
COMMITTEE	Council
DATE	31 October, 2013
LEAD OFFICER	Valerie Watts
TITLE OF REPORT	Roles and Responsibilities: Is Aberdeen City Council Getting it Right? – Standing Orders, Orders of Reference, External Members on Committees and Scheme of Delegation
REPORT NUMBER:	CG/13/110

1. PURPOSE OF REPORT

- 1.1 This report complies with the instruction at the previous meeting of Council to report on a complaints procedure for external members of committees and on a revised scheme of delegation to officers, and in addition seeks approval of minor changes to Standing Orders and Orders of Reference.

2. RECOMMENDATION(S)

2.1 It is recommended that Council:-

- (a) suspends standing order 22(1) and approves the amendment of the Orders of Reference for the Audit and Risk Committee to transfer the consideration of outcomes in respect of Arms' Length External Organisations to the Orders of Reference for the Education, Culture and Sport, Enterprise, Strategic Planning and Infrastructure and Social Care, Wellbeing and Safety Committees, as set out in paragraph 5.2 and as recommended by the Audit and Risk Committee of 24th September;
- (b) suspends standing order 22(1) and approves changes (1) to Standing Orders 20 and 21, so that deadlines for the submission of questions and motions which would otherwise fall over Christmas and New Year or on another public holiday will now fall prior to the holiday period, as set out in paragraph 5.4; and (2) to Standing Order 10(1), by adding "No deputation shall be accepted which relates to a petition before the Petitions Committee.";
- (c) approves the establishment of a sub committee of seven members to hear and determine complaints against external members of committees and sub committees in accordance with the procedure set out at paragraph 5.6 and Appendix A, and agrees to write to the Standards Commission for Scotland to suggest that a national code be put in place for external members of local authority committees;
- (d) approves the revised Scheme of Delegation to officers as set out under paragraph 5.8 and Appendix B, determining whether or not to retain or

- amend delegated power 19 on page 78 in the light of the response from Unison;
- (e) suspends standing order 22(1) and approves the transfer of one Labour Group place on the Planning Development Management Committee to the Independent Alliance Group and the transfer of one Independent Alliance Group place on the Social Care, Wellbeing and Safety Committee to the Labour Group; and
 - (f) notes that the petitions pages on the Council's website went live on 21st October.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications arising from this report, other than those associated with meetings or allocating staff to handling complaints against external members of committees.

4. OTHER IMPLICATIONS

- 4.1 There are no legal or other implications arising from this report, although the creation of a policy for handling complaints against external members may influence the decision of people who were considering standing for such posts.

5. BACKGROUND/MAIN ISSUES

Background

- 5.1 This report builds on the decisions of the Council at its previous meeting on 21st August, 2013, to make amendments to the Committee structure, Standing Orders, Orders of Reference and Governance of Arms Length External Organisations (ALEOs), based on considerations arising from a report produced in August, 2010, by Audit Scotland entitled "Roles and Working Relationships – Are you Getting It Right?" and on a report which the Council itself commissioned on Roles and Responsibilities. This self-evaluation project contained ten recommendations to Council and was considered by the Audit and Risk Committee on 25th September, 2012 (Article 11 of the minute of meeting refers) and of these, eight were approved by that Committee.

Orders of Reference

- 5.2 At its meeting of 16th April, 2013 (Article 7 of the minute of meeting refers) the Audit and Risk Committee considered a report by Internal Audit on the scrutiny of Arms Length External Organisations, which made a number of recommendations relating to monitoring, scrutiny, risk management and Council appointments to the Boards of ALEOs. As a result of that Committee's decisions, Council approved changes to the Orders of Reference of the Audit and Risk Committee and Service Committees responsible for

ALEOs so as to provide a distinct separation of roles; Service Committees would undertake the strategic and policy setting role whilst the Audit and Risk Committee would scrutinise performance and risk management. Amongst other matters, the remit of the Audit and Risk Committee required that it scrutinise ALEO compliance against contract and business plan and the delivery of outcomes.

