

ABERDEEN CITY COUNCIL

Town House,  
ABERDEEN, 26 June 2013

MINUTE OF MEETING OF ABERDEEN CITY COUNCIL

S e d e r u n t :

Lord Provost George Adam, Chairperson;  
Depute Provost John Reynolds; and

COUNCILLORS

YVONNE ALLAN  
KIRSTY BLACKMAN  
MARIE BOULTON  
DAVID CAMERON  
SCOTT CARLE  
NEIL COONEY  
JOHN CORALL  
WILLIAM CORMIE  
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  
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=2533&Ver=4>

## ANNOUNCEMENTS

1. (A) The Lord Provost advised that the Council's Finance Service had been named Public Sector Finance Team of the Year at the Scottish Accountancy Awards for the second year in succession, and congratulated all staff involved.

(B) The Lord Provost highlighted that the Council had been presented with a certificate as part of the Jubilee Woods Project in recognition of its efforts to create one of the UK's Diamond Woods at Tullos Hill Wood.

(C) The Lord Provost expressed his disappointment that Aberdeen had been unsuccessful in reaching the shortlist in terms of the bid for UK City of Culture 2017, however he thanked staff, elected members, volunteers and partners for their hard work and dedication in putting together the bid which had received widespread support from across the city. The Lord Provost congratulated the city of Dundee on reaching the shortlist and wished them well for the rest of the bidding process.

(D) The Lord Provost advised that Aberdeen had regained the Meff Spence Bowling Trophy having defeated Dundee on 19 June. The Lord Provost explained that the Meff Spence fixture had a proud tradition dating back to 1921, and congratulated the team on their success.

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

to concur with the Lord Provost's remarks.

## 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:-

Neil Hendry, Head Teacher, Aberdeen  
George M MacDonald, Police Officer, Aberdeen  
Ian A Suttie, Chartered Accountant, Aberdeen

## AGENDA

3. The Lord Provost advised that agenda items 8(k) (Discretionary Housing Payments - Report by Director of Corporate Governance) and 10(a) (Exempt Motion by Councillor Young) had been withdrawn.

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

That the Council do not consider item 8(i) (Broad Street Site Redevelopment Update) this day, and instead consider the matter at the next Council meeting.

On a division, there voted:-

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

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

**The Council resolved:-**

to reject the procedural motion, and therefore consider the report this day.

**DETERMINATION OF EXEMPT BUSINESS**

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

- 10(b) Post of Director of Social Care and Wellbeing - Recruitment and Selection Process - Report by Chief Executive

The Lord Provost proposed that item 8(i) (Broad Street Site Redevelopment Update) be taken in private.

Councillor Yuill moved as procedural motion, seconded by Councillor Jennifer Stewart:-

That in regard to item 8(i), the Council discuss any matters containing exempt information in private and then determine the matter 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, May, Noble, Samarai, Jennifer Stewart, Sandy Stuart, Townson and Yuill.

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

**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 items 10(b) and 8(i) (Articles 28 and 29 of this minute refer) so as to avoid disclosure of exempt information of the classes described in paragraphs 6 and 12 of Schedule 7(A) of the Act.

**MINUTE OF MEETING OF ABERDEEN CITY COUNCIL OF 1 MAY 2013**

5. The Council had before it the minute of meeting of Aberdeen City Council of 1 May 2013.

**The Council resolved:-**

to approve the minute.

### **MINUTE OF MEETING OF URGENT BUSINESS COMMITTEE OF 29 APRIL 2013**

6. The Council had before it the minute of meeting of the Urgent Business Committee of 29 April 2013.

**The Council resolved:-**

- (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.

### **MINUTE OF MEETING OF URGENT BUSINESS COMMITTEE OF 29 MAY 2013**

7. The Council had before it the minute of meeting of the Urgent Business Committee of 29 May 2013.

**The Council resolved:-**

to approve the minute.

### **PAMPHLET OF MINUTES**

8. The Council had before it a pamphlet of standing committee minutes from 28 March to 26 June 2013.

**The Council resolved:-**

- (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.

