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To: All Members of the Council

Town House,
ABERDEEN, 13 August 2013

COUNCIL MEETING

The Members of the **COUNCIL** are requested to meet in Council Chamber - Town House on **WEDNESDAY, 21 AUGUST 2013 at 10.30am.**

JANE G. MACEACHRAN
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

- 1 Admission of Burgesses
- 2 Members are requested to resolve that any exempt business on this agenda be considered with the press and public excluded
- 3 Requests for Deputations

MINUTES OF COUNCIL

- 4(a) Minute of Meeting of Council of 26 June 2013 - for approval (circulated separately)
- 4(b) Minute of Meeting of Urgent Business Committee of 11 July 2013 - for approval (Pages 1 - 6)

MINUTES OF STANDING COMMITTEES

- 5(a) Pamphlet of Minutes - for information (circulated separately)

BUSINESS STATEMENT, MOTIONS LIST AND OTHER MINUTES

- 6(a) Business Statement (Pages 7 - 16)

- 6(b) Motions List (Pages 17 - 20)

REFERRALS FROM COMMITTEES IN TERMS OF STANDING ORDER 36(3)

- 7(a) Finance and Resources Committee of 25 July 2013 -Haudagain Upgrade - A Way Forward (Middlefield) - Report by Director of Housing and Environment (Pages 21 - 42)

GENERAL BUSINESS

- 8(a) 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 (Pages 43 - 158)
- 8(b) First Minister's Professional Conduct; Aberdeen Donside By-Election - Motion by Councillor Young - Report by Chief Executive (Pages 159 - 164)
- 8(c) Reorganisation of Aberdeen City Council Charitable Trusts - Report by Director of Corporate Governance (Pages 165 - 176)
- 8(d) Aberdeen Western Peripheral Route - Report by Director of Enterprise, Planning and Infrastructure (Pages 177 - 186)
- 8(e) Welfare Reform/Financial Inclusion Update - Report by Director of Social Care and Wellbeing (Pages 187 - 198)
- 8(f) Integration of Health and Social Care - Report by Director of Social Care and Wellbeing (Pages 199 - 206)
- 8(g) Street Begging - Report by Director of Housing and Environment (Pages 207 - 234)

- 8(h) Update on the Establishment of Short-term Halting Sites for Gypsies/Travellers - Report by Director of Housing and Environment (to follow)
- 8(i) Update on a Proposed Byelaw Regarding Camping in Designated Areas - Report by Director of Housing and Environment (to follow)

BUSINESS THE COUNCIL MAY WISH TO CONSIDER IN PRIVATE

- 9(a) National Housing Trust Phase 2B - Report by Director of Housing and Environment (Pages 235 - 238)

Website Address: www.aberdeencity.gov.uk

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

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URGENT BUSINESS COMMITTEE

ABERDEEN, 11 July 2013 - Minute of Meeting of the URGENT BUSINESS COMMITTEE. Present:- Councillor Crockett, Convener; and Councillors Cormie (substituting for Councillor Dickson for item 6 only), Cooney, Dickson, Jackie Dunbar, Forsyth, Laing, May, Jean Morrison (substituting for Councillor Boulton), Noble, Jennifer Stewart (substituting for Councillor Yuill), Taylor, Townson (substituting for Councillor McCaig) and Young.

The agenda and reports associated with this minute can be found at:-

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=334&MId=3113&Ver=4>

DETERMINATION OF URGENT BUSINESS

1. In terms of Standing Order 28(3)(vi), and in accordance with Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, the Committee was informed that it had to determine (1) that the items on the agenda were of an urgent nature; and (2) that the Committee required to consider the items and take decisions thereon.

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

That the report on the Local Authority Trading Company was not of an urgent nature, and should be considered at a later meeting of the Urgent Business Committee in light of its late circulation.

On a division, there voted:- for the procedural motion (6) - Councillors Dickson, Jackie Dunbar, May, Noble, Jennifer Stewart and Townson; against the procedural motion (7) - Convener; and Councillors Cooney, Forsyth, Laing, Jean Morrison, Taylor and Young.

The Committee resolved:-

- (i) to reject the procedural motion and thereby agree that the item was of an urgent nature and required to be considered this day, and a decision taken thereon; and
- (ii) to agree that the remaining items were of an urgent nature and required to be considered this day, and decisions taken thereon.

DETERMINATION OF EXEMPT BUSINESS

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

- Sport Aberdeen - Report by Director of Education, Culture and Sport
- Implementation of Local Authority Trading Company - Report by Director of Social Care and Wellbeing

The Committee resolved:-

in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, to exclude the press and public from the meeting during consideration of the

aforementioned items of business (Articles 6 and 7 of this minute refer) so as to avoid disclosure of exempt information of the class described in paragraph 6 of Schedule 7(A) of the Act.

RECRUITMENT AND RETENTION INCENTIVE PAYMENTS FOR TEACHERS - ECS/13/050

3. The Committee had before it a report by the Director of Education, Culture and Sport which proposed offering successful candidates for hard to fill teaching posts, who were new to the city, a financial incentive of an additional payment on taking up the post, followed by a further payment at the end of an agreed period of service.

The report recommended:-

that the Committee approve the use of recruitment and retention incentive payments for hard to fill teaching posts at the discretion of the Director of Education, Culture and Sport.

The Convener moved, seconded by Councillor Forsyth:-

That the Committee approve the recommendation contained within the report.

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

That the Committee -

- (a) recognise that teacher pay was set via national pay bargaining between COSLA, teacher unions and the Scottish Government;
- (b) accept that recruitment incentive payments was a significant shift in teaching hiring policy; and
- (c) recognise the role that the unions, teacher representatives and parents play on the Education, Culture and Sport Committee and refer the proposal to the next meeting of the Education, Culture and Sport Committee, calling for a report:-
 - 1) following consultation with COSLA;
 - 2) following consultation with the appropriate teaching unions;
 - 3) following consultation with the Scottish Government;
 - 4) further analysing how the Council can demonstrate "difficult to recruit posts" to avoid equal pay challenges; and
 - 5) further analysing the risks of any industrial action from existing post holders across the Council by consulting with all unions.

On a division, there voted:- for the motion (8) - Convener; and Councillors Cooney, Forsyth, Laing, Jean Morrison, Jennifer Stewart, Taylor and Young; for the amendment (5) - Councillors Dickson, Jackie Dunbar, May, Noble and Townson.

The Committee resolved:-

to adopt the motion.

DELEGATION OF POWERS TO AUTHORISE OFFICERS UNDER THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - CG/13/082

4. The Committee had before it a report by the Director of Corporate Governance which sought delegated powers for the Head of Legal and Democratic Services and the Head of Asset Management and Operations to authorise officers under the Civic Government (Scotland) Act 1982.

The report recommended:-

that the Committee -

- (a) delegate power to the Head of Legal and Democratic Services and the Head of Asset Management and Operations to authorise officers as required in respect of the rights of entry and inspection contained in Section 5 of Part I of the Civic Government (Scotland) Act 1982; and
- (b) delegate power to the Head of Legal and Democratic Services and the Head of Asset Management and Operations to authorise officers as required in respect of inspection and testing of vehicles as contained in Section 11 of Part I of the Civic Government (Scotland) Act 1982.

The Committee resolved:-

to approve the recommendations.

ENERGY CITIES CHALLENGE CUP

5. The Committee had before it a report by the Director of Education, Culture and Sport which presented an application from Aberdeen Football Club towards costs to deliver an Energy Cities Challenge Cup in the city on 4 September 2013.

The report recommended:-

that the Committee -

- (a) acknowledge receipt of the request from Aberdeen Football Club to support the delivery of the Aberdeen v Viking FK (Stavanger) match and associated activities which would take place in the city during Offshore Europe 2013; and
- (b) agree that £25,000 of financial assistance be provided from the Common Good Fund.

The Committee resolved:-

to approve the recommendations.

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

DECLARATION OF INTEREST

Councillor Dickson declared an interest in the following item of business by virtue of his position as a Council appointed Director to the Board of Sport Aberdeen and left the meeting; Councillor Cormie joined the meeting as his substitute.

SPORT ABERDEEN - ECS/13/049

6. The Committee had before it a report by the Director of Education, Culture and Sport which highlighted a number of issues in regard to Sport Aberdeen, its business plan and performance reporting.

The report recommended:-

that the Committee -

- (a) note that Sport Aberdeen did not produce an acceptable business plan for 2013/14 within the revised deadline set by the Culture and Sport Sub Committee, and that officers had continued to liaise with senior management from Sport Aberdeen to support them to complete a satisfactory business plan and budget;
- (b) instruct internal audit to undertake an immediate comprehensive audit of Sport Aberdeen covering:- governance, scrutiny processes, financial systems and processes, adherence to the funding and services agreement, staffing arrangements and any other appropriate audit areas;
- (c) authorise the Head of Communities, Culture and Sport to request that Sport Aberdeen submit satisfactory monthly performance reports within the prescribed timescales;
- (d) authorise officers to process forthwith the Council's budgeted grant payment to Sport Aberdeen for the quarter July to September 2013;
- (e) instruct officers to report back to an appropriate committee on the outcome of the audit and performance reports; and
- (f) instruct officers to request that Sport Aberdeen include a section on its reserves policy and its strategy in relation to pensions liability and reserves within its next version of the business plan.

The Committee resolved:-

to approve the recommendations subject to the report within (e) above being submitted to the Education, Culture and Sport Committee in the first instance and the Audit and Risk Committee thereafter.

At this juncture, Councillor Dickson rejoined the meeting in place of Councillor Cormie.

IMPLEMENTATION OF LOCAL AUTHORITY TRADING COMPANY

7. The Committee had before it a report by the Director of Social Care and Wellbeing which outlined progress in the implementation of the Local Authority Trading Company.

The report recommended:-

that the Committee note the progress with implementation of the Local Authority Trading Company and -

- (a) the arrangements for TUPE of staff;
- (b) the appointments made to the company;
- (c) consider options for remuneration of the Chair of the Board and Non-Executive Directors and, if agreed, the preferred option to be put in place;

- (d) consider and agree the proposal for the establishment of the Shareholder Scrutiny Group;
- (e) note that further work is to be undertaken to agree the reporting arrangements to the Audit and Risk Committee; and
- (f) approve the commissioning of the services of an Interim Managing Director to complete urgent tasks and in order to do so, invoke Standing Order 1(6)(a) of the Council's Standing Orders relating to contracts and procurement, and agree to set aside the requirement to undertake a competitive tender exercise as per Standing Order 4 EU Procurement.

DECLARATION OF INTEREST

At this juncture, Councillor Jean Morrison declared an interest by virtue of her position as a Council appointed Director 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 has 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.

The Convener moved, seconded by Councillor Forsyth:-

That the Committee approve the recommendations contained within the report, with a fixed daily rate to be paid as required in relation to recommendation (c), and that the remit of the Shareholder Scrutiny Group be submitted to Council on 21 August 2013 for approval.

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

That the Committee note the progress with implementation of the Local Authority Trading Company and -

- (a) the arrangements for TUPE of staff;
- (b) the appointments made to the company;
- (c) agree the proposal for the establishment of the Shareholder Scrutiny Group in conjunction with the proposals taken at the Audit and Risk Committee on 16 April 2013 in order to work up a suitable remit and report back to Council on 21 August 2013; and
- (d) note that further work is to be undertaken to agree the reporting arrangements to the Audit and Risk Committee.

On a division, there voted:- for the motion (7) - Convener; and Councillors Cooney, Forsyth, Laing, Jean Morrison, Taylor and Young; for the amendment (6) - Councillors Dickson, Jackie Dunbar, May, Noble, Jennifer Stewart and Townson.

The Committee resolved:-

to adopt the motion.

- BARNEY CROCKETT, Convener.

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**COUNCIL
BUSINESS STATEMENT**

21 AUGUST 2013

Please note that this statement contains a note of every report which has been instructed for submission to Council. All other actions which have been instructed by the Council are not included, as they are deemed to be operational matters after the point of decision.

<u>No.</u>	<u>Minute Reference</u>	<u>Council/Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>	<u>Report Expected (if known)</u>
1.	Council 16.12.09 Article 19	<p><u>50m Swimming Pool</u></p> <p>The Council approved a number of recommendations regarding design and procurement issues relating to the 50m Pool. The Council agreed that the management of the project be transferred to Aberdeen Sports Village subject to (a) the provision of further legal and financial advice in respect of any potential risks to the Council; and (b) the other partners confirming their financial contribution to the project.</p> <p>The Council requested that Aberdeen Sports Village provide the Council with a report within four months on how they planned to drive the project forward. This is still awaited.</p>	<p><u>Please see Appendix for full information.</u></p> <p>The Education, Culture and Sport Committee of 2 June 2011 approved the following recommendations:-</p> <p>(d) to approve funding of up to £8 million and this be met from the Non-Housing Capital Programme for the construction of a 10 lane pool subject to:</p> <p>(iii) officers reaching an agreement with partners in regard to the use of the facilities in light of the potential migration of swimming clubs to the new facility; and</p> <p>(iv) officers reaching an agreement on a Transfer Agreement Document, which will</p>	Director of Education, Culture and Sport	24.03.10	

<u>No.</u>	<u>Minute Reference</u>	<u>Council/Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>	<u>Report Expected (if known)</u>
			<p>formalise the transfer of responsibility for the delivery and operational phases of the 50 metre pool project to ASV Limited.</p> <p>(f) to instruct officers to report back to the next appropriate meeting of the Council in regard to the progress on the negotiations on items d(iii) and (iv) above.</p> <p>A progress report was considered by Council on 6 October 2011, which dealt with the above matters, as well as the latest position regarding negotiations with Aberdeenshire Council. Council approved the recommendations contained within the report and instructed officers to arrange a meeting of the 50m Pool Project Working Group as soon as possible.</p> <p>The request for a report from Aberdeen Sports Village on how they planned to drive the project forward (as referred to in the Council Decision column on the previous page) has been</p>			

<u>No.</u>	<u>Minute Reference</u>	<u>Council/Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>	<u>Report Expected (if known)</u>
			<p>superseded by events given that construction works have begun. It was recommended to Council in December 2011 that this item be removed from the Business Statement in view of the above information; however Council agreed to retain the item in order that members could be kept informed of discussions with Aberdeenshire Council regarding their funding contribution.</p> <p>Discussions about a financial contribution from Aberdeenshire Council are ongoing. Officers in Aberdeenshire Council anticipate that a potential financial contribution will be considered by their Policy and Resources Committee in September. A further update will be provided to the Council meeting in October.</p>			
2.	Council 06.03.13 Article 8	<p><u>Freedom of the City Process</u></p> <p>The Council agreed to take no further action at this time on the three nominations for freedom of the city, which required Standing Order 22(1) to be suspended, and that the working group meet and report on a revised process for the nomination for, and conferral of, the freedom of the city.</p>	<p>The Freedom of the City Working Group met on 5 June 2013. A proposed new Standing Order dealing with the nomination process is contained within the 'Roles and Responsibilities - Is Aberdeen City Council Getting it Right?' report. The Working Group agreed that no changes were required in relation to the conferral process.</p>	Head of Service, Office of Chief Executive	26.06.13	21.08.13 (part of the report at item 4)

