A	N/A
Reputational	No significant risks identified	N/A	N/A	N/A
Environment / Climate	No significant risks identified	N/A	N/A	N/A

8. OUTCOMES

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

9. IMPACT ASSESSMENTS

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

10. BACKGROUND PAPERS

None

11. APPENDICES

- Appendix 1 - Finance and Resources Committee - Terms of Reference (ToR)
- Appendix 2 - Council - ToR
- Appendix 3 - Education and Children's Services Committee - ToR
- Appendix 4 - Communities, Housing and Public Protection Committee - ToR
- Appendix 5 - Net Zero, Environment and Transport Committee - ToR
- Appendix 6 – Anti-Poverty and Inequality Committee – ToR
- Appendix 7 - Audit, Risk and Scrutiny Committee - ToR
- Appendix 8 - Standing Orders 13, 16, 34 and 40
- Appendix 9 - Scheme of Governance - Business Manager
- Appendix 10 - Proposed Council Diary 2022
- Appendix 11 - Proposed Council Diary 2023
- Appendix 12 - Webcasting - **Exempt**
- Appendix 13 - Void Properties Working Group - ToR

12. REPORT AUTHOR CONTACT DETAILS

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