

LEGAL AND DEMOCRATIC SERVICES

COMMITTEE DECISION SHEET

COUNCIL - WEDNESDAY, 21 AUGUST 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	<u>Admission of Burgesses</u>	<u>The Council resolved:-</u> not applicable.			
2	<u>Members are requested to resolve that any exempt business on this agenda be considered with the press and public excluded</u>	<u>The Council resolved:-</u> 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 item 9(a) so as to avoid disclosure of exempt information of the class described in paragraph 9 of the Act.			
3	<u>Requests for Deputations</u>	<u>The Council resolved:-</u> to agree to hear Mr Craig Cameron in relation to item 8(h).			
4(a)	<u>Minute of Meeting of Council of 26 June 2013 - for approval (circulated separately)</u>	<u>The Council resolved:-</u> to approve the minute.			

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4(b)	<u>Minute of Meeting of Urgent Business Committee of 11 July 2013 - for approval</u>	<u>The Council resolved:-</u> to approve the minute.			
5(a)	<u>Pamphlet of Minutes - for information (circulated separately)</u>	<u>The Council resolved:-</u> to note the pamphlet.			
6(a)	<u>Business Statement</u>	<u>The Council resolved:-</u> to note the business statement.			
6(b)	<u>Motions List</u>	<u>The Council resolved:-</u> (i) to take no further action in relation to the motion by Councillor Crockett regarding comments by Kevin Stewart MSP, and to remove the motion from the list; and (ii) otherwise to note the motions list.		Legal and Democratic	M Orchard
7(a)	<u>Finance and Resources Committee of 25 July 2013 - Haudagain Upgrade - A Way Forward (Middlefield) - Report by Director of Housing and Environment</u>	<u>The Council resolved:-</u> (i) to note the minutes contained at Appendix 1 of the report of the meeting held by officers of the Council, NESTRANS, Transport Scotland and their consultants on 28 June 2013; (ii) to acknowledge that Transport Scotland had agreed to arrange a meeting with the District Valuer and Aberdeen City Council to discuss financial compensation arrangements		Regeneration and Housing Investment Planning and Sustainable Development	J Quinn J Murray

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		<p>for Council assets as soon as possible;</p> <p>(iii) to note that a further Equality Human Rights Impact Assessment was required in light of the Council's proposals to shorten the project timescales and that this was currently being developed;</p> <p>(iv) to note the decision of the Council on 26 June 2013 and instruct officers to continue to work to that timescale;</p> <p>(v) to instruct Councillor Crockett, Leader of the Council, to write to all Council tax payers within the Middlefield regeneration area setting out the Council's objectives for regeneration, taking into consideration the fact that the Scottish Government had not yet agreed a compensation package despite this matter being discussed by Council on 25 June 2008 as an emergency item in order that the decision of Council could be referred to the Scottish Government at the earliest opportunity;</p> <p>(vi) to note the complete failure of the previous SNP/Liberal Democrat administration and its own two Lead Councillors for Regeneration, Councillor Jackie Dunbar and Kevin Stewart MSP, who, despite both representing the area, did absolutely nothing to implement regeneration;</p> <p>(vii) to note that the policy of the SNP was to allow the good people of Middlefield to continue to be treated as second</p>			

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		<p>class citizens given their failure to deliver new kitchens and bathrooms despite the Scottish Housing Quality Standard to be met by 2015;</p> <p>(viii) to instruct officers to continue to push the Scottish Government to enter into a legally binding contract with the Council to fully fund the project noting the decision of the previous administration on 19 November 2009 at the Housing and Environment Committee, which included the then Vice Convener of that committee, Councillor Mark McDonald now MSP and ward Councillor Kevin Stewart now MSP and Jackie Dunbar, “to suggest that the Scottish Government fully fund replacement facilities for the Middlefield Community Project, Middlefield Youth Project, Pathways and the Healthy Hoose, reporting back to the December meeting of the Finance and Resources Committee on its progress”;</p> <p>(ix) to instruct officers to carry out a feasibility study on how best to proceed with Middlefield regeneration should the Scottish Government renege on its verbal promise to fund the construction of the road improvements, including all compensation costs for the delivery of the Haudagain Scheme, reporting back to the December meeting of the Finance and Resources Committee;</p>		<p>Legal and Democratic</p>	<p>A Swanson (for business statement)</p>

