

ABERDEEN CITY COUNCIL

Town House,
ABERDEEN, 21 August 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
MARIE BOULTON
DAVID CAMERON
SCOTT CARLE
NEIL COONEY
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
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=2863&Ver=4>

ADMISSION OF BURGESSES

1. (A) 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:-

Damien Bates, Newspaper Editor, Aberdeen
Hugh M Black, Company Director, Aberdeen
Professor John V Forrester, Eye Surgeon, Aberdeen
George MacDonald, Chief Inspector, Aberdeen
Alexander J Whyte, Company Director, Aberdeen

(B) The person undermentioned was admitted into the presence of the Council and passed as a Burgess of the Burgh of Aberdeen of their own craft only:-

Kevin William Bowie, Wrights and Cooper, Aberdeen.

DETERMINATION OF EXEMPT BUSINESS

2. 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:-

9(a) National Housing Trust Phase 2B - Report by Director of Housing and Environment

The Council resolved:-

in terms of Section 5(A)(4) of the Local Government (Scotland) Act 1973 to exclude the press and public from the meeting during consideration of the aforementioned item of business (Article 18 of this minute refers) so as to avoid disclosure of exempt information of the class described in paragraph 9 of Schedule 7(A) of the Act.

REQUEST FOR DEPUTATION

3. 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 Craig Cameron

The Council resolved:-

to accept the request and hear the deputation immediately prior to consideration of the report, which would be taken in conjunction with the report on the proposed byelaw regarding camping in designated areas as the first substantive item of business.

MINUTE OF MEETING OF ABERDEEN CITY COUNCIL OF 26 JUNE 2013

4. The Council had before it the minute of meeting of Aberdeen City Council of 26 June 2013.

The Council resolved:-

to approve the minute.

MINUTE OF MEETING OF URGENT BUSINESS COMMITTEE OF 11 JULY 2013

5. The Council had before it the minute of meeting of the Urgent Business Committee of 11 July 2013.

The Council resolved:-

to approve the minute.

PAMPHLET OF MINUTES

6. The Council had before it a pamphlet of standing committee minutes from 30 May to 19 June 2013.

The Council resolved:-

to note the pamphlet.

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:-

to note the statement.

DECLARATION 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.

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 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.

DECLARATION OF INTEREST

Councillor Samarai declared an interest in the following item of business by virtue of a family connection, and withdrew from the meeting.

UPDATE ON THE ESTABLISHMENT OF SHORT-TERM HALTING SITES FOR GYPSIES/TRAVELLERS - H&E/12/102 - AND UPDATE ON A PROPOSED BYELAW REGARDING CAMPING IN DESIGNATED AREAS - H&E/13/039

9. (A) In terms of Standing Order 10(2), the Council received a deputation from Mr Craig Cameron.

Mr Cameron explained that he worked on a farm adjacent to the Howes Road site which was being recommended for the establishment of a short-term halting site. He advised that the land was part of the Common Good Fund and was zoned for housing in the Aberdeen Local Development Plan, which, in his opinion, was badly needed in the city.

Mr Cameron emphasised that utilising the Howes Road site for a short-term halting site would be hugely detrimental to the Council in terms of the loss of a capital receipt, the shortage of housing provision and associated jobs, and called on the Council to reject the recommendation and look for alternative sites.

(B) With reference to Article 9 of the minute of its meeting of 6 March 2013, the Council had before it (1) an amended report by the Director of Housing and Environment which summarised the work of the stakeholder group, the feedback from the respective Community Councils and information gathered from the consultation exercise in regard to the establishment of short-term halting sites for gypsies/travellers; and (2) an addendum to the report which had been submitted by the non-Council members of the stakeholder group.

The report recommended:-

that the Council -

- (a) instruct officers to progress the establishment of a short-term halting site at Howes Road;
- (b) instruct officers to prepare a detailed design together with cost estimates for construction and ongoing operational costs;
- (c) instruct officers to prepare a planning application including details of costings (capital and revenue) for establishing the site;
- (d) approve the process for consultation as set out in the report, acknowledging that strong views and opinions were likely to be part of the process; and
- (e) note that officers continued to conduct property searches with a view to establishing further sites within the city.

