

URGENT BUSINESS COMMITTEE

ABERDEEN, 18th July, 2008 - Minute of Meeting of the URGENT BUSINESS COMMITTEE OF ABERDEEN CITY COUNCIL. Present:- Councillor Dean, Convener; Depute Provost John West (substituting for Councillor Kiddie) and Councillors Allan, Cormack (substituting for Councillor John Stewart), Cormie (substituting for Councillor Cassie), Crockett (substituting for Councillor Ironside), Leslie (substituting for Councillor Fletcher), May, Milne (substituting for Councillor Wisely), Robertson (substituting for Councillor Clark), Kevin Stewart, Wendy Stuart (substituting for Councillor McDonald) and Young.

DETERMINATION OF URGENT BUSINESS TO BE CONSIDERED AND THE PRESENCE OF THE PRESS AND PUBLIC

1. In terms of Standing Order 28(3)(vi), and in accordance with Section 50B(4)(b) of the Local Government (Scotland) Act, 1973, the Committee was informed that it had to determine (one) that the items on the agenda were of an urgent nature; and (two) whether the Committee wished to consider the items and take decisions thereon.

The Committee resolved:-

- (i) that subject to the inclusion as part of the business before it of the urgent report prepared by the Head of Resources, Development and Delivery, which related to the recent fire affecting the Westburn Park Pavilion, all of the items before it were of an urgent nature and required to be considered at the meeting that day; and
- (ii) that the items under consideration which related to Serious Disrepair Notices and the Westburn Park Pavilion, be dealt with under exclusion of the press and public.

DOONIES FARM - FUTURE OPERATION

2. (A) The Committee had under consideration a request for a deputation by the Friends of Doonies Farm, which had been made in accordance with the terms of Standing Order 10(i).

The Committee resolved:-

that the request be granted and the deputation heard.

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(B) The Committee heard John Sleigh as Chairman of the Friends of Doonies Ltd, a company limited by guarantee and a registered Scottish charity, in elaboration of the Business Plan lodged in compliance with the Council decision of 9th April, 2008 (Article 23) and in pursuance of the ambitions of the Friends of Doonies to take over the running of Doonies Rare Breed Farm. Mr Sleigh was accompanied by John Findlay and Jeanette Grant, two other Board members.

The Committee resolved:-

to thank the deputation for their contributions.

(C) The Committee had under consideration a report by the Corporate Director, Neighbourhood Services (Area South) on the Business Plan submitted by the Friends of Doonies, for the continued operation of Doonies Rare Breed Farm, Altens, Aberdeen which has been earmarked for closure as part of a major programme of expenditure savings agreed by the Council as part of the 2008 budget process. The report before members reminded the Committee of the terms of the Council decision of 9th April, 2008 (Article 23) which authorised the continued operation of Doonies Farm until the end of June 2008 pending the submission by organisations external to the Council who wish the Farm to continue to operate, of a Business Plan which is acceptable to the City Solicitor and the City Chamberlain. The report sought to convey to the Committee the views of the City Chamberlain on the Business Plan. The views of the City Solicitor, although not available for inclusion within the report, were made available to the meeting as a separate circulation.

The report highlighted general concerns expressed by the City Chamberlain related to the visitor numbers and the income projections upon which the Business Plan was based and also as regards the following:-

- that since the closure of Doonies Farm was intended to achieve savings for the Council of £100,000 annually from 2008/09 onwards, any alternative proposal would have to be cost neutral to the Council;
- that the Business Plan prepared by the Group assumed that staff at Doonies would remain in the employment of the Council and be seconded to the Farm operation which, apart from the human resource issues arising, could only be achieved if the cost to the Farm was the full employment cost; and
- that the Plan contained no sensitivity analysis to indicate the impact of reduced visitor numbers or reduced income streams and how that situation would be managed.

Additional comments by the City Chamberlain, following her discussion with the Accountant acting on behalf of the Friends of Doonies, were also contained within the report. The conclusions arrived at by the City Chamberlain were that the figures contained within the Plan were ambitious, that there was no empirical

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evidence to support those figures and that, similarly, there was no market data to support the Plan assumptions.