### **BUSINESS STATEMENT**

9. 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:-**

to note the statement.

### **MOTIONS LIST**

10. 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:-**

to note the motions list.

**FINANCE AND RESOURCES COMMITTEE - 13 JUNE 2013 - HAUDAGAIN UPGRADE - A WAY FORWARD (MIDDLEFIELD) - H&E/13/042**

11. With reference to Article 15 of the minute of meeting of the Finance and Resources Committee of 13 June 2013, 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 Housing and Environment which provided an update on a way forward for the regeneration of Middlefield as a result of the Haudagain roundabout upgrade; and (2) the decision of the Committee as follows:-

- (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 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 was the case with all of our schemes, landowners, including the local authority, will be compensated for any land or property that was required to enable the construction of the road improvement";
- (ii) to note paragraph 7.1 of the report which stated "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;
- (iii) to note with complete disappointment the decision to postpone the arranged 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;
- (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
- (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.

**DECLARATION OF INTEREST**

**At this juncture, Councillor Jackie Dunbar declared an interest in the item of business by virtue of being a Middlefield resident and also as a member of the working group referred to in the report. Councillor Jackie Dunbar did**

**not consider that the nature of her interest required her to leave the meeting.**

Councillor Young moved, seconded by Councillor Allan:-

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

**At this juncture, the Council agreed to suspend Standing Order 3(4)(a) to enable an additional meeting of the Finance and Resources Committee to be held on 25 July 2013 in accordance with resolution (v) above.**

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

That the Council approve the recommendations contained within the report.

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

That the Council -

- (1) agree the recommendations contained within the Director of Housing and Environment's report to the Finance and Resources Committee of 13 June 2013;
- (2) commit itself to work with the Scottish Government and others to achieve the earliest feasible delivery of the Haudagain junction improvements;
- (3) instruct officers to enter into negotiations with the Scottish Government with the objective of speedily securing funding for the construction of replacement housing to ensure that the time required to build that replacement housing does not unnecessarily delay the delivery of the Haudagain junction improvements;
- (4) instruct officers to discuss with the Scottish Government whether the construction of the Third Don Crossing and/or the partial completion of the Western Peripheral Route would provide sufficient relief to make it possible to begin work on the Haudagain junction improvements before the full completion of the Western Peripheral Route; and
- (5) deplore the Convener of the Finance and Resources Committee's description at the meeting on 13 June of tenants of Middlefield as "irrelevant".

During the course of summing up, Councillor McCaig withdrew his amendment in favour of the amendment by Councillor Yuill and this was accepted by the Council.

On a division, there voted:-

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

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

**The Council 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, May, Noble, Samarai, Jennifer Stewart, Sandy Stuart, Townson and Yuill intimated their dissent against the foregoing decision.**

## **APPOINTMENTS - OCE/13/022**

**12.** The Council had before it a report by the Chief Executive which addressed changes to previously agreed appointments.

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

that the Council agree -

- (a) to appoint a replacement for Councillor Malone as Vice Convener of the Audit and Risk Committee;
- (b) the appointment of Councillor Donnelly as a member of the Council's COSLA Convention delegation, replacing Councillor Forsyth; and
- (c) the appointment of Councillor Yuill as a member of Aberdeen City Licensing Board, replacing Councillor Jaffrey.

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

- (i) to appoint Councillor Yuill as Vice Convener of the Audit and Risk Committee;
- (ii) to approve recommendations (b) and (c);
- (iii) 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
- (iv) to note the following Liberal Democrat Group appointments:-
  - Appeals Committee - Councillor Malone in place of Councillor Greig
  - City of Culture Sub Committee - Councillor Yuill in place of Councillor Malone
  - Freedom of the City Working Group - Councillor Yuill in place of Councillor Malone
  - St Nicholas House Working Group - Councillor Yuill in place of Councillor Malone
  - Social Care and Wellbeing Committee - Councillor Greig in place of Councillor Yuill
  - Urgent Business Committee - Councillor Yuill in place of Councillor Malone
  - Satrosphere - Councillor Greig in place of Councillor Malone.