<u>No.</u>	<u>Minute Reference</u>	<u>Council/Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>	<u>Report Expected (if known)</u>
3.	Council 06.03.13 Article 9	<p><u>Establishment of Halting Sites for Gypsies/Travellers</u></p> <p>The Council (i) approved the potential sites at (1) Blackdog; (2) Howes Road; (3) Scotstown Road Recycling Centre; and (4) the former Council depot at Springhill Road, and remitted to officers to consult the affected Community Councils and report back to the August Council meeting with the outcome of these discussions; (ii) instructed officers to establish a stakeholder working group for the purpose of using a scoring matrix to examine the viability and feasibility of each site option and report back to the August Council meeting with the results from this process; and (iii) noted the joint working continuing with Aberdeenshire Council.</p>	<p>A stakeholder working group has been set up and has held its first meeting. The group is made up of community representatives identified by the Civic Forum, plus representatives of the communities in proximity to each of the proposed sites, together with Council officers representing asset management, housing, planning and equalities. There is also a representative from GREC and officers are working to find representatives from the Gypsy/Traveller community. The remit, process and timescales have been agreed and the output from the group is expected by early July. This will feed into a report to Council for the meeting in August.</p> <p>A late report is expected to be on the agenda.</p>	Director of Housing and Environment	21.08.13	21.08.13
4.	Council 06.03.13 Article 13	<p><u>Roles and Responsibilities: Is Aberdeen City Council Getting it Right?</u></p> <p>The Council, amongst other things, agreed to establish a working group comprising four Labour members, one Conservative member, one Independent Alliance Group member,</p>	<p>A report is on the agenda.</p>	Director of Corporate Governance	26.06.13	21.08.13

<u>No.</u>	<u>Minute Reference</u>	<u>Council/Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>	<u>Report Expected (if known)</u>
		<p>one SNP member and one Liberal Democrat member, to consider (a) any detailed proposals to change the committee structure, Standing Orders and the Scheme of Delegation, reporting to Council in June 2013; and (b) the introduction of a Petitions Committee.</p>				
5.	<p>Council 06.03.13 Article 15</p>	<p><u>Single Outcome Agreement</u> The Council noted that following submission of the final draft Single Outcome Agreement to the Scottish Government, a further report would be submitted to Council including the proposed final Single Outcome Agreement prior to formal agreement by 30 June 2013.</p>	<p>Initial indications were that, following the submission of Community Planning Aberdeen's draft Single Outcome Agreement (SOA) at the end of March, feedback from the Scottish Government would be given relatively quickly and all 32 SOAs would be signed off by 30 June 2013. However, lengthy discussions have been ongoing nationally on the process for quality assuring each of the SOAs and confirmation of the agreed process was received on 4 June. In summary, a number of "QA Panels" have been established who will each liaise with a small number of Community Planning Partnerships. Whilst specific details are not yet confirmed, the Panel, in Aberdeen's case this is to be led by the Assistant Chief Executive of COSLA, will work with Community Planning</p>	<p>Head of Customer Service and Performance</p>	<p>26.06.13</p>	

<u>No.</u>	<u>Minute Reference</u>	<u>Council/Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>	<u>Report Expected (if known)</u>
			<p>Aberdeen and the Scottish Government Location Director with the following objective:-</p> <p><i>“To give Ministers and Council Leaders the confidence they need to agree the SOA, but do so in a way that is genuinely participative and supportive in helping each CPP develop. The main output of that process will be that by the end of June the Panel should have formally identified and agreed with the CPP and Location Director the key strengths in each SOA and around 4-6 priorities for further development by the CPP”</i></p> <p>A full report on the output of this QA process will be provided to the next meeting of the Council.</p>			
6.	Council 06.03.13 Article 16	<p><u>Welfare Reform</u></p> <p>The Council, amongst other things, approved the steps taken by officers to develop a policy and practice response and agreed to receive further reports in due course as measures were implemented.</p>	<p>The Scottish Welfare Fund has been successfully introduced and is operating well and meeting deadlines for decisions. Further changes to welfare reform are planned for later this year. The Hub joint project with the DWP is now open and being developed further over the coming weeks. Agreement has been reached with The Citizens Advice Bureau</p>	<p>Director of Social Care and Wellbeing</p> <p>Director of Housing and Environment</p>	26.06.13	21.08.13

<u>No.</u>	<u>Minute Reference</u>	<u>Council/Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>	<u>Report Expected (if known)</u>
			<p>regarding the basis for a service level agreement. Claims for discretionary housing payments continue to be processed within the agreed scheme. The Financial inclusion manager has now been appointed and will take up his post on 1 July.</p> <p>A report is on the agenda.</p>			
7.	Council 06.03.13 Article 29	<p><u>Aberdeen Western Peripheral Route (AWPR)</u></p> <p>The Council, amongst other things, authorised officers to enter into further discussions with Transport Scotland and Aberdeenshire Council regarding the upfront capital contribution and authorised the Head of Legal and Democratic Services to negotiate the terms of a legal agreement to govern the payment mechanism, all subject to the approval of the Director of Corporate Governance, Head of Finance and the Director of Enterprise, Planning and Infrastructure, and to report back to the next appropriate Council meeting on the outcome.</p>	<p>It has been confirmed that Scottish Ministers have agreed to progress a payment mechanism, whereby both Councils will jointly (50% each) pay upfront their capital contribution to a value of £141m with a cap set at £150m. This is subject to HMRC's treatment of VAT. Officers and officials are in the meantime drafting a legal agreement to reflect this. It is intended to report this to the next appropriate Council meeting.</p> <p>A report is on the agenda.</p>	Head of Planning and Sustainable Development	26.06.13	21.08.13
8.	Council	<u>Property Disposal - Broad Street</u>				

<u>No.</u>	<u>Minute Reference</u>	<u>Council/Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>	<u>Report Expected (if known)</u>
	01.05.13 Article 5	The Council instructed officers to provide progress reports to the Council at key stages of the project.		Management and Operations	when required	
9.	Council 26.06.13 Article 21	<u>Service Review of Legal Services</u> The Council instructed the Head of Legal and Democratic Services to report back to Council in twelve months advising of the outcomes of the implementation of the new structure.		Head of Legal and Democratic Services	25.06.14	

APPENDIX

ITEM 1 - 50m SWIMMING POOL

At its meeting of 27 April 2011, the Council agreed to delegate authority to the Education, Culture and Sport Committee to make all necessary decisions at its meeting on 2 June 2011, in order to keep the project on track, and that officers report accordingly.

The Education, Culture and Sport Committee of 2 June 2011 approved the recommendations contained within the report, as outlined below, and added an additional recommendation at d(v) "subject to officers receiving clarification from Aberdeenshire Council that their revenue funding contribution remains intact".

The report recommended:-

that the Committee -

- (a) note the content of the report;
- (b) note that the development cost, based on the most economically advantageous tender for the 10 lane option is £21,918,104 and for the 8 lane option is £21,638,104 compared to the previously reported estimated costs of £23,347,259 for the 10 lane option and £22,726,794 for the 8 lane option;
- (c) note that the total funding available from the other partners as detailed in section 5.3 of the report has increased from the previous total of £10 million reported to Council on 15 December 2010 to £14 million. This being the result of the University of Aberdeen increasing their contribution from £5 million to £8 million and Aberdeen Sports Village Ltd. (ASV Limited) agreeing to underwrite the shortfall of £1 million for the 10 lane option to ensure that the funding package can be secured. The remaining balance of external funding coming from a £5 million grant from **sportscotland**;
- (d) agree to approve funding of up to £8 million and this be met from the Non-Housing Capital Programme for the construction of a 10 lane pool subject to:
 - (i) the Corporate Asset Group, on behalf of the Corporate Management Team, managing the overall spend of the Non-Housing Capital Programme in 2011/12 to stay within approved spending limits and to take into account the future capital demand for this project in the budget process for 2012/13 and 2013/14;
 - (ii) the revenue support for the ongoing costs of the project being capped at £250,000 per annum at 2010/11 prices with a review of future indexation once the facility is nearing completion of the construction phase;
 - (iii) officers reaching an agreement with partners in regard to the use of the facilities in light of the potential migration of swimming clubs to the new facility; and
 - (iv) officers reaching agreement on a Transfer Agreement Document, which will formalise the transfer of responsibility for the delivery and operational phases of the 50 metre pool project to ASV Limited.
- (e) note that the most economically advantageous tender for the 50 metre pool project was submitted by Contractor A, and subject to the Committee agreeing to approve funding on the basis of recommendation (d), to instruct officers to arrange, in conjunction with Aberdeen University and Aberdeen Sports Village Ltd., to appoint Contractor A as the Principal Contractor, based on their tender figure for the 10 lane option which results in an overall development cost of £21,918,104;
- (f) **to instruct officers to report back to the next appropriate meeting of the Council in regard to the progress on the negotiations on items d(iii) and (iv) above;** and
- (g) to note that the provision of a 50 metre pool has been included within the scope of the Water Management Plan currently underway, and will also be included within the report to Committee, due on 15 September 2011. The Committee should be aware that historically there has been a recognition that the city has a greater number of swimming pools for the size of population than elsewhere. **sportscotland** is providing support to model the existing water provision and future needs. The recommendations will also take full account of the reducing revenue and capital budgets and the costs associated with the 50 metre pool and are likely to include a reduction in the number and range of facilities.

At its meeting on 17 August 2011, the Council agreed that the above information be added back in to the business statement, and noted that a report would be submitted to the meeting on 6 October 2011.

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**COUNCIL
MOTIONS LIST
21 AUGUST 2013**

Please note that this statement tracks all Notices of Motion (relevant to Council) submitted by members, until the point of disposal. The motion will remain on the statement until the Council has agreed to remove it.

<u>No.</u>	<u>Motion</u>	<u>Date of Council Meeting</u>	<u>Decision of Council</u>	<u>Action taken / Proposed Future Action</u>	<u>Responsible Officer</u>	<u>Due Date</u>	<u>Is authority sought to remove motion from list?</u>
1.	<p><u>Motion by Councillor Crockett</u></p> <p>“This Council denounces SNP MSP for Aberdeen Central Kevin Stewart a former Finance Convener who on the 17th December 2012 disgracefully accused the Council of “cooking the books” and “presenting a misleadingly pessimistic account” in their five-year budget predictions. Council reaffirms its total support for Aberdeen City Council’s Finance Team, the first ever Scottish Accountancy Awards Public Sector Finance Team of the Year 2012. Further instructs the Head of Legal and Democratic Services to write to</p>	01.05.13	<p>The Council instructed the Head of Legal and Democratic Services to write one final time to Kevin Stewart MSP seeking an apology, whilst at the same time consulting further with the independent solicitor in respect of raising an action against Kevin Stewart MSP for verbal injury, and report back to Council on 21 August 2013 with a written update.</p>		Head of Legal and Democratic Services	21.08.13	No

<u>No.</u>	<u>Motion</u>	<u>Date of Council Meeting</u>	<u>Decision of Council</u>	<u>Action taken / Proposed Future Action</u>	<u>Responsible Officer</u>	<u>Due Date</u>	<u>Is authority sought to remove motion from list?</u>
	Kevin Stewart MSP seeking a retraction of his disgraceful comments and thereafter to report back to the next Finance and Resources Committee for consideration, which may include reporting the matter to the Public Standards Commissioner for Scotland. Council further notes the SNP Group's support for the five-year business plan at the Finance and Resources Committee meeting on 6 th December 2012."						
2.	<u>Motion by Councillor Young</u> "Council instructs the Chief Executive to write to Sir Peter Housden Permanent Secretary to the Scottish Government an investigation into the First Minister's professional conduct during the Aberdeen	26.06.13	To approve the terms of the motion.	A report is on the agenda.	Chief Executive	03.10.13	No

<u>No.</u>	<u>Motion</u>	<u>Date of Council Meeting</u>	<u>Decision of Council</u>	<u>Action taken / Proposed Future Action</u>	<u>Responsible Officer</u>	<u>Due Date</u>	<u>Is authority sought to remove motion from list?</u>
	<p>Donside by-election looking specifically at:-</p> <ol style="list-style-type: none"> <li data-bbox="395 1704 1129 2089">1. The First Minister's unannounced visit and lecture on 17 June 2013 to school children at Bramble Brae School without reference to Aberdeen City Council Director of Education, Culture and Sport or the Head Teacher of the said school noting that the school is currently subject to statutory consultation regarding its future within the wider school estate. <li data-bbox="1134 1704 1543 2089">2. The First Minister's unannounced visit to Hazlehead Park on 17 June 2013 a park owned wholly by Aberdeen City Council again without reference to the said City Council in the middle of a by election and whilst 						

<u>No.</u>	<u>Motion</u>	<u>Date of Council Meeting</u>	<u>Decision of Council</u>	<u>Action taken / Proposed Future Action</u>	<u>Responsible Officer</u>	<u>Due Date</u>	<u>Is authority sought to remove motion from list?</u>
	<p>welcoming the announcement of a £100,000 Scottish Government donation to the Piper Memorial Trust purdah rules seem to have been ignored.</p> <p>Instructs the Chief Executive to report back to the Council on the response received from the Permanent Secretary, in order for Council to determine its position on this matter.”</p>						

FINANCE AND RESOURCES COMMITTEE

25 JULY 2013

HAUDAGAIN UPGRADE – A WAY FORWARD (MIDDLEFIELD) (H&E/13/046)

3. With reference to article 15 of the minute of the meeting of the Finance and Resources Committee of 13 June 2013 the Committee had before it (1) a report by the Director of Housing and Environment which advised of the outcomes 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, taking into account the instructions of this Committee of 13 June 2013, which were subsequently approved by Full Council on 26 June 2013; and (2) an addendum to appendix 2 contained in the report.

The report recommended – that the Committee -

- (a) 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;
- (b) 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;
- (c) note the Council's proposed plan to start the regeneration project within the next two years contained at appendix 2;
- (d) note that a further Equality Human Rights Impact Assessment was required in light of the Council's proposal to shorten the project timescales and that this was currently being developed, and
- (e) note that officers in the project team were developing a communications strategy for local residents that would provide regular updates on progress as the project develops.

The Convener moved, seconded by Councillor Thomson:-

That the Committee:

- (1) agree (a), (b) and (d) of the recommendations contained within the report;
- (2) note the decision of the Council on 26 June 2013 and instruct officers to continue to work to that timescale;
- (3) 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;

- (4) 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;
- (5) 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;
- (6) 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 on its progress”;
- (7) 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
- (8) 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.