The views of the City Solicitor, circulated separately, included concerns regarding the need in terms of the Business Plan prepared, for a transitional arrangement (9 months was being suggested) to be entered into until such time as the financial position of the Farm operators was secured; that the transfer of the stock at no cost to the Farm would represent a cost to the Council and would therefore fall foul of the "no cost" test; that the extent of the land to be transferred had not yet been identified or valued, as a result of which the market rental figure could not be properly assessed; that the suggestion that only a nominal or peppercorn rent be payable, would require formal consent from Scottish Ministers and may give rise to other issues. The City Solicitor also reminded the Committee that the Council decision taken at the meeting on 9th April, 2008, clearly stipulated that the one month extension of operations at Doonies Farm had been conditional upon organisations external to the Council putting in place, no later than the end of June 2008, the necessary funds to run the Farm on a monthly basis up to and including the time when it became self financing.

The Committee resolved:-

- (i) that the content of the Business Plan submitted and the comments thereon by the City Chamberlain and the City Solicitor be noted at this stage; and
- (ii) that consideration of the matter be deferred until the meeting of the Urgent Business Committee scheduled for 1st August, 2008, in anticipation that clarification of the exact areas of land at Doonies Farm which the Friends of Doonies wish to occupy will be available to members at that meeting together with the results of an independent valuation of that land carried out by the Council's external advisers.

Councillors Dean and Kevin Stewart both declared interests in connection with the matter referred to in the following article, by reason of their membership of NESTRANS. Neither Councillor felt it necessary to leave the meeting during the Committee deliberations on the report before them.

DIAL-A-BUS SERVICE REVIEW

3. The Committee had under consideration a report by the Head of Service Shelter and Environment, Neighbourhood Services (South Area) which sought to

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update members regarding the outcomes of a service review carried out on the Dial-a-Bus Service within the City, introduced in November 2004 following the receipt of grant funding through the Scottish Executive's Demand Responsive Transport Pilot Project Scheme.

The report contained a detailed background and description of the service which had been introduced to give those who were unable to travel on existing public transport, the freedom to travel as easily as someone who was. Feedback on service performance was also included within the report which had annexed as appendix 1, the actual number of journeys undertaken on a month by month basis for the period January 2005 to May 2008. The report confirmed that officers had been working with the Dial-a Bus Steering Group to review the operating area of the service for the past year, being of the view that the current city-wide operating pattern was restrictive in terms of growth and that changing to a smaller sector of the City would allow for sustainable growth, approaching the level of cost per person that would allow the Council to review the TaxiCard Scheme. The report author highlighted the options identified within appendix 2 of the report, of smaller operating areas, should future funding become available and made reference to the fact that the Dial-a-Bus Steering Group had identified many other areas where Community Transport has not been developed within the City but could act as a viable solution for various areas or groups and provide people with the links that exist currently.

The conclusions arrived at within the report were that given the pilot nature of the service and the absence of a ring-fenced funding allocation, the current operating model be discontinued; that if the recommendations within the report were approved the Council would provide Stagecoach Bluebird with the required four months notice to terminate the contract for the provision of the Dial-a-Bus Service; that given the Council's involvement with the Dyce Transport Management Organisation in the introduction of a new bus link from Dyce Railway Station to Aberdeen Airport, the modern low-floor vehicle currently used on the Dial-a-Bus Service could be offered to the successful bus operator at maintenance cost; and in view of the concerns highlighted regarding the impact upon certain groups of people of a cessation of the Dial-a-Bus Service, the current passenger fleet be utilised to provide a form of Community Transport (at cost to the passenger) to mitigate any access or any isolation issues.

The report recommended:-

- (a) that the Committee note the content of the report and the success of the service in achieving its objectives;
- (b) that appropriate officers be instructed to arrange for the Dial-a-Bus Service to cease operating from Friday 21st November, 2008;

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- (c) that appropriate officers also be instructed to lease the Dial-a-Bus vehicle that will remain in the ownership of the Council, to the successful operator of the Dyce Railway Station - Aberdeen Airport Bus Service with a view to reducing the operating costs of the service and ensuring that a modern low-floor vehicle was available; and
- (d) that the Head of Service, Shelter and Environment (Neighbourhood South) be instructed to prepare a further report on how to utilise, where possible, the existing passenger fleet to provide an off-peak form of demand responsive bus transport where the costs to the passengers or hiring group will be financially sustainable to both the passengers and the Council.

The Convener moved, seconded by Councillor Kevin Stewart:-

That the recommendations contained within the report be approved.

Councillor Allan moved as an amendment, seconded by Councillor Young:-

That the report recommendations be not approved and it be remitted to officers to consider and report to the appropriate Committee of the Council on the possibility that the Dial-a-Bus Service could continue with funding from the Common Good.