## **TREASURY MANAGEMENT POLICY AND STRATEGY - CG/13/062**

**13.** With reference to Article 9 of the minute of meeting of the Finance and Resources Committee of 13 June 2013, the Council had before it, by way of remit, a report by the Director of Corporate Governance which provided an update on the Treasury Management activities undertaken during the 2012/13 financial year.

The Finance and Resources Committee recommended that the Council:-

- (a) note the Treasury Management activities undertaken in 2012/13 as detailed in the report; and
- (b) approve the revised Counterparty list as detailed at Appendix 1 to the report.

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

to approve the recommendations.

## **PROPOSED AMENDMENTS TO APPROVED SCHEME OF DELEGATION RELATING TO PLANNING APPLICATIONS FOR LOCAL DEVELOPMENTS**

14. The Council had before it a report by the Director of Enterprise, Planning and Infrastructure which sought approval for amendments to the existing Scheme of Delegation, prepared in terms of the Planning etc. (Scotland) Act 2006 and the Town and Country Planning (Scotland) Act 1997, which was currently in operation in relation to planning applications.

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

that the Council -

- (a) approve the terms of the revised Scheme of Delegation as set out in the report and agree that the powers identified therein be delegated to the appointed officer;
- (b) request the Head of Planning and Sustainable Development to forward the revised Scheme of Delegation to Scottish Ministers for consideration and approval, as required under the regulations; and
- (c) should the Scheme of Delegation not be approved by Scottish Ministers, remit to the Head of Planning and Sustainable Development, in consultation with the Convener of the Development Management Sub Committee to agree changes to the Scheme in line with the views expressed by Scottish Ministers and to report further to the Sub Committee thereon in due course.

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

to approve the recommendations subject to a minor rewording within the Appointed Officer section of the Scheme of Delegation to reflect further delegation.

## **ABERDEEN'S WINTER FESTIVAL AND HOGMANAY CELEBRATIONS - EPI/13/068 - AND NATIVITY SCENE INFRASTRUCTURE COSTS**

15. (A) The Council had before it a report by the Director of Enterprise, Planning and Infrastructure which advised of the options available to expand Aberdeen's Winter Festival into Union Terrace Gardens, and sought approval for additional programme activities and confirmation of plans for the Hogmanay celebrations.

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

that the Council -

- (a) note the content of the report;
- (b) confirm its support for Aberdeen's Hogmanay celebrations in 2013 as detailed in the report; and
- (c) 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.

(B) With reference to Article 14 of the minute of meeting of the Finance and Resources Committee of 13 June 2013, the Council also had before it a report by the Director of Enterprise, Planning and Infrastructure, which had been referred simpliciter, seeking approval for staging the Christmas 2013 Nativity Scene and the allocation of the necessary funding.

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

that the Council -



- (a) note the content of the report; and
- (b) approve a proposed budget of £6,000 to stage the 2013 Nativity Scene and agree that this should be provided from the Common Good Fund.

**The Council resolved:-**

- (i) to note the content of both reports;
- (ii) to confirm its support for Aberdeen's Hogmanay celebrations 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 be provided from the Winter Festival budget; and
- (v) to 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 would not seek sponsorship.

**ELECTED MEMBER APPOINTMENTS TO THE CORPORATE PARENTING CHAMPIONS' BOARD - SCW/13/034**

16. The Council had before it a report by the Director of Social Care and Wellbeing which requested the appointment of elected members to represent the Council on the Corporate Parenting Champions Board.

**The report recommended:-**

that the Council appoint the following representatives to the Corporate Parenting Champions Board -

- Convener of Social Care and Wellbeing
- Vice Convener of Social Care and Wellbeing
- One elected member from the administration
- One elected member from the opposition

Councillor Boulton moved, seconded by Councillor Laing:-

That the Council approve the recommendation contained within the report.

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

That the Council recommend to Community Planning Aberdeen that the composition of the Corporate Parenting Champions Board be amended to include the Convener and Vice Convener of Social Care and Wellbeing, one Independent Alliance member, one Conservative member, one SNP member and one Liberal Democrat member.

