

ABERDEENSHIRE COUNCIL – 17 JANUARY 2019

Written Questions determined by the Provost to be admissible.

From Councillor A S Buchan:

- (Q) To The Provost:** At the Aberdeenshire Council Meeting of 28th June 2018 before a democratically elected member was illegally ejected from the chamber for standing up for the democratic rights of all members, the legal officer acting on the instruction of the Provost said that the member would be reported to the Standards Commission. Six months on the Provost has failed to carry out his threat, which the councillor involved regarded as a bullying attempt, has the Provost's position now become untenable
- (A)** No. There was no threat to report the councillor to the Standards Commission nor instruction to the legal officer to say this to the councillor. At the Aberdeenshire Council meeting on 28th June 2018 Standing Order 5.1.9 was lawfully invoked and Aberdeenshire Council agreed that a councillor be suspended for the remainder of the meeting.
- (Q) To The Provost:** With reference to the previous question, when will the Provost be resigning?
- (A)** I have no intention of resigning from the position of Provost. Standing Order 1.1 provides for the election of the Provost at the first meeting of Full Council following an ordinary election and that the appointment will be effective for the full council term unless provided otherwise by statute or a motion for removal is carried by a majority of Members present and voting.
- (Q) To The Chief Executive:** Is the Peterhead BID Manager's Income Tax and National Insurance paid via Aberdeenshire Council's pay roll?
- (A)** No. The Peterhead BID Manager is not an employee of Aberdeenshire Council.
- (Q) To The Chief Executive:** Audit Scotland were asked to investigate the gross irregularities of Aberdeenshire's Council attempt to deceive Peterhead

businesses in to accepting a BID. Audit Scotland made such a mess of the investigation they had to issue an apology thus when will Aberdeenshire Council be abandoning the Peterhead BID which if a free and fair election had taken place would have never have foisted on Peterhead town centre businesses?

- (A) Audit Scotland have confirmed that questions relating to the use of public funds for the Peterhead BID were raised with them in October 2018. These were duly considered and a response setting out their findings was issued to the correspondent. They have also confirmed that they did not identify any concerns in relation to the questions raised with them. The conduct of the investigation by Audit Scotland is not a matter for the Council and any related questions should be redirected to Audit Scotland.

The Council may only legally terminate BID arrangements under the following circumstances:

- If the BID has insufficient finances to meet its liabilities
- If the Local Authority is unable to provide works or services necessary for the BID arrangements to continue

As none of these circumstances exist there is no basis for the Council terminating the Peterhead BID.

- (Q) **To The Chief Executive:** Client Name: Aberdeenshire Council-BID Levy (the description used the Glasgow based Sheriff Officer employed by Aberdeenshire Council to threaten and intimidate Peterhead Town Centre businesses). When is Aberdeenshire Council going to stop intimidating and threatening hard working Peterhead town centre businesses and return the £200,000 the Council has already misappropriated from Peterhead town centre businesses which has cost jobs?

- (A) The Council has a statutory duty to collect the Peterhead BID Levy on behalf of the Peterhead BID company. The Council follows due process in collecting the levy including sending a bill then a reminder with payment options available for those liable to pay. Sheriff Officers are only instructed when other attempts to obtain payment have been unsuccessful: there is a legal basis for such an instruction. The Council is unable to return payments of the levy as the Council has no discretion to do so.

- (Q) **To The Chair of the Infrastructure and Services Committee:** The Modern Trust Ports for Scotland Guidance for good governance states:

2.4.2. Subject to continued eligibility, each board member may be appointed for a maximum of three consecutive terms (i.e. reappointed twice), although reappointment for the third term should be only in exceptional circumstances. (term being three years)

3.3.4 Scottish Ministers will monitor compliance with this guidance but interested parties should play their part in bringing to Ministers' attention any examples of unaccountable behaviour in the trust ports sector. If anyone believes that a board, its members or its officials are acting in a manner which:

is illegal, improper, outside their powers, unethical or otherwise in breach of the principles of the trust port;

might involve maladministration, fraud, criminal or unlawful activity or misuse of port assets; or

is otherwise inconsistent with this guidance or any other professional code.

From the PPA website it can be observed at least two members of the Peterhead Port Authority board are currently severing their fourteenth year on the PPA board when the rules say that they should have only served six with nine years in exceptional circumstances. As an interested party, when will the Chair of ISC be carrying out his duty to bring this matter to the attention of Scottish Ministers?

- (A)** I have asked officers to make enquiries with the Peterhead Port Authority to determine whether there are reasonable concerns that require to be brought to the attention of the Scottish Ministers regarding this third party and I will consider what action, if any, to take, once I am aware of the outcome of those enquiries.