- 5.3 Following further consideration by officers of the detail of the auditor's recommendations and more work to define the distinct roles of Service Committees and the Audit and Risk Committee, it was recommended to the Audit and Risk Committee on 24th September, 2013 that the delivery of outcomes should be for Service Committees to consider, given that issues such as the quality of provision, customer feedback and service improvements are appropriate Service Committee matters. Accordingly, the Audit and Risk Committee agreed to suspend Standing Order 22(1), amend its decision of 16th April, 2013 and recommend to Council that the delivery of outcomes be a matter falling within the remits of Service Committees with responsibilities for ALEOs. If Council is minded to approve this recommendation, it in turn would require to suspend Standing Order 22(1) to amend its decision of 21st August.

Standing Orders

- 5.4 At its meeting of 21st August, 2013 Council agreed to make a number of revisions to Standing Orders; one of these related to the wordings for the submission of questions and motions (Standing Orders 20 and 21). It became apparent upon plotting the deadlines for the submission of questions and motions directly to committee that certain of these dates fell over the Christmas and New Year holidays and it is therefore recommended that both of these Standing Orders be amended to clarify that, where a deadline for consultation or submission would fall over the Christmas and New Year or other holiday, those deadlines be brought forward so as to fall before the holiday period. This would also require the suspension of Standing Order 22(1) and, if agreed, amended dates will be circulated to all Members and placed on the Zone.
- 5.5 In addition, the Petitions Committee agreed, as part of the consideration of its draft procedure, that Standing Order 10(1) shall not apply to petitions before that Committee. Petitioners, in a group of up to three people, would be invited to speak to the Committee for ten minutes and to be questioned for a further ten, but no deputation request can be submitted in support of a petition at this stage. This addition will require the suspension of Standing Order 22(1).

Procedure for Complaints Against External Members

- 5.6 At its meeting of 21st August, 2013 Council instructed that officers bring forward a process for handling complaints against external members of the Education, Culture and Sport Committee and the Shareholder Scrutiny Group. A draft procedure is attached as Appendix A to this report. This proposes that a small sub committee of Finance, Policy and Resources Committee (which has the remit for overseeing the Councillors' Code of Conduct) be established,

comprising around seven members, to meet as and when required to hear and determine any complaint against external members. No complaint has been received against any external member since the establishment of the Council in 1996 but it is appropriate to have a procedure in place to cover such an eventuality.

5.7 Three responses to consultation were received to this draft procedure:-

- (a) Mr Alex Nicoll, Parent representative (Primary Schools and ASN), Education, Culture and Sport Committee, was supportive of the procedure.
- (b) Mr Tony Rafferty, Aberdeen City Parent Council Forum, raised a number of points which have now been covered in the appended draft. One suggestion was that there should be an independent appeal process. Whilst it may be possible to ask officers of another authority to hear an appeal, another option may be that, given the fact that most Councils have appointed external representatives to the committee carrying out the education function, the Standards Commission be requested to consider applying a code to external members on a national basis. It is recommended that this option be supported but that the Council approves its own procedure pending any national decision.
- (c) Ms Karen Davidson, Unison, who expressed concern that external members may be held to a different standard compared to elected members, and suggested that any investigating officer compare decisions published on the Standards Commission website to assist in ensuring the compatibility of any sanctions being contemplated. This has been incorporated into the appended draft.

Scheme of Delegation

5.8 Council also agreed at the meeting of 21st August, 2013 that officers bring forward a revised Scheme of Delegation, updated in the light of any changes to committee structures, etc. The revised Scheme of Delegation is attached as Appendix B to this report (with tracked changes) and includes all delegations granted by Council or Committee since the last revision to the document in 2010. The majority of amendments or additions are housekeeping in nature, however the delegated powers under the Head of Planning and Sustainable Development have been amended to be in harmony with the previously approved Scheme of Delegation in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997 and the Planning etc. (Scotland) Act 2006.