On a division, there voted:-

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

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

**The Council resolved:-**

- (i) to adopt the motion; and
- (ii) to note that Councillor Young was the member of the administration to be appointed.

**ANNOUNCEMENT**

17. The Lord Provost advised that the Council had been named Scottish Transport Local Authority of the Year at the Scottish Transport Awards, in addition to winning the Most Innovative Transport Project of the Year award for the Strategic Transport Fund, which was a joint project with Aberdeenshire Council, NESTRANS and the Aberdeen City and Shire Strategic Development Planning Authority. The Lord Provost extended his congratulations to the Head of Planning and Sustainable Development and her team for their excellent work.

**The Council resolved:-**

to concur with the Lord Provost's remarks.

**INTERNATIONAL TRADE PLAN 2013/14 ADDITIONAL COMMITMENTS - EPI/13/110**

18. The Council had before it a report by the Director of Enterprise, Planning and Infrastructure which sought approval for additional commitments over and above the Council's approved International Trade Plan activities for 2013/14, and in particular elected member attendance at overseas travel events.

**The report recommended:-**

that the Council -

- (a) approve the report and the activities described therein, subject to their approval by the Scottish Government in the normal manner;
- (b) approve the relevant travel by officers and elected members on a whom failing basis for the activities described in Appendix B to the report; and
- (c) agree to receive a bulletin report on each event undertaken in the plan.

Councillor Boulton moved, seconded by Councillor Laing:-

That the Council approve the recommendations contained within the report.

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

That the Council approve the recommendations contained within the report subject to the replacement of 'Depute Provost' with 'Lord Provost' in Appendix B to the report.

Councillor McCaig moved as a further amendment, seconded by Councillor Cameron:-

That the Council -

- (a) note the International Trade Plan as approved by the Enterprise, Planning and Infrastructure Committee in January 2013 and consider this adequate in promoting Aberdeen businesses abroad;
- (b) instruct officers to prepare a report to the next meeting of the Enterprise, Planning and Infrastructure Committee on utilising the £25,000 budget line identified in the report to develop a new business grant scheme offering

- £1,000 support to entrepreneurs in Aberdeen establishing their first business; and
- (c) does not approve the additional travel as outlined in Appendix B to the report.

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

On a division, there voted:-

For the amendment by Councillor Yuill (4) - Councillors Delaney, Greig, Jennifer Stewart and Yuill.

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

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

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

On a division, there voted:-

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

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

Declined to vote (4) - Councillors Delaney, Greig, Jennifer Stewart and Yuill.

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

## **DECLARATION OF INTERESTS**

**Councillors Milne and Jean Morrison declared interests in the following item of business by virtue of their position as Council appointed Directors to the Board of Aberdeen Heat and Power Limited but chose to remain in the meeting as Aberdeen Heat and Power Limited was a body being a company established wholly or mainly for the purpose of providing services to the local authority, and which had entered into a contractual arrangement with the local authority for the supply of goods and/or services to the local authority, as set out in paragraph 5.18(2)(d)(i) and (ii) of the Councillors' Code of Conduct.**

## **TILLYDRONE PROJECT - H&E/13/043**

**19.** The Council had before it a report by the Director of Housing and Environment which sought approval to continue progressing with the programme to install Combined Head and Power (CHP) district heating in Tillydrone multi-storey blocks.

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

that the Council -

- (a) authorise officers to continue with the programme to install CHP at Tillydrone;
- (b) authorise officers to implement mitigation measures to reduce the uncertainty over grant funding contribution; and
- (c) authorise officers to proceed with issuing tenders for an Energy Company Obligation (ECO) grant funding partner, and note that the ECO grant funding partner would be working with the Council to manage the final grant application and ensure that the Council received the maximum carbon savings and grant funding from the project.

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

- (i) to approve the recommendations; and
- (ii) to request officers to report to the Housing and Environment Committee and the Finance and Resources Committee once grant funding levels were known.