On a division, there voted:- for the motion (9) – the Convener; Depute Provost John West; and Councillors Cormack, Cormie, Leslie, May, Robertson, Kevin Stewart and Wendy Stuart; for the amendment (4) – Councillors Allan, Crockett, Milne and Young.

The Committee resolved:-

that the terms of the successful motion be adopted.

IMPROVEMENT WORK – PROGRESS REPORT

4. Reference was made to Article 3 of the Minute of Meeting of the Council on 16th June, 2008, when the members had under consideration a report by the Chief Executive which set out a proposed Action Plan for addressing the findings and recommendations of the Accounts Commission for Scotland following the hearing in the City by that body on 13th and 14th May, 2008, and resolved to approve the recommendations contained within the report and to agree also that the Leadership Board to be established, comprise the four political Group Leaders within the Council. Reference was also made to Article 31 of the Minute of Meeting of the Council on 25th June, 2008, at which time there was under consideration a report by the Head of Service, Office of the Chief Executive, which contained an update on the actions being taken to address the Accounts Commission recommendations.

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The Committee now had before it a report by the Chief Executive entitled "Improvement Works Progress Report" which contained a summary of progress to date on the main improvement actions and raised a number of issues over which decisions were urgently required.

The report dealt with progress on the outstanding practical issues that are still to be resolved as regards the appointment of a new Chief Executive; advised of progress to date as regards the External Support Group, the suggestion put forward that the posts of External Finance Advisor and Interim Chief Executive might be usefully combined and the matter surrounding the External Auditor and meetings of the Budget Monitoring Board; advised also regarding developments in the review of structure and engagement with employees in the context of the Commission's recommendation in that regard and the interim arrangements approved for second tier posts within the Strategic Leadership Service in order to address leadership issues within the Council's three major services, ie. Education, Housing and Social Work; reminded Members of the decision by Continuous Improvement Committee to request that the Leadership Board oversees the review, development and updating of the Council's Local Code of Corporate Governance for a report back to that Committee on 9th September, 2008, indicating that an initial report would be brought to the Leadership Board on 1st August; confirmed the recent decision taken by the Council to set up a Scrutiny Panel under the Chairmanship of opposition member, Councillor Crockett and the instruction to the Panel to meet to discuss and agree its remit; and confirmed also that, as regards the protocol to be developed in respect of property transactions, contact will be made with the Accounts Commission in order to discuss the detailed requirements.

In highlighting that the stabilisation of the Council's finances will require work both this year and in preparation for next year, the report made reference to a paper prepared by the City Chamberlain for the meeting on 11th July, 2008 between the Leadership Board and the External Support Group which purported to mark a starting point for addressing a worst case scenario should sufficient budget savings not be made and employed in that regard, a traffic light technique under which "green" represented savings which would be delivered in 2008/09; "amber" indicated that there was uncertainty about complete deliverability; and "red" assumed that the saving would not be delivered in 2008/09. The paper which was annexed to the Chief Executive's report as appendix 1, sought to map out a possible budget out-turn scenario using a risk assessment approach; confirmed that having a funding gap at the end of the year was clearly not acceptable; identified a number of options for closing any funding gap; made a number of additional suggestions to improve the budget position; made reference to particular budget assumptions in 2008/09; and set out certain recommendations, a number of which were included as recommendations within the Chief Executive's report before the Committee. In addition, and on the understanding that the Leadership

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Board was happy to proceed on that basis, the report advised that an overall budget strategy was to be produced for the next meeting of the Board and the External Support Group, with the focus being on the four biggest items of savings; and advised also that work on the detail of the 2009/10 and 2010/11 budgets had begun and that it had been agreed with the Board that the Section 95 Officer (Chief Finance Officer) would become a full member of the Corporate Management Team.

On the matter of the programme for the implementation of Equal Pay and Modernisation, the report had annexed the text of a letter to all staff making clear what the consequences will or may be of a rejection of the current offer. The emphasis of the letter was that the offer made was final and that if rejected, any offer imposed by the Council may not be on the same conditions. A draft Communication Strategy was also annexed to the report and the Committee were advised that the Strategy would be discussed at the next meeting between the Leadership Board and the External Support Group.

