

GOVERNANCE REFERENCE GROUP

Friday, 18 October 2024

In Attendance: Councillor Radley, Chairperson; and Councillors Allard, Brooks, McLellan, Van Sweeden and Yuill.

Also present: Vikki Cuthbert, Steven Inglis, Ronnie McKean, Gogo Okafor and Alan Thomson

	Agenda Item	Notes of Discussion	Action/Decision	By Whom
1	<u>Minute extract from 21 August 2024 Full Council</u>	<p>The Group had before it the Minute extract from Full Council of 21 August 2024 relating to the Scheme of Governance Review 2024.</p> <p>The Interim Chief Officer – Governance (Assurance), Vikki Cuthbert advised the Group that the two tasks had been highlighted in order to report back to the Council with a review on Committee Terms of Reference (a) how scrutiny was managed within committees; and (b) the usual annual review of Scheme of Governance.</p> <p><u>The Group resolved: -</u> to note the information provided.</p>		
2	<u>Committee Terms of Reference and Scrutiny</u>	<p>The Group had before it the Committee Terms of Reference and a discussion paper on Scrutiny including information on how this was incorporated into terms of reference in other councils.</p> <p>Vikki Cuthbert – Chief Officer – Governance - (Assurance) advised that she and Alan Thomson – Chief Officer – Governance -</p>		

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		<p>(Legal) had been instructed by the Group to look into Scrutiny Models. Mrs Cuthbert advised that Ronnie McKean – Corporate Risk Lead had reviewed the models and operations from other Councils. She advised that the paper included reference to a shared Aberdeenshire scrutiny model.</p> <p>Mrs Cuthbert pointed out that officers would need direction from the Group, in terms of our scrutiny approach. Furthermore, she spoke regarding the timelines as during the previous year the review of Committee Terms of Reference had been separated from the rest of the Scheme of Governance, and the intention was to have had it returned in February, with the remainder of the Scheme of Governance reporting in August. She suggested to the Group to have it back on track once a year either to the April or February Council meeting in order to avoid the work being duplicated. In terms of the Standing Orders and Powers Delegated to Officers, Mrs Cuthbert suggested to the Group to have a date agreed in the month of April, which would enable more time to have the area of scrutiny explored.</p> <p>With regard to protocols and conduct, Councillor Brooks was of the view that following the last Full Council meeting in October there should be greater clarification in relation to the Member-Officer Relations Protocol to protect officers from aggressive questioning. There was agreement from those in attendance that during the recent Council meeting, questions, or scrutiny, by members</p>		

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		<p>had been unfair on officers and went beyond what they may be expected to respond to in these situations. Councillor Brooks was supportive of reporting the full Scheme of Governance in April. The Chairperson, agreed that the behaviour of some members in meetings was unacceptable and therefore the various groups should be reminded of the Protocol.</p> <p>During the course of discussion, Councillor Allard enquired if there would be some further training for elected members reminding them of the Member-Officer Relations Protocol. In response, Mrs Cuthbert assured the group that the Protocol should guide members - for instance, the Code of Conduct for elected members cannot be enforced by officers. With reference to training, Mrs Cuthbert informed the Group that at the forthcoming Audit, Risk and Scrutiny Committee meeting in November, the committee would consider an internal audit report on Training and Development for Elected Members and this should act as a reminder to all members of the training opportunities available to them. It was mentioned that the elected members have not consistently attended the Code of Conduct training. The Group was advised that the elected member SharePoint site will shortly include a section on the do's and don'ts of a committee, as well as reminders on behaviours and protocols.</p> <p>Mrs Cuthbert referred back to scrutiny, and advised that overall it was not meant for</p>		

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		<p>officers to be scrutinised, but that questions can be raised on policy and performance. The following questions were asked of the Group in terms of scrutiny:- (a) examples of effective scrutiny; (b) were there any gaps; and (c) how do we evidence that we are undertaking appropriate and adequate scrutiny. In response to observations and questions, Mrs Cuthbert advised the Group that with the challenging risk environment, it had made it more important to know where and what should be scrutinised. The Chairperson suggested it would be helpful have the opinion and guidance of the auditors on how they advise scrutiny should be carried out. Also for the Audit, Risk and Scrutiny Committee, it would be helpful to include the Convener of the Committee in scrutiny discussions. Furthermore, she suggested it was good practice that other committees undertake a scrutiny role. The Group agreed with the Chairperson on the need to have the internal and external auditors' advice and in terms of scrutiny, conduct, how officers could be protected. Mrs Cuthbert was therefore instructed to schedule a session with the auditors - Anne Macdonald and Jamie Dale, and have them invited to discuss scrutiny, and Terms of Reference reflecting the scrutiny.</p> <p>Councillor van Sweeden identified diversity in the council was important in terms of scrutiny. She sought clarification if questions would be published for the press and the wider community were aware that the papers had been scrutinised. Councillor Allard was of the</p>	<p>Invite Anne Macdonald and Jamie Dale to the next meeting</p>	<p>Vikki Cuthbert</p>

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