

ABERDEEN CITY COUNCIL

Town House,  
ABERDEEN, 4 April 2012

MINUTE OF MEETING OF ABERDEEN CITY COUNCIL

S e d e r u n t :

Lord Provost Peter Stephen, Chairperson;  
Depute Provost William Cormie; and

COUNCILLORS

GEORGE ADAM  
YVONNE ALLAN  
KIRSTY BLACKMAN  
MARIE BOULTON  
NORMAN COLLIE  
NEIL COONEY  
JOHN CORALL  
IRENE CORMACK  
BARNEY CROCKETT  
KATHARINE DEAN  
ALAN DONNELLY  
JACQUELINE DUNBAR  
JAMES FARQUHARSON  
NEIL FLETCHER  
GORDON GRAHAM  
MARTIN GREIG  
JAMES HUNTER  
LEONARD IRONSIDE  
MURIEL JAFFREY  
JAMES KIDDIE

JENNIFER LAING  
GORDON LESLIE  
NEIL MacGREGOR  
CALLUM McCAIG  
MARK McDONALD MSP  
AILEEN MALONE  
ANDREW MAY  
ALAN MILNE  
JAMES NOBLE  
GEORGE PENNY  
JOHN REYNOLDS  
RICHARD ROBERTSON  
JENNIFER STEWART  
JOHN STEWART  
KEVIN STEWART MSP  
GORDON TOWNSON  
JOHN WEST  
JILLIAN WISELY  
WILLIAM YOUNG and  
IAN YUILL

Lord Provost Peter Stephen, in the Chair

**The agenda and reports associated with this minute can be found at:-**  
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=122&MId=2367&Ver=4>

## ADMISSION OF BURGESSES

1. The persons undermentioned were admitted into the presence of the Council and passed as Burgesses of Guild in respect of their respective Acts of Admission in the Guild Burgess Book:-

Christine Elaine Boylan, Retired Local Government Officer, Aberdeen  
 Professor Brian D. Clark, University Academic, Aberdeen  
 Aileen Malone, City Councillor, Aberdeen  
 Kenneth James McLeod, Head of Music Service, Aberdeen  
 Professor Paul Mealor, Composer, Aberdeen  
 Alistair Dawson Reid, Interior Designer, Aberdeen  
 Graeme Johnston Smith, Engineer, Aberdeen  
 Alasdair M. Stevenson, Financial Controller/Company Secretary, Aberdeen

## DETERMINATION OF EXEMPT BUSINESS

2. The Council was requested to determine that the following items of business which contained exempt information as described in Schedule 7(A) of the Local Government (Scotland) Act 1973, be taken in private:-

- 10(a) Hazlehead Nine Hole Golf Course - Report by Director of Education, Culture and Sport
- 10(b) ADM Project - Report by Director of Corporate Governance
- 10(c) National Housing Trust Initiative Phase 2 - Report by Director of Housing and Environment
- 10(d) AECC Development Project - Appendix 1

Councillor Young moved as a procedural motion, seconded by Councillor Cooney:-  
 That the Council consider item 10(a) in public.

On a division, there voted:-

For the procedural motion (12) - Councillors Adam, Allan, Cooney, Crockett, Graham, Hunter, Ironside, Laing, Leslie, Malone, West and Young.

Against the procedural motion (30) - Lord Provost Peter Stephen; Depute Provost Cormie; and Councillors Blackman, Boulton, Collie, Corall, Cormack, Dean, Dunbar, Donnelly, Farquharson, Fletcher, Greig, Jaffrey, Kiddie, MacGregor, McCaig, McDonald MSP, May, Milne, Noble, Penny, Reynolds, Robertson, Jennifer Stewart, John Stewart, Kevin Stewart MSP, Townson, Wisely and Yuill.

### The Council resolved:-

- (i) to reject the procedural motion; and
- (ii) in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, to exclude the press and public from the meeting during consideration of the aforementioned items of business (Articles 23 to 26 of this minute refer) so as to avoid disclosure of exempt information of the classes described in paragraphs 6, 8, 9 and 10 of Schedule 7(A) of the Act.

## ANNOUNCEMENTS

3. (A) Councillor Kiddie advised that Tom Cowan, Head of Adult Services, Kevin Russell, Unpaid Work Manager, and Neil Paterson, Senior Social Worker, had attended the Community Service Awards in Edinburgh the previous week, where the Council had been shortlisted in three out of four categories, and had been declared overall winner in Scotland for the sheltered housing shopping trip initiative. Councillor Kiddie congratulated the staff concerned, and the clients, for their hard work and the remarkable turnaround in performance within Social Care and Wellbeing over the last three years.

