

## REPORT TO ABERDEENSHIRE COUNCIL – 22 NOVEMBER 2018

### SCHEME OF GOVERNANCE

#### 1 Recommendations

The Council is recommended to:

- 1.1 **Approve the proposed additions and amendments to the Scheme of Governance which were reported to Full Council on 27 September, 2018;**
- 1.2 **Approve the insertion of definitions for “procurement” and “relevant service management team” into the Glossary at Part 4H of the Scheme of Governance; and**
- 1.3 **Approve the implementation of the revised Scheme of Governance on 23 November, 2018.**

#### 2 Background / Discussion

- 2.1 At its meeting on 24 November, 2016, Full Council approved the new Scheme of Governance and its implementation date of 27 January, 2017. It was agreed that that the Scheme of Governance would be reviewed and that any amendments required would be reported to Full Council in June, 2018. The required review has taken place and proposed additions and amendments were notified to Full Council on 28 June, 2018, and subsequently approved at its meeting on 27 September, 2018, in accordance with the two cycle approval process set out in Standing Order 9.1.a.
- 2.2 At its meeting on 7 September, 2018, the Procedures Committee received a report detailing further amendments to those tabled on 28 June, as detailed in Appendices 1 and 2 of this report. Following the Committee’s recommendations, the amendments were notified to Full Council on 27 September, 2018.
- 2.3 In accordance with the two cycle approval process under Standing Order 9.1.a, approval is now sought for amendments to the Scheme of Governance. The proposed amendments can be summarised as follows:-
  - 2.3.1 An insertion to Part 2C – List of Planning Delegations to reflect the Area Committee’s role in agreeing masterplans, as required by the Local Development Plan. This simply confirms current practice.
  - 2.3.2 An amendment to the delegation to Policy Committees to approve members’ attendance at conferences and events to reflect that a councillor who is not a member of the Committee may be nominated to attend. This aligns with the provisions for appointment of sub-committee and working groups, where the Policy Committee may appoint members outwith the membership of the Committee.

Appendix 1 details the additional changes required to the Scheme of Governance to reflect the above two proposals.

2.3.3 Revised delegated powers for Area Committees in relation to road traffic orders to clarify what Area Committees have the delegated power to determine in relation to those orders. The existing Committee powers and proposed amendments form Appendix 2 and provide that, where an Area Committee wishes to depart from Council policy, the Area Committee should provide justification to the Infrastructure Services Committee (ISC) in the form of reasons, and should request consent to depart. If ISC agrees that a departure is justified in the circumstances, there can be a departure from Council policy. Part C of Appendix 2 shows the proposed addition to the Glossary to the Scheme of Governance of a definition of a traffic order.

A full discussion of the matter is contained in the report (item 4) to the Procedures Committee on 7 September, 2018, which can be found using the link below.

<https://committees.aberdeenshire.gov.uk/FunctionsPage.aspx?dsid=96251&action=GetFileFromDB>

2.4 Following Internal Audit recommendations, it is also proposed that the following definitions are inserted into the Glossary at Part 4H of the Scheme of Governance:-

Procurement	The process of purchasing works, goods and services from external suppliers.
Relevant Service Management Team (for the purpose of Financial Regulations)	The Management Team identified by the responsible Director or Chief Officer of the Health and Social Care Partnership as the appropriate team to consult with, having regard to the nature and value of the procurement.

Standing Orders provide that amendments to the Glossary at Part 4H of the Scheme of Governance are exempt from the two cycle approval process and can therefore be approved for implementation on 23 November, 2018.

2.5 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report, their comments are incorporated within the report and they are satisfied that the report complies with the Scheme of Governance and relevant legislation.

### **3. Scheme of Governance**

3.1 Full Council is able to consider and take a decision on this item in terms of A.2.3 of the List of Committee Powers in Part 2A of the Scheme of Governance as the matter relates to the review and amendment of the Scheme of Governance.

