

ABERDEEN CITY COUNCIL

Town House,
ABERDEEN, 6 March 2013

MINUTE OF MEETING OF ABERDEEN CITY COUNCIL

S e d e r u n t :

Lord Provost George Adam, Chairperson; and

COUNCILLORS

YVONNE ALLAN
KIRSTY BLACKMAN
MARIE BOULTON
DAVID CAMERON
SCOTT CARLE
NEIL COONEY
JOHN CORALL
WILLIAM CORMIE
BARNEY CROCKETT
STEVEN DELANEY
GRAHAM DICKSON
ALAN DONNELLY
JACQUELINE DUNBAR
LESLEY DUNBAR
ANDREW FINLAYSON
FRASER FORSYTH
GORDON GRAHAM
ROSS GRANT
MARTIN GREIG
LEONARD IRONSIDE, CBE
MURIEL JAFFREY

JAMES KIDDIE
JENNIFER LAING
GRAEME LAWRENCE
NEIL MacGREGOR
CALLUM McCAIG
M TAUQEER MALIK
AILEEN MALONE
ANDREW MAY
RAMSAY MILNE
JEAN MORRISON MBE
NATHAN MORRISON
JAMES NOBLE
GILLIAN SAMARAI
JENNIFER STEWART
SANDY STUART
ANGELA TAYLOR
ROSS THOMSON
GORDON TOWNSON
WILLIAM YOUNG
and
IAN YUILL

Lord Provost George Adam, 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=2531&Ver=4>

ANNOUNCEMENT

1. The Lord Provost advised that staff within Democratic Services were holding a home baking sale in the Town House in aid of Comic Relief, which subsequently raised £234.

ADMISSION OF BURGESSES

2. 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:-

Professor Thomas Cummings, Chairman and Manager, Aberdeen
Ciaran Monaghan, Local Government Officer, Aberdeen

DETERMINATION OF EXEMPT BUSINESS

3. 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) Aberdeen Western Peripheral Route - Joint Report by Director of Enterprise, Planning and Infrastructure and Director of Corporate Governance
- 10(b) Transfer of Adult Social Care Services to Local Authority Trading Company - Report by Director of Social Care and Wellbeing

Councillor McCaig moved as a procedural motion, seconded by Councillor Jackie Dunbar:-

That the Council consider item 10(b) in public.

On a division, there voted:-

For the procedural motion (19) - Councillors Blackman, Cameron, Corall, Cormie, Delaney, Dickson, Jackie Dunbar, Greig, Jaffrey, Kiddie, MacGregor, McCaig, Malone, May, Noble, Samarai, Jennifer Stewart, Townson and Yuill.

Against the procedural motion (22) - Lord Provost; and Councillors Allan, Boulton, Carle, Cooney, Crockett, Donnelly, Lesley Dunbar, Finlayson, Forsyth, Graham, Grant, Len Ironside CBE, Laing, Lawrence, Malik, Milne, Jean Morrison MBE, Nathan Morrison, Taylor, Thomson and Young.

Absent from the division (1) - Councillor Sandy Stuart.

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 27 and 29 of this minute refer) so as to avoid disclosure of exempt information of the classes described in paragraphs 6 and 9 of Schedule 7(A) of the Act.

REQUEST FOR DEPUTATION

4. The Council had before it the following request for deputation in connection with the report on the Establishment of Short-term Halting Sites for Gypsies/Travellers:-

- Mr Mark Duffy, Bridge of Don Community Council

The Council resolved:-

to accept the request and hear the deputation immediately prior to the report being considered.

MINUTE OF MEETING OF ABERDEEN CITY COUNCIL OF 19 DECEMBER 2012

5. The Council had before it the minute of meeting of Aberdeen City Council of 19 December 2012.

The Council resolved:-

to approve the minute.

PAMPHLET OF MINUTES

6. The Council had before it a pamphlet of standing committee minutes from 20 November 2012 to 29 January 2013.

The Council resolved:-

to note the minutes.

BUSINESS STATEMENT

7. 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 remove items 2 (Common Good Budget) and 5 (Business Rates Incentivisation Scheme); and
- (ii) otherwise to note the statement.

DECLARATION OF INTEREST

Councillor Jackie Dunbar declared an interest in relation to the following item of business arising from a family connection and withdrew from the meeting.

MOTIONS LIST

8. The Council had before it a list of outstanding motions which had been prepared by the Head of Legal and Democratic Services.

The Council resolved:-

- (i) to take no further action at this time on the three nominations for freedom of the city, which required Standing Order 22(1) to be suspended, and that the working group meet and report on a revised process for the nomination for, and conferral of, the freedom of the city; and
- (ii) otherwise to note the motions list.

ESTABLISHMENT OF SHORT-TERM HALTING SITES FOR GYPSIES/TRAVELLERS - H&E/12/102

9. (A) In terms of Standing Order 10(2), the Council received a deputation from Mr Mark Duffy on behalf of Bridge of Don Community Council.

Mr Duffy highlighted that Bridge of Don Community Council had not been consulted on the proposals - the first they had known about it was when they read the local newspapers. He went on to explain the deficiencies in relation to the Scotstown Road recycling centre site, for example it was far too small for the number of pitches that would be needed, the accessibility of the site was difficult and its location next to a 40mph main road, which would be dangerous for all, but particularly for children.