## **DECLARATION OF INTERESTS**

**Councillors Boulton, Donnelly, Kiddie and Jennifer Stewart declared interests in the following item of business by virtue of their position as Council appointed Directors to the Board of Aberdeen Performing Arts but chose to remain in the meeting as Aberdeen Performing Arts was a body being a company established wholly or mainly for the purpose of providing services to the local authority, and which had entered into a contractual arrangement with the local authority for the supply of goods and/or services to the local authority, as set out in paragraph 5.18(2)(d)(i) and (ii) of the Councillors' Code of Conduct.**

## **MUSIC HALL REDEVELOPMENT - ECS/13/045**

**20.** The Council had before it a report by the Director of Education, Culture and Sport which provided an update on progress with the redevelopment of the Music Hall, and presented options for supporting the redevelopment and a recommendation for the Council's contribution to the project.

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

that the Council 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 would be reported as part of the regular financial reporting to committee.

Councillor Boulton moved, seconded by Councillor Laing:-

That the Council approve the recommendation contained within the report.

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

That the Council agree to fund the contribution to Aberdeen Performing Arts through the use of contingencies and/or a capital funding source.

On a division, there voted:-

For the motion (21) - Lord Provost; Depute Provost; and Councillors Allan, Boulton, Carle, Cooney, Donnelly, Lesley Dunbar, Finlayson, Forsyth, Graham, Grant, Ironside, Laing, Lawrence, Malik, Milne, Jean Morrison, Taylor, Thomson and Young.

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

Absent from the division (1) - Councillor Nathan Morrison.

**The Council resolved:-**

to adopt the motion.

**SERVICE REVIEW OF LEGAL SERVICES - CG/13/075**

21. With reference to Article 16 of the minute of meeting of the Finance and Resources Committee of 13 June 2013, the Council had before it a report by the Director of Corporate Governance, which had been referred simpliciter, which advised of the outcome of the legal services review and the actions to be taken by management.

**The report recommended:-**

that the Council note the content of the report.

**The Council resolved:-**

- (i) to approve the recommendation; and
- (ii) to instruct the Head of Legal and Democratic Services to report back to the Council in twelve months advising of the outcomes of the implementation of the new structure.

**DRAFT STATEMENT OF ACCOUNTS 2012/13 - CG/13/078**

22. The Council had before it a report by the Director of Corporate Governance which presented the Council's draft Statement of Accounts for 2012/13 which were subject to audit.

**The report recommended:-**

that the Council -

- (a) note the draft Statement of Accounts and financial performance of the various Council accounts contained therein, which would be submitted to Audit Scotland by 30 June 2013;
- (b) note the overall positive outturn that had been achieved in 2012/13 and the surplus against budget that provided opportunities for the Council to continue to strengthen its balance sheet and financial position;

- (c) note that in accordance with the relevant strategies to maintain revenue balances, the Council's objective of retaining recommended levels of uncommitted balances had been achieved;
- (d) 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 5.3.12 and 5.3.16 of the report, including the sum £5.541million to fund the financial risk reserve and £2million to mitigate specific welfare reform risks;
- (e) 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 of the report; and
- (f) note that the audited Statement of Accounts would be presented to the Audit and Risk Committee, along with the external auditor's Report to Members in the autumn, and would be presented to a Council meeting thereafter.

**The Council resolved:-**

to approve the recommendations.

**GRAMPIAN JOINT POLICE BOARD DRAFT STATEMENT OF ACCOUNTS 2012/13 - CG/13/079**

23. The Council had before it a report by the Director of Corporate Governance which presented the Grampian Joint Police Board draft 2012/13 Statement of Accounts, which were subject to audit.

**The report recommended:-**

that the Council -

- (a) note the 2012/13 draft Statement of Accounts for Grampian Joint Police Board, and financial performance of the Board contained therein, which would be submitted to Audit Scotland by 30 June 2013; and
- (b) note that the audited Statement of Accounts would be presented to the Audit and Risk Committee, along with the external auditor's Report to Members in the autumn, and would be presented to a Council meeting thereafter.

