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ADDITIONAL CIRCULATION



To: All Members of the Council

Town House,
ABERDEEN, 26 April 2013

COUNCIL MEETING

The undernoted items are circulated in connection with the meeting of the **COUNCIL** to be held here in the Town House on **WEDNESDAY, 1 MAY 2013 at 10.30am.**

JANE G. MACEACHRAN
HEAD OF LEGAL AND DEMOCRATIC SERVICES

BUSINESS

GENERAL BUSINESS

- 9(d) Management Committee Funds - Report by Director of Education, Culture and Sport (Pages 1 - 6)
- 9(e) Motion by Councillor Crockett - Comments by Kevin Stewart MSP - Referred simpliciter by Finance and Resources Committee of 25 April 2013 (Pages 7 - 10)

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ABERDEEN CITY COUNCIL

COMMITTEE:	Full Council
DATE:	1 May 2013
DIRECTOR:	Gayle Gorman
TITLE OF REPORT:	Management Committee Funds
REPORT NUMBER:	ECS/13/029

1. PURPOSE OF REPORT

The purpose of the report is to seek formal approval to transfer Management Committee funds, held by Aberdeen City Council to the appropriate Management Committees.

2. RECOMMENDATION(S)

It is recommended that the Council approves the transfer of Management Committee funds, held by Aberdeen City Council on behalf of the Management Committees, to independent bank accounts held by the Management Committees as listed in paragraph 5.6.

3. FINANCIAL IMPLICATIONS

Historically, the Council has held funds belonging to Management Committees, in trust, on behalf of these Management Committees. This recommendation, if approved, will enable these funds to be transferred to the bank accounts held by these independent Management Committees.

The cumulative value of these funds (for all Management Committees) is approximately £1.26million.

4. OTHER IMPLICATIONS

Once these funds are transferred, the ongoing resource requirements in terms of managing and administering these funds will go. Note – there is no current resource allocated within the approved structures to carry out this work. Once the funds are transferred, the staff who have continued to provide support for this work during the transition, will focus on their substantive roles.

5. BACKGROUND/MAIN ISSUES

- 5.1 Historically, the Council held, managed and administered funds on behalf of Management Committees attached to Council run community centres. The change in Council policy and budget reductions in 2011, resulted in some of these Council run community centres becoming leased community centres run by fully independent Management Committees. Other centres have become Learning Centres, which, while the buildings and programming are still within the responsibility of the Council, the attached Management Committees are now fully independent to the Council.
- 5.2 The associated budget reductions resulted in the significant reduction to Community Learning and Development staff, including administrative support staff. Therefore there is no longer sufficient resource within the establishment to manage and administer these funds within the Council.
- 5.3 In light of these changes, it is appropriate that the funds be transferred to bank accounts held by these independent Management Committees. Previous legal advice in respect of these Management Committee funds has confirmed that the legal ownership of these funds sits with the Management Committees in question, or the relevant successor Committee where there has been a reorganisation or election.
- 5.4 Leading up to the proposed transfer of these funds, officers have supported the Management Committees to ensure that they have robust governance and procedures in place; that the appropriate individuals have received financial training; that the Management Committees have independent bank accounts in place; and that the Management Committees have robust financial systems in place.
- 5.5 Colleagues in legal services have reviewed the old and new constitutions for each Management Committee to ensure that each Management Committee is the legal owner of or successor to the funds.
- 5.6 The affected Management Committees are those associated with the following Community and Learning Centres:
- Beacon Learning Centre
 - Bridge of Don Learning Centre
 - Cornhill Learning Centre
 - Cults Learning Centre
 - Cummings Park Community Flat
 - Dyce Learning Centre

- Hanover City Centre Area Man Committee (note this Management Committee is not currently linked to a Council Community or Learning Centre.)
- Hazlehead Learning Centre
- Kincorth Leased Community Centre
- Loirston Leased Community Centre
- Mastrick Leased Community Centre
- Mile-end Learning Centre
- Northfield Leased Community Centre
- Rosemount Learning Centre
- Seaton Leased Community Centre
- Sunnybank Learning Centre
- Tilly Youth Project
- Tilly Flat Learning Centre
- Tullos Learning Centre

*Please note that some of the above Management Committees have still to finalise and agree their revised constitutions at an AGM or EGM. The funds for the affected Management Committees will not be transferred until these formal processes have been completed.