#### **4. Implications and Risk**

- 4.1 An equality impact assessment (“EIA”) was carried out as part of the original report for the review of the Scheme of Governance. No negative impact was identified as it was anticipated that the activity will benefit all protected characteristic groups by providing further clarity in terms of the Council’s decision-making structure and procedures, and compliance with all relevant legislation. The additional amendments proposed do not change the position as noted in the previous EIA, so no further EIA is required.
- 4.2 There are no financial or staffing implications arising from this report. Implementation of the revised Scheme of Governance will be incorporated as part of officers’ usual remit.
- 4.3 The following Risks have been identified as relevant to this matter on a Strategic Level: BSSR003 Future Governance. The Council needs to be assured that it has the best fit of decision-making so as to make it an agile and efficient body with a governance structure that reflects and serves well the communities whose priorities it is here to deliver. The link below is to the Directorate Risk Registers.

<http://www.aberdeenshire.gov.uk/media/21905/directorate-risks.pdf>

**RITCHIE JOHNSON**  
**DIRECTOR OF BUSINESS SERVICES**

Report prepared by Ruth O’Hare, Principal Solicitor (Democratic Services)  
8 November, 2018

## APPENDIX 1 – ADDITIONS TO SCHEME OF GOVERNANCE AMENDMENTS

### Part 2A – List of Committee Powers

#### C. BUSINESS SERVICES COMMITTEE

##### 3. General

- 3.3 To determine the attendance of members of ~~this Committee~~ at courses and conferences **relating to matters within the remit of this Committee and** within the approved budget allocation.

#### D. COMMUNITIES COMMITTEE

##### 4. General

- 4.1 To determine the attendance of members of ~~this Committee~~ at courses and conferences **relating to matters within the remit of this Committee and** within the approved budget allocation.

#### E. EDUCATION AND CHILDREN'S SERVICES COMMITTEE

##### 5. General

- 5.3 To determine the attendance of members of ~~this Committee~~ at courses and conferences **relating to matters within the remit of this Committee and** within the approved budget allocation.

#### F. INFRASTRUCTURE SERVICES COMMITTEE

##### 3. General

- 3.3 To determine the attendance of members of ~~this Committee~~ at courses and conferences **relating to matters within the remit of this Committee and** within the approved budget allocation.

***To clarify that Policy Committees can approve the attendance of members who are not members of the Committee where appropriate to any course or conference which falls under the remit of the Committee.***

## Part 2C – List of Planning Delegations

### 5. DEVELOPMENT MANAGEMENT FOR ALL TYPES OF DEVELOPMENT

**5.3 All Development Frameworks and Masterplans as required by the provisions of the Local Development Plan will be agreed by the Area Committee(s) relevant to where the development/site is located.**

***To confirm current practice.***

## APPENDIX 2 – ROAD TRAFFIC DELEGATED POWERS

### Part A – current powers

#### 11. Roads

11.1 To determine traffic management schemes.

11.2 To:

1. determine all proposed street names which are or were that of individual persons living or dead.
2. determine the naming of streets and buildings within the Council's control where the Local Members and Community Council(s) are not in accord.

11.3 To determine the making of permanent or experimental orders for the regulation of traffic.

### Part B – proposed powers

#### 11. Roads

~~11.1 To determine traffic management schemes.~~

11.1 **To approve the commencement of the required statutory consultation process for a traffic order provided that if the Area Committee wish to depart from Council Policy then the request with the reasons must be referred to the Policy Committee responsible for Roads. The Policy Committee will determine whether to support the departure from Council Policy and this binding decision will be reported to the Area Committee.**

11.2 **Following the completion of the required statutory consultation process and where a valid objection is made (and not withdrawn) to determine a traffic order.**

11.3 To:

1. determine all proposed street names which are or were that of individual persons living or dead.
2. determine the naming of streets and buildings within the Council's control where the Local Members and Community Council(s) are not in ~~accord~~ **agreement.**

### **Part C - Definition to be added to Glossary in Part 4 of the Scheme of Governance**

**Traffic Order means an order that is made by the Council in terms of the Road Traffic Regulation Act 1984 and Section 3 (1) of The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999.**

***Changes recommended by Procedures Committee***