(C) With reference to Article 15 of the minute of its meeting of 1 May 2013, the Council had before it a report by the Director of Housing and Environment which sought agreement to pursue dialogue with the Scottish Government on the principle of a proposed byelaw to prevent camping in sensitive areas such as public parks.

The report recommended:-

that the Council -

- (a) instruct the Head of Legal and Democratic Services to pursue dialogue with the Scottish Government on the principle of such a byelaw; and

- (b) instruct the Director of Housing and Environment to report back in due course on progress.

(D) The Council also had before it correspondence from the Equality and Human Rights Commission, dated 19 August 2013, regarding the Council's handling of the aforementioned reports, and which requested that it be placed before elected members at the meeting this day.

Councillor Crockett moved, seconded by Councillor Boulton:-

That the Council -

- (1) note the letter sent to the Cabinet Secretary for Justice by the Council Leader; 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 in the local media on 17 August 2013;
- (2) instruct officers to commence without delay consultation with the Scottish Government on a potential byelaw to prohibit camping in 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;
- (3) at the same time -
 - (a) instruct officers to prepare a detailed design with cost estimates for construction and ongoing costs at Howes Road;
 - (b) instruct officers to prepare a planning application including details of costings (capital and revenue) for establishing the site;
 - (c) 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) 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
- (4) 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.

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

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;
- (4) instruct officers to prepare details for upgrading the Clinterty site to include potential short-term provision; and
- (5) approve the recommendations contained within the report on the proposed byelaw regarding camping in designated areas.

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

That the Council -

- (1) note the report on the establishment of short-term halting sites for gypsies/travellers;
- (2) thank the stakeholder group for their work to date;

- (3) due to planning concerns and potential financial loss, agree not to proceed with the Howes Road site as a short-term halting site;
- (4) instruct officers to continue property searches in collaboration with a stakeholder group representative of Aberdeen with a view to identifying suitable sites within the city; and
- (5) take no action at this stage in respect of the report on the proposed byelaw regarding camping in designated areas but report back in twelve months.

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

On a division, there voted:-

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

For the amendment by Councillor Cameron (10) - Councillors Cameron, Dickson, Jackie Dunbar, Jaffrey, Kiddie, MacGregor, McCaig, May, Noble and Townson.

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

Absent from the division (2) - Councillors Samarai and Sandy Stuart.

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

On a division, there voted:-

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

For the amendment by Councillor Cameron (10) - Councillors Cameron, Dickson, Jackie Dunbar, Jaffrey, Kiddie, MacGregor, McCaig, May, Noble and Townson.

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

Absent from the division (2) - Councillors Samarai and Sandy Stuart.

The Council resolved:-
to adopt the motion.

DECLARATIONS OF INTERESTS

Councillor Jackie Dunbar declared interests in the following item of business by virtue of (1) being a resident of Middlefield; (2) her membership of the Middlefield Community Project Management Committee; and (3) her employment by Kevin Stewart MSP, who was referred to in the decision of the Finance and Resources Committee,

however the subject detailed in the decision related to before Mr Stewart was elected as an MSP. Councillor Jackie Dunbar considered that the nature of her interests did not require her to leave the meeting.

Councillors Dickson and McCaig also declared interests by virtue of their employment by Kevin Stewart MSP, for the aforementioned reason, and considered that the nature of their interests did not require them to leave the meeting.

Councillors Carle and Graham also declared interests by virtue of their membership of the Middlefield Community Project Management Committee but considered that the nature of their interests did not require them to leave the meeting.

FINANCE AND RESOURCES COMMITTEE - 25 JULY 2013 - HAUDAGAIN UPGRADE - A WAY FORWARD (MIDDLEFIELD) - H&E/13/046

10. With reference to Article 3 of the minute of meeting of the Finance and Resources Committee of 25 July 2013, which had been referred to it for consideration by seven members of the committee, the Council had before it a report by the Director of Housing and Environment which advised of the outcome of the first meeting of Council and NESTRANS officers with Transport Scotland on the future progress and delivery of the Haudagain junction improvements by the Scottish Government and the Council's regeneration proposals for the wider Middlefield area; and (2) the decision of the Finance and Resources Committee as follows:-

- (i) to note the minutes contained at Appendix 1 of the report of the meeting held by officers of the Council, NESTRANS and 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 for Council assets as soon as possible;
- (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;
- (iv) to note the decision of the Council on 26 June 2013 and instruct officers to continue to work to that timescale;
- (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;
- (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;
- (vii) to note that the policy of the SNP was to allow the good people of Middlefield to continue to be treated as second class citizens given their failure to deliver new kitchens and bathrooms despite the Scottish Housing Quality Standard to be met by 2015;

- (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 Councillors 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”;
- (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; and
- (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.