Councillor Kevin Stewart MSP added that he had tabled a parliamentary motion on the matter, congratulating the staff and hoping that the good work could be replicated across the country.

### **The Council resolved:-**

to concur with the remarks of Councillors Kiddie and Kevin Stewart MSP.

(B) The Lord Provost highlighted that this was the last Council meeting for a number of members not seeking re-election, these being Councillors Cormack, Fletcher, Mark McDonald MSP, Milne, Penny, John Stewart, Kevin Stewart MSP, West and Wisely. The Lord Provost thanked them for their many years service to the Council, and wished them well in their future endeavours.

Councillor McCaig added that this was also the last Council meeting for the Lord Provost, who was also not seeking re-election. Councillor McCaig paid tribute to the Lord Provost for the sterling work he had done in the role, and thanked the other members not seeking re-election for their service.

Councillor Malone echoed Councillor McCaig's remarks and thanked the Lady Provost for her valued contribution behind the scenes. Councillor Malone stated that the Lord Provost had been a credit to the city, the Council and the Liberal Democrat group, and added her own personal thanks to Councillor Cormack who had taken her under her wing when she was first elected.

Councillor Donnelly echoed the remarks of Councillors McCaig and Malone, emphasising that the Lord Provost had been a fantastic ambassador to the city.

Councillor Crockett echoed the remarks of the previous speakers and highlighted the good work that each of the members not seeking re-election had carried out in recent times.

Councillor Boulton also echoed the remarks of the previous speakers, specifically thanking the Lady Provost and Councillor Milne for their service.

### **The Council resolved:-**

to concur with the remarks of the various members.

(C) Councillor Boulton advised that a regional schools primary seven basketball competition had recently taken place at the International School, with Culter Primary School defeating Kintore Primary School in the final after a sudden death

shootout. Councillor Boulton congratulated all participants in what had been a very encouraging event for the area.

**The Council resolved:-**

to concur with the remarks of Councillor Boulton.

**REQUESTS FOR DEPUTATIONS**

4. The Council had before it, in accordance with Standing Order 10(1), the following requests for deputations:-

- (i) Mr Mike Shepherd - in relation to the report on the Union Terrace Gardens Referendum;
- (ii) Reverend Andy Cowie and Mr Alex Mess (Powis Gateway Community Centre) - in relation to the report on Community Centres;
- (iii) Mr Paul O'Connor - in relation to the report on Community Centres;
- (iv) Ms Sylvia Davidson (Woodside Community Centre) - in relation to the report on Community Centres; and
- (v) Mr Phil D'Arcy (Aberdeen Community Learning Centres Forum) - in relation to the report on Community Centres.

**The Council resolved:-**

to accept all of the requests, noting that (iii), (iv) and (v) had now combined, and to hear the deputations immediately prior to the reports being considered.

**MINUTE OF SPECIAL MEETING OF ABERDEEN CITY COUNCIL OF 14 DECEMBER 2011**

5. The Council had before it the minute of the special meeting of Aberdeen City Council of 14 December 2011.

**The Council resolved:-**

to approve the minute.

**MINUTE OF MEETING OF ABERDEEN CITY COUNCIL OF 14 DECEMBER 2011**

6. The Council had before it the minute of meeting of Aberdeen City Council of 14 December 2011.

**The Council resolved:-**

to approve the minute.