5.9 In addition, a new delegated power has been proposed by Education, Culture and Sport (number 19 on page 18 of Appendix B) - "To make the necessary financial, legal and technical decisions, based on professional advice in relation to capital and revenue based school building and refurbishment projects within Education, Culture and Sport." The rationale behind this proposal is to reduce the risk of unnecessary delay in decision making in

relation to major build projects within Education, Culture and Sport which under non-delegated arrangements would be referred to the Education, Culture and Sport Committee or other relevant committee.

Most other delegations sought are minor in nature in line with more recent legislation and document working practices already in place.

- 5.10 A consultation response from Unison forms Appendix C to this report, and concerns delegated power 19 on page 78 of the Scheme, which allows directors to carry out restructuring including appointing new posts, converting one post to another, changing grades, changing job titles etc provided it is within service budgets. Unison wish that this power be deleted from the Scheme, and have proposed an alternative means of handling restructuring, which may be a subject for discussion at the Joint Consultative Committee. To avoid all delegated powers in this area being withdrawn, Unison have suggested that it would be acceptable if the existing power were to be restricted to five posts; any more would require committee approval.

Allocation of Group Places on Committees

- 5.11 Following the meeting of Council of 21st August, 2013 the Labour Group and Independent Alliance Group have proposed a change to the allocation of Committee places. It is recommended that Council suspends Standing Order 22(1) and approves the transfer of one Labour Group place on the Planning Development Management Committee to the Independent Alliance Group and the transfer of one Independent Alliance Group place on the Social Care, Wellbeing and Safety Committee to the Labour Group.

Petitions Committee

- 5.12 The first meeting of the Petitions Committee was held on 19th September, when, in addition to approving the Orders of Reference and Petitions Procedure, the Committee called for a report on involving young people in the petitions process and agreed to review its operation after twelve months. The petitions pages on the Council website went live on 21st October.

6. IMPACT

- 6.1 The Governance issues addressed in this report arise from the Council's previous consideration of work undertaken in conjunction with or proposed by Audit Scotland which, taken as a whole, should lead to an improvement in the governance and decision making processes of the Council. Members would be better trained and better informed with a clearer understanding of the relationship between the role of members and the role of officers and such clarity should lead to a better understanding of the Council's work by the public and improve the transparency of the democratic processes in the City. In particular, this report proposes a process to consider complaints against external members which places an additional transparency upon their role and holds them to account in a manner not done previously.

7. MANAGEMENT OF RISK

- 7.1 The recommendations in the report address the risks previously identified in the report produced by consultants, “Roles and Responsibilities – Is Aberdeen City Council Getting It Right?” and further identifies a means of reducing risk relating to Arms’ Length External Organisations discussed by the Audit and Risk Committee.

8. BACKGROUND PAPERS

Roles and Working Relationships – Are You Getting It Right? Audit Scotland, August, 2010

Roles and Responsibilities – Is Aberdeen City Council Getting It Right? January, 2012

Shared Risk Assessment, Aberdeen City Council, Audit Scotland, 2010/11, 2011/12

Roles and Responsibilities – Is Aberdeen City Council Getting It Right? – Report to Audit and Risk Committee, 25th September, 2012

Roles and Responsibilities – Is Aberdeen City Council Getting It Right? – Report to Council, 6th March, 2013

Arms’ Length External Organisations – Governance Arrangements – Internal Audit report to Audit and Risk Committee, 16th April, 2013

Roles and Responsibilities – Is Aberdeen City Council Getting It Right? – Committee Structures and Standing Orders and Governance Arrangements for Arms Length External Organisations - Report to Council, 21st August, 2013

Arms Length External Organisations – Governance Arrangements – Outstanding Issues and Progress - Report to Audit and Risk Committee, 24th September, 2013

9. REPORT AUTHOR DETAILS

Roderick MacBeath
Senior Democratic Services Manager
Email rmacbeath@aberdeencity.gov.uk
Tel (01224) 523054