Councillor Young moved, seconded by Councillor Thomson:-

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

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

That the Council -

- (1) note with concern the content of the report;
- (2) note the impact of the Council’s proposed plan to begin work within two years would not allow for sufficient time to meet the commitments previously given by the Council to the Middlefield community; and
- (3) revert to the original timescale for redevelopment as agreed by the Housing and Environment Committee at its meeting in May 2013.

On a division, there voted:-

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

For the amendment (17) - Councillors Cameron, 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 motion.

ROLES AND RESPONSIBILITIES: IS ABERDEEN CITY COUNCIL GETTING IT RIGHT? - COMMITTEE STRUCTURES AND STANDING ORDERS AND GOVERNANCE ARRANGEMENTS FOR ARM'S LENGTH EXTERNAL ORGANISATIONS - CG/13/070

11. The Council had before it a report by the Chief Executive which proposed changes to the committee structure, Orders of Reference and Standing Orders, and presented the diary of meetings to December 2014 for substantive approval.

The report recommended:-

that the Council -

- (a) agree (1) the revised committee structure set out in Appendix A, incorporating a Finance, Policy and Resources Committee and a Petitions Committee with the same seat allocation as the Corporate Policy and Performance Committee; and (2) the corresponding changes to the committee Orders of Reference at Appendix B, on the understanding that the proposed procedure for the Petitions Committee at Appendix B1 was approved in principle and thereafter formed the basis of Orders of Reference to be submitted for approval by that committee at its first meeting;
- (b) approve the diary of meetings to December 2014, as at Appendix C, which was approved in principle on 6 March 2013, and which officers subsequently adjusted to, amongst other things referred to in paragraph 5.17 of the report, move the Council meeting from 3 to 31 October 2013; and authorise officers, in consultation with affected Conveners, to incorporate dates for any other newly-established committees or sub committees;
- (c) instruct officers to report to the relevant committees on timetables for scrutiny of arm's length external organisations (ALEOs);
- (d) agree that the Shareholder 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; determine the allocation of the six member seats on the group; and confirm the number of trade union representatives and voting rights, as well as the period of appointment if not to be until the end of the current Council term;
- (e) note that governance teams would be established for each ALEO, as outlined in paragraph 5.10 of the report;
- (f) approve the revised Standing Orders at Appendix D;
- (g) appoint a Convener and Vice Convener of the Petitions Committee and determine any changes required to the payment of senior councillor allowances as a result of the revised committee structure;
- (h) 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;
- (i) 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 Shareholder Scrutiny Group;
- (j) instruct that a report be submitted to the 31 October meeting on a revised Scheme of Delegation to officers; and
- (k) approve the minute of meeting of the Democratic Processes Working Group of 4 June 2013, noting the minute of 29 April 2013, as at Appendices F and G.

Councillor Crockett moved, seconded by Councillor Boulton:-

That the Council -

- (1) agree (a) the revised committee structure set out at Appendix A, incorporating a Finance, Policy and Resources Committee and a Petitions Committee with the same seat allocation as the Corporate Policy and Performance Committee; (b) the corresponding changes to the committee Orders of Reference at Appendix B, on the understanding that the proposed procedure for the Petitions Committee at Appendix B1 was

approved in principle and thereafter formed the basis of Orders of Reference to be submitted for approval by that committee at its first meeting; (c) the following changes to Orders of Reference and Standing Orders necessitated by -

- the remit for Police and Fire and Rescue transferring to a renamed Social Care, Wellbeing and Safety Committee
- 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
- the Enterprise, Planning and Infrastructure Committee being renamed the Enterprise, Strategic Planning and Infrastructure Committee; and