**MINUTE OF SPECIAL MEETING OF ABERDEEN CITY COUNCIL OF 25 JANUARY 2012**

7. The Council had before it the minute of the special meeting of Aberdeen City Council of 25 January 2012.

**The Council resolved:-**  
to approve the minute.

#### **MINUTE OF MEETING OF ABERDEEN CITY COUNCIL OF 9 FEBRUARY 2012**

8. The Council had before it the minute of meeting of Aberdeen City Council of 9 February 2012.

**The Council resolved:-**  
to approve the minute.

#### **MINUTE OF MEETING OF URGENT BUSINESS COMMITTEE OF 15 MARCH 2012**

9. The Council had before it the minute of meeting of the Urgent Business Committee of 15 March 2012.

**The Council resolved:-**  
to approve the minute.

#### **PAMPHLET OF MINUTES**

10. The Council had before it a pamphlet of standing committee minutes from 27 October 2011 to 15 March 2012.

**The Council resolved:-**

- (i) to approve the following minutes:-
  - Housing and Environment Committee - 24 January 2012
  - Enterprise, Planning and Infrastructure Committee - 31 January 2012
  - Social Care and Wellbeing Committee - 2 February 2012
  - Housing Cases Review Sub Committee - 14 February 2012
  - Zero Waste Management Sub Committee - 15 February 2012
  - Education, Culture and Sport Committee - 23 February 2012
  - Audit and Risk Committee - 28 February 2012
  - Corporate Policy and Performance Committee - 8 March 2012
  - Homelessness Strategy Working Group - 23 February 2012
  - Finance and Resources Committee - 15 March 2012; and
- (ii) to otherwise note the minutes.

#### **BUSINESS STATEMENT**

11. The Council had before it a statement of Council business which had been prepared by the Head of Legal and Democratic Services.

**The Council resolved:-**

- (i) to request officers to provide an update on the impact if Aberdeenshire Council did not proceed with a financial contribution towards the 50m Pool (Item 1); and
- (ii) to otherwise note the statement.

## **MINUTE OF MEETING OF GILDTRY AND MORTIFICATION FUNDS SUB COMMITTEE OF 2 APRIL 2012**

12. The Council had before it the minute of meeting of the Guildry and Mortification Funds Sub Committee of 2 April 2012.

### **The Council resolved:-**

to approve the minute, thereby approving the increase in allowances for 2011/12 backdated from 1 May 2011.

## **UNION TERRACE GARDENS REFERENDUM - OCE/12/004**

13. (A) In terms of Standing Order 10(2), the Council received a deputation from Mr Mike Shepherd of Friends of Union Terrace Gardens.

Mr Shepherd stated that the referendum had been unfair and his organisation did not accept the result. He added that the whole process had been fundamentally flawed; there had been allegations of voter fraud which undermined the authenticity of the result; information had been omitted from the packs issued to voters; and relentless amounts of money had been spent on advertising by companies that were not registered as campaigning organisations which resulted in a marginal result effectively being bought.

Mr Shepherd was of the opinion that the Council had misled the public and had shown bias in favour of the City Garden Project by allowing the City Gardens Trust to exhibit at Aberdeen Art Gallery without offering other campaigning organisations the same opportunity in the first instance.

Mr Shepherd called on the Council to ignore the result of the referendum and not forward the Independent Counting Officer's report to the Scottish Government.

Members asked questions of Mr Shepherd and thanked him for his contribution.

(B) The Council had before it a report by the Chief Executive which presented the Independent Counting Officer's report on the referendum along with a final account for the spend incurred on the delivery of the poll.

### **The report recommended:-**

that the Council -

- (a) note the content of the report; and
- (b) forward the Independent Counting Officer's report to the Scottish Government for its interest.

The Council asked a number of questions of the Independent Counting Officer in connection with his report and the overall referendum process.

Councillor McCaig moved, seconded by Councillor Malone:-

That the Council approve the recommendations contained within the report and forward the Independent Counting Officer's report to COSLA for their interest.

Councillor Greig moved as an amendment, seconded by Councillor Jennifer Stewart:-  
That this Council takes no action.

Councillor Ironside moved as a further amendment, seconded by Councillor Young:-

That this Council resolves -

- (i) to refer the Independent Counting Officer's report to the next scheduled Audit and Risk Committee for scrutiny as per the committee's orders of reference; and
- (ii) to report back to Council on their findings.

In terms of Standing Order 12(9), the Council first divided between the motion and the amendment by Councillor Greig.

On a division, there voted:-

For the motion (31) - Lord Provost Peter Stephen; Depute Provost Cormie; and Councillors Blackman, Boulton, Collie, Corall, Cormack, Dean, Dunbar, Donnelly, Fletcher, Hunter, Jaffrey, Kiddie, Leslie, MacGregor, McCaig, McDonald MSP, Malone, May, Milne, Noble, Penny, Reynolds, Robertson, John Stewart, Kevin Stewart MSP, Townson, West, Wisely and Yuill.

For the amendment by Councillor Greig (2) - Councillors Greig and Jennifer Stewart.

Declined to vote (9) - Councillors Adam, Allan, Cooney, Crockett, Farquharson, Graham, Ironside, Laing and Young.