DECLARATION OF INTEREST

At this juncture, Councillor McCaig declared an interest by virtue of his employment by Kevin Stewart MSP. Councillor McCaig explained that the subject detailed in the Convener’s motion related to before Mr Stewart was a MSP and therefore he considered that the nature of his interest did not require him to leave the meeting.

Councillor McCaig moved as an amendment, seconded by Councillor Yuill:-
That the Committee:

- (1) note with concern the contents 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.

Further to the motion and amendment above being moved and seconded, the Committee received advice regarding the competency of number (3) of the amendment detailed above.

Following the advice, Councillor McCaig, seconded by Councillor Noble, moved a procedural motion that Standing Order 22 be suspended in order for the Committee to consider number (3) of the amendment.

On a division, there voted:-

For the procedural motion (7) – Councillors Cormie, Jackie Dunbar, Greig, McCaig, Noble, Stuart, and Yuill; Against the procedural motion (8) – the Convener; and Councillors Graham, Ironside, Laing, Milne, Jean Morrison, Reynolds and Thomson.

The amendment having been ruled incompetent, Councillor McCaig then moved a further amendment, seconded by Councillor Noble:-

That the Committee:

- (1) note with concern the contents of the report;
- (2) instruct officers to urgently carry out an Equality and Human Rights Impact assessment in light of the administration's proposals to shorten the timescales for the redevelopment of the Haudagain;
- (3) instruct the Director of Housing and Environment and the Director of Enterprise, Planning and Infrastructure to hold an urgent meeting with the Middlefield community to consult with them on the proposals contained within the report;
- (4) request that a report be brought to the next meeting of the Finance and Resources Committee detailing the outcome of (2) and (3) above with recommendations on how to progress the Haudagain whilst respecting the rights and aspirations of the Middlefield community.

The Committee then divided on the motion and the second amendment by Councillor McCaig.

On a division, there voted:-

For the motion by the Convener (8) – the Convener; and Councillors Graham, Ironside, Laing, Milne, Jean Morrison, Reynolds and Thomson; For the amendment by Councillor McCaig (7) – Councillors Cormie, Jackie Dunbar, Greig, McCaig, Noble, Stuart, and Yuill.

The Committee resolved:-

- (i) to adopt the motion; and
- (ii) to request the Director of Housing and Environment to circulate the full programme for the two year programme to all members, by email.

In terms of Standing Order 36(3), Councillor McCaig intimated he would like this matter to be referred to full Council in order for a final decision to be taken. Councillor McCaig was supported by Councillors Cormie, Jackie Dunbar, Greig, Noble, Stuart and Yuill.

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ABERDEEN CITY COUNCIL

COMMITTEE Finance and Resources Committee

DATE 25 July 2013

DIRECTOR Pete Leonard

TITLE OF REPORT Haudagain Upgrade – A Way Forward (Middlefield)

REPORT NUMBER: H&E/13/046

1. PURPOSE OF REPORT

The purpose of this report is to advise Members of the outcomes 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, taking into account the instructions of the Finance and Resources Committee of 13 June 2013, which were subsequently approved by Full Council on 26 June 2013.

2. RECOMMENDATION(S)

The Committee is recommended to

- a. note the minutes appended (Appendix 1) to this report of the meeting held by Officers of the Council, NESTRANS, Transport Scotland and their Consultants on 28th June 2013; and
- b. acknowledge that Transport Scotland have 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; and
- c. note the Council's proposed plan (Appendix 2) to start the regeneration project within the next two years; and
- d. note that a further Equality Human Rights Impact Assessment is required in light of the Council proposal to shorten the project timescales and that this is currently being developed, and
- e. note that officers in the project team are developing a communications strategy for local residents that will provide regular updates on progress as the project develops.

3. FINANCIAL IMPLICATIONS

The financial implications, as they are currently known, are recorded in the minutes of the meeting appended to this report.

4. OTHER IMPLICATIONS

4.1 Legal – no immediate implications arising directly from this report, however future involvement of Legal colleagues will be imperative throughout all stages of this project.

4.2 Resources – An extra member of staff from housing management in the area has been appointed to be a specific point of contact for all housing and re-housing matters. Other resource implications are expected, such as the involvement of Asset Management and Roads Management colleagues and this will be determined as the project progresses.

4.3 Risk Management – A risk register will be developed on agreement of the programme.

5. BACKGROUND/MAIN ISSUES

5.1 **Background**

5.1.1 Reference is made to the Finance and Resources Committee of 13 June 2013, which considered a report entitled Haudagain Upgrade – A Way Forward (Middlefield) (H&E/13/042). The decision of this Committee, which was subsequently referred to and further agreed at Full Council on 26 June 2013, is as follows:

(i) to note the words of Keith Brown, Minister for Transport and Veterans, who stated in the Scottish Parliament on 22nd 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 is the case with all of our schemes, landowners, including the local authority, will be compensated for any land or property that is required to enable the construction of the road improvement”

(ii) to note paragraph 7.1 of the report which states “There is as yet no detailed information from government on the financial arrangements to be made to purchase assets required to deliver the Haudagain junction improvements” and therefore to instruct officers to enter into negotiations with the Scottish Government within the next 30 days with a view to agreeing a legally binding contract as soon as possible ensuring the Council and other land owners were suitably and properly compensated for the land or property that was required to enable the construction on the road improvements with a view to

starting work on the Haudagain roundabout within the next two years rather than in 2018/2019 as proposed by the SNP;

(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 suspend standing order 3(4)(a) and 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; and

(vi) to request officers to advise all members, by email, whether a further Equality Human Rights Impact Assessment was required in light of the proposal to shorten the project timescales.

5.2 Council Officer/Transport Scotland Meeting Outcomes

5.2.1 A meeting between Transport Scotland, their Consultants Jacobs, and Aberdeen City Council and NESTRANS officers was held on 28th June 2013 to establish a working format for the delivery of the Haudagain Improvements Project with the Regeneration proposals of the Council. The following paragraphs summarise the key outcomes/discussion points of the meeting, as minuted at Appendix 1 and agreed by all who attended, with particular reference to the Council instruction detailed above.

5.2.2 As can be seen from Item 2 in the appended minute, Council officers informed the meeting of the 28th June of the Council instructions and requested that they be discussed during the meeting. This was agreed and the responses are recorded in the appended minutes.

5.2.3 With reference to point (ii) of the Council instruction:

- This first meeting of the Council and Transport Scotland is considered to be the start of negotiations regarding compensation within the 30 day timescale.

- The aims of the project objectives are agreed as appropriate and Transport Scotland agreed to update these, where necessary, to ensure a robust design.
 - Transport Scotland advised of their indicative key milestones in project development and delivery, as follows;
 - Stage 2 Assessment and confirmation of the preferred route - Spring 2014
 - Stage 3 Assessment and draft order publication - Summer 2015
 - Statutory processes anticipated to take up to 15 months, subject to objections and a Public Local Inquiry – programmed completion Autumn 2016
 - Procurement phase up to 18 months
 - Construction start Spring 2018
 - In response to Council questions on accelerating the procurement process, Transport Scotland agreed to prepare a paper on alternative processes and agreed that the programme would be refined as the project progresses.
 - Transport Scotland have agreed to arrange a meeting with the District Valuer as soon as possible to enable Council officers to understand and negotiate the likely compensation package to inform future investment.
 - In order to understand possible advanced compensation agreements prior to draft order publication, Transport Scotland agreed to explore and report back to the group.
 - Council officers will provide information to Transport Scotland in support of compensation discussions/programming etc as the project proceeds.
 - Council officers will also work with Transport Scotland on a communication strategy.
 - The project progress group will meet quarterly after this meeting, with the next meeting now arranged for 2 August 2013, and smaller working groups of key officers will be arranged as and when required throughout the project.
- 5.2.4 With reference to point (v) of the Council instruction, the minute of the meeting with Transport Scotland demonstrates that the Council's objectives have been raised in full and reflects the responses from Transport Scotland. Where Transport Scotland were unable to provide definitive responses, commitment has been given to come back with more information for discussion as soon as it is available.

5.3 **Equalities and Human Rights Impact Assessment**

- 5.3.1 With reference to point (vi) of the Council instruction, an accelerated project programme is likely to have a greater impact in terms of re-housing people and therefore another impact assessment will require to be undertaken. All Members will be emailed about this advice.

5.4 **Other Matters**

- 5.4.1 A draft project programme of housing regeneration to be started in two years is included for information at Appendix 2.
- 5.4.2 The future progress of this project will be reported to the Housing and Environment, and Enterprise Planning and Infrastructure Committees and where financial details start to emerge, reference will be made back to the Finance and Resources Committee.
- 5.4.3 Officers in the project team are also developing a communications strategy for local residents that will provide regular updates on progress as the project develops.

6. **Impact**

- 6.1 The Single Outcome Agreement refers to a need to enhance the quality of housing and environment for individuals and the community.

Furthermore within “Aberdeen – the Smarter City”, the Council’s policy document for 2012-2017, the following policy targets are set out:

Smarter Economy (Competitiveness)

We will improve access to affordable housing in both social rented and private sector, by supporting first time buyers, regenerating areas within the city and by working with developers to maximize effective use of developer contributions.

Smarter Mobility (Transport and ICT)

We will provide and promote a sustainable transport system, including cycling, which reduces are carbon emissions.

Smarter Governance (Participation)

We will seek to develop a sense of community in Aberdeen based on principles of openness, fairness, reciprocity and responsibility.

- 6.2 This report will be of interest to the local community and wider public, given the housing and transportation impacts and benefits of this project.
- 6.3 The requirement for a further EHRIA is identified in Section 5.3.

7 Management of Risk

- 7.1 Project programmes and risk management strategies will be prepared for both the housing regeneration and the junction improvement in accordance with the appropriate project management procedures.

8 Background Papers

- 8.1 No background papers used other than that appended to this report.

9 REPORT AUTHOR DETAILS

John Quinn
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And

Joanna Murray
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Tel: 522618

(Note of Meeting of Council Officers and Transport Scotland on 28th June 2013)

(Proposed 2 year regeneration programme)

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Meeting Location	Aberdeen City Council, Marischal College, Aberdeen	Client	Transport Scotland
Meeting Date/Time	28 June 2013, 12pm	Project	A90/A96 Haudagain Improvement
Subject	Strategy Workshop	Project No.	B1557630
Participants	Refer to Item 1	Notes Prepared By	JUK

File

cc:

Item	Subject	Description	Action
1	Attendees		
	(i)	<p>Transport Scotland (TS):</p> <p>Duncan McCallum – Project Director John MacIntyre – Project Manager</p> <p>Aberdeen City Council (ACC):</p> <p>Maggie Bochel - Head of Planning and Sustainable Development Joanna Murray - Team Leader Transportation Strategy and Programmes Ken Neil - Senior Engineer Transportation Strategy and Programmes John Quinn - Head of Housing and Regeneration Investment Graeme Stuart - Housing Strategy and Performance Management Martin Smith - Housing Manager Paul Genoe - Regeneration Consultant Paula Martin - Project Manager Maria Thies - Project Manager</p> <p>NESTRANS (NES):</p> <p>Derick Murray - Director Jenny Anderson - Transport Executive - Programmes</p> <p>Jacobs (JUK):</p> <p>Rob Galbraith – Commission Director Andy Mackay – Scheme Manager Chris Hutt – Senior Engineer</p>	
2	Introduction		
	(i)	<p>All attendees introduced themselves. JUK noted the workshop aims as follows:</p> <ul style="list-style-type: none"> to review key issues relating to scheme development and promotion 	

Meeting Notes

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		<p>to seek to agree the most appropriate strategy for taking the scheme forward through the design stages and statutory processes;</p> <ul style="list-style-type: none">• to consider the programme for the project; and• to consider the approach to stakeholder mapping to support preparation of engagement and consultation strategies and communication protocols <p>In addition, ACC requested that the compensation process and the possibility of progressing the construction programme as outlined within the following six points arising from the Council meeting on 22 May be discussed:</p> <p>(a) “ to note the words of Keith Brown, Minister for Transport and Veterans, who stated in the Scottish Parliament on 22nd 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 is the case with all of our schemes, landowners, including the local authority, will be compensated for any land or property that is required to enable the construction of the road improvement”</p> <p>(b) to note paragraph 7.1 of the report which states “There is as yet no detailed information from government on the financial arrangements to be made to purchase assets required to deliver the Haudagain junction improvements” and therefore to instruct officers to enter into negotiations with the Scottish Government within the next 30 days with a view to agreeing a legally binding contract as soon as possible ensuring the Council and other land owners were suitably and properly compensated for the land or property that was required to enable the construction on the road improvements with a view to starting work on the Haudagain roundabout within the next two years rather than in 2018/2019 as proposed by the SNP;</p> <p>(c) 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;</p> <p>(d) 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;</p> <p>(e) to suspend standing order 3(4)(a) and 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; and</p>	
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Meeting Notes

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		<p>(f) to request officers to advise all members, by email, whether a further Equality Human Rights Impact Assessment was required in light of the proposal to shorten the project timescales. “</p> <p>The officers present have been requested to raise the points relating to compensation and programme with the group, prepare a report on the discussions and report back to the Council meeting on 25 July. It was agreed that the note of this meeting would be attached to the report.</p>	JUK
	(ii)	<p>In relation to the above points, the following was recorded:</p> <p>(a) This point was noted.</p> <p>(b) It was noted that this meeting formed the commencement of the negotiations and that it was within the 30 days requested by the Council. Further matters discussed regarding compensation are recorded in these notes below.</p> <p>(c) TS noted that various provisional dates had been considered for this first meeting but that no date had been confirmed. TS highlighted that the meeting with ACC on 27 May 2013 had therefore not been postponed.</p> <p>(d) Matters relating to compensation were discussed during the course of the meeting and are recorded below.</p> <p>(e) This point was noted. ACC advised that their report would need to be finalised by 16 July 2013.</p> <p>(f) No comments were made in relation to this point.</p>	
3	Scheme Objectives		
	(i)	<p>The scheme objectives developed as part of the STAG appraisal process were noted as follows:</p> <ul style="list-style-type: none"> • To reduce congestion and unreliability by improving and sustaining base year 2004 journey times for commercial and public transport traffic until 2021; • Measures must minimise the risk of transport related accidents especially for vulnerable users in the vicinity of the junction to improve on 2001– 2004 casualty levels; • To make socially-inclusive and healthy transport modes more attractive to use, including cycling, walking and public transport measures to be promoted in all measures; • To minimise traffic induced severance on communities by ensuring measures do not have a significant detrimental impact on 2004 walk time accessibility; and • To contribute to the City Council’s regeneration aims by complementing the development of the Logie/Manor area of Middlefield. 	
	(ii)	<p>JUK noted that the objectives provide specific targets to be achieved, particularly in relation to congestion, safety and community severance.</p>	