6. IMPACT

Corporate – This report relates to ‘Aberdeen – the Smarter City’

- We will work with our partners to seek to reduce the levels of inequality in the city.
- We will enhance the physical and emotional wellbeing of all our citizens by offering support and activities which promote independence, resilience, confidence and self-esteem.
- We will provide a high quality education service within our schools and communities which will improve attainment and life chances of our children and young people to achieve their full potential in education, employment or training.
- We will improve access to and increase participation in arts and culture by providing opportunities for citizens and visitors to experience a broad range of high quality arts and cultural activities.
- Working with our third, public and private sector partners, we will provide opportunities for lifelong learning which will develop knowledge, skills and attributes of our citizens to enable them to meet the changing demands of the 21st century.
- We will aim to have a workforce across the city which has the skills and knowledge to sustain, grow and diversify the cultural economy.
- We aspire to be recognised as a City of Culture, a place of excellence for culture and arts by promoting Aberdeen as a cultural centre hosting high quality and diverse cultural events for the whole community and beyond.
- We will embrace the distinctive pride the people of Aberdeen take in their city and work with them to enhance the sense of well-being here,

building strong communities which look out for, and look after one another.

This report also relates to the Combined Community Plan and Single Outcome Agreement as follows:

- Protecting children and vulnerable adults
- People of all ages take an active part in their own learning to achieve their full potential Learning and training is appropriate and accessible to learner's needs
- Children and young people access positive learning environments and develop their skills, confidence and self esteem to the fullest potential
- Children, young people and their families/carers are involved in decisions that affect them. Their voices heard and they play an active and responsible role in their communities
- Educational attainment in Aberdeen is continuously sustained and improved
- School leavers enter positive destination of employment, training or further and higher education with a focus on and support for young people who require More Choices and More Chances
- Children and young people actively participate in their communities and have optimum involvement in decision making
- All children, young people and their families have access to high quality services when required and services provide timely, proportionate and appropriate response that meeting the needs of children and young people within Getting it Right for Every Child, (GIRFEC) requirements
- Improve the quality of life in our most deprived areas
- Citizens are increasingly more active in their communities regardless of age, gender, sexual orientation, ethnic origin, where they live, disability or faith/religion/belief and contribute to 'active citizenship'
- Develop pathways to participation which enhance the diversity of local representation at and engagement with regional, national and international arts, heritage and sporting events
- Our public services are consistently high quality, continually improving, efficient and responsive to local people's needs

Public - This report will be of interest to members of the affected Management Committees and may be of interest to the wider public as a result of the significant media coverage of the changes in community centres over the last couple of years.

7. MANAGEMENT OF RISK

If the recommendations are not accepted, there may be a legal challenge from the Management Committees. Also the current position whereby Council staff are managing and administering these funds is unsustainable as there is no identified substantive resource to carry out these tasks.

8. BACKGROUND PAPERS

22/11/12 Education, Culture and Sport Committee, Community Centres
20/9/12 Education, Culture and Sport Committee, Community Centres
6/7/12 Education, Culture and Sport Committee, Community Centres
28/3/12 Special Education, Culture and Sport Committee, Community Centres
23/2/12 Education, Culture & Sport Committee, Community Centres
24/11/11 Education, Culture & Sport Committee, Community Development Fund – Childcare and Out of School Provision
24/11/11 Education, Culture & Sport Committee, Community Centres
15/9/11 Education, Culture & Sport Committee, Update on Implementation of Budget Decision - Reduce Communities Team
17/6/11 Finance & Resources Committee, Kaimhill Community Facilities – Update on Progress of Management Agreement
2/6/11 Education, Culture & Sport Committee, Update on Implementation of Budget Decision - Reduce Communities Team
2/6/11 Education, Culture & Sport Committee, Lease Agreements for Voluntary Organisations Occupying Woodside Fountain Centre
24/3/11 Education, Culture & Sport Committee, Implementation of Budget Decision – Reduce Communities Team