(d) the revised allocation of seats on committees as detailed below;

- (2) approve the diary of meetings to December 2014 at Appendix C, which was approved in principle on 6 March 2013, and which officers subsequently adjusted to, amongst other things referred in paragraph 5.17, move the Council meeting from 3 to 31 October 2013, and in addition agree to move the Education, Culture and Sport Committee scheduled for 10 June 2014 to 12 June 2014; and authorise officers, in consultation with affected Conveners, to incorporate dates for any other newly-established committees or sub committees;
- (3) instruct officers to report to the relevant committees on timetables for scrutiny of arm's length external organisations (ALEOs);
- (4) agree that the Shareholder 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 (four administration and two opposition) and two trade union representatives with full voting rights and that they be members for the remainder of the Council term;
- (5) note that governance teams would be established for each ALEO, as outlined at paragraph 5.10;
- (6) approve the revised Standing Orders at Appendix D; subject to the following changes -
 - delete Standing Order 3(4)(a)(i) to permit meetings of 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:-

“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”;
 - 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 ten 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”
- (7) appoint Councillor Donnelly and Councillor Carle as Convener and Vice Convener of the Petitions Committee and otherwise suspend Standing Order 2(1) and approve the following appointments:-
- Councillor Taylor as Vice Convener of the Enterprise, Strategic Planning and Infrastructure Committee
 - Councillor Milne as Convener of the Planning Development Management Committee
 - Councillor Forsyth as Vice Convener of the Finance, Policy and Resources Committee
 - Councillor Allan as Convener of the Property Sub Committee
 - Councillor Graham as Vice Convener of the Social Care, Wellbeing and Safety Committee with responsibility for Police and Fire;
- 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 detailed below);
- (8) 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;
- (9) 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 Shareholder Scrutiny Group;
- (10) instruct that a report be submitted to the meeting on 31 October, on a revised Scheme of Delegation to officers; and
- (11) approve the minute of meeting of the Democratic Processes Working Group of 4 June 2013, noting the minute of 29 April 2013, as at Appendices F and G.

New structure with proposed changes

	No. of members	Lab	SNP	Lib Dem	Con	Ind
Appeals	9	4	3	1	1	0
Audit and Risk	15	6	5	2	1	1
Petitions	15	7	5	2	1	
Education, Culture and Sport	19 (plus 7 external members)	8	7	2	1	1
Planning Development Management Committee	15	5	6	2	1	1
Enterprise, Strategic Planning and Infrastructure	15	6	5	1	1	2
Finance, Policy and Resources	15	6	5	1	2	1
Housing and Environment	15	6	5	2	1	1
Licensing	13	4	5	2	1	1
Pensions Panel	4	1	1	1	0	1
Social Care, Wellbeing and Safety	15	6	5	2	1	1
Total	150	59	52	18	11	10
	Percentage of total committee places	39.33%	34.67%	12%	7.33%	6.67%
	Percentage of seats on the Council	39.5%	34.9%	11.6%	7%	7%

Senior Councillors

Post	Appointee	Remuneration	Senior Cllr
Lord Provost	Cllr Adam	£28,410	
Depute Provost	Cllr Reynolds	£21,308	1
Council Leader	Cllr Crockett	£37,880	
Depute Council Leader	Cllr Boulton	£28,410	1
Convener, Audit and Risk	Cllr McCaig	£28,410	1
Vice Convener, Audit and Risk	Cllr Yuill	£21,308	1
Convener, Petitions Committee	Cllr Donnelly	£0	1
Vice Convener, Petitions Committee	Cllr Carle	£0	1
Convener, Education, Culture and Sport	Cllr Laing	£28,410	1
Vice Convener, Education, Culture and Sport	Cllr Thomson	£21,308	1
Convener, Enterprise, Strategic Planning and Infrastructure	Cllr Crockett		
Vice Convener, Enterprise, Strategic Planning and Infrastructure	Cllr Taylor	£21,308	1
Convener, Planning Development Management Committee	Cllr Milne	£21,308	1
Convener, Finance, Policy and Resources	Cllr Young	£28,410	1
Vice Convener, Finance, Policy and Resources	Cllr Forsyth		
Convener, Property Sub Committee	Cllr Allan	£21,308	1
Convener, Housing and Environment	Cllr Cooney	£28,410	1
Vice Convener, Housing and Environment	Cllr Jean Morrison	£21,308	1
Convener, Social Care, Wellbeing and Safety	Cllr Ironside	£28,410	1
Vice Convener, Social Care, Wellbeing and Safety	Cllr Lesley Dunbar	£21,308	1
Vice Convener with responsibility for Police and Fire	Cllr Graham	£21,308	1
Convener, Licensing Committee	Cllr Forsyth	£28,410	1
Convener, Appeals Committee	Cllr Grant	£21,308	1
Convener, Licensing Board	Cllr Boulton		
Convener, Pensions Panel	Cllr Crockett		
Senior Councillor Totals		£411,950	19
Maximum allowed		£424,118	19