Mr Duffy referred to the scoring matrix that had been used, emphasising that it posed more questions than it provided answers, and that a properly constructed scoring matrix should be weighted. Mr Duffy considered that the Council had tried to rush the matter and had ended up putting the cart before the horse, and urged members to remove the Scotstown Road site from their considerations and instruct officers to undertake a more detailed evaluation of sites, engage with the affected communities and report back to the first Council meeting after the summer recess.

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

(B) With reference to Article 1 of the minute of meeting of the Housing and Environment Committee of 15 January 2013, the Council had before it (1) a report by the Director of Housing and Environment, which had been deferred to the Council meeting this day, which sought agreement on the establishment of a short-term halting site for gypsies/travellers and provided an update on related shared services with Aberdeenshire Council; and (2) an addendum to the report which provided updated information and advised that in addition to the sites at Granitehill and Scotstown Road recycling centre, officers had identified the following sites and wished these potential sites to be considered:-

- Blackdog
- Howes Road
- Former Council depot - Springhill Road
- Former caravan site at Hazlehead

The report recommended:-

that the Council -

- (a) instruct officers to progress the establishment of an interim short-term halting site at Granitehill Industrial Estate, including preparation of a specification with full cost implications and community communications plan, and report back in March 2013;
- (b) agree that long-term provision be located at Scotstown Road recycling centre and instruct officers to begin work to prepare for the location once the recycling centre was relocated; and

- (c) note the joint work that was continuing with Aberdeenshire Council.

The addendum to the report recommended:-

that the Council -

- (a) approve the additional four potential sites and instruct officers to consult the affected Community Councils and report back to the Council meeting in May 2013 with the outcome of these discussions; and
- (b) instruct officers to establish a stakeholder working group for the purpose of using the established scoring matrix to examine the viability and feasibility of each site option and report back to the Council meeting in May 2013 with the results from this process.

At this juncture, a number of questions were asked of officers, during the course of which the Director of Housing and Environment confirmed that an interim short-term halting site was no longer proposed, and that officers were now focusing on the provision of permanent temporary halting sites.

Councillor Cooney moved, seconded by Councillor Jean Morrison MBE:-

That the Council -

- (1) approve the potential sites at (i) Blackdog; (ii) Howes Road; (iii) Scotstown Road recycling centre; and (iv) the former Council depot at Springhill Road, and remit to officers to consult the affected Community Councils and report back to the Council meeting in August 2013 with the outcome of these discussions;
- (2) instruct officers to establish a stakeholder working group for the purpose of using a scoring matrix to examine the viability and feasibility of each site option and report back to the August Council meeting with the results from this process; and
- (3) note the joint working that was continuing with Aberdeenshire Council.

Councillor Jackie Dunbar moved as an amendment, seconded by Councillor Jaffrey:-

That the Council -

- (1) note the potential sites at (i) Blackdog; (ii) Howes Road; (iii) Scotstown Road recycling centre; (iv) the former Council depot at Springhill Road; and (v) the former caravan site at Hazlehead, and remit to officers to consult the affected Community Councils and directly affected residents and report back to Council with the outcome of these discussions; and
- (2) instruct officers to establish a stakeholder working group for the purpose of developing a new scoring matrix to examine the viability and feasibility of each site option and report back to Council with the results of this process.

Councillor Delaney moved as a further amendment, seconded by Councillor Greig:-

That the Council -

- (1) reaffirm the decision of the Policy and Strategy Committee of 2 December 2008;
- (2) instruct officers to stand down all current searches;
- (3) continue examining how best to manage informal encampments; and
- (4) instruct officers to prepare details for upgrading the Clinterty site to include potential short-term provision.

There being a motion and two amendments, the Council first divided between the amendment by Councillor Jackie Dunbar and the amendment by Councillor Delaney.

On a division, there voted:-

For the amendment by Councillor Jackie Dunbar (15) - Councillors Blackman, Cameron, Corall, Cormie, Dickson, Jackie Dunbar, Jaffrey, Kiddie, MacGregor, McCaig, May, Noble, Samarai, Sandy Stuart and Townson.

For the amendment by Councillor Delaney (5) - Councillors Delaney, Greig, Malone, Jennifer Stewart and Yuill.

Declined to vote (22) - Lord Provost; and Councillors Allan, Boulton, Carle, Cooney, Crockett, Donnelly, Lesley Dunbar, Finlayson, Forsyth, Graham, Grant, Len Ironside CBE, Laing, Lawrence, Malik, Milne, Jean Morrison MBE, Nathan Morrison, Taylor, Thomson and Young.

The Council then divided between the motion and the amendment by Councillor Jackie Dunbar.

On a division, there voted:-

For the motion (22) - Lord Provost; and Councillors Allan, Boulton, Carle, Cooney, Crockett, Donnelly, Lesley Dunbar, Finlayson, Forsyth, Graham, Grant, Len Ironside CBE, Laing, Lawrence, Malik, Milne, Jean Morrison MBE, Nathan Morrison, Taylor, Thomson and Young.

For the amendment by Councillor Jackie Dunbar (15) - Councillors Blackman, Cameron, Corall, Cormie, Dickson, Jackie Dunbar, Jaffrey, Kiddie, MacGregor, McCaig, May, Noble, Samarai, Sandy Stuart and Townson.

Declined to vote (5) - Councillors Delaney, Greig, Malone, Jennifer Stewart and Yuill.