9. REPORT AUTHOR DETAILS

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FINANCE AND RESOURCES COMMITTEE

25 April 2013

MOTIONS LIST

6. The Committee had before it the outstanding motions list, as prepared by the Head of Legal and Democratic Services.

The Committee resolved:-

- (i) in relation to motion 1 (Motion by Councillor Greig – Commemoration of the Diamond Jubilee and Queen’s Reign), to note that the minute of the Diamond Jubilee Working Group of 28 February 2013 was to be considered later on today’s agenda;
- (ii) in relation to motion 2 (Motion by Councillor McCaig – BRIS), to:
 - (a) note that a report was to be considered later on today’s agenda; and
 - (b) note that the Director of Corporate Governance would provide an oral update regarding the independent research study exploring the existing financial settlement and its impact on the contribution Aberdeen makes to Scotland and the UK and how a different or better funding settlement could benefit Aberdeen and the remainder of Scotland, following consideration of the aforementioned report;
- (iii) **in relation to motion 3 (Motion by Councillor Crockett – Comments by Kevin Stewart MSP), to refer consideration of the update by the Head of Legal and Democratic Services simpliciter to Council.**

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FINANCE AND RESOURCES COMMITTEE

MOTIONS LIST

25 APRIL 2013

Please note that this statement tracks all Notices of Motion submitted by members, until the point of disposal. The motion will remain on the statement until the Committee has agreed to remove it.

<u>No.</u>	<u>Motion</u>	<u>Date of Council Meeting</u>	<u>Committee Motion referred to / date/ decision of Committee</u>	<u>Action taken / Proposed Future Action</u>	<u>Responsible Head(s) of Service</u>	<u>Due Date</u>	<u>Is authority sought to remove motion from list?</u>
3.	<p><u>Emergency Motion by Councillor Crockett</u></p> <p>“This Council denounces SNP MSP for Aberdeen Central Kevin Stewart a former Finance Convener who on the 17th December 2012 disgracefully accused the Council of “<i>cooking the books</i>” and “<i>presenting a misleadingly pessimistic account</i>” in their five-year budget projections. Council reaffirms its total support for Aberdeen City Council’s Finance Team the first ever Scottish Accountancy Awards Public Sector Finance Team of the Year 2012. Further instructs the Head of Legal and Democratic</p>	19 December 2012		<p>At its meeting on 21 February, the Committee resolved to instruct the Head of Legal and Democratic Services to write again to Kevin Stewart MSP advising him that his response is not a retraction of his comments and giving Kevin Stewart MSP until 5th March 2013 to retract his comments and thereafter refer this matter back to full Council on 6th March 2013 for Council to determine its position at that time.</p> <p>Council at its meeting on 6 March resolved to instruct the Head of Legal and Democratic Services to seek independent legal advice as to the options open to the Council following Kevin Stewart</p>	Head of Legal and Democratic Services	25/4/13	No

<u>No.</u>	<u>Motion</u>	<u>Date of Council Meeting</u>	<u>Committee Motion referred to / date/ decision of Committee</u>	<u>Action taken / Proposed Future Action</u>	<u>Responsible Head(s) of Service</u>	<u>Due Date</u>	<u>Is authority sought to remove motion from list?</u>
	<p>Services to write to Kevin Stewart MSP seeking a retraction of his disgraceful comments and thereafter report back to the next Finance and Resources Committee for consideration, which may include reporting the matter to the Public Standards Commissioner for Scotland. Council further notes the SNP Group's support for the five year business plan at the Finance and Resources Committee meeting of 6th December 2012."</p>			<p>MSP's failure to comply with Councillor Crockett's motion and report to the Finance and Resources Committee in April 2013.</p> <p>An oral update will be provided.</p>			