Councillor Yuill moved as an amendment, seconded by Councillor Jennifer Stewart:-

That the Council -

- (1) agree (a) the revised committee structure set out in Appendix A, incorporating a Finance, Policy and Resources Committee and a Petitions Committee with the same seat allocation as the Corporate Policy and Performance Committee; and (b) the corresponding changes to the committee Orders of Reference at Appendix B, on the understanding that the proposed procedure for the Petitions Committee at Appendix B1 was approved in principle and thereafter formed the basis of Orders of Reference to be submitted for approval by that committee at its first meeting;
- (2) approve the diary of meetings to December 2014, as at Appendix C, which was approved in principle on 6 March 2013, and which officers subsequently adjusted to, amongst other things referred to in paragraph 5.17 of the report, move the Council meeting from 3 to 31 October 2013; and authorise officers, in consultation with affected Conveners, to incorporate dates for any other newly-established committees or sub committees;
- (3) instruct officers to report to the relevant committees on timetables for scrutiny of arm's length external organisations (ALEOs);
- (4) agree that the Shareholder 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 its membership comprise three members of the administration, three members of the opposition and two voting trade union representatives appointed annually;
- (5) note that governance teams would be established for each ALEO, as outlined in paragraph 5.10 of the report;
- (6) approve the revised Standing Orders at Appendix D and in Standing Order 13(1) agree the option allowing those seconding Council Budget proposals to have unlimited time;
- (7) 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;
- (8) 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 Shareholder Scrutiny Group;
- (9) instruct that a report be submitted to the 31 October meeting on a revised Scheme of Delegation to officers; and
- (10) approve the minute of meeting of the Democratic Processes Working Group of 4 June 2013, noting the minute of 29 April 2013, as at Appendices F and G.

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

That the Council -

- (1) agree (a) the revised committee structure set out in Appendix A, incorporating a Finance, Policy and Resources Committee and a Petitions Committee with the same seat allocation as the Corporate Policy and Performance Committee; (b) the corresponding changes to the committee Orders of Reference at Appendix B, on the understanding that the proposed procedure for the Petitions Committee at Appendix B1 was approved in principle and thereafter formed the basis of Orders of

- Reference to be submitted for approval by that committee at its first meeting; and (c) to instruct officers to report back to the Council on the feasibility of the Petitions Committee including two members of the public, one of whom would chair the meetings;
- (2) approve the diary of meetings to December 2014, as at Appendix C, which was approved in principle on 6 March 2013, and which officers subsequently adjusted to, amongst other things referred to in paragraph 5.17 of the report, move the Council meeting from 3 to 31 October 2013; and authorise officers, in consultation with affected Conveners, to incorporate dates for any other newly-established committees or sub committees;
 - (3) instruct officers to report to the relevant committees on timetables for scrutiny of arm's length external organisations (ALEOs);
 - (4) agree that the Shareholder 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 its membership comprise three members of the administration, three members of the opposition and two voting trade union representatives appointed annually;
 - (5) note that governance teams would be established for each ALEO, as outlined in paragraph 5.10 of the report;
 - (6) approve the revised Standing Orders at Appendix D and in Standing Order 13(1) agree the option allowing those seconding Council Budget proposals to have unlimited time;
 - (7) 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;
 - (8) 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 Shareholder Scrutiny Group;
 - (9) instruct that a report be submitted to the 31 October meeting on a revised Scheme of Delegation to officers; and
 - (10) approve the minute of meeting of the Democratic Processes Working Group of 4 June 2013, noting the minute of 29 April 2013, as at Appendices F and G.