The Council resolved:-
to adopt the motion.

PROGRESSION OF THE ACCESS FROM THE NORTH PROPOSALS (THIRD DON CROSSING) AND A96 PARK AND CHOOSE/DYCE DRIVE LINK ROAD - EPI/13/022

10. With reference to Article 7 of the minute of its meeting of 19 December 2012, the Council had before it a report by the Director of Enterprise, Planning and Infrastructure which set out the most efficient options to deliver the Third Don Crossing as quickly as possible, and advised on the progression of the A96 Park and Choose/Dyce Drive Link Road and the best option for its delivery.

The report recommended:-
that the Council agree -

- (a) to progress construction of the Access from the North proposals (Third Don Crossing) on a “works only” approach outwith the arrangements for the Aberdeen Western Peripheral Route/Balmedie to Tipperty (AWPR/B-T);
- (b) to progress construction of the A96 Park and Choose/Dyce Drive Link Road on a “works only” approach outwith the arrangements for the AWPR/B-T; and
- (c) to take all necessary actions to progress the projects including discussing budget provision with appropriate officers.

Councillor McCaig moved, seconded by Councillor Jackie Dunbar:-

That the Council approve the recommendations contained within the report.

Councillor Thomson moved as an amendment, seconded by Councillor Forsyth:-

That the Council approve the recommendations contained within the report and request the Council Leader to invite the Deputy First Minister and Cabinet Secretary for Infrastructure, Investment and Cities to Aberdeen to meet him, elected members representing Tillydrone, Seaton and Old Aberdeen and residents of Tillydrone to discuss matters of mutual interest including the building of a Third Don Crossing.

On a division, there voted:-

For the motion (20) - Councillors Blackman, Cameron, Corall, Cormie, Delaney, Dickson, Jackie Dunbar, Greig, Jaffrey, Kiddie, MacGregor, McCaig, Malone, May, Noble, Samarai, Jennifer Stewart, Sandy Stuart, Townson and Yuill.

For the amendment (21) - Lord Provost; and Councillors Boulton, Carle, Cooney, Crockett, Donnelly, Lesley Dunbar, Finlayson, Forsyth, Graham, Grant, Len Ironside CBE, Laing, Lawrence, Malik, Milne, Jean Morrison MBE, Nathan Morrison, Taylor, Thomson and Young.

Absent from the division (1) - Councillor Allan.

The Council resolved:-

- (i) to adopt the amendment; and
- (ii) to instruct officers to report to each meeting of the Enterprise, Planning and Infrastructure Committee on progress in delivering the project.

RELAXATION OF DRINKING IN PUBLIC PLACES BYELAW FOR BP BIG SCREENS 2013 - EPI/12/269

11. The Council had before it a report by the Director of Enterprise, Planning and Infrastructure which sought permission to suspend the operation of the Aberdeen City Council Drinking in Public Places Byelaw 2009 to permit consumption of alcohol within the boundaries of the Duthie Park for the BP Summer Big Screens 2013 event.

The report recommended:-

that the Council instruct the Head of Legal and Democratic Services to undertake the processes necessary to enact the suspension of the existing Aberdeen City Council Drinking in Public Places Byelaw 2009 within the boundaries of the Duthie Park for the BP Summer Big Screens event proposed to be held on 18 July 2013.

The Council resolved:-

to approve the recommendation.

ABERDEEN CITY AREA SUPPORT TEAM - LOCAL AUTHORITY NOMINEE - CG/13/009

12. The Council had before it a report by the Director of Corporate Governance which requested the appointment of a local authority nominee to the Aberdeen City

Area Support Team (AST), which was being introduced by the Children's Hearings (Scotland) Act 2011.

The report recommended:-

that the Council nominate one elected member to be a local authority nominee member of Aberdeen City AST.

The Council resolved:-

that Councillor Young be a local authority nominee member of Aberdeen City AST.

ROLES AND RESPONSIBILITIES: IS ABERDEEN CITY COUNCIL GETTING IT RIGHT? - CG/13/027

13. With reference to Article 11 of the minute of meeting of the Audit and Risk Committee of 25 September 2012, the Council had before it a report by the Director of Corporate Governance which made recommendations on the way forward and proposed areas for further consideration arising from the decisions of the Audit and Risk Committee on the self-evaluation project which had been undertaken on the roles and responsibilities of elected members and officers.

The report recommended:-

that the Council -

- (a) instruct that a questionnaire be issued to all members on any changes they would wish to see to the Council's democratic processes;
- (b) establish a small working group to consider (a) any detailed proposals to change the committee structure, Standing Orders and the Scheme of Delegation, reporting to Council in June 2013; and (b) the introduction of a Petitions Committee;
- (c) note the current report template;
- (d) note that Council officers were required to advise any member or group at any time upon request, and otherwise note the draft guidance on when it was appropriate for members to contact officers, which would be finalised after further consultation with officers;
- (e) note the training programme for members put in place following the May 2012 elections and the completion of training for members appointed to outside bodies;
- (f) note the draft Media and Communications Strategy; and
- (g) approve the diary to December 2014 in principle, subject to confirmation when the working group reports back to Council in June 2013.