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		<p>and</p> <p>(x) to request a comprehensive risk assessment covering political, business and finance risks to be considered in the form of the Corporate Risk Register, reporting back to the December meeting of the Finance and Resources Committee.</p>		Legal and Democratic	A Swanson (for business statement)
8(a)	<p><u>Roles and Responsibilities: Is Aberdeen City Council Getting it Right? - Committee Structures and Standing Orders and Governance Arrangements for Arms Length External Organisations - Report by Chief Executive</u></p>	<p><u>The Council resolved:-</u></p> <p>(i) to agree (1) the revised committee structure set out at Appendix A to the report, incorporating a Finance, Policy and Resources Committee and a Petitions Committee with the same seat allocation as the Corporate Policy and Performance Committee; (2) the corresponding changes to the committee Orders of Reference at Appendix B to the report, on the understanding that the proposed procedure for the Petitions Committee at Appendix B1 is approved in principle and thereafter forms the basis of Orders of Reference to be submitted for approval by that committee at its first meeting; (3) in addition the following changes to Orders of Reference and Standing Orders necessitated by -</p> <ul style="list-style-type: none"> the remit for Police and Fire and Rescue transferring to a renamed Social Care, Wellbeing and Safety Committee; 		<p>Legal and Democratic</p> <p>Finance</p>	<p>R MacBeath and team</p> <p>S Whyte/ M Murray</p> <p>(for Senior Councillor allowances)</p>

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		<ul style="list-style-type: none"> • the establishment of a Property Sub Committee of Finance, Policy and Resources comprising nine members (3 Labour, 3 SNP, 1 Liberal Democrat, 1 Conservative and 1 Independent Alliance) to undertake that committee's remit on asset management and property matters; • the Development Management Sub Committee becoming the Planning Development Management Committee with 15 members, with an unchanged remit; and • the Enterprise, Planning and Infrastructure Committee being renamed the Enterprise, Strategic Planning and Infrastructure Committee; and <p>(4) the revised allocation of seats on committees as attached;</p> <p>(ii) to approve the diary of meetings to December 2014 at Appendix C to the report, which was approved in principle on 6 March 2013 and which officers have subsequently adjusted to, amongst other things referred in paragraph 5.17 of the report, move the Council meeting from 3 to 31 October and in addition agree to move the Education, Culture and Sport Committee scheduled for 10 June 2014 to 12 June 2014, and authorise</p>			

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		<p>officers, in consultation with affected Conveners, to incorporate dates for any other newly-established committees or sub committees;</p> <p>(iii) to instruct officers to report to the relevant committees on timetables for scrutiny of arms length external organisations;</p> <p>(iv) to agree that the Stakeholder Scrutiny Group established by the Urgent Business Committee be a sub committee of the Audit and Risk Committee and that it undertake that committee's remit for scrutiny of the Bon Accord Care companies, and that it comprise six elected members (4 administration and 2 opposition) and two trade union representatives with full voting rights and that they be members for the remainder of the Council term;</p> <p>(v) to note that governance teams would be established for each ALEO, as outlined at paragraph 5.10 of the report;</p> <p>(vi) to approve the revised Standing Orders at Appendix D of the report, subject to the following changes:</p> <ul style="list-style-type: none"> • delete Standing Order 3(4)(a)(i) to permit meetings of the Council, committees and sub committees during the recess without the need to suspend standing orders; • delete Standing Orders 12(5) and (6) and replace with 			

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		<p>“The Convener of a committee or sub committee shall have the prior right to the motion in all cases. The Leader of the Council shall have the prior right to propose a Council budget.”;</p> <ul style="list-style-type: none"> • delete the proposed amendment to Standing Order 12(7); • specify under Standing Order 13(1) that a member seconding the mover of a budget shall speak for 10 minutes; and • add a new Standing Order 45(3) and renumber thereafter accordingly:- “All reports by Council officers shall be sent in draft form to the Council Leader, Convener of the Finance, Policy and Resources Committee and the appropriate Convener and Vice Convener prior to being placed on the relevant agenda.” <p>(vii) to appoint Councillor Donnelly and Carle as Convener and Vice Convener of the Petitions Committee and otherwise suspend Standing Order 2(1) and approve the following appointments:-</p> <ul style="list-style-type: none"> • Councillor Taylor as Vice Convener of the Enterprise, Strategic Planning and Infrastructure Committee; • Councillor Milne as Convener of 			

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		<p>the Planning Development Management Committee;</p> <ul style="list-style-type: none"> • Councillor Forsyth as Vice Convener of the Finance, Policy and Resources Committee; • Councillor Allan as Convener of the Property Sub Committee; and • Councillor Graham as Vice Convener of the Social Care, Wellbeing and Safety Committee with responsibility for Police and Fire; <p>and the changes to the payment of Senior Councillor allowances as a result of the revised committee structure, including increasing the allowance to Councillor Forsyth as Convener of the Licensing Committee to £28,410 (as attached);</p> <p>(viii) to note that the Standing Orders on Contracts and Procurement would be revised later this year, which could entail further changes to Council Standing Orders, both of which would be reported back to Council;</p> <p>(ix) to instruct officers to report to the 31 October meeting on a process for handling complaints against external members of the Education, Culture and Sport Committee and the Stakeholder Scrutiny Group;</p> <p>(x) to instruct that a report be submitted to the meeting on 31 October on a revised Scheme of Delegation to officers; and</p>			