During the course of summing up, Councillor Yuill intimated that he was willing to incorporate Councillor McCaig's amendment into his own amendment and this was accepted.

On a division, there voted:-

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

For the amendment by Councillor Yuill (17) - Councillors Cameron, Delaney, Dickson, Jackie Dunbar, Greig, Jaffrey, Kiddie, MacGregor, McCaig, Malone, May, Noble, Samarai, Jennifer Stewart, Sandy Stuart, Townson and Yuill.

The Council resolved:-

- (i) to adopt the motion; and
- (ii) to request the Head of Legal and Democratic Services to notify Group Leaders where changes required to be made in regard to the allocation of committee places.

In terms of Standing Order 15(6), Councillors Delaney, Greig, Malone, Jennifer Stewart and Yuill intimated their dissent against the foregoing decision.

FIRST MINISTER'S PROFESSIONAL CONDUCT: ABERDEEN DONSIDER BY-ELECTION - MOTION BY COUNCILLOR YOUNG - OCE/13/025

12. With reference to Article 26 of the minute of its meeting of 26 June 2013, the Council had before it a report by the Chief Executive which presented the response received from Sir Peter Housden, Permanent Secretary to the Scottish Government, following his receipt of the letter from the Chief Executive in the terms of the motion agreed by Council.

The report recommended:-

that the Council consider the response received from the Permanent Secretary and decide how it wished to proceed.

Councillor Crockett moved, seconded by Councillor Thomson:-

That the Council -

- (1) note the reply received from the Permanent Secretary in which he stated that he had seen sight of the First Minister's response to the Chief Executive, which included reference to the Council's complaint to the Permanent Secretary. To note with astonishment that the First Minister responded to the Chief Executive seemingly on behalf of the Permanent Secretary and note that the First Minister was allowed to write his own response to the formal complaint made to the Permanent Secretary. Indeed, it appeared that the Permanent Secretary had failed to investigate the complaint made, with no indication of an investigation, nor that any follow-up had taken place. The Permanent Secretary made no further contact with the Chief Executive prior to sending his response;
- (2) agree that the situation had escalated since the Chief Executive first wrote her letters to the Permanent Secretary as the First Minister was on record as saying that his visit to 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;
- (3) therefore instruct the Chief Executive to write to Sir Bob Kerslake, 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

- (4) instruct the Chief Executive to report back to the Council on the response received from the Head of the Home Civil Service in order that the Council may determine its position on the matter.

Councillor Yuill moved as an amendment, seconded by Councillor Jennifer Stewart:-

That the Council -

- (1) agree that the First Minister's conduct in undertaking an unauthorised visit to Bramble Brae School was inappropriate and a breach of protocol; and
- (2) instruct the Director of Education, Culture and Sport to report on the findings of the Council investigation into this incident, and actions arising from that investigation, to the next meeting of the Education, Culture and Sport Committee.

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

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, Crockett, Donnelly, Lesley Dunbar, Finlayson, Forsyth, Graham, Grant, Ironside, Laing, Lawrence, Malik, Milne, Jean Morrison, Taylor, Thomson and Young.

For the amendment by Councillor McCaig (12) - Councillors Cameron, 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 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, Crockett, Donnelly, Lesley Dunbar, Finlayson, Forsyth, Graham, Grant, Ironside, Laing, Lawrence, Malik, Milne, Jean Morrison, Taylor, Thomson and Young.

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

Declined to vote (12) - Councillors Cameron, Dickson, Jackie Dunbar, Jaffrey, Kiddie, MacGregor, McCaig, May, Noble, Samarai, Sandy Stuart and Townson.

The Council resolved:-

to adopt the motion.

REORGANISATION OF ABERDEEN CITY COUNCIL CHARITABLE TRUSTS - CG/13/087

13. The Council had before it a report by the Acting Director of Corporate Governance which presented proposals for the reorganisation of the charitable trusts managed by the Council, with the aim of (1) minimising the administrative burden and cost to the Council; (2) maximising the benefit receivable by the beneficiaries of relevant charities; and (3) complying with the requirements of the Office of the Scottish Charities Regulator.

