

## LEGAL AND DEMOCRATIC SERVICES

### COMMITTEE DECISION SHEET

### COUNCIL - WEDNESDAY, 26 JUNE 2013

Please let the Committee Officer know as soon as possible if you do not agree with any action proposed in this decision sheet. These are decisions of the Committee and there is an expectation that action will be taken. If for any reason it is apparent that you will not be able to act on these instructions in full or in part or that there will be a delay, please let the Committee Officer know as it may be necessary to advise the Committee or seek further instructions from the Committee.

	Item Title	Committee Decision	PBB Option Affected	Services Required to take action	Officer to Action
1	<b><u>Admission of Burgesses</u></b>	<b><u>The Council resolved:-</u></b> not applicable.			
2	<b><u>Members are requested to resolve that any exempt business on this agenda be considered with the press and public excluded</u></b>	<b><u>The Council resolved:-</u></b> 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 items 8(i) and 10(b) so as to avoid disclosure of exempt information of the classes described in paragraphs 6 and 12 of the Act.			
3	<b><u>Requests for Deputations</u></b>	<b><u>The Council resolved:-</u></b> none received.			
4(a)	<b><u>Minute of Meeting of Council of 1 May 2013 - for approval (circulated separately)</u></b>	<b><u>The Council resolved:-</u></b> to approve the minute.			

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4(b)	<b><u>Minute of Meeting of Urgent Business Committee of 29 April 2013 - for approval</u></b>	<b><u>The Council resolved:-</u></b> (i) to approve the minute; and (ii) to note that the report instructed on a policy review and the introduction of a processions charging policy would be submitted to the next meeting of the Finance and Resources Committee.		Asset Management and Operations	H Murdoch
4(c)	<b><u>Minute of Meeting of Urgent Business Committee of 29 May 2013 - for approval</u></b>	<b><u>The Council resolved:-</u></b> to approve the minute.			
5(a)	<b><u>Pamphlet of Minutes - for information</u></b>	<b><u>The Council resolved:-</u></b> (i) to note the pamphlet; and (ii) to instruct officers to report to the next appropriate committee on progress with the Local Authority Trading Company.		Social Care and Wellbeing	F McBride
6(a)	<b><u>Business Statement</u></b>	<b><u>The Council resolved:-</u></b> to note the business statement.			
6(b)	<b><u>Motions List</u></b>	<b><u>The Council resolved:-</u></b> to note the motions list.			
7(a)	<b><u>Finance and Resources Committee of 13 June 2013 - Haudagain Upgrade - A Way Forward (Middlefield) - Report by Director of Housing and</u></b>	<b><u>The Council resolved:-</u></b> (i) to note the words of Keith Brown, Minister for Transport and Veterans, who stated in the Scottish parliament on 22 May "We have stated on a		Regeneration and Housing Investment  Planning and	J Quinn/ M Thies  M Bochel/

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	<u>Environment</u>	<p>number of occasions our commitment to funding the design and construction of the road improvement, which will include associated land and compensation costs for the delivery of the Haudagain scheme. As is the case with all of our schemes, landowners, including the local authority, will be compensated for any land or property that is required to enable the construction of the road improvement”;</p> <p>(ii) to note paragraph 7.1 of the report which states “There is as yet no detailed information from government on the financial arrangements to be made to purchase assets required to deliver the Haudagain junction improvements” and therefore to instruct officers to enter into negotiations with the Scottish Government within the next 30 days with a view to agreeing a legally binding contract as soon as possible ensuring the Council and other land owners were suitably and properly compensated for the land or property that was required to enable the construction on the road improvements with a view to starting work on the Haudagain roundabout within the next two years rather than in 2018/2019 as proposed by the SNP;</p> <p>(iii) to note with complete disappointment the decision to postpone the arranged</p>		<p>Sustainable Development</p> <p>Legal and Democratic</p>	<p>J Murray</p> <p>A Swanson</p>