Councillor Crockett moved, seconded by Councillor Boulton:-

That the Council:-

- (1) instruct that a questionnaire be issued to all members on any changes they would wish to see to the Council's democratic processes and that completed questionnaires be returned to the Senior Democratic Services Manager by 15 April 2013;
- (2) establish a small working group to be chaired by the Council Leader and comprising a total of four Labour members (Councillors Crockett, Ironside, Laing and Young), one Conservative member (Councillor Forsyth), one Independent Alliance Group member (Councillor Boulton), one SNP member and one Liberal Democrat member, to consider (a) any detailed proposals to change the committee structure, Standing Orders and the

- Scheme of Delegation, reporting to Council in June 2013; and (b) the introduction of a Petitions Committee; and
- (3) approve recommendations (c) to (g) as contained within the report.

Councillor McCaig moved as an amendment, seconded by Councillor Malone:-

That the Council approve the recommendations contained within the report and that Group Leaders determine the composition of the working group.

For the motion (22) - Lord Provost; and Councillors Allan, Boulton, Carle, Cooney, Crockett, Donnelly, Lesley Dunbar, Finlayson, Forsyth, Graham, Grant, Len Ironside CBE, Laing, Lawrence, Malik, Milne, Jean Morrison MBE, Nathan Morrison, Taylor, Thomson and Young.

For the amendment (19) - Councillors Blackman, Cameron, Corall, Cormie, Delaney, Dickson, Jackie Dunbar, Jaffrey, Kiddie, MacGregor, McCaig, Malone, May, Noble, Samarai, Jennifer Stewart, Sandy Stuart, Townson and Yuill.

Absent from the division (1) - Councillor Greig.

The Council resolved:-
to adopt the motion.

APPOINTMENTS - OCE/13/010

14. The Council had before it a report by the Chief Executive which sought approval for two changes to previously agreed appointments.

The report recommended:-

that the Council -

- (a) approve the appointment of Councillor Reynolds to the Pensions Panel in place of Councillor Thomson; and
- (b) note that Councillor Lesley Dunbar had replaced Councillor Taylor as the Council's representative on COSLA's Community Wellbeing Executive Group.

The Council resolved:-

to approve the recommendations and the amendment to the total allocation of seats to the two political groups concerned.

SINGLE OUTCOME AGREEMENT - CG/13/024

15. The Council had before it a report by the Director of Corporate Governance which provided an update on progress with work to put in place a new Single Outcome Agreement for 2013 onwards.

The report recommended:-

that the Council -

- (a) note the progress with the Single Outcome Agreement;
- (b) approve the current draft as a partner on Community Planning Aberdeen;
- (c) note that Community Planning Aberdeen would consider a final draft on 27 March 2013 to be submitted to the Scottish Government by 31 March 2013; and

- (d) note that following submission to the Scottish Government, a further report would be submitted to Council including the proposed final Single Outcome Agreement, prior to formal agreement by 30 June 2013.

The Council resolved:-

to approve the recommendations.

WELFARE REFORM - H&E/13/001

16. The Council had before it a report by the Director of Social Care and Wellbeing which provided an update on planned changes to the welfare benefit system and sought approval for the policy and practice response being developed by officers.

The report recommended:-

that the Council -

- (a) note the report;
- (b) approve the steps taken by officers to develop a policy and practice response; and
- (c) agree to receive further reports in due course as measures are implemented.

Councillor Crockett moved, seconded by Councillor Boulton:-

That the Council approve the recommendations contained within the report and request the Council Leader to write to the appropriate Scottish Government Minister asking them to identify changes to legislation through which the Scottish Government may assist the Council in dealing with the impact of welfare reform in the city, noting that Aberdeen City is the lowest funded Council in Scotland ranked 32 out of 32 in relation to per head of population funding - £1,447.36, is no longer in receipt of the promised 85% funding floor as £1,447.36 represents 79.8% of the Scottish average of £1,814.58, and that the Scottish Government has reneged on the agreed Business Rates Incentivisation Scheme arrangements.

Councillor McCaig moved as an amendment, seconded by Councillor Kiddie:-

That the Council approve recommendations (a) to (c) contained within the report; and

- (d) remit a copy of the report to all MPs/MSPs who represent the city for their information;
- (e) in recognition of the ongoing developments and possible future impact to the Council of welfare reform, agree to establish a members working group that will receive up to date information on welfare reform and any action that the Council may require to take to mitigate against these changes; and
- (f) agree to establish a £500,000 'Hardship Fund' to assist those who are hardest hit by welfare reform and instruct officers to submit a report to the next Council meeting on eligibility and administration of this fund with consideration given to combining this funding with the forthcoming Scottish Welfare Fund, and that funding should come from the Council's reserves.

Councillor Yuill moved as a further amendment, seconded by Councillor Malone:-

That the Council approve recommendations (a) to (c) contained within the report; and

- (d) remit a copy of the report to all MPs/MSPs who represent the city for their information;
- (e) in recognition of the ongoing developments and possible future impact to the Council of welfare reform, agree to establish a members working group that will receive up to date information on welfare reform and any action that the Council may require to take to mitigate against these changes;
- (f) agree to establish a £500,000 'Hardship Fund' to assist those who are hardest hit by welfare reform and instruct officers to submit a report to the next Council meeting on eligibility and administration of this fund with consideration given to combining this funding with the forthcoming Scottish Welfare Fund, and that funding should come from the Council's reserves; and
- (g) request the Council Leader to write to the appropriate Scottish Government Minister asking them to identify changes to legislation through which the Scottish Government may assist the Council in dealing with the impact of welfare reform in the city, noting that Aberdeen City is the lowest funded Council in Scotland ranked 32 out of 32 in relation to per head of population funding - £1,447.36, is no longer in receipt of the promised 85% funding floor as £1,447.36 represents 79.8% of the Scottish average of £1,814.58, and that the Scottish Government has reneged on the agreed Business Rates Incentivisation Scheme arrangements.