**The Council resolved:-**

- (i) to approve the recommendations; and
- (ii) to request officers to report to a future meeting of the Finance and Resources Committee regarding the reserves redistributed by Grampian Police to the Council and how they would be spent.

**MOTION BY COUNCILLOR FINLAYSON**

24. The Council had before it the following notice of motion by Councillor Finlayson:-  
 "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 & Journal Scottish Highland Football League. In order to mark this achievement this Council agrees to hold a reception to honour the team."

**The Council resolved:-**

to approve the terms of the motion, noting that it would be funded from the civic budget.

## **MATTER OF URGENCY**

**The Lord Provost intimated that he had directed in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, that the following item be considered as a matter of urgency in light of recent events.**

### **URGENT MOTION BY COUNCILLOR YUILL**

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

“That this Council:

1. Condemns the recent acts of apparently politically-inspired vandalism of office premises in Aberdeen;
2. Recognises that people can be patriotic Scots, whatever their view on Scotland’s constitutional future; and
3. Calls on all involved in the debate on Scotland’s future to show respect for those who have a different point of view.”

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

to approve the terms of the motion.

## **MATTER OF URGENCY**

**The Lord Provost intimated that he had directed in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, that the following item be considered as a matter of urgency in light of recent events.**

### **DECLARATION OF INTEREST**

**Councillor Jackie Dunbar declared an interest in relation to the following item of business by virtue of having been witness to one of the events highlighted, which could potentially require her involvement at a later date, and withdrew from the meeting.**

### **URGENT MOTION BY COUNCILLOR YOUNG**

**26.** The Council had before it the following urgent notice of motion by Councillor Young:-

“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:-

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.

2. The First Minister's unannounced visit to Hazlehead Park on 17 June 2013, a park wholly owned by Aberdeen City Council, again 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.

Instructs the Chief Executive to report back to Council the response received from the Permanent Secretary, in order for the Council to determine its position on this matter.”

Councillor Young moved, seconded by Councillor Thomson:-

That the terms of the urgent motion be approved.

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

That the Council instructs the Chief Executive to write to Sir Peter Housden, Permanent Secretary to the Scottish Government, requesting an investigation into the First Minister's professional conduct during the Aberdeen Donside by-election looking specifically at:-

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.
2. The First Minister's unannounced visit to Hazlehead Park on 17 June 2013, a park wholly owned by Aberdeen City Council, again 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.

Instructs the Chief Executive to report back to Council the response received from the Permanent Secretary, in order for the Council to determine its position on this matter.

That the Council further agrees to:-

- (a) Instruct the Chief Executive to write to Frank Doran MP calling on him to apologise for inviting Councillor Young, in his capacity as the Labour Party candidate in the Aberdeen Donside by-election, to participate in what should have been a non party-political event at Taransay Court on the afternoon of Thursday 13 June; and
- (b) Instruct the Chief Executive to write to Councillor Young calling on him to apologise for undertaking party political activity at Taransay Court without permission or an invitation from the Residents Association.

Councillor McCaig moved as a further amendment, seconded by Councillor Kiddie:-

That the Council take no action in respect of the matter.

There being a motion and two amendments, in terms of Standing Order 12(9) the Council first divided between the motion and the amendment by Councillor McCaig.



On a division, there voted:-

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

For the amendment by Councillor McCaig (14) - Councillors Blackman, Cameron, Corall, Cormie, Dickson, Jaffrey, Kiddie, MacGregor, McCaig, May, Noble, Samarai, Sandy Stuart and Townson.

Declined to vote (4) - Councillors Delaney, Greig, Jennifer Stewart and Yuill.

Absent from the division (1) - Councillor Jackie Dunbar.

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

On a division, there voted:-

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

For the amendment by Councillor Yuill (4) - Councillors Delaney, Greig, Jennifer Stewart and Yuill.

Declined to vote (14) - Councillors Blackman, Cameron, Corall, Cormie, Dickson, Jaffrey, Kiddie, MacGregor, McCaig, May, Noble, Samarai, Sandy Stuart and Townson.

Absent from the division (1) - Councillor Jackie Dunbar.