The report recommended:-

that the Council -

- (a) approve the proposed reorganisation of the charitable trusts as outlined in the report and at Appendix A;
- (b) adopt the constitution, as at Appendix B of the report, for the future operation of the Aberdeen Art Gallery Trusts; and
- (c) 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.

The Council resolved:-

to approve the recommendations.

ABERDEEN WESTERN PERIPHERAL ROUTE (AWPR) - EPI/13/136

14. With reference to Article 28 of the minute of its meeting of 6 March 2013, the Council had before it a report which outlined the result of further discussions with Aberdeenshire Council and Transport Scotland regarding the revised payment mechanism, and detailed the proposed Third Variation to the existing Memorandum of Understanding to govern the revised payment mechanism, as well as a number of decisions which required to be made.

The report recommended:-

that the Council -

- (a) 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 £75million or 9.5%, whichever was the lower;
- (b) 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;
- (c) apply Standing Order 1(6)(a) (Special Circumstances) in order to exempt the process for entering into a contract with the Special Purpose Vehicle to design, build, finance and operate the Aberdeen Western Peripheral Route/Balmedie-Tipperty (AWPR-BT) 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); and
- (d) 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 the negotiation, approval and execution of the contract 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:-

1. Third Variation of Memorandum of Understanding
2. Funding Agreement
3. Project Agreement

Councillor Young moved, seconded by Councillor Yuill:-

That the Council approve recommendations (a), (b) and (c) as contained within the report, and recommendation (d) in consultation with the Council Leader, the Convener of Finance, Policy and Resources and the Convener of Audit and Risk.

Councillor Boulton moved, seconded by Councillor Finlayson:-

That the Council -

- (1) agree to contribute £75million or 9.5% whichever was the lower subject to:-
 - (i) a legal agreement with the Scottish Government to build and complete the Haudagain roundabout within a mutually agreed timescale;
 - (ii) proceeding with the northern leg as soon as possible; and
 - (iii) a review of the southern leg;
- (2) approve recommendations (b) and (c) as contained within the report; and
- (3) approve recommendation (d) subject to the inclusion of the Leader of the Council and the Convener of Finance, Policy and Resources.

On a division, there voted:-

For the motion (37) - Lord Provost; Depute Provost; and Councillors Allan, Cameron, Carle, Cooney, Crockett, Delaney, Dickson, Donnelly, Jackie Dunbar, Lesley Dunbar, Forsyth, Graham, Grant, Greig, Ironside, Jaffrey, Kiddie, Laing, Lawrence, MacGregor, McCaig, Malik, Malone, May, Milne, Jean Morrison, Noble, Samarai, Jennifer Stewart, Sandy Stuart, Taylor, Thomson, Townson, Young and Yuill.

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

The Council resolved:-

- (i) to adopt the motion; and
- (ii) to request officers to notify members how much money the Council had budgeted for alterations to radial routes and junctions, and how much had been spent by the Council to date in relation to the AWPR.

WELFARE REFORM/FINANCIAL INCLUSION UPDATE - H&E/13/057

15. With reference to Article 16 of the minute of its meeting of 6 March 2013, the Council had before it a report by the Director of Social Care and Wellbeing which provided an update on the actions taken since the Council last considered the matter and on developments with the welfare reform agenda.

The report recommended:-

that the Council note the progress that had been made and the actions which were ongoing.

Councillor McCaig moved, seconded by Councillor Noble:-

That the Council -

- (1) note the content of the report and commend officers for their work in this area; and
- (2) where tenants who were subject to the Under Occupancy Charge (commonly known as the Bedroom Tax) were doing all they reasonably could to avoid falling into arrears, use all legitimate means to collect rent due, except eviction.

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

That the Council -

- (1) approve the recommendation contained within the report; and
- (2) note the position taken by the SNP Group at the Council meeting on 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".

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

That the Council -

- (1) note the content of the report and commend officers for their work in this area; and
- (2) where tenants who were subject to the Under Occupancy Charge (commonly known as the Bedroom Tax) were doing all they reasonably could to avoid falling into arrears, solely as a result of the Under Occupancy Charge, use all legitimate means to collect rent due, except eviction.