The report recommended:-

that the Committee –

- (a) note the progress being made;
- (b) note progress with the appointment of the Chief Executive Officer and the Interim Chief Executive Officer, including the role of financial adviser;
- (c) note the creation of the Leadership Board and receive regular reports on progress;
- (d) note the creation of the External Support Group and receive regular reports on progress;
- (e) note the confirmation that the Council's External Auditor was already receiving papers for and invitations to meetings of the Budget Monitoring Board and agree that since this task is completed it can be removed from the reporting;
- (f) give comment on the communication strategies and receive reports on their implementation;
- (g) note progress in relation to organisational structure and receive further reports;
- (h) note progress in relation to governance arrangements and await a report following consideration by the Leadership Board on 1st August, 2008;
- (i) await the outcomes of the meeting of the Scrutiny Panel including receipt of its proposed remit;
- (j) note that a paper on the management of property transactions will be submitted to the Council on 13th August, 2008;
- (k) note that the Budget Monitoring Board will continue to monitor the implementation of all of this year's budget and will report to the Resources Management Committee;
- (l) agree to the implementation of a recruitment freeze;

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- (m) agree to the review and reprofiling of non-housing capital projects and instruct that no further projects are legally committed until this review has taken place; note that the first reports will be brought to the Budget Monitoring Board on 1st August, 2008;
- (n) agree to the review of the authority of budget holders to spend on previously earmarked revenue commitments and note that a report will be brought to the Budget Monitoring Board on 1st August, 2008; in the meantime Committee agree to instruct that no further sums be spent until the review process has taken place;
- (o) note progress with the review of Social Work budgets and await the progress report due to be issued for 25th July, 2008;
- (p) note that the Council Leader will contact the Cabinet Secretary seeking permission to borrow for the one-off redundancy costs/equal pay compensation;
- (q) agree to progress targeted early retirement and voluntary severance and to review redundancy protocols and negotiating procedures with trade unions to ensure that decisions can be taken and implemented quickly; instructs that this work be done within the wider HR workforce strategy which should include estimates of the required reductions to the workforce during this financial year and the two following financial years; agree to additional provision at this stage of £2.5m for workforce exit costs (total of £4.7m) to support this;
- (r) agree to the request that the Budget Monitoring Board be given decision-making powers to ensure that decisions on finance matters can be made immediately without the need to refer items to the Resources Management Committee;
- (s) note that the Chief Executive has issued written instructions reiterating the need for officers to meet all deadlines set for all aspects of this work;
- (t) note that a report will be brought to the next meeting of the Urgent Business Committee seeking such additional powers as are deemed necessary to allow officers to achieve the necessary financial savings;
- (u) note that an overall budget strategy will be submitted to the Leadership Board and the External Support Group by 25th July, 2008;
- (v) note that work has begun on the detail of the 2009/10 and 2010/11 budgets and that a report on this will be available for the meetings of the Leadership Board and the External Support Group on 25th July, 2008; note that the Section 95 Officer will be a full member of CMT; and
- (w) agree to the content of the proposed letter from the Leadership Board to staff in relation to the implementation of equal pay and single status.

The Committee at this point heard the Chief Executive who explained that his report when circulated had contained the wrong appendix 1 and that the correct paper had since been issued separately. The Chief Executive further advised that

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all of the recommendations contained within the report had been the subject of discussion and agreement with the External Support Group.

The Committee also heard from the Convener on the matter of recent media reports that the level of budget cuts which the Council wished to make in the current year had doubled from £27m to £50m. The Convener explained that whilst the figure of £27m quoted most often by the Press represented the revenue savings debated and approved when the Council set its budget for the 2008/09 financial year, already built into the budget process had been savings in respect of the Transformation Programme for Services to Children and Adults and also savings identified by Heads of Service in the normal course of budget preparation, the total figure for which did amount to £49.7m. The Convener confirmed that the figures in respect of all of the savings had been included within the budget booklet available to all members of the Council prior to the meeting in February this year.

On the matter of the proposed recruitment freeze, being one of the recommendations before the Committee, the Convener clarified that what was intended was an addition to the system currently operating under which a vacancy scrutiny panel of officers meets weekly to consider requests to advertise posts across all Services, by involving the Budget Monitoring Board as the body to whom recommendations from the panel would be made and by whom decisions would be taken. Attention of members was drawn to the content of Appendix 2 to the report which outlined the current criteria for scrutinising vacancies which would continue to apply under the new arrangement. One other matter raised involved the proposal that the Budget Monitoring Board be given decision-making powers to ensure that decisions on budget matters can be made immediately without the need to refer items to the Resources Management Committee, which it was acknowledged could have implications for a recent decision of the Resources Management Committee (3rd June, 2008, Article 9) relating to the allocation of identified savings to Services and which may require the suspension of Council Standing Orders.