During the course of summing up, Councillor McCaig indicated that he wished to withdraw his amendment in favour of the amendment by Councillor Yuill and this was accepted.

On a division, there voted:-

For the motion (22) - Lord Provost; and Councillors Allan, Boulton, Carle, Cooney, Crockett, Donnelly, Lesley Dunbar, Finlayson, Forsyth, Graham, Grant, Len Ironside CBE, Laing, Lawrence, Malik, Milne, Jean Morrison MBE, Nathan Morrison, Taylor, Thomson and Young.

For the amendment by Councillor Yuill (19) - Councillors Blackman, Cameron, Corall, Delaney, Dickson, Jackie Dunbar, Greig, Jaffrey, Kiddie, MacGregor, McCaig, Malone, May, Noble, Samarai, Jennifer Stewart, Sandy Stuart, Townson and Yuill.

Absent from the division (1) - Councillor Cormie.

The Council resolved:-
to adopt the motion.

In terms of Standing Order 15(6), Councillors Blackman, Cameron, Corall, Delaney, Dickson, Jackie Dunbar, Greig, Jaffrey, Kiddie, MacGregor, McCaig, Malone, May, Noble, Samarai, Jennifer Stewart, Sandy Stuart, Townson and Yuill intimated their dissent against the foregoing decision.

STRATEGIC INFRASTRUCTURE PLAN - EPI/13/054

17. The Council had before it a joint report by the Director of Enterprise, Planning and Infrastructure and the Director of Corporate Governance which sought approval for the actions required to deliver the Council's Strategic Infrastructure Plan (SIP) by autumn 2013.

The report recommended:-

that the Council -

- (a) agree that a citywide SIP should be prepared; and
- (b) approve expenditure of up to £200,000 from the Business Planning budget to provide support to prepare the plan.

The Council resolved:-

to approve the recommendations.

DECLARATIONS OF INTERESTS

Councillors Dickson, Jackie Dunbar and McCaig declared pecuniary interests in the following item of business by virtue of their employment by Kevin Stewart MSP, and withdrew from the meeting.

MOTION BY COUNCILLOR CROCKETT - COMMENTS BY KEVIN STEWART MSP

18. With reference to Article 6 of the minute of meeting of the Finance and Resources Committee of 21 February 2013, the Council had before it (1) the decision of the Finance and Resources Committee, to instruct the Head of Legal and Democratic Services to write again to Kevin Stewart MSP advising him that his response was not a retraction of his comments and giving him until 5 March 2013 to retract his comments and thereafter refer the matter back to full Council this day for Council to determine its position at that time; and (2) the relevant correspondence between the Head of Legal and Democratic Services and Kevin Stewart MSP.

Councillor Crockett moved, seconded by Councillor Donnelly:-

That the Council instruct the Head of Legal and Democratic Services to seek independent legal advice as to the options open to the Council following Kevin Stewart MSP's failure to comply with Councillor Crockett's motion and report to the Finance and Resources Committee in April 2013.

Councillor Cameron moved as an amendment, seconded by Councillor Townson:-

That the Council leaves this matter to the Chief Executive to deal with in any manner she feels appropriate.

Councillor Yuill moved as a further amendment, seconded by Councillor Malone:-

That this Council condemns Kevin Stewart MSP for his failure to apologise and retract his remarks but nevertheless believes that there is no benefit in spending further time and money dealing with the matter, and therefore agrees to take no further action but reaffirms its confidence in the professional abilities of staff.

There being a motion and two amendments, the Council first divided between the amendment by Councillor Cameron and the amendment by Councillor Yuill.

On a division, there voted:-

For the amendment by Councillor Cameron (12) - Councillors Blackman, Cameron, Corall, Cormie, Jaffrey, Kiddie, MacGregor, May, Noble, Samarai, Sandy Stuart and Townson.

For the amendment by Councillor Yuill (6) - Lord Provost; and Councillors Delaney, Greig, Malone, Jennifer Stewart and Yuill.

Declined to vote (21) - Councillors Allan, Boulton, Carle, Cooney, Crockett, Donnelly, Lesley Dunbar, Finlayson, Forsyth, Graham, Grant, Len Ironside CBE, Laing, Lawrence, Malik, Milne, Jean Morrison MBE, Nathan Morrison, Taylor, Thomson and Young.

Absent from the division (3) - Councillors Dickson, Jackie Dunbar and McCaig.

The Council then divided between the motion and the amendment by Councillor Cameron.

On a division, there voted:-

For the motion (22) - Lord Provost; and Councillors Allan, Boulton, Carle, Cooney, Crockett, Donnelly, Lesley Dunbar, Finlayson, Forsyth, Graham, Grant, Len Ironside CBE, Laing, Lawrence, Malik, Milne, Jean Morrison MBE, Nathan Morrison, Taylor, Thomson and Young.

For the amendment by Councillor Cameron (12) - Councillors Blackman, Cameron, Corall, Cormie, Jaffrey, Kiddie, MacGregor, May, Noble, Samarai, Sandy Stuart and Townson.