Meeting Notes

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		JUK noted that the STAG appraisal was undertaken in 2008 and sought clarification regarding how the specific benchmark and target dates within the objectives (i.e. 2004 and 2021) had been set. JUK noted that based on a preliminary review of ACC's current traffic modelling and future traffic forecasts, there were changes in the present day and future traffic conditions compared with those envisaged in the STAG appraisal. As such, JUK indicated that it was not certain that developing the scheme to take account of the benchmark and target dates in the current objectives would ensure the same level of service to that anticipated in the STAG appraisal would be provided.	
	(iii)	JUK noted that one of the objectives related to the regeneration of the Middlefield area and advised that in developing trunk road schemes, the Scottish Ministers have to give consideration to local and national planning policies/objectives. NES noted that ministers have responsibilities across a variety of sectors and TS confirmed that the design of the improvement could therefore take appropriate account of and complement the Council's regeneration objectives and plans, rather than being designed to directly facilitate them.	
	(iv)	All agreed that the aims of the objectives were appropriate and that a review of the objectives should be undertaken and if necessary, the objectives should be updated to ensure a robust design, taking account of the most up to date traffic information and forecasts available, including a review of the baseline timescales.	TS/JUK
4	Scheme Development Process		
	(i)	JUK noted Transport Scotland's processes would require completion of a DMRB Stage 2 Assessment before progressing to complete a DMRB Stage 3 Assessment and publication of draft orders. The importance of following the correct processes was discussed, particularly to ensure a robust scheme design and to ensure that at any Public Local Inquiry into the draft orders, objections relating to the scheme development process followed did not affect or delay the outcome of the Inquiry and ultimately the decision to progress with the scheme.	
	(ii)	<p>JUK provided information from their preliminary review of ACC's current traffic modelling and future traffic forecasts. JUK advised that it appeared that, consistent with traffic patterns nationally, the growth in traffic anticipated from 2004 had not occurred in recent years. As such it appeared that the current traffic levels were lower than anticipated at the time of the STAG appraisal. JUK also noted, however, that due to the changes in the local development plan, the future traffic conditions were also likely to be different from those anticipated at the time of the STAG appraisal.</p> <p>NES suggested that as roads are typically designed for 15 years after the date of opening there is therefore a possibility that the projected growth may materialise, albeit not as quickly as anticipated at the time of the STAG appraisal. NES indicated that the differences between the traffic assessments in the STAG appraisal and the current forecasts may therefore balance out in future years as proposed development materialises.</p> <p>JUK indicated that developing a detailed understanding of the traffic patterns and traffic growth assumptions in the current traffic model was vitally important to the development of a robust design for the junction</p>	

Meeting Notes

(Continued)

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		improvement. JUK explained that this would take some time and that this would form part of the DMRB Stage 2 Assessment. This process would also allow alternative options to be reviewed to ensure that they were fully evaluated against the current traffic forecasts and that the decisions on the preferred option were robust.	
	(iii)	ACC asked for an indication of the timescales for completing this work and the subsequent DMRB Stage 3 Assessment leading to draft order publication. JUK advised that the Stage 2 Assessment would be completed in Spring 2014 and the Stage 3 Assessment and draft order publication would be in Summer 2015.	
	(iv)	ACC referred to the Council request that construction commence within two years and requested clarification regarding when it would be possible to get a firmer position on the land and property required for the scheme. NES noted that it would be difficult to enter into land negotiations until the design was fully developed. JUK advised that a reasonable degree of certainty regarding land and property requirements would be reached early in the DMRB Stage 3 process and that the final land and property requirements would be confirmed at the time of draft order publication. It was noted that small changes to the design of the scheme could change the land and property requirements.	
	(v)	JUK referred to the letter from TS to ACC of August 2010 which indicated that when taking the project forward, the first package of work would be to undertake a review against the updated traffic model and that the mechanism for this would therefore be the DMRB Stage 2 Assessment. NES and ACC noted that it is important that this work is undertaken in a proportionate way to ensure that a robust scheme design is developed. It was noted that there are risks associated with progressing this work too quickly.	
	(vi)	It was agreed that TS should progress with the update of the traffic modelling as part of a DMRB Stage 2 Assessment as quickly as possible.	TS/JUK
5	Approach to Statutory Process		
	(i)	JUK noted the expectation that Scottish Ministers use the powers vested in them through the Roads (Scotland) Act 1984 when promoting trunk road projects. There is confidence in the process through its regular use and that it is anticipated that it will be used to promote road orders for the Haudagain Improvement scheme.	
	(ii)	Consideration was given to whether progressing through the planning process would provide a quicker alternative. All agreed that there did not appear to be any benefit to the programme compared to the conventional road orders process.	
	(iii)	It was agreed that TS should progress on the basis of publishing road orders using the Roads (Scotland) Act 1984.	TS/JUK
6	Programme		
	(i)	JUK outlined the following indicative programme: <ul style="list-style-type: none"> The Stage 2 Assessment Report and confirmation of the preferred route would be delivered by Spring 2014; 	

Meeting Notes

(Continued)

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		<ul style="list-style-type: none"> The Stage 3 Assessment would be undertaken in advance of publishing the Draft Orders and Environmental Statement in summer 2015; The timescale for the Statutory Process would depend on the objections and the need for a PLI and as such 15 months is normally allowed, with the process anticipated to be completed in Autumn 2016; and Procurement Phase including Preparation (6 months), Tender Competition and Design Lead-in (3 months) could take around 18 months resulting in construction starting in Spring 2018. 	
	(ii)	<p>Whilst acknowledging that the timescales are aligned with previous commitment from TS to commence construction following completion of the AWPR, ACC queried whether the procurement phase could be progressed more quickly.</p> <p>JUK explained the process involved in procuring projects of this scale and it was agreed that the programme will be refined as the project progresses.</p> <p>JUK were asked to prepare a paper to explain the advantages and disadvantages of possible procurement models.</p>	JUK
	(iii)	<p>ACC noted that, the road will ultimately be adopted by ACC and they would want the opportunity to influence the design. JUK confirmed that ACC would be consulted during the development of the design and the preparation of the tender documents. JUK also advised that the Contract will include mechanisms to ensure that the Contractor will comply with the Council's agreed requirements on matters set out in the Contract.</p>	
	(iv)	<p>JUK summarised the timescales from draft order publication to the start of construction and it was noted that this would be approximately 2 ½ to 3 years. It was therefore noted that even if draft orders could be published immediately without reviewing the traffic modelling, producing a robust design and preparing an Environmental Statement, the process would not allow construction to begin within 2 years.</p>	
	(v)	<p>ACC asked if it was possible for construction to start once sections of the AWPR are complete. JUK noted that the reductions in traffic at Haudagain associated with the AWPR would not be achieved until it is completed in its entirety.</p>	
7	Property Impacts and Regeneration Programme		
	(i)	<p>ACC stressed the urgency associated with identifying the houses that need to be demolished. There is currently a shortfall in council housing with approximately 8000 people on a waiting list and new housing would need to be constructed prior to the demolition of existing housing. ACC explained that identifying the extent of demolition would allow them to determine the number of houses that would need to be built and subsequently the amount of land that they would need to purchase/transfer to Housing Revenue Account.</p>	
	(ii)	<p>Referring to the increased certainty that would be provided as the design work progressed, ACC noted that there may be an option for them to undertake a risk based approach to demolition on the basis of the information received during the design process, thereby beginning work on the regeneration within 2 years.</p>	

Meeting Notes

(Continued)

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	(iii)	JUK asked if ACC could share details of their construction and re-housing programme based on the road construction programme (construction starting 2018) and for ACC's desired programme (starting construction within 2 years). ACC advised that a two year programme was currently being developed. All parties noted the benefits of working together and sharing key programme dates. ACC confirmed that programmes would be available for issue within 3 to 4 weeks.	ACC
	(iv)	ACC noted that on the basis of Option 5, they estimate that 325 properties will require to be demolished for the junction improvement and the adjacent triangular area for regeneration, based on a number of assumptions. JUK requested if ACC could provide details of the land and properties under ACC or private ownership and the assumptions made with respect to property demolition required as a direct result of the road scheme. ACC agreed that this information would be provided.	ACC
8	Compensation		
	(i)	<p>ACC noted that they wish to get early views on land and property requirements so that they can progress acquisition of land for replacement housing.</p> <p>ACC requested details of the payment mechanism for purchasing the ACC owned property that would be demolished. TS noted that following draft order publication and any PLI decision, the orders would be made and then a General Vesting Declaration would follow. This would likely be in autumn 2017 at which point landowners could then claim compensation. The level of compensation would be set by the District Valuer. JUK added that the same process would be followed with private owners.</p> <p>ACC asked if they could meet with the District Valuer to try to develop an understanding of how compensation would be evaluated. ACC explained that this could assist them to prepare budgets and identify any funding shortfalls by evaluating potential build costs, income from compensation and sales of development land. ACC advised it would be important to understand if advance demolition of housing would affect the value of the land in compensation terms. TS agreed that a meeting with the DV and ACC will be arranged.</p>	TS
	(ii)	ACC noted that this process would result in compensation being received later than the programme for rehousing and asked if there was a mechanism whereby acquisition could occur earlier by agreement. ACC advised that that they want to ensure that demolition does not occur without agreement regarding how compensation would be evaluated and paid.	
	(iii)	ACC asked if TS would enter into a legally binding contract committing to providing funding. NES added that caveats could be discussed as necessary, for example, that the road alignment may change. JUK noted that the normal statutory process entitled ACC to compensation and an agreement would not be required to achieve this. ACC explained that they are seeking agreement to advance compensation if possible and added that if funds were made available in advance of draft order publication, the agreement could obligate ACC to return any compensation it received if the scheme design changed or PLI decision affected the property required for the scheme.	

Meeting Notes

(Continued)

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	(iv)	ACC asked if there were any other options for Government funding that could be considered. JUK were asked to prepare a paper, exploring possible compensation options. ACC requested that the paper be prepared and issued to ACC by 16 July. JUK highlighted that this timescale was not possible as it would require consideration by the Scottish Government and their solicitors.	JUK
	(vii)	TS requested that the information used to produce the STAG cost estimates, including the anticipated demolition and land costs, be provided by ACC. ACC confirmed they will provide any information that is available. It was agreed that a meeting may be required to review the assumptions made. TS noted that the current scheme cost estimate is based on the STAG report of 2008 where the costs are estimated at 2007 prices and as a result, these costs would be likely to increase significantly as the project progresses.	ACC/ JUK
9	Stakeholder Engagement		
	(i)	ACC advised that they would provide a list of key contacts within their organisation and the stakeholders they represent.	ACC
	(ii)	ACC offered to prepare a paper, for discussion, outlining the process to disseminate information to the public. JUK noted that there will occasionally be teams of people in the area with high visibility clothing and suggested that letter drops to the community would be beneficial. JUK also noted that on previous projects a leaflet advising regarding the type of surveys that could be carried out and what surveys land owners and tenants could expect to see occurring.	ACC
	(iii)	It was agreed that a Stakeholder working group would be formed to manage community engagement.	
10	Any Other Business		
	(i)	It was agreed that a meeting of the group should be held quarterly. The first meeting would be arranged for week commencing 29 July, possibly by video conference, and will allow ACC to provide a de-brief of the Council meeting on 25 July. It will also allow all parties to report on progress.	JUK
	(ii)	It was agreed that a small number of working groups will also be formed to facilitate communication between parties to aid project development.	All
	(iii)	TS advised that they would be issuing a press release following this meeting. ACC requested that a copy be issued to their press officer.	TS

Note on risks of a two year programme, as follows:

- The two year programme requires the decant period of the original programme to be shortened by 18 months this will require additional staff. The risk is therefore both budgetary and availability of suitable staff.
- The two year programme means that no new build would be completed within the two year period. The risk is therefore that all tenancies (325 households) would require to be re-housed within the existing Council stock. The risk is therefore a lack of suitably available stock for re-housing.
- The two year programme means that no new build housing would be completed within the two year period. The risk is therefore, is there will be no cleared site for roadworks to commence
- The two year programme means that no new build housing would be completed within the two years. The risk would be that community perception considers there to be no regeneration other than the triangular piece of land for commercial purposes if no new build housing occurs in the short to medium term.

Haudagain programme two year programme 14 7 13

ID	Task Name	Duration	Start	Finish	Predecessors	Resource Names
1	New Road	30 days	Mon 07/01/13	Mon 18/02/13		
2	New Road Proposal	6 wks	Mon 07/01/13	Fri 15/02/13		
3	New Road Complete	0 days	Mon 18/02/13	Mon 18/02/13	2	
4	Housing Mix	60 days	Mon 07/01/13	Mon 01/04/13		
5	Current Housing Mix	12 wks	Mon 07/01/13	Fri 29/03/13		
6	Housing Mix Complete	0 days	Mon 01/04/13	Mon 01/04/13	5	
7	Decant & Demolition	630 days	Mon 16/09/13	Tue 05/04/16		
8	Information gathering	12 mons	Mon 16/09/13	Tue 02/09/14		
9	Decant phase 1	6 mons	Mon 05/05/14	Fri 17/10/14	8FS-6 mons	
10	Demolition Phase 1	2 mons	Mon 20/10/14	Fri 12/12/14	9FS-22 wks	
11	Decant Phase 2	6 mons	Mon 04/08/14	Mon 02/02/15	10FS-22 wks	
12	Demolition Phase 2	2 mons	Mon 09/02/15	Mon 06/04/15	11	
13	Decant Phase 3	6 mons	Mon 03/11/14	Wed 06/05/15	12FS-22 wks	
14	Demolition Phase 3	2 mons	Mon 11/05/15	Fri 03/07/15	13	
15	Decant Phase 4	9 mons	Mon 02/02/15	Tue 13/10/15	14FS-24 wks	
16	Demolition Phase 4	2 mons	Wed 14/10/15	Tue 08/12/15	15	
17	Decant Phase 5	9 mons	Tue 07/04/15	Tue 15/12/15	16FS-35 wks	
18	Demolition Phase 5	2 mons	Wed 16/12/15	Wed 24/02/16	17	
19	Decant Phase 6	6 mons	Mon 13/07/15	Mon 11/01/16	18FS-38 wks	
20	Demolition Phase 6	2 mons	Mon 08/02/16	Mon 04/04/16	19	
21	Decant Phase Complete	1 day	Mon 04/04/16	Tue 05/04/16	8,9,10,11,12,13,1	
22	Scottish Government Negotiations	738 days	Fri 28/06/13	Mon 20/06/16		
23	Meeting with Scottish Gov	1 day	Fri 28/06/13	Fri 28/06/13		
24	Meeting with Scottish Gov	1 day	Mon 09/09/13	Mon 09/09/13	23	
25	Meeting with Scottish Gov	1 day	Tue 07/01/14	Tue 07/01/14	24	
26	CPO process	12 mons	Wed 01/07/15	Fri 17/06/16	25	
27	Scottish Government Negotiations	0 days	Mon 20/06/16	Mon 20/06/16	23,24,25,26	
28	Calculate the Cost of Provision	171 days	Mon 01/07/13	Wed 12/03/14		
29	Demolition Costs	1 mon	Mon 01/07/13	Fri 26/07/13		
30	Housing management Statistics	1 mon	Mon 01/07/13	Fri 26/07/13	29FS-1 mon	
31	Calculate the cost of Provision	0 days	Wed 12/03/14	Wed 12/03/14	29,30	
32	Calculate the income from trials	379 days	Mon 19/08/13	Wed 04/03/15		
33	Soft Market testing (Trials)	3 mons	Mon 19/08/13	Fri 08/11/13		
34	Brief and Invitation to Bid	6 mons	Mon 17/03/14	Mon 01/09/14	33	
35	Securing Land Deal (Value)	6 mons	Tue 02/09/14	Tue 03/03/15	34	
36	Finalisation of Scottish Government	2 mons	Tue 16/09/14	Mon 10/11/14		
37	Calculate the income from trials	0 days	Wed 04/03/15	Wed 04/03/15	33,34,35,36	
38	Reconcile Cost & Value	60 days	Mon 10/11/14	Tue 17/02/15		
39	Reconcile Cost & Value	3 mons	Mon 10/11/14	Mon 16/02/15		
40	Reconcile Cost & Value Complete	0 days	Tue 17/02/15	Tue 17/02/15	39	
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COMMITTEE	Council
DATE	21 August, 2013
LEAD OFFICER	Valerie Watts
TITLE OF REPORT	Roles and Responsibilities: Is Aberdeen City Council Getting it Right? – Committee Structures and Standing Orders and Governance Arrangements for Arms Length External Organisations
REPORT NUMBER:	CG/13/070