On a division between the motion and the amendment by Councillor Ironside, there voted:-

For the motion (30) - Lord Provost Peter Stephen; Depute Provost Cormie; and Councillors Blackman, Collie, Corall, Cormack, Dean, Dunbar, Donnelly, Fletcher, Hunter, Jaffrey, Kiddie, Leslie, MacGregor, McCaig, McDonald MSP, Malone, May, Milne, Noble, Penny, Reynolds, Robertson, John Stewart, Kevin Stewart MSP, Townson, West, Wisely and Yuill.

For the amendment by Councillor Ironside (12) - Councillors Adam, Allan, Boulton, Cooney, Crockett, Farquharson, Graham, Greig, Ironside, Laing, Jennifer Stewart and Young.

**The Council resolved:-**  
to adopt the motion.

## **TREASURY MANAGEMENT POLICY AND STRATEGY - CG/12/024**

14. With reference to Article 16 of the minute of meeting of the Finance and Resources Committee of 15 March 2012, the Council had before it, by way of remit, a

report by the Director of Corporate Governance which outlined the Treasury Management Policy and Strategy for 2012/13 to 2014/15 for approval.

**The Finance and Resources Committee had recommended to Council:-**

- (a) that it approve the Council's Treasury Management Policy Statement for 2012/13 to 2014/15;
- (b) that it approve the Council's Borrowing and Investment Strategy for 2012/13 to 2014/15; and
- (c) that it note the Council's Prudential Indicators for 2012/13 to 2014/15 as detailed in Appendix 4 to the report.

**The Council resolved:-**

to approve the recommendations of the Finance and Resources Committee, noting the corrected figures in Appendix 4 as detailed by the Head of Finance.

**GORDON HIGHLANDERS COMMISSION - GIFTING OF MAQUETTE - ECS/12/016**

**15.** The Council had before it a report by the Acting Director of Education, Culture and Sport which sought approval for the maquette that had been made by artist Mark Richards as part of the commission process for the Gordon Highlanders statue to be donated to the Gordon Highlanders Regimental Museum in Aberdeen.

**The report recommended:-**

that the Council agree to the request of the former Gordon Highlanders Working Group, and approve the gifting of the maquette to the regimental museum.

**The Council resolved:-**

to approve the gifting of the maquette to the Gordon Highlanders Regimental Museum, on the basis that in the event the museum ceased to exist, the maquette would be returned to the ownership of the Council.

**ORDER OF AGENDA**

**16.** The Council agreed to next consider the item on Community Centres in order that the deputations would not have to wait any further.

**COMMUNITY CENTRES**

**17.** (A) In terms of Standing Order 10(2), the Council received a deputation from Mr Alexander Mess and Reverend Andy Cowie of Powis Gateway Community Centre.

Mr Mess and Reverend Cowie explained the difficulties they had in finding volunteers and attracting funding, and emphasised that a number of the proposals by the Council would make it even more difficult for volunteers to continue.

Reverend Cowie asked the Council to meet the costs of the community centres' liability insurance and explained the reasons for this request. He argued that volunteers should



not be personally liable and underlined that this would be a major stumbling block in terms of community centres signing management agreements.

Members asked questions of Mr Mess and Reverend Cowie and thanked them for their contribution.

(B) The Council then received a deputation from Mr Brian Allan, Aberdeen Community Learning Centres Forum, Mr Paul O'Connor, and Ms Sylvia Davidson, Woodside Community Centre.

Mr Allan pleaded with the Council to resolve the situation to the satisfaction of all parties this day. Mr O'Connor highlighted the excellent work in community centres across the city; emphasised that all parties needed to work together; and stressed that safeguards needed to be put in place in relation to personal liability. Ms Davidson underlined the value of volunteers to the city and the Council, and implored members to bear that in mind in terms of their decision making.

Members asked questions of Mr Allan, Mr O'Connor and Ms Davidson and thanked them for their contribution.