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		<p>meeting between the Council and Transport Scotland on 27 May 2013, and reschedule the meeting until 28 June 2013, a clear sign that the Haudagain roundabout improvements were not a key priority for the Scottish Government;</p> <p>(iv) to note the speed in which the Scottish Government were prepared to compensate landowners, including building a brand new International School in Cults, long before the AWPR work had started and questions the Scottish Government's resolve to fully compensate the people and residents of Middlefield which was the most deprived area of the city in terms of employment, health, income, education and training quickly and efficiently as they did in the most prosperous area of the city; and</p> <p>(v) to instruct officers to bring a report to an additional meeting of the Finance and Resources Committee on 25 July 2013 on the meeting with Transport Scotland, including detailed information from the Government on the financial arrangements to be made to purchase assets required to deliver the Haudagain junction improvements and setting out the Council's objectives to start this project within the next two years.</p>			

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8(a)	<b><u>Appointments - Report by Chief Executive</u></b>	<p><b><u>The Council resolved:-</u></b></p> <p>(i) to appoint Councillor Yuill as Vice Convener of the Audit and Risk Committee;</p> <p>(ii) to appoint Councillor Donnelly as a member of the Council's COSLA Convention delegation in place of Councillor Forsyth;</p> <p>(iii) to appoint Councillor Yuill as a member of Aberdeen City Licensing Board in place of Councillor Jaffrey;</p> <p>(iv) to appoint Councillor Forsyth as a member of Northern Community Justice Authority in place of Councillor Young (with Councillor Young replacing Councillor Forsyth as the substitute member); and</p> <p>(v) to note the following Liberal Democrat Group appointments:-</p> <ul style="list-style-type: none"> <li>• Appeals Committee - Councillor Malone in place of Councillor Greig</li> <li>• City of Culture Working Group - Councillor Yuill in place of Councillor Malone</li> <li>• Freedom of the City Working Group - Councillor Yuill in place of Councillor Malone</li> <li>• St Nicholas House Working Group - Councillor Yuill in place of Councillor Malone</li> <li>• Social Care and Wellbeing Committee - Councillor Greig in place of Councillor Yuill</li> <li>• Urgent Business Committee -</li> </ul>		<p>Office of Chief Executive</p> <p>Legal and Democratic</p>	<p>C Monaghan</p> <p>M Orchard/ E Anderson/ P Connolly F Smith/ A Swanson</p>

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		<p>Councillor Yuill in place of Councillor Malone</p> <ul style="list-style-type: none"> <li>• Satrosphere - Councillor Greig in place of Councillor Malone</li> </ul>			
8(b)	<b><u>Treasury Management Policy and Strategy - Report by Director of Corporate Governance - to be referred by Finance and Resources Committee of 13 June 2013</u></b>	<p><b><u>The Council resolved:-</u></b></p> <p>(i) to note the Treasury Management activities undertaken in 2012/13 as detailed within the report; and</p> <p>(ii) to approve the revised Counterparty list as appended to the report.</p>		Finance	N Stewart
8(c)	<b><u>Proposed Amendments to Approved Scheme of Delegation Relating to Planning Applications for Local Developments - Report by Director of Enterprise, Planning and Infrastructure</u></b>	<p><b><u>The Council resolved:-</u></b></p> <p>(i) to approve the terms of the revised Scheme of Delegation as set out in the report, subject to a minor rewording within the Appointed Officer section, and that the powers identified therein be delegated to the appointed officer;</p> <p>(ii) to remit to the Head of Planning and Sustainable Development to forward the revised Scheme of Delegation to Scottish Ministers for their consideration and approval, as required under the regulations; and</p> <p>(iii) should the Scheme of Delegation not be approved by Ministers, that it be remitted to the Head of Planning and Sustainable Development, in consultation with the Convener of the Development Management Sub Committee to agree changes to the</p>		Planning and Sustainable Development	H Campbell