1. PURPOSE OF REPORT

- 1.1 This report proposes changes to the committee structure, Orders of Reference and Standing Orders and also presents the diary of meetings to December, 2014, for substantive approval.

2. RECOMMENDATION(S)

2.1 It is recommended that Council:-

- (a) agrees (1) 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; 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** 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;
- (b) approves the diary of meetings to December, 2014 at **Appendix C**, which was approved in principle on 6 March, 2013 and which officers have subsequently adjusted to, amongst other things referred in paragraph 5.17, move the Council meeting from 3 to 31 October; and authorises officers, in consultation with affected Conveners, to incorporate dates for any other newly-established committees or sub committees;
- (c) instructs officers to report to the relevant committees on timetables for scrutiny of arms length external organisations;
- (d) agrees 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; determines the allocation of the six member seats on the Group; and confirms 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) notes that governance teams will be established for each ALEO, as outlined at paragraph 5.10;
- (f) approves the revised Standing Orders at **Appendix D**;
- (g) appoints a Convener and Vice Convener of the Petitions Committee and determines any changes required to the payment of senior councillor allowances as a result of the revised committee structure (the existing allowances are attached as a guide at **Appendix E**);
- (h) notes that the Standing Orders on Contracts and Procurement will be revised later this year, which may entail further changes to Council Standing Orders, both of which will be reported back to Council
- (i) instructs 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) instructs that a report be submitted to the meeting on 31 October, on a revised Scheme of Delegation to officers; and
- (k) approves the minute of meeting of the Democratic Processes Working Groups of 4 June, 2013, noting the minute of 29 April, as attached at **Appendices F and G**.

3. FINANCIAL IMPLICATIONS

- 3.1 There may be minor changes to senior councillor allowances depending upon the committee structure agreed.

4. OTHER IMPLICATIONS

- 4.1 There are no legal or other implications arising from this report, apart from a possible need, depending upon the committee structure agreed, to fill one of the vacant posts in the Committee Services team. This will be determined in the light of the resultant workload, and funding is available should the need materialise.

5. BACKGROUND/MAIN ISSUES

Background

- 5.1 In August, 2010, Audit Scotland produced a report entitled “Roles and Working Relationships – Are You Getting It Right?” which set out strengths and areas for development in Scottish councils. Audit Scotland co-ordinates scrutiny of each council through a Local Area Network (LAN) and in the initial risk assessment for Aberdeen City Council the LAN reported that the Council was taking steps to improve and strengthen its political leadership and governance arrangements including actions to address previously identified weaknesses in scrutiny and challenge. In the update assessment produced in 2011, the LAN reported that important improvements had been identified but that there were still some areas requiring further development. Whilst the Council’s political arrangements were improving, they remained volatile; particular reference was made to the need to improve member/officer relations to create a position of

mutual trust and respect founded on a clear understanding of the distinctive roles that officers and members played within the Council. As part of the Council's response to this report, a self-evaluation project was undertaken by a former Inspector of Her Majesty's Inspectorate for Education and this was reported to the Audit and Risk Committee on 25 September, 2012 (Article 11 of the minute of meeting refers).

5.2 The Roles and Responsibilities report which had been commissioned made ten recommendations to Council, and eight of these were approved by the Audit and Risk Committee.

5.3 In addition, Council agreed at its meeting of 19 December, 2012:-

"Council acknowledges that the Public Petitions Committee is a commitment of the Coalition Partners and the Liberal Democrats, which requires to be acted upon within the lifetime of this Council. Agrees that officers be instructed to bring forward to the March, 2013 meeting of Council proposals for changes to the way in which Council currently operates including any proposals for a Public Petitions Committee."

5.4 Having considered a report at its meeting of 6 March, 2013 (article 13 of the minute of meeting refers) Council agreed, amongst other matters:-

- (1) That a questionnaire be issued to all members on any changes they would wish to see to the Council's democratic processes and that completed questionnaires be returned to the Senior Democratic Services Manager by 15 April, 2013;
- (2) To establish a small working group, the membership of which was specified, to consider (a) any detailed proposals to changes to the Committee Structure, Standing Orders and the Scheme of Delegation, reporting to Council in June, 2013, and (b) the introduction of a Petitions Committee; and
- (3) To approve the Diary to December, 2014 in principle, subject to confirmation when the Working Group reports back to Council in June, 2013.

5.5 The Working Group met on 29 April and 4 June, 2013, and its minutes form Appendices F and G to this report.

5.6 The following sets out the various proposals for changes to the committee structure, Standing Orders and associated governance documents.

Committee Structure

5.7 Administration representatives presented a proposed committee structure to the Democratic Processes Working Group which would disband the Corporate Policy and Performance Committee and transfer its remit to a renamed Finance, Policy and Resources Committee, except for those functions pertaining to Community Planning, Police Scotland and the Scottish Fire and Rescue Service. There was general agreement within the Working Group that

this be implemented, and it is the recommendation of officers that the functions relating to police, fire and community planning remain with Council. Other proposals presented included:-

- the creation of a Petitions Committee, on which there was general agreement;
- establishing the Development Management Sub-Committee as a stand alone committee; and
- establishing a Property Sub-Committee reporting to Finance, Policy and Resources Committee.

5.8 It is recommended that the proposals for disbanding Corporate Policy and Performance and creating a Petitions Committee be approved. A revised structure reflecting these changes is attached at **Appendix A**.

Scrutiny of Arms Length External Organisations (ALEOs)

5.9 At its meeting of 16 April, 2013 (Article 7 of the Minute of Meeting refers) the Audit and Risk Committee considered a report by Internal Audit on the scrutiny of Arms' Length External Organisations, which made a number of recommendations relating to monitoring, scrutiny, risk management and Council appointments to the boards of ALEOs. In particular, the report noted that there was a lack of corporate visibility and no consistency in monitoring such organisations, that risk based and performance governance was ad hoc, that there were no clear links between ALEO objectives and Council Single Outcome Agreement objectives and that there was a need for scrutiny of delivery against contracts and business plans, of service and finance performance and of risk management arrangements.

5.10 The Audit and Risk Committee approved the recommendations apart from calling for a further report on a proposal that members who sit on first tier ALEO boards (Sport Aberdeen, Aberdeen Sports Village, AECC and Bon Accord Care) should not also be members of bodies which scrutinise them. Work is continuing on this and will be presented to that Committee after the recess, but at this stage it is proposed that Council amends Standing Orders so as to make a clear distinction between the strategic or policy setting role and the scrutiny role. In addition, it is proposed to establish an officer governance team for each ALEO. This would comprise, in each case, the Corporate Accounting Manager, the Community Planning and Performance Manager, a team leader from Legal Services and service representatives. This team will work with each appropriate service directorate to provide guidance on operational reporting for each ALEO.

5.11 It is recommended that the relevant service committees should undertake the strategic and policy setting role for the above ALEOs providing services to them so as to:-

- ensure that services commissioned by the Council are aligned to the Council's SOA objectives
- provide corporate visibility of planning with ALEOs

- ensure informed decision making by meeting representatives of ALEO boards to receive presentations on forward plans and future linkages to service aspirations
- ensure a consistent approach to strategic planning with service providers by client teams in each service

It will be for each committee to determine a timetable for reporting on the above.

- 5.12 It is also recommended that the remit of the Audit and Risk Committee should be extended to give it the role of scrutinising ALEO performance and risk management, so as:-
- to scrutinise ALEO compliance against contract and business plan and the delivery of outcomes
 - to scrutinise service and finance performance and evidence of the ALEO as a going concern
 - to scrutinise risk management arrangements
 - to ensure the management of key corporate risks
 - to ensure compliance with legislation, audit requirements and the Following the Public Pound code
 - to receive quarterly financial and performance reports on each ALEO
 - to receive annual presentations (with additional meetings as required) with ALEO board representatives on performance

Again, a further report should be submitted to the Audit and Risk Committee on 24 September setting out a timetable for reporting on the above.

- 5.13 In the meantime, Council will be aware that the Urgent Business Committee on 11 July agreed a proposal to create a Stakeholder Scrutiny Group (SSG) as part of the governance arrangements for Bon Accord Care. The Committee requested that details of the remit of the Group be submitted to Council.
- 5.14 It is recommended that the functions set out in paragraph 5.11 rest with the Social Care and Wellbeing Committee and the scrutiny function set out in 5.12 be delegated to the Shareholder Scrutiny Group as a Sub Committee of Audit and Risk Committee.
- 5.15. The SSG as established by the Urgent Business Committee comprises six member places which require to be allocated, and has trade union representation. The number of trade union places to be given requires to be confirmed. In terms of section 57 of the Local Government (Scotland) Act 1973, at least two thirds of the membership of any committee or sub committee must be members of the appointing authority, and a term of office should be specified. Members should also determine if it is intended that union representatives be given a vote or not. In addition, as proposed at 5.21 for external members of the Education, Culture and Sport Committee, a complaints procedure should be prepared for external members on the SSG, if they are to be given voting powers, and a report submitted to the next meeting of Council. Training will also be provided in areas such as codes of conduct,

conflicts of interest and data protection. This is reflected in a revised Standing Order 28.

Committee Orders of Reference

- 5.16 Revised Orders of Reference taking into account the proposals set out at 5.8, 5.11 and 5.12 above are attached as **Appendix B** to this report. It is also recommended that officers make further changes as may be necessary following decisions this day and submit a finalised version to the meeting on 31 October, 2013. **Appendix B1** contains a draft procedure for a Petitions Committee based on practices elsewhere. Council is asked to approve this procedure in principle, with Orders of Reference to be submitted for approval to the first meeting of the Petitions Committee.

Council Diary to December, 2014

- 5.17 Council agreed on 6 March, 2013 (Article 13 of the Minute of Meeting refers) to approve the Diary to December, 2014 in principle subject to confirmation following consideration of this report. Members are now asked to give this substantive approval. Meetings of the Corporate Policy and Performance Committee have been removed and replaced with the Petitions Committee, and two meetings of the Audit and Risk Committee have been moved at the request of the Council's external auditors and in agreement with the Convener. Additional dates for some of the Council's sub committees have been added. The diary also recommends that the next Council meeting be moved from 3 to 31 October. The revised diary is attached at **Appendix C**.

Standing Orders

- 5.18 A number of revisions to Standing Orders as discussed by the Working Group are set out in **Appendix D** to this report, as well as some further changes which have since been highlighted by officers. Incorporated into the amendments is a recommendation from the Freedom of the City Working Group of 5 June, 2013, which proposes a new Standing Order on a process for considering proposals for the conferral of the Freedom of the City, which is set out under Standing Order 21. In addition, the Standing Orders on Contracts and Procurement are scheduled to be revised later this year, and further changes to Standing Orders may be necessary to ensure consistency with any changes made to those for Contracts and Procurement. Training on the revised Standing Orders will be provided to members.

Senior Councillor Allowances

- 5.19 Council will wish to make alterations to the allocation of Senior Councillor Allowances. The existing allocations are attached as a guide at **Appendix E**.

Scheme of Delegation

- 5.20 The Scheme of Delegation to officers will require to be updated in the light of any changes to committee structures etc; on that basis, it is proposed to

consult directors and heads of service over the recess and report to the 31 October meeting with proposals to amend the Scheme. As this is a large document, it has not been appended here but members can visit the document at http://thezone/cg/DemocraticServices/ct_Further_Information.asp

Procedure for Complaints Against External Members

5.20 The Council has no process in place for handling complaints against external members of its committees. Whilst no complaints have been made, questions have been raised about how any would be disposed of and so it is proposed that a draft procedure be presented to Council on 31 October. This is also reflected within the revisions proposed to the Orders of Reference of that Committee.

6. IMPACT

6.1 The Governance issues addressed in this report arise from the Council's previous consideration of work undertaken in conjunction with or proposed by Audit Scotland which, taken as a whole, should lead to an improvement in the governance and decision making processes of the Council. Members would be better trained and better informed with a clearer understanding of the relationship between the role of members and the role of officers and such clarity should lead to a better understanding of the Council's work by the public and improve the transparency of the democratic processes in the City.

7. MANAGEMENT OF RISK

The recommendations in the report address the risks previously identified in the report produced by consultants, "Roles and Responsibilities – Is Aberdeen City Council Getting It Right?" and further identifies a means of reducing risk relating to Arms' Length external organisations discussed by the Audit and Risk Committee.