## **DECLARATIONS OF INTERESTS**

**At this stage, Councillor Donnelly declared an interest by virtue of his position as Chairperson of the Management Committee of Ferryhill Community Centre. Councillor Donnelly did not consider that the nature of his interest was significant enough to require him to withdraw from the meeting.**

**Councillor McDonald MSP declared an interest by virtue of his wife being a member of the Management Committee of Dyce Community Centre. Councillor McDonald MSP considered that the nature of his interest required him to leave the meeting and took no part in the Council's deliberations thereon.**

(C) With reference to Article 2 of the minute of meeting of the Education Culture and Sport Committee of 28 March 2012, the Council had before it, by way of remit:- (1) a report by the Acting Director of Education, Culture and Sport which provided a management agreement and lease for approval, outlining the areas which remained unresolved at the conclusion of the mediation, and explaining the implications for the Council of amending the agreements in the manner being requested by community centre representatives; and (2) the decision of the Education, Culture and Sport Committee, as follows:-

- (a) to note the mediation Heads of Agreement and thank both the community centre representatives and officers for their contribution to the mediation process;
- (b) in relation to the draft management agreement and lease attached to the report, to agree:-

- (i) **that the Council meet the costs of the community centres' personal and legal liability insurance cover; and refer consideration of the financial implications to Council on 4 April;**
  - (ii) **to refer to Council on 4 April for consideration those provisions within the agreement which, as drafted, enable the Council to take legal action against a management committee; and, in this connection, to instruct the Head of Legal and Democratic Services to provide advice to Council on the implications of it limiting the extent of such legal action to the equivalent or less than the value of the assets of the community centre except in the cases of criminality or gross misconduct;**
  - (iii) to retain the provision within the management agreement which requires a mutual indemnity in relation to breaches of data protection;
  - (iv) **to retain the provision within the management agreement which allows the Council to terminate the agreement in the event of a late payment by a community centre in relation to debts which are not disputed. However, to require that the management agreement require any disputed debt to be referred to the dispute resolution process outlined therein; and to refer consideration of the financial implications to Council on 4 April;**
  - (v) **to suspend Standing Order 22(1) to revoke the decision of the Committee of 23 February - that there be provision to allow community centres who wish a lease in excess of five years to have such a lease subject to committee agreement - and instead that standard leases be for ten years, with each request to be considered on a case by case basis and reported back to the Education, Culture and Sport Committee for approval; and to refer consideration of the financial implications to Council on 4 April;**
  - (vi) to agree the proposed management agreement and lease appended to the report as amended above, although subject to approval by Council on 4 April where appropriate; and to delegate final refinements (including schedules on janitorial arrangements and community schools) to the Head of Legal and Democratic Services, in consultation with the legal representative of the community centres and the Conveners and Vice-Conveners of the Education, Culture and Sport and Finance and Resources Committees;
- (c) to agree that, until such time as the management agreement is signed, those management committees which continue towards becoming leased will continue to receive a pro rata transition grant equal to the value of the Development Grant, paid on a monthly basis;
  - (d) to agree that the Council will not require community centres to offer residents a discount on charges as part of the Residents Discount Scheme;
  - (e) to instruct officers to investigate Council assistance in providing PVG checks, in consultation with management committees, and delegates to the Head of Legal and Democratic Services, in consultation with the legal representative of the community centres, the Conveners and Vice-Conveners of the Education, Culture and Sport and Finance and Resources Committees, any decision on whether the Council carries out checks or provides training and guidance;
  - (f) to seek further reports on the progress of signing community centres up to the management agreement; and

- (g) to otherwise note the report.

The Council also had before it a briefing paper by the Acting Director of Education, Culture and Sport which expanded upon the various implications of the items that had been referred to Council by the Education, Culture and Sport Committee as highlighted in bold above.

**The Council resolved:-**

- (i) of the items referred to Council, as outlined above:-
- (a) to agree resolution (b)(i);
  - (b) in respect of resolution (b)(ii), to agree that the process for legal action outlined in the draft agreement be included, noting that the insurance at item (b)(i) would protect volunteer committee members, but to stipulate that no legal action should be undertaken without prior committee approval;
  - (c) to agree resolution (b)(iv), with a budget of £10,000 as advised by officers;
  - (d) to agree resolution (b)(v), noting that the examination on a case by case basis by the committee would prevent any fettered discretion, and to instruct that management committees seeking to make amendments to the management agreement for local considerations should be able to do so at the point of the lease being examined by the Education, Culture and Sport Committee, and to agree a one off budget of £30,000 for the necessary maintenance inspections;
- (ii) to agree that the necessary finance for the decisions above be funded from reserves in 2012/13, and that recurring spend be incorporated into Education, Culture and Sport budgets from 2013/14; and
- (iii) to otherwise approve the decisions of the Education, Culture and Sport Committee.