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		(xi) to approve the minute of meeting of the Democratic Processes Working Group of 4 June 2013, noting the minute of 29 April, as at Appendices F and G to the report.			
8(b)	<u>First Minister's Professional Conduct; Aberdeen Donside By-Election - Motion by Councillor Young - Report by Chief Executive</u>	<p><u>The Council resolved:-</u></p> <p>(i) to note the reply received from the Permanent Secretary in which he states that he has seen sight of the First Minister's response to the Chief Executive, which includes reference to our complaint to the Permanent Secretary. To note with astonishment that the First Minister responds to the Chief Executive seemingly on behalf of the Permanent Secretary and to note that the First Minister has been allowed to write his own response to the formal complaint made to the Permanent Secretary. Indeed, it would appear that the Permanent Secretary has failed to investigate the complaint made, with no indication of an investigation, nor that any follow-up has taken place. The Permanent Secretary made no further contact with our Chief Executive prior to sending his response;</p> <p>(ii) to agree that the situation has escalated since the Chief Executive first wrote her letters to the Permanent Secretary as the First Minister is on record as saying that his visit to</p>		Office of Chief Executive	V Watts

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		<p>Bramble Brae School was “impromptu and not pre-planned”. Given that the SNP issued a calling notice stating that the First Minister would be in attendance at the school and that there would be an opportunity for interviews and photographs, it would appear that the First Minister may have deliberately misled the Permanent Secretary on this matter;</p> <p>(iii) to therefore instruct the Chief Executive to write to Sir Bob Kerlake, Head of the Home Civil Service calling on him to carry out an investigation into the events which led to the complaint being sent to the Permanent Secretary to the Scottish Government, to establish whether or not the Ministerial Code was broken, whether or not there was an appropriate investigation undertaken by the Permanent Secretary and whether or not the complaint was managed in an appropriate and suitable way; and</p> <p>(iv) to instruct the Chief Executive to report back to the Council the response received from the Head of the Home Civil Service in order that the Council may determine its position on this matter.</p>			

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8(c)	<u>Reorganisation of Aberdeen City Council Charitable Trusts - Report by Director of Corporate Governance</u>	<p><u>The Council resolved:-</u></p> <p>(i) to approve the proposed reorganisation of the Charitable Trusts as outlined in the report and at Appendix A to the report;</p> <p>(ii) to adopt the constitution at Appendix B to the report for the future operation of the Aberdeen Art Gallery Trusts; and</p> <p>(iii) to appoint the Head of Legal and Democratic Services as the Secretary and the Head of Finance as the Treasurer of the Aberdeen Art Gallery Trusts.</p>		Finance	C Smith/ J Hashmi
8(d)	<u>Aberdeen Western Peripheral Route - Report by Director of Enterprise, Planning and Infrastructure</u>	<p><u>The Council resolved:-</u></p> <p>(i) to note the Council decision of 6 March 2013 where it was agreed that the Council would meet its share of the costs of the AWPR northern and southern legs via an up-front capital contribution up to a maximum of £75m or 9.5%, whichever is the lower;</p> <p>(ii) to note that officers and officials were progressing the terms of a Third Variation to the October 2003 Memorandum of Understanding to govern the revised payment mechanism, which was proposed to be entered into between the Council, Aberdeenshire Council and the Scottish Ministers;</p> <p>(iii) to apply Standing Order 1(6)(a) (Special Circumstances) in order to exempt the process for entering into a</p>		Planning and Sustainable Development	M Bochel/ A Williams

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		<p>contract with the SPV to design, build, finance and operate the AWPR/B-T project from certain of the requirements of the Council's Standing Orders relating to Contracts and Procurement, namely Standing Orders 7(1)(b) (Tenders to remain in the custody of the Head of Procurement) and 7(2)(Tender Opening);</p> <p>(iv) to delegate to the unanimous approval of the Director of Corporate Governance, the Head of Finance, the Head of Legal and Democratic Services and the Director of Enterprise, Planning and Infrastructure, in consultation with the Council Leader, the Convener of Finance, Policy and Resources and the Convener of Audit and Risk, the negotiation, approval and execution of the contract documents noted below and any other contract letters or documents required to be signed in connection with the implementation of the construction of the AWPR/B-T project on such terms and conditions as they think fit. The contract documents referred to above are:-</p> <ol style="list-style-type: none"> 1. Third Variation of Memorandum of Understanding 2. Funding Agreement 3. Project Agreement; and <p>(v) to request officers to notify members of how much money had been set aside by the Council for alterations to radial</p>			