8. BACKGROUND PAPERS

Roles and Working Relationships – Are You Getting It Right? Audit Scotland, August, 2010

Roles and Responsibilities – Is Aberdeen City Council Getting It Right? January, 2012

Shared Risk Assessment, Aberdeen City Council, Audit Scotland, 2010/11, 2011/12

Roles and Responsibilities – Is Aberdeen City Council Getting It Right? – Report to Audit and Risk Committee, 25 September, 2012

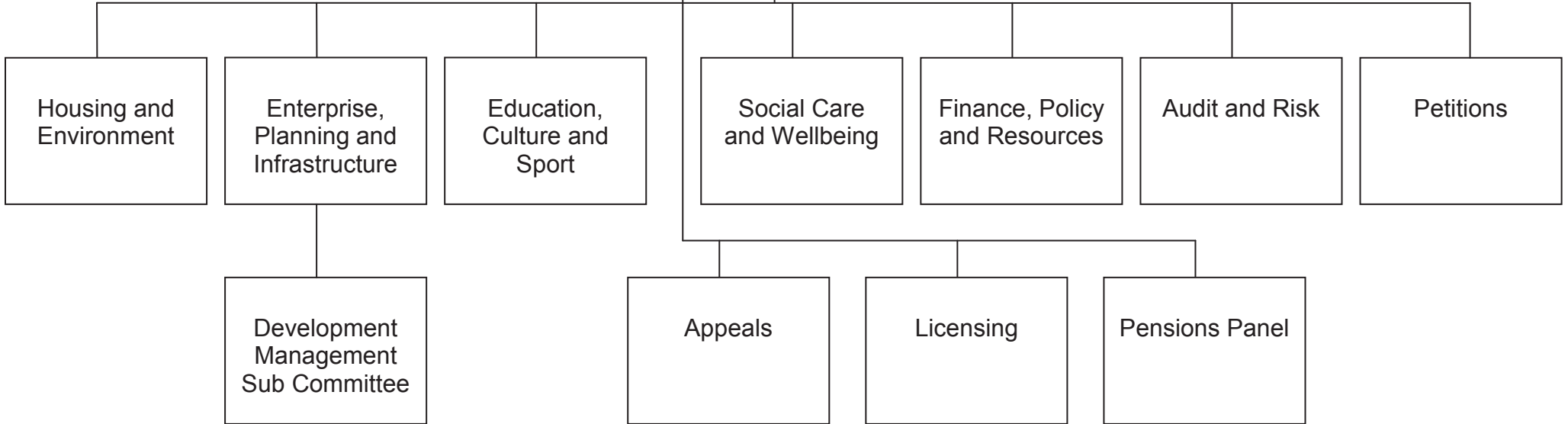
Roles and Responsibilities – Is Aberdeen City Council Getting It Right? – Report to Council, 6 March, 2013

9. REPORT AUTHOR DETAILS

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Appendix A

COUNCIL



ABERDEEN CITY COUNCIL ORDERS OF REFERENCE

1. Aberdeen City Council has democratic legitimacy in the City and therefore holds the responsibility for working with the people of Aberdeen to ensure the long term well being of the City of Aberdeen, its people and its environment.
2. The Council will:
 - (i) provide a clear vision of the way forward to ensure the long term well-being of the City and its people.
 - (ii) provide strategies and supporting policies which will ensure the achievement of this.
 - (iii) deliver services which meet the needs of the citizens of Aberdeen.
 - (iv) ensure that in relation to the resources needed to achieve the long term well-being of the people of Aberdeen.
 - (i) that the supply of resources are maximised.
 - (ii) best long term value for money is achieved.
 - (v) monitor the success of the Council and its partners in achieving this for the City and its people.
 - (vi) ensure equality of access to these entitlements to all its citizens regardless of age, gender, social, ethnic or religious background, disability or sexual orientation.
 - (vii) ensure the well-being of all who work for the Council, elected members, staff etc.
3. The Council will work in partnership with other providers of services in the City to ensure the delivery of the vision.
4. The Council will ensure that the people of Aberdeen are involved in this process.
5. The Council will act as an advocate for the City:
 - (i) within the local area.
 - (ii) within Scotland and the UK (in particular to the agencies of Government in Holyrood and Westminster).
 - (iii) world-wide (and in particular with agencies of the European Community).
6. The Council will support the Civic Head in his/her duties as:
 - (i) Lord Provost of the City of Aberdeen.
 - (ii) Lord Lieutenant of the City of Aberdeen.

7. The Council will uphold and build the heritage and traditions of the City of Aberdeen, the wider North East of Scotland and Civic Government.
8. The Council will ensure that the highest standards are maintained in the stewardship of the City and the Council and any other organisation in which the Council plays a part.
9. The Council will be the final internal point of appeal on matters for which it has responsibility.
10. The Council will resolve all matters bound to be determined by it alone in terms of the relevant legislation.
11. The Council may delegate areas of responsibility to for instance, committees or other working groups to ensure the efficient discharge of these responsibilities.
12. The Council will oversee the community planning process.
13. The Council will agree and monitor neighbourhood community action plans.
14. The Council will ensure involvement of community, neighbourhood networks and partners in Committee decision making.
15. In respect of the Council's responsibilities in relation to the Scottish Police Authority, the Police Service of Scotland and the Scottish Fire and Rescue Service under the Police and Fire Reform (Scotland) Act 2012, the Council will:-
 - (a) comment on the strategic police plan and the strategic fire and rescue plan when consulted by the relevant national authority;
 - (b) respond to consultation by the Chief Constable on the designation of a local commander and by the Scottish Fire and Rescue Service on the designation of a local senior officer;
 - (c) be involved in the setting of priorities and objectives for the policing of Aberdeen and for the Scottish Fire and Rescue Service for the undertaking of its functions in Aberdeen;
 - (d) specify policing measures the Council wishes the local commander to include in a local policing plan;
 - (e) approve a local police plan submitted by the local commander and to approve a local fire and rescue plan prepared by the local senior officer and submitted by the Scottish Fire and Rescue Service;
 - (f) monitor service provision and delivery in Aberdeen and provide feedback to the local commander and the local senior officer;

- (g) consider reports, statistical information and other information about the policing of Aberdeen and the undertaking of the Fire and Rescue function in Aberdeen provided in response to the Council's reasonable requests;
- (h) agree, with the local commander, modifications to an approved local police plan at any time; and
- (i) liaise with the local commander and local senior officer with regard to the undertaking by them of the community planning duties of the Chief Constable and the Scottish Fire and Rescue Service.

**ABERDEEN CITY COUNCIL
CORPORATE POLICY AND PERFORMANCE COMMITTEE
ORDERS OF REFERENCE**

1. ~~To develop and approve corporate policy and strategies including partnership working, and HR policies except those specified as relating to teaching staff and falling within the remit of the Education, Culture and Sports Committee.~~^[vc1]
2. ~~To oversee the community planning process.~~^[vc2]
3. ~~To agree and monitor neighbourhood community action plans.~~
4. ~~To ensure involvement of community, neighbourhood networks and partners in Committee decision making.~~
5. ~~To be accountable for the services provided by the Corporate Governance Service except internal audit.~~^[vc3]
6. ~~To receive and scrutinise performance information for the Corporate Governance Service (with the exception of budget monitoring reports).~~
7. ~~To be accountable for the services provided by the Office of Chief Executive.~~
8. ~~To receive and scrutinise performance information for the Office of Chief Executive.~~
9. ~~To oversee the provisions of the Code of Conduct for Elected Members including the taking of action in regard to allegations of misconduct and the introduction of any guidance, policy or procedures in accordance with the provisions of the Code.~~
10. ~~To oversee the implementation of the Five Year Business Plan.~~
11. ~~To approve a plan for Best Value Audits and to consider performance outcomes from the Audit.~~
12. ~~To ensure the Council meets its obligations in terms of Corporate Governance compliance.~~
13. ~~To ensure that the Council meets its responsibilities in terms of Best Value legislation.~~
14. ~~To monitor annually performance and consistency between service committees.~~
15. ~~Where the Chief Executive or Council so request, to monitor and scrutinise particular performance or service delivery matters.~~
16. ~~To receive reports on whistleblowing and other investigations.~~
17. ~~To instruct such performance information as the Committee requires to fulfil its remit.~~

- ~~18. To ensure that in fulfilling this remit the Committee has regard to statutory requirements such as the Local Government in Scotland Act 2003, in relation to Best Value and continuous improvement.~~
- ~~19. To ensure the Council meets its legal obligations through:-
 - ~~(a) The approval of a fraud policy and monitoring its implementation; and~~
 - ~~(b) Commissioning investigations to secure value for money in the delivery of services.~~~~
- ~~20. To oversee the processes by which services are exposed to competition and costs are let, where the Council itself is a bidder for the work.~~
- ~~21. The Committee will refer business items relating to service delivery issues to the appropriate committees, while reserving the function of monitoring performance of those other committees in dealing with items so referred.~~
- ~~22. To receive external performance reports, and ensure any necessary action, unless service specific.~~
- ~~23. To receive reports from the Commission of Local Administration in Scotland and ensure any necessary action.~~
- ~~24. To maintain an overview of the Code of Guidance on Funding External Bodies and Following the Public Pound Review of the allocation of grants to outside bodies.~~
- ~~25. The Committee is charged with the responsibility for corporately monitoring and validating the activities of other Standing Committees relating to the development and implementation of processes for achieving Continuous Improvement (including Best Value) in the design and delivery of services and in the development of measures to achieve social inclusion and sustainable development, and generally with the promoting, in a visible and challenging manner, the development of Continuous Improvement (including Best Value) in all its senses.~~
- ~~26. The committee will have the responsibility of monitoring:-
 - ~~(a) the development and implementation of new systems for ensuring performance management and quality assurance in the Council's structure for service delivery;~~
 - ~~(b) the due influencing of service delivery, planning and strategic development;~~
 - ~~(c) the planning and progress of service reviews and the implementation of action plans arising from those reviews;~~
 - ~~(d) arrangements for achieving Value for Money, Continuous Improvement and Best Value in services provided by external contractors; and~~
 - ~~(e) the adoption and implementation of the management framework for planning, implementing, monitoring, reporting and reviewing delivery~~~~

27. ~~In respect of the Council's responsibilities in relation to the Scottish Police Authority, the Police Service of Scotland and the Scottish Fire and Rescue Service under the Police and Fire Reform (Scotland) Act 2012: [VC4]~~

~~(a) to comment on the strategic police plan and the strategic fire and rescue plan when consulted by the relevant national authority;~~

~~(b) to respond to consultation by the Chief Constable on the designation of a local commander and by the Scottish Fire and Rescue Service on the designation of a local senior officer;~~

~~(c) to be involved in the setting of priorities and objectives for the policing of Aberdeen and for the Scottish Fire and Rescue Service for the undertaking of its functions in Aberdeen;~~

~~(d) to specify policing measures the Council wishes the local commander to include in a local policing plan;~~

~~(e) to approve a local police plan submitted by the local commander and to approve a local fire and rescue plan prepared by the local senior officer and submitted by the Scottish Fire and Rescue Service;~~

~~(f) to monitor service provision and delivery in Aberdeen and provide feedback to the local commander and the local senior officer;~~

~~(g) to consider reports, statistical information and other information about the policing of Aberdeen and the undertaking of the Fire and Rescue function in Aberdeen provided in response to the Council's reasonable requests;~~

~~(h) to agree, with the local commander, modifications to an approved local police plan at any time; and~~

~~to liaise with the local commander and local senior officer with regard to the undertaking by them of the community planning duties of the Chief Constable and the Scottish Fire and Rescue Service.~~

ABERDEEN CITY COUNCIL
FINANCE, POLICY AND RESOURCES COMMITTEE
ORDERS OF REFERENCE

1. To set and monitor a resources strategy for the Council and to scrutinise performance within this.
2. To undertake overall management of the Council's resources – finance, people, systems and technology, and property at the stage of acquisition or disposal.
3. To set budgets, including those managed by the service Committees, having regard to the priorities set by each service Committee.
4. To approve staffing structures and additional staffing where no budget provision exists within the services.
5. To monitor all of the Councils budgets, in particular:-
 - (a) To establish processes and procedures for the close monitoring of budget approved by the Council.
 - (b) To receive budget monitoring reports from each service and to ensure close scrutiny of the management of each service budget.
 - (c) To call budget holders to account for the proper control of the budget for which they are responsible.
 - (d) To ensure action plans are in place to meet the budget savings approved by the Council and to monitor the performance thereof.
 - (e) To approve changes to the budget to meet the savings required including the power to vire between Service budgets.
 - (f) To scrutinise performance of each service against each budget forecast within the approved transformation strategy.
 - (g) To scrutinise the implementation of the Five Year Plan and to monitor budgets accordingly.
6. To manage the civic functions of the Council.
7. In respect of the Corporate Governance Service and the Office of the Chief Executive:-
 - (h) To be accountable for the services provided, except internal audit;
 - (ii) To receive budget monitoring reports and take financial decisions concerning the service budgets where there will be no adverse effect;
 - (iii) To receive and scrutinise performance information.
- ~~6. To receive budget monitoring reports for the Corporate Governance Service.~~

- ~~To take financial decisions concerning the Corporate Governance Service budget where there will not be an adverse impact.~~
6. To develop and approve corporate policy and strategies including partnership working, and HR policies except those specified as relating to teaching staff and falling within the remit of the Education, Culture and Sports Committee.
 7. To oversee the provisions of the Code of Conduct for Elected Members including the taking of action in regard to allegations of misconduct and the introduction of any guidance, policy or procedures in accordance with the provisions of the Code.
 8. To oversee the implementation of the Five Year Business Plan.
 9. To approve a plan for Best Value Audits and to consider performance outcomes from the Audit.
 10. To ensure the Council meets its obligations in terms of Corporate Governance compliance.
 11. To ensure that the Council meets its responsibilities in terms of Best Value legislation.
 12. To monitor annually performance and consistency between service committees.
 13. Where the Chief Executive or Council so request, to monitor and scrutinise particular performance or service delivery matters.
 14. To receive reports on whistleblowing and other investigations.
 15. To instruct such performance information as the Committee requires to fulfil its remit.
 16. To ensure that in fulfilling this remit the Committee has regard to statutory requirements such as the Local Government in Scotland Act 2003, in relation to Best Value and continuous improvement.
 17. To ensure the Council meets its legal obligations through:-
 - (a) The approval of a anti-fraud policy and monitoring its implementation;
and
 - (b) Commissioning investigations to secure value for money in the delivery of services.
 25. To oversee the processes by which services are exposed to competition and costs are let, where the Council itself is a bidder for the work.
 26. The Committee will refer business items relating to service delivery issues to the appropriate committees, while reserving the function of monitoring performance of those other committees in dealing with items so referred.
 27. To receive external performance reports, and ensure any necessary action, unless service specific.