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		Scheme in line with the views expressed by Scottish Ministers and to report further to the Sub Committee thereon in due course.			
8(d)	<b><u>Aberdeen's Winter Festival and Hogmanay Celebrations - Report by Director of Enterprise, Planning and Infrastructure</u></b>  <b>Addendum to the report</b>	<b><u>The Council resolved:-</u></b> (i) to note the content of the report and the report on the Nativity Scene; (ii) to confirm the Council's support for Aberdeen's Hogmanay celebrations in 2013 as detailed within the report; (iii) to approve the inclusion of a Christmas Tree, Santa's Grotto, temporary stage and supporting entertainment programme and additional festive light switch-on activity in Aberdeen's Winter Festival programme in Union Terrace Gardens; (iv) to approve a proposed budget of £6,000 to stage the 2013 Nativity Scene and agree that this should be provided from the Winter Festival Budget; and (v) instruct officers to work to secure partnership and other funding to support the Winter Festival or specific aspects of it, with the exception of the Nativity Scene for which the Council will not seek sponsorship.		Economic Development	D Schultz/ K Luke
8(e)	<b><u>Nativity Scene Infrastructure Costs - Report by Director of Enterprise, Planning and</u></b>	<b><u>The Council resolved:-</u></b> (See previous item)			

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	<u>Infrastructure - Referred simpliciter by Finance and Resources Committee of 13 June 2013</u>				
8(f)	<u>Elected Member Appointments to the Corporate Parenting Champions' Board - Report by Director of Social Care and Wellbeing</u>	<p><b>The Council resolved:-</b> to appoint the following representatives to the Corporate Parenting Champions Board:-</p> <ul style="list-style-type: none"> <li>• Convener of Social Care and Wellbeing</li> <li>• Vice Convener of Social Care and Wellbeing</li> <li>• one member of the administration (Councillor Young)</li> <li>• one member of the opposition</li> </ul>		Children's Services	K Dunn/ N Clark
8(g)	<u>International Trade Plan 2013/14 Additional Commitments - Report by Director of Enterprise, Planning and Infrastructure</u>	<p><b>The Council resolved:-</b></p> <p>(i) to approve the report and the activities described therein, subject to their approval by the Scottish Government in the normal manner;</p> <p>(ii) to approve the relevant travel by officers and elected members on a whom failing basis for the activities as described in appendix B to the report; and</p> <p>(iii) to receive a bulletin report on each event undertaken in the plan.</p>		Economic Development	E Robertson



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8(h)	<b><u>Tillydrone Project - Report by Director of Housing and Environment</u></b>	<p><b><u>The Council resolved:-</u></b></p> <p>(i) to authorise officers to continue with the programme to install Combined Heat and Power (CHP) at Tillydrone;</p> <p>(ii) to authorise officers to implement mitigation measures to reduce the uncertainty over grant funding contribution, and request that reports be submitted to the Housing and Environment and Finance and Resources Committees once grant funding levels are known; and</p> <p>(iii) to authorise officers to proceed with issuing tenders for Energy Company Obligation (ECO) grant funding partner, and to note that the ECO grant funding partner will work with the Council to manage the final grant application and ensure that the Council receives the maximum carbon savings and grant funding from the project.</p>		<p>Regeneration and Housing Investment</p> <p>Legal and Democratic</p>	<p>J Quinn</p> <p>K Riddoch/ A Swanson (for business statements)</p>
8(i)	<b><u>Broad Street Site Redevelopment Update - Report by Director of Enterprise, Planning and Infrastructure</u></b>	<p><b><u>The Council resolved:-</u></b></p> <p>(i) to approve the role and remit of the working group as identified in the report;</p> <p>(ii) to note the progress with legal/management and structural issues;</p> <p>(iii) to note the impact on the setting of Provost Skene's House;</p> <p>(iv) to note the timescale in relation to the planning process and public consultation;</p>		<p>Asset Management and Operations</p> <p>Planning and Sustainable Development</p>	<p>S Booth</p> <p>M Bochel/ J Murray</p>

