

## URGENT BUSINESS COMMITTEE

ABERDEEN, 2 APRIL 2015 - Minute of Meeting of the URGENT BUSINESS COMMITTEE. Present:- Councillor Laing, Convener; and Councillors Boulton, Dickson, Jackie Dunbar, Grant (substituting for Councillor Cooney), Lawrence (substituting for Councillor Crockett), McCaig, Noble, Taylor, Thomson, Townson (substituting for Councillor Cameron), Young and Yuill.

**The agenda and reports associated with this minute can be found at:-**

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=334&MId=3754&Ver=4>

### **DETERMINATION OF URGENT BUSINESS**

1. In terms of Standing Order 28(6)(vi), and in accordance with Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, the Committee was informed that it had to determine (1) that the items on the agenda were of an urgent nature; and (2) that the Committee required to consider the items and take decisions thereon.

#### **The Committee resolved:-**

- (i) to agree that the report entitled 'Interim Arrangements for Head of Legal and Democratic Services and Monitoring Officer' was of an urgent nature and required to be considered this day; and
- (ii) to agree that the report entitled 'Amendments to the Recruitment Process for Director of Corporate Governance' was not of an urgent nature, and instruct that it be submitted to the next meeting of the Finance, Policy and Resources Committee.

At this juncture, Councillor Yuill intimated that he wished for an additional item to be added to the agenda in the following terms:-

That this Committee -

- (1) deplores the decision by the Council to ban the Standards Commission for Scotland from holding on Council premises on 15 April a hearing into the conduct of members of this Council; and
- (2) instructs officers to immediately issue an invitation to the Standards Commission for Scotland to use Council premises for this hearing and to provide such other logistical support as the Standards Commission may require.

The Chief Executive explained the background to the situation, emphasising that having taken advice from officers, she had informed the Standards Commission that it would be preferable not to hold the hearing on Council premises on 15 and 16 April due to it falling within the pre-election period, and therefore it was not considered appropriate to use Council premises for a hearing which would generate significant media attention of a sensitive nature. She added that the Standards Commission had written to her on 1 April expressing their disappointment at the decision, and requested that she reconsider and provide them with a final decision by 2 April. The Chief Executive explained that she had not yet concluded her deliberations and therefore had not reached a final decision on the matter.

The Convener ruled Councillor Yuill's motion incompetent in terms of Standing Order 18(1)(iii), as the decision had been taken by the Chief Executive and not by the Council, however she was willing to allow Councillor Yuill to move an alternative form of wording which was competent.

At this juncture, Councillor McCaig asked if a decision was made by officers under delegated powers on whose behalf would they be making it. Mrs Alyson Mollison, Legal Manager, advised that they would be making it on behalf of the Council, however that was not necessarily the same as the decision being made by the Council. The Convener requested that this be recorded in the minute.

Following further questions to the Chief Executive and other officers, Councillor Yuill advised that his revised wording was as follows:-

That the Committee agree to instruct officers to immediately issue an invitation to the Standards Commission for Scotland to use Council premises for their hearing scheduled for Aberdeen on 15 and 16 April 2015.

**The Committee further resolved:-**

- (i) to accept the additional item onto the agenda, agreeing that it was of an urgent nature and required to be considered this day; and
- (ii) to consider the matter as the last item of business.

**INTERIM ARRANGEMENTS FOR HEAD OF LEGAL AND DEMOCRATIC SERVICES AND MONITORING OFFICER - OCE/15/011**

2. The Committee had before it a report by the Chief Executive which sought to put arrangements in place to provide cover for the post of Head of Legal and Democratic Services and the statutory role of Monitoring Officer until the recently appointed candidate takes up post.

**The report recommended:-**

that the Committee -

- (a) appoint the Head of Procurement to provide strategic managerial direction to Legal and Democratic Services until the recently appointed candidate takes up post;
- (b) authorise the four service managers in Legal and Democratic Services to act up into the duties of the Head of Legal and Democratic Services specific to their post set out in Standing Orders, the Scheme of Delegation and job profile during this period;
- (c) suspend Standing Order 42(3) insofar as it requires that the Head of Legal and Democratic Services shall be the Monitoring Officer and to appoint the Head of Procurement to that position until such time as the recently appointed candidate takes up post; and
- (d) notwithstanding (b) above, during the same period to appoint Alyson Mollison, Legal Manager, as Clerk to the Licensing Board, and Karen Donnelly, Legal Manager, as Appointed Person for the Pensions Scheme and as Data Controller.

**The Committee resolved:-**

to approve the recommendations.

## STANDARDS COMMISSION HEARING ARRANGEMENTS

3. With reference to Article 1 of this minute, the Convener moved, seconded by Councillor Boulton:-

That the Committee -

- (1) note the information provided by the Chief Executive in relation to this matter; and
- (2) agree that this is a decision to be made by the Chief Executive.

Councillor Yuill moved as an amendment, seconded by Councillor Jackie Dunbar:-

That the Committee agree to instruct officers to immediately issue an invitation to the Standards Commission for Scotland to use Council premises for their hearing scheduled for Aberdeen on 15 and 16 April 2015.

On a division, there voted:-

For the motion (7) - Convener; and Councillors Boulton, Grant, Lawrence, Taylor, Thomson and Young; For the amendment (6) - Councillors Dickson, Jackie Dunbar, McCaig, Noble, Townson and Yuill.

**The Committee resolved:-**

to adopt the motion.

**In terms of Standing Order 15(6), Councillors Dickson, McCaig, Noble, and Yuill intimated their dissent against the foregoing decision.**

**- JENNIFER LAING, Convener.**