28. To receive reports from the Scottish Public Services Ombudsman and [vcs] ensure any necessary action.
29. To maintain an overview of the Code of Guidance on Funding External Bodies and Following the Public Pound - Review of the allocation of grants to outside bodies.
30. The Committee is charged with the responsibility for corporately monitoring and validating the activities of other Standing Committees relating to the development and implementation of processes for achieving Continuous Improvement (including Best Value) in the design and delivery of services and in the development of measures to achieve social inclusion and sustainable development, and generally with the promoting, in a visible and challenging manner, the development of Continuous Improvement (including Best Value) in all its senses.
31. The committee will have the responsibility of monitoring:-
- (a) the development and implementation of new systems for ensuring performance management and quality assurance in the Council's structure for service delivery;
 - (b) the due influencing of service delivery, planning and strategic development;
 - (c) the planning and progress of service reviews and the implementation of action plans arising from those reviews;
 - (d) arrangements for achieving Value for Money, Continuous Improvement and Best Value in services provided by external contractors; and
 - (e) the adoption and implementation of the management framework for planning, implementing, monitoring, reporting and reviewing delivery

**ABERDEEN CITY COUNCIL
AUDIT AND RISK COMMITTEE
ORDERS OF REFERENCE**

1. The Committee will:-
 - (a) receive an annual review of the risk management process, and an update every six months on the risk register and related action plans;
 - (b) approve the risk management strategy and implementation plan;
 - (c) monitor risk management and internal control arrangements; and
 - (d) commission and review annual assessments of the effectiveness of the risk management and control framework.
2. The Committee is charged with responsibility for ensuring that there is an effective Internal Audit function. This to be achieved through the following:-
 - (a) the approval of the Internal Audit Annual Plan;
 - (b) the consideration of all reports issued by Internal Audit with the exception of those on the Pension Fund;
 - (c) responsibility for ensuring that there is an adequately resourced Internal Audit service; and
 - (d) the consideration of performance reports on Internal Audit activity.
3. To receive all reports prepared by the Council's External Auditor with the exception of those on the Pension Fund.
4. To consider the Council's Annual Report, Annual Accounts and Trading Services Annual Report and Accounts and refer these to Council for approval.
5. To ensure the Council meets its legal obligations through:-
 - (a) reviewing the reliability and robustness of financial information;
 - (b) ensuring compliance with audit legislation; and
 - (c) the preparation of reports of avoidable losses.
6. To review minuted actions from all main Committees with the exception of the Development Management and Licensing Committees to ensure compliance with legal requirements and good practice. The Committee will not prevent any decision being taken and will only review a decision.
7. To require Heads of Service and managers to be available to answer questions at each meeting on matters set out on the agenda.
8. The Committee may wish to call all Senior Councillors to attend meetings.

9. The Committee may, on occasion, seek information from partner organisations, contractors or other stakeholders such as Community Councils or groups of interest in any particular issue.
10. The Committee will make its recommendations by way of its minutes of meetings which will be submitted to Council. Minority views will also be put forward to Council in the minute.
11. The Committee will consider any previously unscrutinised issue, process or practice provided the matter has been the subject of a report to Council or Committee and the consideration of the subject matter concluded by Council or said Committee.
12. The Committee will have the following responsibilities in terms of first tier arms length external organisations (ALEOs) –
 - to scrutinise ALEO compliance against contract and business plan and the delivery of outcomes
 - to scrutinise service and finance performance and evidence of the ALEO as a going concern
 - to scrutinise risk management arrangements
 - to ensure the management of key corporate risks
 - to ensure compliance with legislation, audit requirements and the Following the Public Pound code
 - to receive quarterly financial and performance reports on each ALEO
 - to receive annual presentations (with additional meetings as required) with ALEO board representatives on performance

**ABERDEEN CITY COUNCIL
ENTERPRISE, PLANNING AND INFRASTRUCTURE COMMITTEE
ORDERS OF REFERENCE**

1. To be accountable for all services provided by the Enterprise, Planning and Infrastructure Service, except where delegated to the Development Management Sub-Committee.
2. To receive and scrutinise performance information for the Enterprise, Planning and Infrastructure Service, except where delegated to the Development Management Sub-Committee.
3. To take financial decisions concerning the Enterprise, Planning and Infrastructure Service budget where there will not be an adverse impact.
4. To ensure that it delivers the services within the overall resources and management strategies as set by the Council and overseen by the Finance and Resources Committee; and to ensure that it achieves maximum value for money and Best Value in service delivery; except where delegated to the Development Management Sub-Committee.
5. To approve changes to staffing structures and establishment within the agreed budget.
6. To develop and agree service policies.
7. In respect of Aberdeen Exhibition and Conference Centre Ltd and its subsidiary companies –
 - to ensure that services commissioned by the Council are aligned to the Council’s Single Outcome Agreement objectives
 - to provide corporate visibility of planning
 - to ensure informed decision making by meeting representatives of AECC Board to receive presentations on forward plans and future linkages to service aspirations
 - to ensure a consistent approach to strategic planning with service providers by client teams in each service

**ABERDEEN CITY COUNCIL
EDUCATION, CULTURE AND SPORT COMMITTEE
ORDERS OF REFERENCE**

1. To be accountable for all services provided by the Education, Culture and Sport Service.
2. To receive and scrutinise performance information for the Education, Culture and Sport Service.
3. To take financial decisions concerning the Education, Culture and Sport Service budget where there will not be an adverse impact.
4. To develop and approve policies and strategies for all functions of the Council as education authority.
5. To oversee the functions of the Council as education authority under the Education (Scotland) Act and all other relevant legislation and regulations relating thereto.
6. To ensure that it delivers the services of the Education, Culture and Sport Service within the overall resources and management strategies as set by the Council and overseen by the Finance and Resources Committee; and to ensure that it achieve maximum value for money and best value in service delivery.
7. To approve changes to staffing structures and establishment within the agreed budget.
8. To develop and agree service policies.
9. To approve HR policies for teaching staff including instrumental music instructors, advisors and educational psychologists.
10. To hear appeals by teaching staff.
11. To determine any complaints against external members of the Committee in accordance with the agreed procedure.^[VC6]
12. In respect of Sport Aberdeen Ltd and Aberdeen Sports Village Ltd–
 - to ensure that services commissioned by the Council are aligned to the Council’s Single Outcome Agreement objectives
 - to provide corporate visibility of planning
 - to ensure informed decision making by meeting representatives of the boards of both arms length external organisations to receive presentations on forward plans and future linkages to service aspirations

- to ensure a consistent approach to strategic planning with service providers by client teams in each service

**ABERDEEN CITY COUNCIL
HOUSING AND ENVIRONMENT COMMITTEE
ORDERS OF REFERENCE**

1. To be accountable for all services provided by the Housing and Environment Service.
2. To receive and scrutinise performance information for the Housing and Environment Service.
3. To take financial decisions concerning the Housing and Environment Service budget where there will not be an adverse impact.
4. To ensure that it delivers the services within the overall resources and management strategies as set by the Council and overseen by the Finance and Resources Committee; and to ensure that it achieves maximum value for money and best value in service delivery.
5. To approve changes to staffing structures and establishment within the agreed budget.
6. To develop and agree service policies.

**ABERDEEN CITY COUNCIL
SOCIAL CARE AND WELLBEING COMMITTEE
ORDERS OF REFERENCE**

1. To be accountable for all services provided by the Social Care and Wellbeing Service.
2. To receive and scrutinise performance information for the Social Care and Wellbeing Service.
3. To take financial decisions concerning the Social Care and Wellbeing Service budget where there will not be an adverse impact.
4. To ensure that it delivers the services within the overall resources and management strategies as set by the Council and overseen by the Finance and Resources Committee; and to ensure that it achieves maximum value for money and best value in service delivery
5. To approve changes to staffing structures and establishment within the agreed budget.
6. To develop and agree service policies.
7. In respect of Bon Accord Care Ltd and Bon Accord Support Services Ltd–
 - to ensure that services commissioned by the Council are aligned to the Council’s Single Outcome Agreement objectives
 - to provide corporate visibility of planning
 - to ensure informed decision making by meeting representatives of the Board to receive presentations on forward plans and future linkages to service aspirations
 - to ensure a consistent approach to strategic planning with service providers by client teams in each service

**ABERDEEN CITY COUNCIL
LICENSING COMMITTEE
ORDERS OF REFERENCE**

1. The functions of the Council in relation to all licensing matters under the Civic Government (Scotland) Act 1982 and all other Acts (not falling specifically within the remit of any other Committee) covering personal or other licences, certificates and permits (excluding all matters dealt with by the Licensing Board).
2. The consideration of applications for the grant, renewal or suspension of Licences for Houses of Multiple Occupation that require a hearing. (The responsibility for all other matters relating to the licensing of Houses of Multiple Occupation resting with the Housing and Environment Committee).
3. All other matters relating thereto, including fixing of application fees, taxi fares and taxi stances.
4. The functions of the Council under the Safety of Sports Ground Act 1975.

**ABERDEEN CITY COUNCIL
PENSIONS PANEL
ORDERS OF REFERENCE**

1. Appoint the Convener and Vice Convener of the Pensions Panel.
2. Appoint the Convener of the Joint Investment Advisory Committee.
3. Specify the name of the Fund.
4. Authorise the Convener and Vice Convener of the Pensions Panel to act on behalf of the Panel.
5. Prepare, maintain and publish the Governance Policy Statement.
6. Ensure that the Fund complies with:
 - the Local Government Pension Scheme Regulations 1998;
 - the Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998;
 - the Local Government Pension Scheme (Management and Investment of Funds) (Scotland) Regulations 1998 as amended; and
 - all other legislation governing the administration of the Fund.
7. Ensure that an actuarial valuation is carried out on a triennial basis and consider the outcome of the valuation. Determine the level of employer contributions necessary to ensure a 100% funding level.
8. Prepare, maintain and publish the Funding Strategy Statement.
9. Set the investment objective and strategy in light of the Fund's liabilities.
10. Oversee and monitor the investment strategy and investment management of the Pension Fund having considered the recommendations of the Joint Investment Advisory Committee.
11. Receive on a quarterly basis a report from the Joint Investment Advisory Committee on their recommendations with regard to the appointment, retention and termination of fund management appointments.
12. Ensure that appropriate arrangements for the benefit administration of the Pension Fund are in place.
13. Oversee admission agreements and their implementation.
14. Review on a regular basis, discretions available under regulation 96.
15. Receive reports from officers on regulation consultation exercises carried out with the SPPA (Scottish Public Pensions Agency).
16. Prepare, maintain and publish the Communications policy.
17. Prepare, maintain and publish the Statement of Investment Principles.
18. Approve the budget and service plan.
19. Ensure that an effective system of internal financial control is maintained.

20. Review the annual report and accounting statement.
21. Consider all reports issued by internal and external audit on the Pension Fund.

**ABERDEEN CITY COUNCIL
DEVELOPMENT MANAGEMENT SUB-COMMITTEE
ORDERS OF REFERENCE**

1. The Development Management Sub-Committee will have the primary responsibility for ensuring the effective and proper disposal of the Development Management and Building Standards responsibilities of the Council.
2. The Sub-Committee will ensure that the functions, powers and duties of the Council as planning authority and buildings authority in terms of relevant planning legislation and building standards regulations are met and, in particular, the Sub-Committee shall:-
 - (a) determine all applications for consent or permission except those local applications which fall to be determined by an appointed officer under the adopted Scheme of Delegation;
 - (b) visit application sites where agreed;
 - (c) authorise the taking of enforcement action;
 - (d) authorise participation in the appeals process;
 - (e) make Orders and issue Notices;
 - (f) approve development briefs and masterplans;
 - (g) develop and adopt non-statutory development management guidance (supplementary planning guidance); and
 - (h) conduct pre-determination hearings in pursuance of the provisions contained within Section 38A of the Town and Country Planning (Scotland) Act 1997 (as introduced by Section 14 of the Planning etc. (Scotland) Act 2006).
3. The Sub-Committee will ensure the integrated delivery of these services within the policies and strategies of Aberdeen City Council.
4. The Sub-Committee will ensure that it delivers services within the overall resources management strategies as set by the Council and that it achieves maximum value for money and Best Value in service delivery.
5. The Sub-Committee will receive and scrutinise performance information for the Development Management and Building Control services.

**~~ABERDEEN CITY COUNCIL
PLANNING (VISITING) PANEL
ORDERS OF REFERENCE~~**

~~To visit application sites and to determine applications for planning permission remitted to it by the Development Management Sub-Committee, subject to the proviso that, if requested by two members of the Panel or a local member in attendance on the visit, the application will be referred back to the Sub-Committee for final consideration.~~

**ABERDEEN CITY COUNCIL
HOUSING CASES REVIEW SUB-COMMITTEE
ORDERS OF REFERENCE**

That the Sub Committee acts with delegated powers to deal with all matters relative to the allocation and management of individual Council houses including the leasing and management of pitches at Clinterty Caravan Site and any similar site, with the exception of matters which have already been delegated to the Director of Housing and Environment.

**ABERDEEN CITY COUNCIL
LICENSING HEARINGS SUB-COMMITTEE
ORDERS OF REFERENCE**

As a sub committee of the Licensing Committee to hear any application for grant, renewal or suspension of any licence on behalf of the Licensing Committee where evidence is to be heard and to make decisions on such matters.

**ABERDEEN CITY COUNCIL
LICENSING INFORMAL BUSINESS PANEL
ORDERS OF REFERENCE**

To consider any matters placed before it by the Head of Legal & Democratic Services relating to any matters on which the Licensing Committee can make decisions and to either grant or refuse applications where it deems appropriate.

**ABERDEEN CITY COUNCIL
CULTURE AND SPORT SUB COMMITTEE
ORDERS OF REFERENCE**

1. The Sub Committee will—

~~(a) monitor all aspects of Aberdeen City Council's external investment in culture and sport.~~

~~(b) require an annual programme of performance information relating to arms length and external organisations who receive Council support, which will scrutinise a range of factors including performance against the Council's strategic objectives; compliance with legislation, audit requirements and policy including 'Following the Public Pound'; organisational performance including financial management, governance, business planning and service delivery; and ensuring investment secures best value.~~

~~(c) request arms length and external organisations to provide reports or attend sub committee meetings to discuss performance and provide additional information.~~

~~(d) approve and implement policy for the Council's management and administration of its external investment in culture and sport. This includes, where appropriate, commissioning research to support the decision making process.~~

2. The Sub Committee will approve individual culture, sport and youth activity grants to the value of £5,000.

3. The Sub Committee may consider any item relating to Culture and/ or Sport except where expressly delegated to another Committee or Sub Committee.

**ABERDEEN CITY COUNCIL
CITY OF CULTURE 2017 SUB COMMITTEE
ORDERS OF REFERENCE**

1. To monitor and oversee all aspects relating to the development of Aberdeen City Council's bid for UK City of Culture 2017 within the approved budget, with the final bid to be submitted to Council for approval. This does not apply in respect of matters which fall within the remit of a Committee of the Council, or which are delegated to officers unless such delegation is removed by the Council.
2. To establish the bid project board and working groups and to monitor their activities.