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		<p>routes and junctions, and how much had been spent by the Council to date in relation to the AWPR.</p>			
8(e)	<p><u>Welfare Reform/Financial Inclusion Update - Report by Director of Social Care and Wellbeing</u></p>	<p><u>The Council resolved:-</u></p> <p>(i) to note the progress made and the ongoing actions; and</p> <p>(ii) to note the position taken by the SNP Group at the Council meeting of 6 March 2013, when among other things it supported the proposal “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”.</p>		Housing and Environment	P Hannan

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8(f)	<u>Integration of Health and Social Care - Report by Director of Social Care and Wellbeing</u>	<p><u>The Council resolved:-</u></p> <ul style="list-style-type: none"> (i) to note the key requirements of the Public Bodies (Joint Working)(Scotland) Bill; (ii) to agree to work being commenced, on a joint basis, to develop a proposal for integration of adult services for Aberdeen, including a proposal for the integrated budget, based on the requirements of the Bill; and (iii) agree to receive a further report on the proposal for integration, with a view to making an informed decision about implementing health and social care integration in Aberdeen. 		Older People's Services and Integration	L Taylor
8(g)	<u>Street Begging - Report by Director of Housing and Environment</u>	<p><u>The Council resolved:-</u></p> <ul style="list-style-type: none"> (i) to agree to continue in the short term to support the approaches and interventions currently being used to prevent and respond to street begging; (ii) to support continuation of joint working with Glasgow City Council and other local authorities to collect evidence of the requirement for a byelaw and sharing of best practice interventions; (iii) to instruct officers to commence without delay consultation with the Scottish Government on a potential byelaw to prohibit street begging, noting the success of the local byelaw in respect of drinking in public places and confirming that the report notes Aberdeen City Division, Police 		Housing and Community Safety	N Carnegie

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		<p>Scotland is supportive of the Council exploring further measures in how we positively deal with those who beg in Aberdeen. This includes their support for further investigation and appraisal of a byelaw to prohibit street begging; and</p> <p>(iv) to instruct officers to report back to every Council meeting on the progress or otherwise of the consultation with the Scottish Government.</p>			
8(h)	<p><u>Update on the Establishment of Short-term Halting Sites for Gypsies/Travellers - Report by Director of Housing and Environment</u></p>	<p><u>The Council resolved:-</u></p> <p>(i) to note the letter sent to the Cabinet Secretary for Justice by the Council Leader, to note the helpful comments contained within the reply dated 25 June 2013 from the Scottish Government and further note the helpful comments of SNP MSP Mark McDonald MSP in the local media on 17 August 2013;</p> <p>(ii) to instruct officers to commence without delay consultation with the Scottish Government on a potential byelaw to prohibit camping on sensitive areas such as public places, noting the success of the local byelaw in respect of drinking in public places and noting the Loch Lomond byelaws introduced in 1996, revised in 2012 and approved by the Scottish Ministers in 2013;</p> <p>(iii) at the same time -</p>		Housing and Environment	P Leonard/ M Smith

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		<ul style="list-style-type: none"> (a) to instruct officers to prepare a detailed design with cost estimates for construction and ongoing costs at Howes Road; (b) to instruct officers to prepare a planning application including details of costings (capital and revenue) for establishing the site; (c) to approve the process for consultation as set out in the report (H&E/12/102), acknowledging that strong views and opinions were likely to be part of the process; and (d) to instruct officers to continue to conduct property searches with a view to establishing a further site or a more suitable site within the city; and (iv) to instruct officers to report back to every Council meeting on the progress or otherwise on the consultation with the Scottish Government on the potential byelaw and on the suitability or otherwise of other potential sites. 			
8(i)	<u>Update on a Proposed Byelaw Regarding Camping in Designated Areas - Report by Director of Housing and Environment</u>	The Council resolved:- See decision at item 8(h).			

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9(a)	<u>National Housing Trust Phase 2B - Report by Director of Housing and Environment</u>	<u>The Council resolved:-</u> (i) that an increase in borrowing for Phase 2B through the Council's Loan Fund be agreed in principle, subject to a maximum of 79 units; and (ii) to instruct officers to report to future committee meetings as further decisions were required.		Housing and Community Safety	G Stuart

Should you require any further information about this agenda, please contact Martyn Orchard, tel. (52)3097 or email morchard@aberdeencity.gov.uk