**DECLARATIONS OF INTERESTS**

**Councillor Blackman declared an interest in relation to the following item of business by virtue of her position as a Council appointed Director to the Board of Aberdeen Exhibition and Conference Centre (AECC). Councillor Blackman considered that the nature of her interest required her to leave the meeting and took no part in the Council's deliberations thereon.**

**Councillors Crockett, Fletcher, Malone and Milne also declared interests by virtue of their position as Council appointed Directors to the Board of AECC but chose to remain in the meeting as AECC Limited was a body being a company established wholly or mainly for the purpose of providing services to the local authority, and which has entered into a contractual arrangement with that local authority for the supply of goods and/or services to that local authority, as set out in paragraph 5.18(2)(d)(i) and (ii) of the Councillors' Code of Conduct.**

**AECC DEVELOPMENT PROJECT - EPI/12/090**

**18.** With reference to Article 30 of the minute of its meeting of 15 December 2010, the Council had before it a report by the Director of Enterprise, Planning and

Infrastructure which advised of progress in relation to the future development of property assets in and around AECC.

**The report recommended:-**

that the Council -

- (a) note the content of the report; and
- (b) allocate a budget of up to £120,000 from funds currently allocated to City Development to cover external legal, financial and other costs associated with the procurement of a development partner, via competitive dialogue, to progress options for maximising value from Council and/or AECC property assets in and around AECC.

Councillor Dean moved, seconded by Councillor Corall:-

That the Council approve the recommendations, and authorise the Head of Legal and Democratic Services to execute the written resolution of the AECC Board of 30 April 2012, and the deed of release of the existing loan facility between the Council and AECC Limited (the Company) with a view to effecting the release by the Council of the Company from its obligations in terms of the loan agreement between the Council and the Company dated 25 November and 14 December 2009, in exchange for the allotment in favour of the Council of 2,000,000 preference shares of £1 each in the Company and any other documentation necessary to complete the transaction on behalf of the Council.

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

That the Council -

- (i) note the content of the report and express its disappointment with the unacceptable delay in bringing forward a report to Council for consideration;
- (ii) instruct officers to provide future update reports on AECC at each and every cycle of the Enterprise, Planning and Infrastructure Committee;
- (iii) agree that Council should not seek to be the developer of a hotel development adjacent to AECC; and
- (iv) otherwise agree to the recommendations contained within the report.

On a division, there voted:-

For the motion (29) - Lord Provost Peter Stephen; Depute Provost Cormie; and Councillors Boulton, Collie, Corall, Cormack, Dean, Dunbar, Donnelly, Farquharson, Fletcher, Greig, Jaffrey, Kiddie, Leslie, MacGregor, McCaig, McDonald MSP, Malone, May, Milne, Noble, Reynolds, Robertson, Kevin Stewart MSP, Townson, West, Wisely and Yuill.

For the amendment (9) - Councillors Adam, Allan, Cooney, Crockett, Graham, Hunter, Ironside, Laing and Young.

Absent from the division (4) - Councillors Blackman, Penny, Jennifer Stewart and John Stewart.

**The Council resolved:-**

to adopt the motion.

## DECLARATION OF INTEREST

**Councillor Dunbar declared an interest in relation to the following item of business arising from a family connection, withdrew from the meeting and took no part in the Council's deliberations thereon.**

## MOTIONS

19. Councillor McCaig, pursuant to notice, moved:-

"In recognition of his successful football career, including his position as the Scotland national team's joint top scorer with thirty goals and as the only Scottish footballer to have been crowned European Footballer of the Year, Council agrees to bestow the Freedom of the City on Denis Law."

### **The Council resolved:-**

to instruct officers to report to a future meeting on the process of nominating candidates for the Freedom of the City accolade, detailing the relevant implications and the merits of this nomination as well as the other two nominations.

20. Councillor Hunter, pursuant to notice, moved:-

"That Council confers the Freedom of the City upon Paul Lawrie for his services to golf and to the city and for his charitable work."

### **The Council resolved:-**

to instruct officers to report to a future meeting on the process of nominating candidates for the Freedom of the City accolade, detailing the relevant implications and the merits of this nomination as well as the other two nominations.

21. Lord Provost Peter Stephen, pursuant to notice, moved:-

"That the Council confers the Freedom of the City on Professor Paul Mealor of the University of Aberdeen. Professor Mealor is well known having written the music for the hit song by the Military Wives which topped the music charts in December 2011 - this has brought huge credit to the city and the university, focussing on the military background which the UK are currently involved in."

### **The Council resolved:-**

to instruct officers to report to a future meeting on the process of nominating candidates for the Freedom of the City accolade, detailing the relevant implications and the merits of this nomination as well as the other two nominations.