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

On a division, there voted:-

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

For the amendment by Councillor Yuill (16) - Councillors Delaney, Dickson, Jackie Dunbar, Greig, Jaffrey, Kiddie, MacGregor, McCaig, Malone, May, Noble, Samarai, Jennifer Stewart, Sandy Stuart, Townson and Yuill.

Declined to vote (1) - Councillor Cameron.

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

On a division, there voted:-

For the motion (17) - Councillors Cameron, Delaney, Dickson, Jackie Dunbar, Greig, Jaffrey, Kiddie, MacGregor, McCaig, Malone, May, Noble, Samarai, Jennifer Stewart, Sandy Stuart, Townson and Yuill.

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

The Council resolved:-

to adopt the amendment by Councillor Crockett.

INTEGRATION OF HEALTH AND SOCIAL CARE - SCW/13/037

16. The Council had before it a report by the Director of Social Care and Wellbeing which considered the Public Bodies (Joint Working) (Scotland) Bill, which set out the Scottish Government's intentions for the integration of health and social care services in Scotland.

The report recommended:-

that the Council -

- (a) note the key requirements of the Public Bodies (Joint Working) (Scotland) Bill;
- (b) 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
- (c) 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.

The Council resolved:-

to approve the recommendations.

STREET BEGGING - H&E/13/058

17. The Council had before it a report by the Director of Housing and Environment which explained the approaches and interventions being used to prevent and respond to street-begging, and sought a decision on whether consultation with the Scottish Government should commence on a potential byelaw to prohibit street-begging.

The report recommended:-

that the Council -

- (a) support the approaches and interventions currently being used to prevent and respond to street-begging;
- (b) support the 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; and
- (c) decide whether officers should commence initial consultation with the Scottish Government on a potential byelaw to prohibit street-begging, and report back to the Council at the conclusion of any consultation with the Scottish Government.

Councillor Yuill moved, seconded by Councillor Delaney:-

That the Council approve the recommendations contained within the report, and that officers commence initial consultation with the Scottish Government on a potential byelaw to prohibit street begging.

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

That the Council -

- (1) continue in the short-term to support the approaches and interventions currently being used to prevent and respond to street-begging;
- (2) support the 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;
- (3) 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 noted Aberdeen City Division, Police Scotland, was supportive of the Council exploring further measures in how to positively deal with those who beg in Aberdeen, which included their support for further investigation of a byelaw to prohibit street-begging; and
- (4) instruct officers to report back to every Council meeting on the progress or otherwise of the consultation with the Scottish Government.

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

That the Council support the approaches and interventions currently being used to prevent and respond to street-begging.

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

On a division, there voted:-

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

For the amendment by Councillor Townson (12) - Councillors Cameron, Dickson, Jackie Dunbar, Jaffrey, Kiddie, MacGregor, McCaig, May, Noble, Samarai, Sandy Stuart and Townson.

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

Absent from the division (1) - Councillor Delaney.

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

On a division there voted:-

For the motion (4) - Councillors Greig, Malone, Jennifer Stewart and Yuill.

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

Declined to vote (12) - Councillors Cameron, Dickson, Jackie Dunbar, Jaffrey, Kiddie, MacGregor, McCaig, May, Noble, Samarai, Sandy Stuart and Townson.

Absent from the division (1) - Councillor Delaney.

The Council resolved:-

to adopt the amendment by Councillor Crockett.

In accordance with the decision recorded under Article 2 of this minute, the following item was considered with the press and public excluded.

NATIONAL HOUSING TRUST PHASE 2B - H&E/13/052

18. With reference to Article 20 of the minute of its meeting of 1 May 2013, the Council had before it a report by the Director of Housing and Environment which sought approval in principle to increase the number of housing units to be built under the National Housing Trust Phase 2B initiative (and the associated borrowing) from 50 to a maximum of 79.

The report recommended:-

that the Council -

- (a) agree in principle to an increase in borrowing for Phase 2B through the Council's Loan Fund, subject to a maximum of 79 units; and
- (b) instruct officers to report to future committee meetings as further decisions were required.

The Council resolved:-

to approve the recommendations.

- **GEORGE ADAM, Lord Provost.**