Declined to vote (5) - Councillors Delaney, Greig, Malone, Jennifer Stewart and Yuill.

Absent from the division (3) - Councillors Dickson, Jackie Dunbar and McCaig.

The Council resolved:-
to adopt the motion.

TREASURY MANAGEMENT POLICY AND STRATEGY - CG/13/018

19. With reference to Article 12 of the minute of meeting of the Finance and Resources Committee of 21 February 2013, the Council had before it, by way of remit, a report by the Director of Corporate Governance which sought approval of the Treasury Management Policy and Strategy for 2013/14 to 2015/16.

The Finance and Resources Committee had recommended that the Council:-

- (a) consider and approve the Council's Treasury Management Policy Statement for 2013/14 to 2015/16 as detailed at appendix 1 to the report;
- (b) consider and approve the Council's Borrowing and Investment Strategy for 2013/14 to 2015/16 as detailed at appendix 2 to the report; and
- (c) approve the revised Counterparty list as detailed at appendix 3 to the report.

The Council resolved:-
to approve the recommendations.

UK CITY OF CULTURE 2017 OUTLINE BID

20. The Council had before it a report by the Chief Executive which set out the proposed arrangements for the submission of the Council's UK City of Culture 2017 outline bid, and the requirement for the Council to act as financial guarantor for the City of Culture bid programme.

The report recommended:-

that the Council -

- (a) delegate power to the Chief Executive and the Director of Education, Culture and Sport to approve and submit the outline bid, in order to meet the deadline of the Department of Culture, Media and Sport of 30 April 2013; and
- (b) refer the requirement for the Council to act as a financial guarantor to the Finance and Resources Committee on 25 April 2013 for approval subject to the additional investment identified in the outline bid.

The Council resolved:-

- (i) to approve the recommendations; and
- (ii) that correspondence from the Director of Education, Culture and Sport regarding the announcement of the City of Culture bid team be shared with all members.

MOTION BY COUNCILLOR JENNIFER STEWART

21. The Council had before it the following notice of motion by Councillor Jennifer Stewart:-

“In light of changing demographics and the retirement age, that this Council rebrands the 50+ Festival, aiming it at people in the over 65 age bracket.”

The Council resolved:-

to refer the motion to the Social Care and Wellbeing Committee.

MOTION BY COUNCILLORS BOULTON AND THOMSON

22. The Council had before it the following notice of motion by Councillors Boulton and Thomson:-

“That this Council asks for a report looking at ways to deliver social enterprises on the remaining part of the site of Grove Nursery specialising in horticulture/allotments and other appropriate activities, and the opportunity of including the wider community. This is an essential part of the Administration's desire to create a climate change park involving the wider policies.”

The Council resolved:-

to refer the motion to the Housing and Environment Committee.

MOTION BY COUNCILLOR DELANEY

23. The Council had before it the following notice of motion by Councillor Delaney:-

“That Council:-

- (1) Acknowledges the total lack of respite facilities for children with complex needs and their families in the North East and welcomes the recent launch of the Charlie House appeal which aims to bring such a much needed facility to Aberdeen;
- (2) Further recognises the sterling efforts of Tracy Johnstone, the Charlie House Trustees, their friends and their families for work done over the last two years which has facilitated the recent launch;
- (3) Instructs officers to work with partner agencies and the Charlie House Trustees to help deliver the vision and ensure that Charlie House becomes a reality; and
- (4) Remits a request to the Lord Provost’s Charitable Trust to make Charlie House their nominated charity for 2014/15.”

Councillor Delaney moved, seconded by Councillor Jennifer Stewart:-
That the terms of the motion be approved.

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

That this Council recognises (a) that respite facilities for children with complex needs in the city are inadequate and the work undertaken by charities and officers of the Council under this and previous Administrations to address this matter, welcomes the efforts of Charlie House and others to address the problem and in particular the Charlie House Appeal, and instructs officers to liaise with NHS Grampian and bring forward a report to the appropriate committee(s) setting out how the Council and partners could support this development. Should it be in the interest of the Council for facilities serving the North East children and families within the city then this should be achieved through appropriate partnership working with Aberdeenshire/Moray/Highland and other relevant partners; and (b) that it is for the Lord Provost to nominate charities to be funded from the Lord Provost’s Charitable Trust following the usual consultations.

On a division, there voted:-

For the motion (20) - Councillors Blackman, Cameron, Corall, Cormie, Delaney, Dickson, Jackie Dunbar, Greig, Jaffrey, Kiddie, MacGregor, McCaig, Malone, May, Noble, Samarai, Jennifer Stewart, Sandy Stuart, Townson and Yuill.

For the amendment (22) - Lord Provost; and Councillors Allan, Boulton, Carle, Cooney, Crockett, Donnelly, Lesley Dunbar, Finlayson, Forsyth, Graham, Grant, Len Ironside CBE, Laing, Lawrence, Malik, Milne, Jean Morrison MBE, Nathan Morrison, Taylor, Thomson and Young.

The Council resolved:-
to adopt the amendment.

MOTION BY COUNCILLOR GREIG

24. The Council had before it the following notice of motion by Councillor Greig:-

“That this Council works with Grampian Police, its two successor divisions, Aberdeenshire Council and the Moray Council to set up a policing museum for

the North East and that all possible funding sources and sponsorship opportunities are sought.”