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		<p>(v) to instruct officers to investigate options, including appropriate traffic modelling, for creating a more user-friendly pedestrian environment to form a civic space on Broad Street in advance of the pedestrianisation of Union Street; the costs of these investigations to be met from the Central Aberdeen Infrastructure budget approved as part of the Non Housing Capital Programme at the Council Budget meeting on 14 February 2013; and</p> <p>(vi) to note the progress with demolition works.</p>			
8(j)	<b><u>Music Hall Redevelopment - Report by Director of Education, Culture and Sport</u></b>	<p><b><u>The Council resolved:-</u></b> to agree to fund the contribution to Aberdeen Performing Arts through the use of contingencies and/or a capital funding source. However, as the Council moves through the financial year 2013/14 where any reported underspend is achieved this would be used to supplement this funding mechanism and will be reported as part of the regular reporting to committee.</p>		Communities, Culture and Sport	L Thomson
8(k)	<b><u>Discretionary Housing Payments - Report by Director of Corporate Governance</u></b>	<p><b><u>The Council resolved:-</u></b> to note that the report had been withdrawn.</p>			

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8(l)	<b><u>Service Review of Legal Services - Report by Director of Corporate Governance - Referred simpliciter by Finance and Resources Committee of 13 June 2013</u></b>	<b><u>The Council resolved:-</u></b> (i) to note the content of the report; and (ii) to instruct the Head of Legal and Democratic Services to report back to Council in twelve months advising of the outcomes of the implementation of the new structure.		Legal and Democratic	J MacEachran
8(m)	<b><u>Draft Statement of Accounts 2012/13 - Report by Director of Corporate Governance</u></b>  <b>Members are requested to note that the draft statement of accounts will be circulated separately</b>	<b><u>The Council resolved:-</u></b> (i) to note the draft Statement of Accounts, and financial performance of the various Council accounts contained therein, which will be submitted to Audit Scotland by 30 June 2013; (ii) to note the overall positive outturn that has been achieved in 2012/13 and the surplus against budget that provides opportunities for the Council to continue to strengthen its balance sheet and financial position; (iii) to note in accordance with the relevant strategies to maintain revenue balances the Council's objective of retaining recommended levels of uncommitted balances has been achieved; (iv) to approve the various transfers between Council accounts and earmarking of sums against the General Fund, Housing Revenue Account and Common Good as at 31 March 2013 as detailed in paragraphs		Finance  Legal and Democratic	J Belford  R Coull (for business statement)

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		<p>5.3.12 and 5.3.16 of the report, including the sum of £5.541million to fund the financial risk reserve and £2million to mitigate specific welfare reform risks;</p> <p>(v) to agree to revise the total value of capital funding to be carried forward into 2013/14 to £16.978million, for projects detailed in paragraph 5.4.7; and</p> <p>(vi) to note that the audited Statement of Accounts will be presented to the Audit and Risk Committee, along with the external auditor's report to members in the autumn, and will be presented to a Council meeting thereafter.</p>			
8(n)	<p><b><u>Grampian Joint Police Board Draft Statement of Accounts 2012/13 - Report by Director of Corporate Governance</u></b></p> <p>Members are requested to note that the draft statement of accounts will be circulated separately</p>	<p><b><u>The Council resolved:-</u></b></p> <p>(i) to note the 2012/13 draft Statement of Accounts for Grampian Joint Police Board, and financial performance of the Board contained therein, which will be submitted to Audit Scotland by 30 June 2013;</p> <p>(ii) to note that the audited Statement of Accounts will be presented to the Audit and Risk Committee, along with the external auditor's report to members in the autumn, and will be presented to a Council meeting thereafter; and</p> <p>(iii) to request officers to report to a future meeting of the Finance and Resources Committee regarding the reserves redistributed by Grampian Police to</p>		<p>Finance</p> <p>Legal and Democratic</p>	<p>J Belford</p> <p>R Coull/ A Swanson (for business statements)</p>