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

## **VALEDICTORY**

27. The Lord Provost highlighted that this was likely to be the last Council meeting for Stewart Carruth, Director of Corporate Governance, and Fred McBride, Director of Social Care and Wellbeing, before they left the Council for posts in other organisations, and thanked them for their excellent service to the Council.

Councillor Boulton stated that both Stewart and Fred had transformed their Directorates bringing about significant step change, and that they would be a great loss to the Council. Councillor Boulton's comments were echoed by Councillors McCaig and Yuill.

Councillor Ironside paid particular tribute to Fred McBride, highlighting that he had shown great courage in accepting the post of Director of Social Care and Wellbeing following a critical Social Work Inspection Agency report, and that he had led a dramatic turnaround in performance. Councillor Ironside made reference to the work that Fred had overseen in relation to the Local Authority Trading Company, and concluded that this would be his legacy to the Council, with a number of other local authorities looking to follow suit.

**The Council resolved:-**

to concur with the remarks of the various members.

**In accordance with the decision recorded under Article 4 of this minute, the following items were considered with the press and public excluded.**

**MATTER OF URGENCY**

**The Lord Provost intimated that he had directed in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, that the following item be considered as a matter of urgency in order that the recruitment process could commence without delay.**

**POST OF DIRECTOR OF SOCIAL CARE AND WELLBEING - RECRUITMENT AND SELECTION PROCESS**

**28.** The Council had before it a report by the Chief Executive which sought approval to establish an Appointment Panel to recruit to the post of Director of Social Care and Wellbeing, and to award a contract to Aspen People Ltd to assist with the recruitment process.

**The report recommended:-**

that the Council -

- (a) establish an Appointment Panel comprising nine members in total (3+3+1+1+1) 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;
- (b) delegate powers to the Appointment Panel to agree all matters relating to the recruitment process, including job description, person specification and salary;
- (c) agree 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 relevant officers to finalise this timeline, in consultation with the two Panel Conveners;
- (d) agree that external recruitment consultants Aspen People be appointed for the purposes of supporting the recruitment to the post;
- (e) agree 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;
- (f) 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 Aspen People to support the recruitment process for this post without the need to undertake a competitive tendering exercise; and
- (g) approve the estimated expenditure associated with this recruitment exercise, which was estimated to be no more than £35,000, and that these costs be met from contingencies.

**The Council resolved:-**

to approve the recommendations, noting that Councillors Boulton, Donnelly and Greig would be on the Appointment Panel with the remaining members to be confirmed.

## **BROAD STREET SITE REDEVELOPMENT UPDATE**

**29.** With reference to Article 5 of the minute of its meeting of 1 May 2013, the Council had before it a report by the Director of Enterprise, Planning and Infrastructure which identified the wider issues associated with the redevelopment of Broad Street and provided an update on progress in a number of key areas.

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

that the Council -

- (a) approve the role and remit of the working group as identified in the report;
- (b) note the progress on legal/management and structural issues;
- (c) note the impact on the setting of Provost Skene's House;
- (d) note the timescale in relation to the planning process and public consultation;
- (e) note the transportation issues; and
- (f) note the progress with demolition works.

The Chief Executive made reference to correspondence that had been received by a firm of solicitors representing the unsuccessful bidders which requested that the Council remarket the site or face a judicial review. The Chief Executive underlined that all bidders had received the same guidance throughout the process, and that she had no hesitation in recommending that the report be considered this day and that the Council proceed on the basis of business as usual.

Councillor Yuill moved as a procedural motion, seconded by Councillor Delaney:-

That the Council suspend Standing Order 22(1) in order that the composition of the working group be amended to include a Liberal Democrat member.

On a division, there voted:-

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

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

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

- (i) to reject the procedural motion;
- (ii) to approve the recommendations contained within the report; and
- (iii) 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, and that the cost of these investigations be met from the Central Aberdeen Infrastructure budget approved as part of the Non-Housing Capital Programme at the Council Budget meeting of 14 February 2013.

**- GEORGE ADAM, Lord Provost.**