The Council resolved:-

to refer the motion to the Finance and Resources Committee.

MOTION BY COUNCILLOR THOMSON

25. The Council had before it the following notice of motion by Councillor Thomson:-

“Where trees fall into either TPO or Conservation area category and an application for removal has been submitted by private individuals, enhanced neighbour notification and consultation should be put in place. Before any work is carried out neighbours should be notified either in person or in writing, local public notices should be displayed and ward Councillors should be given advance notice.”

The Council resolved:-

to refer the motion to the Enterprise, Planning and Infrastructure Committee.

In accordance with the decision recorded under Article 3 of this minute, the following items were considered with the press and public excluded. The Council also agreed to adjust the order of the agenda to enable the report on the Local Authority Trading Company to be brought forward.

TRANSFER OF ADULT SOCIAL CARE SERVICES TO LOCAL AUTHORITY TRADING COMPANY - SCW/13/12

26. With reference to Article 21 of the minute of its meeting of 10 October 2012, the Council had before it a report by the Director of Social Care and Wellbeing which advised of progress with the implementation of the Local Authority Trading Company (LATC) model for the delivery of adult social care, and sought approval in relation to the key terms of the appropriate legal and contractual documents to enable the transfer of specific adult social care services to the LATC.

The report recommended:-

that the Council -

- (a) note the approval at the Council meeting of 10 October 2012 of the recommendation to agree the transfer of specified services to the LATC on completion of the appropriate legal and contractual process;
- (b) approve the key legal and commercial terms underpinning the transfer of the proposed services to the LATC as set out in the background papers;
- (c) delegate to the unanimous approval of the Director of Social Care and Wellbeing and the Head of Legal and Democratic Services, the negotiation and approval of the contract documents noted below, and any other contracts, letters or documents required to be signed in connection with the implementation of the LATC model, on such terms and conditions, consistent with the key legal and commercial terms referred to above, as they think fit. The contract documents referred to above are:-
 - a. Company incorporation documents;
 - b. Transfer agreement;

- c. Governance contracts (shareholders agreements);
 - d. Funding and Care Service Provision Agreement (for delivery of care services by the LATC to the Council);
 - e. Corporate Support Service Level Agreement (for delivery of corporate support services by the Council to the LATC);
 - f. Data protection agreement; and
 - g. VAT registration documents;
- (d) establish an Appointment Panel, of such composition as the Council determines, to recruit the permanent board of the LATC companies; appoint a Chairperson to the Panel; and delegate powers to the Panel to agree the detail of the recruitment process, including salary and job descriptions;
 - (e) agree that the arrangements for holding the board to account would align with the wider recommendations in the report on the governance of arm's length bodies which the Council had commissioned and which was expected shortly;
 - (f) delegate to the Director of Social Care and Wellbeing the authority to appoint interim directors or authorised signatories of the LATC companies, with the authority to sign documents on behalf of those companies, in order to allow establishment and transition (with the permanent board of directors to be in place prior to the commencement of the care services by the LATC companies);
 - (g) authorise the officers named in recommendations (c) and (f) above, in the event of their absence, to nominate alternates to act in their place for the purposes of the powers set out in these recommendations; and
 - (h) note that the documentation listed in recommendation (c) and any other such relevant documents would be executed in accordance with Standing Order 44.

Councillor Len Ironside CBE moved, seconded by Councillor Lesley Dunbar:-

That the Council -

- (1) approve recommendations (a) and (b) as contained within the report;
- (2) delegate to the unanimous approval of the Director of Social Care and Wellbeing and the Head of Legal and Democratic Services, **in consultation with the Conveners of Social Care and Wellbeing and Finance and Resources**, the negotiation and approval of the contract documents noted below, and any other contracts, letters or documents required to be signed in connection with the implementation of the LATC model, on such terms and conditions, consistent with the key legal and commercial terms referred to above, as they think fit. The contract documents referred to above are:-
 - a. Company incorporation documents;
 - b. Transfer agreement;
 - c. Governance contracts (shareholders agreements);
 - d. Funding and Care Service Provision Agreement (for delivery of care services by the LATC to the Council);
 - e. Corporate Support Service Level Agreement (for delivery of corporate support services by the Council to the LATC);
 - f. Data protection agreement; and
 - g. VAT registration documents;
- (3) establish an Appointment Panel, **comprising two Labour members and one elected member from each of the Conservative, Independent Alliance, SNP and Liberal Democrat Groups**, the Panel to be chaired **by the Convener of Social Care and Wellbeing**, to recruit the permanent board of the LATC companies; and delegate powers to the Panel to agree the detail of the recruitment process, including salary and job descriptions;
- (4) approve recommendation (e) as contained within the report;

- (5) delegate to the Director of Social Care and Wellbeing, **in consultation with the Convener of Social Care and Wellbeing**, the authority to appoint interim directors or authorised signatories of the LATC companies, with the authority to sign documents on behalf of those companies, in order to allow establishment and transition (with the permanent board of directors to be in place prior to the commencement of the care services by the LATC companies); and
- (6) approve recommendations (g) and (h) as contained within the report;

Councillor Kiddie moved as an amendment, seconded by Councillor Delaney:-

That Council notes the report on the work undertaken to progress the formation of the LATC model for the delivery of adult social care. In light of the information contained within the report, Council agrees not to proceed with the formation of the company but to retain services in-house as the best means of delivering these services in an integrated way with partner agencies while continuing to ensure effective local democratic control of these services.