Councillor Allan at this point raised a question regarding the legality or otherwise of the budget set by the Council in February, 2008, which, in the absence of the City Solicitor, went unanswered.

The delay on the part of the Scrutiny Panel in agreeing its remit was also raised as a matter of concern.

The Committee resolved:-

- (i) that as regards the decisions taken under (ii) hereof, Standing Order 22 be suspended as appropriate (in relation to altering the decision of the Resources Management Committee of 3rd June, 2008);

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- (ii) that the recommendations contained within the report be approved;
- (iii) that as regards the remit of the Scrutiny Panel, it be reported for formal consideration and approval to a meeting of the Urgent Business Committee or the Council, as appropriate; and
- (v) to request the City Solicitor to reply direct to Councillor Allan with a response to her question whether, given the possibility that savings identified as part of the budget process may not be achievable, the budget set by the Council for the current financial year was legal or not.

DECLARATION OF INTEREST

Councillor Robertson declared an interest in the matter considered in the following Article by reason of his position as a Board Member of Grampian Housing Association. Councillor Robertson was not of the view that the nature of the interest required him to leave the meeting.

SHELTER AND ENVIRONMENT (HOMELESSNESS) – SERVICE CHARGES 2008/09

5. The Committee had under consideration a report by the Head of Service, Shelter and Environment, Neighbourhood Services (Central Area) which sought approval for an increase in the charges levied in respect of the temporary provision of furnished flats to homeless people.

The report made reference to the Council's Financial Regulations which provide that each Head of Service shall, in consultation with the City Chamberlain, review regularly and at least annually, all charges for services rendered and shall make recommendations to the appropriate Committee for their approval. Reference was also made to the meeting of the Council on 14th February, 2008, when the budget for the financial year 2008/09 was approved with certain savings identified from within the expenditure for services to homeless people. The report went on to advise with regard to the charges made, currently a flat rate of £74.00 per week and indicated that the amount received was effectively a service charge to cover the costs of furniture, repairs, cleaning, void periods, insurance and staffing. It was confirmed that the occupiers of the furnished flats also have to pay the standard rental charge for the property and the utility charges for gas and electricity. A comparison with charges levied by certain other local authorities was contained within the report and showed that Aberdeen City Council currently compared very favourably with those other authorities.

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On the matter of the amount of flats utilised by the homeless service, the report reminded members of the approval already granted to increase the current number from 120 to 300 by 2012. The report also reminded members that all charges imposed by the Council fell to be reviewed periodically to ensure that the service being provided was economically viable.

The report recommended:-

- (a) that the Committee approve a revisal in respect of the weekly service charge levied for Homelessness Temporary Furnished Flats, with effect from 1st August, 2008; and
- (b) that it be delegated to the Head of Service, Shelter and Environment, Neighbourhood Services (Central Area) and the City Chamberlain, in consultation with the Convener of Resources Management Committee, to determine the actual amount of the increase (with approval being sought on the basis that energy costs will be borne by the tenants and that the estimated increase is £30.00 per week per flat at this stage).

The Committee resolved:-

that the recommendations contained within the report be approved and appropriate officers authorised accordingly.

DATE OF NEXT MEETING

6. The Convener having made reference to the terms of the decision taken by the Council at a special meeting on 16th June 2008 (Article 3) whereby it was agreed that meetings of the Urgent Business Committee be held weekly during the recess if required, advised that the next meeting of the Committee would be Friday, 1st August, 2008 at 2.00pm.

The Committee resolved:-

to note the information.

EXEMPT INFORMATION

The Committee resolved in terms of Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the Press and Public from the meeting during consideration of the following items of business so as to avoid disclosure of exempt information of the class described in

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the relevant paragraph of Schedule 7(A) to the Act:- Article 7 - paragraphs 8 and 9; and Article 8 - paragraph 6.

MATTER OF URGENCY

The Convener intimated that she had directed in terms of Section 50B (4)(b) of the Local Government (Scotland) Act 1973, that the following item be considered as a matter of urgency because of the Council's commitment to host the World Bowls Championship at Westburn Park at the end of August 2008.

WESTBURN PARK PAVILION – REMEDIAL WORKS

7. The Committee had under consideration a report by the Head of Resources, Development and Delivery which provided an update of the situation following the recent fire at the Westburn Park Pavilion and identified options for the way forward in the preparation of the Pavilion for use during the World Bowls Championship which was due to be held at Westburn Park commencing in the last week of August, 2008.