22. Councillor Crockett, pursuant to notice, moved as an emergency motion:-

"That this Council calls on the SNP/Lib Dem Administration to apologise to Councillors Hunter, Graham and Ironside for the way in which the Finance and

Resources Committee convened by Councillor Kevin Stewart MSP abused its position in a vexatious manner for political gain by reporting the above said Councillors to the Standards Commission for Ethical Standards when the above said Committee were aware or ought to have been aware that such an act was nothing more than malicious.”

**The Council resolved:-**

to note that the Lord Provost had ruled the motion incompetent in terms of Standing Order 18(1)(iii).

**In accordance with the decision recorded under Article 2 of this minute, the following items of business were considered with the press and public excluded.**

**HAZLEHEAD NINE HOLE GOLF COURSE - ECS/12/014**

**23.** With reference to Article 3 of the minute of meeting of the Education, Culture and Sport Committee of 23 February 2012, the Council had before it a report by the Director of Education, Culture and Sport, which had been referred simpliciter, which advised that an approach had been received from Sport Aberdeen in respect of future investment in, and operation of, the nine hole golf course at Hazlehead by a third party.

**The report recommended:-**

that the Education, Culture and Sport Committee -

- (a) note the approach from Sport Aberdeen regarding the proposal in relation to the management of the nine hole golf course at Hazlehead;
- (b) determine whether it wishes officers to explore the matter further and report back to a future committee; and
- (c) instruct officers to include its consideration within the current work underway to review the Pitch Strategy and the wider Leisure Service Asset Plan.

Councillor West moved, seconded by Councillor Fletcher:-

That the Council approve recommendations (a) and (c) within the report, and instruct officers to explore the matter further and report back to a future committee, emphasising the need for public access and affordability.

Councillor Greig moved as an amendment, seconded by Councillor Cooney:-

That this Council takes no action.

On a division, there voted:-

For the motion (27) - Lord Provost Peter Stephen; Depute Provost Cormie; and Councillors Blackman, Collie, Corall, Cormack, Dean, Dunbar, Donnelly, Fletcher, Hunter, Jaffrey, Kiddie, MacGregor, McCaig, McDonald MSP, Malone, May, Noble, Reynolds, Robertson, John Stewart, Kevin Stewart MSP, Townson, West, Wisely and Yuill.

For the amendment (12) - Councillors Adam, Allan, Boulton, Cooney, Crockett, Farquharson, Graham, Greig, Ironside, Laing, Leslie and Young.

Absent from the division (3) - Councillors Milne, Penny and Jennifer Stewart.

**The Council resolved:-**  
to adopt the motion.

### **ALTERNATIVE DELIVERY MODEL (ADM) PROJECT - CG/12/029**

**24.** With reference to Article 27 of the minute of meeting of the Finance and Resources Committee of 15 March 2012, which had been referred to it for consideration by six members of the Committee, the Council had before it (1) a report by the Director of Corporate Governance which set out the current position in relation to the Corporate Governance ADM, and presented a way forward in the form of the proposed 'Internal Corporate Governance Transformation Project'; and (2) the decision of the Finance and Resources Committee as follows:-

- (i) to instruct the Director of Corporate Governance to terminate the procurement process without a contract award;
- (ii) to approve the saving of £782,000 for 2012/13 from the Corporate Governance Service to be met from vacancy management to ensure a balanced budget; and
- (iii) to instruct the Director of Corporate Governance to consult with the relevant Trades Unions and the wider workforce seeking their views on the future direction of the service, and report back to the Finance and Resources Committee with options for how future years' savings can be achieved in absence of the ADM project.

Councillor Noble moved, seconded by Councillor Crockett:-

That the decision of the Finance and Resources Committee be approved.

Councillor John Stewart moved as an amendment, seconded by Councillor Malone:-

That the Council instructs that a detailed options appraisal be produced for members, to include all benefits and risks of the ADM project and the Internal Transformation proposals, particularly addressing (1) financial benefit to the Council; (2) impact on jobs; (3) implications for workload of staff; (4) investment in Council infrastructure and systems; and (5) broader benefit to the city, before any decision is taken on this matter.

On a division, there voted:-

For the motion (28) - Depute Provost Cormie; and Councillors Adam, Allan, Blackman, Boulton, Cooney, Corall, Crockett, Donnelly, Dunbar, Farquharson, Graham, Ironside, Jaffrey, Kiddie, Laing, Leslie, MacGregor, McCaig, McDonald MSP, May, Noble, Reynolds, Kevin Stewart MSP, Townson, West, Wisely and Young.