In terms of Standing Order 14(1), following contributions from more than eight members of the Council, Councillor Graham moved as a procedural motion, seconded by Councillor Donnelly:-

That the question be now put.

On a division, there voted:-

For the procedural motion (22) - Lord Provost; and Councillors Allan, Boulton, Carle, Cooney, Crockett, Donnelly, Lesley Dunbar, Finlayson, Forsyth, Graham, Grant, Len Ironside CBE, Laing, Lawrence, Malik, Milne, Jean Morrison MBE, Nathan Morrison, Taylor, Thomson and Young.

Against the procedural motion (20) - Councillors Blackman, Cameron, Corall, Cormie, Delaney, Dickson, Jackie Dunbar, Greig, Jaffrey, Kiddie, MacGregor, McCaig, Malone, May, Noble, Samarai, Jennifer Stewart, Sandy Stuart, Townson and Yuill.

The Council resolved:-

to adopt the procedural motion and therefore proceed to summing up.

On a division, there voted:-

For the motion (22) - Lord Provost; and Councillors Allan, Boulton, Carle, Cooney, Crockett, Donnelly, Lesley Dunbar, Finlayson, Forsyth, Graham, Grant, Len Ironside CBE, Laing, Lawrence, Malik, Milne, Jean Morrison MBE, Nathan Morrison, Taylor, Thomson and Young.

For the amendment (20) - Councillors Blackman, Cameron, Corall, Cormie, Delaney, Dickson, Jackie Dunbar, Greig, Jaffrey, Kiddie, MacGregor, McCaig, Malone, May, Noble, Samarai, Jennifer Stewart, Sandy Stuart, Townson and Yuill.

The Council further resolved:-

to adopt the motion.

In terms of Standing Order 15(6), Councillors Blackman, Cameron, Corall, Cormie, Delaney, Dickson, Jackie Dunbar, Greig, Jaffrey, Kiddie, MacGregor, McCaig, Malone, May, Noble, Samarai, Jennifer Stewart, Sandy

Stuart, Townson and Yuill intimated their dissent against the foregoing decision.

ANNOUNCEMENTS

27. (A) The Lord Provost advised that the Council had very recently been announced as the inaugural winner of the European Commission Sustainable Urban Mobility Plan (SUMP) Award for its work on a transport masterplan for the city centre, which brought with it a €10,000 prize to support local awareness raising activities on sustainable urban mobility. The Lord Provost congratulated the Head of Planning and Sustainable Development and her team for their excellent work.

(B) Councillor Dickson highlighted that the Scottish Government had announced that it was awarding the Council £1.6million for affordable housing projects.

The Council resolved:-

to concur with the remarks of the Lord Provost and welcome the update from Councillor Dickson.

ABERDEEN WESTERN PERIPHERAL ROUTE

28. With reference to Article 24 of the minute of its meeting of 10 October 2012, the Council had before it a joint report by the Director of Enterprise, Planning and Infrastructure and the Director of Corporate Governance which provided an update on the cost estimates for the Aberdeen Western Peripheral Route (AWPR) and sought approval for associated actions to be undertaken.

The report recommended:-

that the Council -

- (a) note the updated overall cost estimate for the AWPR project prepared following the conclusion of the statutory process and authorise the Council to enter into a variation to the Memorandum of Understanding with Scottish Ministers and Aberdeenshire Council as detailed in the report;
- (b) approve the proposal for Aberdeen City Council and Aberdeenshire Council to meet their share of the costs of the AWPR project via a combined (equally shared) up-front capital contribution as contained within the report; and
- (c) authorise officers to enter into further discussions with Transport Scotland and Aberdeenshire Council regarding the up-front capital contribution and authorise the Head of Legal and Democratic Services to negotiate the terms of a legal agreement to govern the payment mechanism, all subject to the approval of the Director of Corporate Governance, Head of Finance and the Director of Enterprise, Planning and Infrastructure, and report back to the next appropriate Council meeting on the outcome.

Councillor Crockett moved, seconded by Councillor Milne:-

That the Council approve the recommendations contained within the report.

Councillor Boulton moved as an amendment, seconded by Councillor Finlayson:-

That the Council approve the recommendations contained within the report and request a fresh appraisal of the southern leg's suitability and effectiveness to relieve congestion at the Bridge of Dee advising of any potential recommendations for improvement.

On a division, there voted:-

For the motion (39) - Lord Provost; and Councillors Allan, Blackman, Cameron, Carle, Cooney, Corall, Cormie, Crockett, Delaney, Dickson, Donnelly, Jackie Dunbar, Lesley Dunbar, Forsyth, Graham, Grant, Greig, Len Ironside CBE, Jaffrey, Kiddie, Laing, Lawrence, MacGregor, McCaig, Malik, Malone, May, Milne, Jean Morrison MBE, Nathan Morrison, Noble, Samarai, Jennifer Stewart, Taylor, Thomson, Townson, Young and Yuill.

For the amendment (2) - Councillors Boulton and Finlayson.

Absent from the division (1) - Councillor Sandy Stuart.

The Council resolved:-
to adopt the motion.

In terms of Standing Order 15(6), Councillors Boulton and Finlayson intimated their dissent against the foregoing decision.

- GEORGE ADAM, Lord Provost