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		the Council and how it would be spent.			
9(a)	<p><b><u>Councillor Finlayson</u></b></p> <p>"That Aberdeen City Council sends its warmest congratulations to the players, supporters, management, staff and Board of Directors of Cove Rangers Football Club for their achievement in winning the Press &amp; Journal Scottish Highland Football League. In order to mark this achievement this Council agrees to hold a reception to honour the team."</p>	<p><b><u>The Council resolved:-</u></b> to approve the terms of the motion, noting that it would be funded from the civic budget.</p>		Office of Chief Executive	C Monaghan
9(b)	<p><b><u>Urgent Motion by Councillor Yuill</u></b></p> <p>"That this Council:</p> <ol style="list-style-type: none"> <li>1. Condemns the recent acts of apparently politically-inspired vandalism of office premises in Aberdeen;</li> <li>2. Recognises that people can be patriotic Scots, whatever their view on Scotland's constitutional future; and</li> <li>3. Calls on all involved in the</li> </ol>	<p><b><u>The Council resolved:-</u></b> to approve the terms of the motion.</p>			

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	debate on Scotland's future to show respect for those who have a different point of view."				
9(c)	<p><b><u>Urgent Motion by Councillor Young</u></b></p> <p>"Council instructs the Chief Executive to write to Sir Peter Housden Permanent Secretary to the Scottish Government demanding an investigation into the First Minister's professional conduct during the Aberdeen Donside by-election looking specifically at:-</p> <ol style="list-style-type: none"> <li>1. The First Minister's unannounced visit and lecture on 17 June 2013 to school children at Bramble Brae School without reference to Aberdeen City Council Director of Education, Culture and Sport or the Head Teacher of the said school noting that the school is currently subject to statutory consultation regarding its future within the wider school estate.</li> <li>2. The First Minister's unannounced visit to Hazlehead Park on 17 June 2013 a park owned wholly by Aberdeen City Council again</li> </ol>	<p><b><u>The Council resolved:-</u></b> to approve the terms of the motion.</p>		Office of Chief Executive	V Watts

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	<p>without reference to the said City Council in the middle of a by election and whilst welcoming the announcement of a £100,000 Scottish Government donation to the Piper Alpha Memorial Trust purdah rules seem to have been ignored.</p> <p>Instructs the Chief Executive to report back to the Council on the response received from the Permanent Secretary, in order for Council to determine its position on this matter.”</p>				
10(a)	<b><u>Exempt Motion by Councillor Young</u></b>	<b><u>The Council resolved:-</u></b> to note that the motion had been withdrawn.			
10(b)	<b><u>Post of Director of Social Care and Wellbeing - Recruitment and Selection Process - Report by Chief Executive</u></b>	<b><u>The Council resolved:-</u></b> (i) to establish an Appointment Panel comprising 9 members in total (3+3+ Councillors Boulton, Donnelly and Greig), to appoint to the post of Director of Social Care and Wellbeing including the Convener of the Social Care and Wellbeing Committee who should be appointed as Convener of the Panel;		Human Resources and Organisational Development  Legal and Democratic	J Capstick  V Cuthbert

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		<ul style="list-style-type: none"> <li>(ii) to delegate powers to the Appointment Panel to agree all matters relating to the recruitment process, including job description, person specification and salary;</li> <li>(iii) that the timescale for recruitment to the post of Director of Corporate Governance as agreed by the Appointment Panel set up for this purpose be adjusted to allow advertising of and recruitment to the two vacant posts to run concurrently, and that powers be delegated to the relevant officers to finalise this timeline, in consultation with the two Panel Conveners;</li> <li>(iv) that external recruitment consultants be appointed for the purposes of supporting recruitment to the post;</li> <li>(v) that any acting arrangements to cover the role should the vacancy not be filled for a period of time be delegated to the Chief Executive;</li> <li>(vi) to invoke Standing Order 1(6)(a) of the Council's Standing Orders relating to Contracts and Procurement to dis-apply the requirements of Standing Order 5, thereby allowing a contract to be entered into with the recruitment consultants to support the recruitment process for this post, without the need to undertake a competitive tendering exercise; and</li> <li>(vii) the estimated expenditure associated with this recruitment exercise, which is</li> </ul>			



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		estimated to be no more than £35,000, and that these costs be met from contingencies.			

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