The report confirmed that the Pavilion had recently been the subject of up-grade works as a key facility in the Council's support for the World Bowls Championship later in the summer; that the pavilion was damaged by a fire which occurred in the early hours of 16th July, 2008; and that the photographs enclosed with the report gave an indication of the damage caused to the main entrance area and concourse. The report went on to provide a preliminary assessment of the damage sustained, the full extent of which would only become apparent following a detailed inspection of the building. Because the full extent of the damage was not known at this stage, the report identified two options in respect of the necessary remedial works which would have to be completed by 25th August, 2008, if the Pavilion was to be available to accommodate the World Championship. It was emphasised, however, that the deliverability of either option could only be ascertained following a full assessment of the damage caused.

As regards the way forward, the report highlighted certain issues which the Committee would have to consider, some of which were concerned with the requirements of Council Standing Orders and the fact that if the remedial works were to be carried out in the time available, full compliance therewith would not be possible. In suggesting that the relevant Standing Orders be suspended and in

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seeking the delegation of power to award contracts for the purpose of the urgent remedial works to be carried out to the Pavilion, the report author assured the Committee that whilst the usual requirement to demonstrate Best Value could not be guaranteed in the circumstances, every effort would be made to benchmark the negotiated cost of works with local construction costs obtained by the Council under recent competitive tenders.

The report recommended:-

- (a) that the situation following the fire at the Westburn Park Pavilion be noted;
- (b) that the Committee approve a preferred option for the way forward;
- (c) that in respect of the fire damage to the building, the Committee approves the suspension of Standing Orders 70, 71(2), (71)(7)(i) and 71(7)(iv) and the granting of delegated authority to the Head of Resources, Development and Delivery in conjunction with the City Chamberlain and the City Solicitor to award a contract(s) by negotiation for the remedial works required under the preferred option identified by the Committee; and
- (d) that the Head of Resources, Development and Delivery be instructed to report again to a future meeting of the Resources Management Committee, following the completion of the works instructed.

The Committee resolved:-

- (i) that it be remitted to the Head of Resources, Development and Delivery, in consultation with the Conveners of the Policy and Strategy and Resources Management Committees of the Council, to determine, following a detailed assessment of the damage, which of the two options identified within the report should be progressed;
- (ii) that the costs of the remedial works be met from Common Good
- (iii) that subject also, as regards recommendation c), to consultation with the Conveners of Policy and Strategy and Resources Management Committees, the report recommendations be approved in all other respects; and
- (iv) that it be remitted to the City Chamberlain to contact both Events Scotland and Sportscotland with a view to seeking assistance for the Council in dealing with the situation that had arisen at Westburn Park, which has possible implications for the promotion of Scotland as a venue for global sporting events and as a tourist destination.

SERIOUS DISREPAIR NOTICES

8. Reference was made to Article 24 of the Resources Management Committee on 3rd June, 2008, at which time there was under consideration a report by the Head of Planning and Policy for services to Adults which concerned the

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servicing by the Council of Serious Disrepair Notices and, more particularly, the taking of enforcement action under these Notices by the City Solicitor and it was resolved that the City Solicitor cease with immediate effect any enforcement action that has not already been agreed with agents. The Committee now had before it a report from the same officer which sought approval by the Committee for three specific projects to be excepted from the decision taken by Resources Management Committee in this regard.

The report before members advised with regards to the three projects, where work was currently on site and in respect of which, for the reasons outlined, difficulties would arise should the decision of Resources Management Committee be applied to them. Although it was explained in the report that the contract issues were not strictly speaking a problem for the Council, through custom and practice over time the Council had operated in a certain manner and agents and contractors had become accustomed to that. In the circumstances of the three projects identified, the difficulties that would arise and the options available to the Council were outlined within the report.

The report recommended:-

- (a) that the Committee authorise the City Solicitor to make an exception in the case of the three projects mentioned by taking enforcement action against the relevant owners;
- (b) that the City Solicitor also be authorised to include as part of the Enforcement Action, the proviso that all works are to be completed on site and final accounts submitted to Aberdeen City Council by 31st January, 2009; and
- (c) that further authorisation be given to the City Solicitor to make an exception and to use enforcement powers in any future instance where a project is delayed either because of death or mental incapacity of an owner, but again with the proviso that all works are to be completed on site and final accounts submitted to Aberdeen City Council by 31st January, 2009.

The Committee resolved:-

that the recommendations contained within the report be approved and the City Solicitor authorised accordingly.

- **KATHARINE DEAN, Convener**