For the amendment (9) - Lord Provost Peter Stephen; and Councillors Cormack, Dean, Fletcher, Greig, Malone, Robertson, John Stewart and Yuill.

Absent from the division (5) - Councillors Collie, Hunter, Milne, Penny and Jennifer Stewart.

**The Council resolved:-**

- (i) to adopt the motion; and
- (ii) to instruct officers to publicise the decision on the intranet with immediate effect for the benefit of the staff affected.

**NATIONAL HOUSING TRUST INITIATIVE PHASE 2 - H&E/12/026**

**25.** The Council had before it a report by the Director of Housing and Environment which advised of the current position with regard to the National Housing Trust Initiative (the initiative) to enable the development of short term affordable housing, and sought approval to award contracts to Stewart Milne Group Limited, and for the Head of Legal and Democratic Services to sign all contractual documentation relative to the initiative.

**The report recommended:-**

that the Council -

- (a) approve contracts being awarded to Stewart Milne Group Limited in respect of affordable housing at Davidson Mill, Mugiemoos and Charleston, Cove, subject to their satisfying all Certificate of Title and any other legal issues to the satisfaction of the Head of Legal and Democratic Services and the Director of Housing and Environment;
- (b) approve entry by the Council into the Limited Liability Partnership Development Vehicle(s) that will be created in respect of the developments with the Scottish Futures Trust and Stewart Milne Group Limited;
- (c) approve the entry into, and execution of, the initiative agreements substantially in the form issued in accordance with the Invitation to Tender and all other necessary documentation described in more detail below;
- (d) delegate authority to the Head of Legal and Democratic Services, or her nominated representative, to agree and execute on behalf of the Council all letters, contracts and other documents relative to the initiative, including, but not limited to, the following:-
  - Applications to form Limited Liability Partnerships (the Development Vehicle(s)) in respect of affordable housing at the locations mentioned above
  - Take Out Agreements
  - Management and Maintenance Agreements
  - Members Agreements
  - Facility Agreements
  - Assignations in Security
  - Inter Creditor Agreements
  - Guarantee Agreements
  - Bond and Floating Charge in favour of the Council
  - Second ranking Floating Charge in favour of the Guarantor
  - Certificate of Title in favour of the Council and others;
- (e) appoint the Director of Housing and Environment as the Council's representative on the Board of Management of the Development Vehicle(s) with the Head of Housing and Community Safety acting as substitute as required;
- (f) authorise lending to the Development Vehicle(s) in accordance with the Facility Agreements to be entered into, which lending shall not exceed £5,049,408, subject to receiving formal consent to lend from the Scottish Government; and



- (g) delegate authority to the Director of Corporate Governance, the Director of Housing and Environment and the Head of Finance, in consultation with the Convener and Vice Convener of the Finance and Resources Committee, to agree the final loan value, which shall not exceed £5,049,408 and delegate authority to the Head of Legal and Democratic Services, or her nominated representative, to sign documentation to enter into the loan to be provided to the Development Vehicle(s).

**The Council resolved:-**

to approve the recommendations.

## **AECC DEVELOPMENT PROJECT**

26. The Council had before it Appendix 1, AECC Performance Report, to the report by the Director of Enterprise, Planning and Infrastructure as detailed in Article 18 of this minute.

**The Council resolved:-**

to note the appendix.

## **CLOSING REMARKS**

27. Councillor Wisely explained that she was sad to be leaving the Council and thanked members for their kind words. Councillor Wisely paid tribute to the Lord Provost, and Councillors Dean, John Stewart, Kevin Stewart MSP and McCaig for their leadership during the past five years, and commented that she was leaving the Council in good hands with Valerie Watts as Chief Executive. Lastly, Councillor Wisely thanked Councillor Donnelly for his friendship and support.

At the request of the Lord Provost, the Dean of Guild addressed the Council and thanked members for the support they had given to the Burgesses over the past five years. The Dean of Guild thanked the Lord and Lady Provost and wished all retiring members best wishes for the future.

The Chief Executive highlighted that a number of important decisions had been made this day and thanked members for their support, enthusiasm and passion for the city during the current term, and wished all members well for the future.

The Lord Provost concluded the meeting by thanking members and officials for their kind words.

- **PETER STEPHEN, Lord Provost**.