Petitions Committee Appendix

Appendix B1

Petitions Committee - Proposed Procedure

Membership

It is proposed that the Committee comprise 15 elected members on a 7 Labour + 5 SNP+ 2 Liberal Democrat + 1 Conservative and Unionist + 0 Independent Alliance (as per Corporate policy and Performance Committee). *Alternatives at end of the paper.

Frequency of meetings

It is proposed that the Committee be scheduled to meet on a cyclical (8 weekly) basis. Meetings will be cancelled if no petitions have been received 10 working days prior to the next scheduled meeting.

Comment [VC1]: Petitions Committee to consider whether validity or competency needs to be checked at this stage.

Powers of Committee/ Orders of Reference

It is proposed that the Orders of Reference for the Petitions Committee be as follows –

To consider petitions addressed to Aberdeen City Council in accordance with the Council's approved petitions procedure.

Petitions will only be considered if the criteria outlined in the procedure note have been met. A report detailing any petitions which have been received but have not met the criteria will be submitted to each meeting, for noting. For clarity, the Committee will not have the power to consider a petition which has not been submitted in terms of the procedure.

The Committee will for each valid petition:

- (1) take no action and advise the petitioner of the Committee's reasoning; or
- (2) agree that the matter be the subject of a report to the relevant committee(s) (petitions can be referred with or without a recommendation); or
- (3) refer the matter to a relevant organisation with or without a recommendation.

Draft Petitions Procedure

A petition will require 250 signatures from different households in Aberdeen City (all signatories must be on the Register of Electors for the Aberdeen City Council area or 10 local businesses, voluntary organisations and/or social enterprise companies and/ or Community Planning Partner and/or other body.

Comment [VC2]: Minimum numbers to be determined by Petitions Committee

Comment [VC3]: Minimum numbers to be determined by Petitions Committee

If there is any missing information, such as no contact address, staff in Democratic Services will make every effort to contact the lead petitioner about this to bring it in line with the procedures.

Petitions Committee Appendix

Information about any individual will not be used for any purpose other than in relation to the petition.

Petitions received by Mail, Email or Hand Delivery

A Petitions Form (available to download from the Council website, or from staff in Democratic Services) must be completed and submitted to the clerk to the Petitions Committee 10 working days prior to a scheduled meeting of the Petitions Committee. Petitions will be checked by the staff in Democratic Services, and, if required, the Director responsible for the subject matter of the petition. If the petition is deemed valid, the petition will be submitted to the next scheduled meeting of the Petitions Committee. A valid petition received less than ten working days prior to a scheduled meeting, will be considered at the next scheduled meeting.

E-Petitions

A Petitions Form received and hosted on the Aberdeen City Council website, must have the required number of signatures ten working days prior to a scheduled meeting. If the petition has not attracted the required number of signatures ten days prior to the second scheduled meeting after submission, the petition will fall.

Comment [VC4]: Details on how online petitions will operate to be determined by Petitions Committee.

Comment [VC5]: Minimum numbers to be determined by Petitions Committee

The Council is unable to consider petitions on the following:

- (1) Matters that are sub-judice, that is, matters that are the subject of any current court proceedings.
- (2) Planning, licensing and other matters with their own procedures
- (3) Matters which should be dealt with through the Aberdeen City Council complaints procedure or through the Ombudsman
- (4) Matters concerning individual elected members or council employees
- (5) Employees terms and conditions
- (6) Housing allocations in respect of individuals
- (7) A decision taken by Aberdeen City Council in the previous 12 months
- (8) A matter which is very similar or the same to a petition the Committee has considered in the last 12 months
- (9) A matter which is the subject of an outstanding remit at a committee
- (10) Matters designed to gain or reduce support for one or more political party
- (11) Matters that could damage a persons reputation or discriminate against them
- (12) Personal or business interests
- (13) An allegation pertaining to people or organisations breaking the law or codes of practice
- (14) An allegation or matter which could be defamatory (contain information which is not true), discriminate against someone or contain offensive language, for example swear words, insulting, sarcastic or provocative language or other terms that could reasonably be considered as offensive by the reader

Petitions Committee Appendix

Councillors cannot submit or sign petitions.

The lead petitioner (and two supporters) will be invited to attend the meeting and speak for up to ten minutes in support of their petition, with a further ten minutes allowed for questions from the Committee. Deputations, in terms of Standing Order 10, shall not be heard by the Petitions Committee but may be heard by the Committee to which the petition is referred.

The Committee can consider two or more petitions together if they are similar or if they deal with the same subject. The lead petitioner will be told beforehand about this and will be asked to make either joint statements or individual statements for each petition.

Guidance Note for Petitions Committee

A guidance note will be produced, which will be placed on the Council's website. It will detail the powers of the committee, the decisions it can make, and make clear the information required, and the procedures to follow in order to submit a petition.

Petitions Committee Appendix

Petitions submitted to other local authorities – Benchmarking Exercise

Edinburgh City Council

Crackdown on legal loan sharks (938 signatures)
A Safer Mechanism for reporting ECC Mismanagement (515 signatures)
Princes Street for People (592 signatures)
Bedroom Tax (988 signatures)
Remove Religious Observance from Non Denominational Schools (896 signatures)
Retain Religious Observance from Non Denominational Schools (1522 signatures)
East Craigs Primary School Catchment Area – already being considered by a committee
Save the House Concerts – related to a planning matter
Closure of Holyrood Park to Through Traffic – only 171 signatures
Dog Control – only 112 signatures

East Lothian Council

To call on East Lothian Council to close Alderston Road (Haddington) at the Railway Walk Bridge due to safety issues (46 signatures)
To call on East Lothian Council to keep the Railway Bridge on Alderston Road (Haddington) open to vehicular traffic to and from Alderston Meadow, as per the current arrangements for the last 16 years (172 signatures)

Stirling Council

Road Safety between Killearn and Balfron (25 signatures (only 23 on electoral roll but had support of the Community Council so competent))

North Ayrshire

St Luke's Primary School: Accommodation Pressures (212 signatures)
Street Lighting at Kinneil Park, Lamlash, Arran (10 signatures)

Midlothian Council

To introduce a 20 mph Speed Limit in Lasswade Village (254 signatures)
To keep Community Facilities in Newtongrange in Council Ownership and to introduce a regular repair and maintenance programme in respect thereof (1 signature)
To make Midlothian Council aware of the opposition of Gorebridge residents to the possible closure of Gorebridge Leisure Centre and Library and to introduce a regular repair and maintenance programme in respect thereof (4327 signatures)
To stop the demolition of Bonnyrigg Leisure Centre (July) for at least 12 months (211 signatures)
Stop the Closure of the current Newbattle Swimming Pool and its relocation to the proposed new Newbattle High School (1 signature)
Coaching and Instructor Services in Leisure Centres (1040 signatures)

Petitions Committee Appendix

Waste Recycling Centre – Peniciuk (1 signature)

Speed Reduction on Musselburgh Road, Dalkeith (115 signatures received)

Keep Newtongrange Library in its current location on the High Street (1231 signatures received)

Keep all Midlothian Public Toilets Open (1589 signatures)

Glasgow City Council

Discrimination against Kinship Children (25 signatures)

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sat/day
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20 <u>SCHOOL TERM STARTS</u> Licensing Board (10.30am)	21 Council (10.30am)	22 Development Management Sub Committee (10am) Local Review Body (12pm)	23	24
25	26	27 Housing and Environment (2pm)	28 Appeals Committee (10am) NESTRANS (2pm), Woodhill House Community Planning Aberdeen (4pm)	29 Development Management Sub Committee (Visits) (am) Enterprise, Planning and Infrastructure (2pm)	30 Corporate Health & Safety Committee (10am)	31

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sat/day
1	2 Pensions Panel (10am)	3 <i>Offshore Europe</i>	4 <i>Offshore Europe</i>	5 <i>Offshore Europe</i>	6 <i>Offshore Europe</i> Local Review Body (10am)	7
8	9 Homelessness Strategy Working Group (10am)	10 Social Care and Wellbeing (10.30am)	11 Disability Advisory Group (10.30am) SDPA (2pm)	12 Education, Culture and Sport (2pm)	13	14
15	16	17 Licensing Committee (10am)	18 Housing Cases Review Sub Committee (2pm)	19 Local Review Body (12pm) Petitions Committee (2pm)	20 SEPTEMBER HOLIDAY	21
22	23 SEPTEMBER HOLIDAY	24 Audit and Risk (2pm)	25 Appeals Committee (10am)	26 Development Management Sub Committee (10am) Finance and Resources (2pm)	27	28
29	30					

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sat/day
		1	2 Culture and Sport Sub Committee (10am)	3	4 Development Sub Committee (Visits)(am) Local Review Body (12pm)	5
6	7	8 Licensing Board (10.30am)	9 City of Culture 2017 Sub Committee (9.30am) Zero Waste Management Sub Committee (2pm)	10	11 <u>SCHOOL TERM ENDS</u>	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28 <u>SCHOOL TERM STARTS</u>	29 Housing and Environment (2pm)	30 Appeals Committee (10am) NESTRANS (2pm), Woodhill House	31 Council (10.30am) To be rescheduled:- Development Management Sub Committee (10am) Local Review Body (12pm)		

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sat/day
					1	2
3	4 <i>Elected Member Development Day</i>	5	6 Disability Advisory Group (10.30am) Housing Cases Review Sub Committee (2pm)	7 Development Management Sub Committee (Visits)(am) Social Care and Wellbeing (2pm)	8	9
10	11	12 Enterprise, Planning and Infrastructure (2pm)	13 Homelessness Strategy Working Group (10am)	14	15 Local Review Body (10am)	16
17	18	19 Licensing Committee (10am)	20 Audit and Risk (2pm)	21 Education, Culture and Sport (2pm)	22	23
24	25	26	27 Appeals Committee (10am)	28 Development Management Sub Committee (10am) Local Review Body (12pm) Petitions Committee (2pm)	29 Corporate Health & Safety Committee (10am)	30

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sat/day
1	2 Pensions Panel (10am)	3 City of Culture 2017 Sub Committee (2pm)	4 Culture and Sport Sub Committee (10am) Zero Waste Management Sub Committee (2pm)	5 Development Management Sub Committee (Visits) (am) Finance and Resources (2pm)	6	7
8	9 <i>Elected Member Development Day</i>	10 Licensing Board (10.30am) Community Planning Aberdeen (4pm)	11 Disability Advisory Group (10.30am) SDPA (2pm), Woodhill House	12	13 Local Review Body (10am)	14
15	16	17 Appeals Committee (10am)	18 Council (10.30am)	19	20 <u>SCHOOL TERM ENDS</u>	21
22	23	24	25	26	27	28
29	30	31				

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sat/day
			1	2	3	4
5	6 <u>SCHOOL TERM STARTS</u>	7	8	9	10	11
12	13	14 Housing and Environment (2pm)	15	16 Development Management Sub Committee (10am) Local Review Body (12pm) Social Care and Wellbeing (2pm)	17	18
19	20	21 Enterprise, Planning and Infrastructure (2pm)	22	23 Development Management Sub Committee (Visits) (am)	24	25
26	27	28 Licensing Committee (10am)	29 Appeals Committee (10am)	30 Education, Culture and Sport (2pm)	31 Local Review Body (10am)	

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sat/day
						1
2	3 <i>Elected Member Development Day</i>	4	5 Disability Advisory Group (10.30am)	6 Council Budget (2pm)	7	8
9	10	11	12 Housing Cases Review Sub Committee (2pm)	13 Development Management Sub Committee (10am) Local Review Body (12pm) Petitions Committee (2pm)	14	15
16	17 <u>SCHOOL MID TERM</u>	18 Licensing Board (10.30am)	19 Homelessness Strategy Working Group (10am) Culture and Sport Sub Committee (10am)	20 Development Management Sub Committee (Visits) (am) Finance and Resources (2pm)	21 Corporate Health & Safety Committee (10am)	22
23	24	25 Zero Waste Management Sub Committee (2pm)	26 Appeals Committee (10am)	27 Audit and Risk (2pm)	28	

2014

MARCH

2014

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sat/day
						1
2	3 Pensions Panel (10am)	4	5 Council (10.30am)	6	7 Local Review Body (10am)	8
9	10	11 Housing and Environment (2pm)	12 SDPA (2pm)	13 Enterprise, Planning and Infrastructure (2pm)	14	15
16	17	18 Licensing Committee (10am)	19	20 Development Management Sub Committee (10am) Local Review Body (12pm)	21	22
23	24	25 Social Care and Wellbeing (10.30am)	26 Appeals Committee (10am)	27 Development Management Sub Committee (Visits) (am) Education, Culture and Sport (2pm)	28	29
30	31 <i>Elected Member Development Day</i>					

06 06 2014

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sat/day
		1 Licensing Board (10.30am)	2 Disability Advisory Group (10.30am)	3	4 <u>SCHOOL TERM ENDS</u> Local Review Body (10am)	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22 <u>SCHOOL TERM STARTS</u>	23 Housing Cases Review Sub Committee (2pm)	24 Development Management Sub Committee (10am) Local Review Body (12pm) Petitions Committee (2pm)	25	26
27	28 OTC Houston (TBC)	29 OTC Houston (TBC)	30 OTC Houston (TBC) Appeals Committee (10am)			

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sat/day
				1 <i>OTC Houston (TBC)</i> Development Management Sub Committee (Visits)(am)	2	3
4	5 MAY DAY HOLIDAY	6 Finance and Resources (2pm)	7 Homelessness Strategy Working Group (10am) Culture and Sport Sub Committee (10am) Zero Waste Management Sub Committee (2pm)	8 Audit and Risk (2pm)	9 Local Review Body (10am)	10
11	12 <i>Elected Member Development Day</i>	13 Licensing Committee (10am)	14 Council (10.30am)	15	16	17
18	19	20 Housing and Environment (2pm)	21	22 Development Management Sub Committee (10am) Local Review Body (12pm) Social Care and Wellbeing (2pm)	23 Corporate Health & Safety Committee (10am)	24
25	26	27	28 Appeals Committee (10am)	29 Development Management Sub Committee (Visits) (am)	30	31

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sat/day
1	2 Pensions Panel (10am)	3 Enterprise, Planning and Infrastructure (2pm)	4 Disability Advisory Group (10.30am)	5 Petitions Committee (2pm)	6 Local Review Body (10am)	7
8	9	10 Education, Culture and Sport (2pm)	11 Housing Cases Review Sub Committee (2pm)	12	13	14
15	16	17 Licensing Board (10.30am)	18 Culture and Sport Sub Committee (10am) Zero Waste Management Sub Committee (2pm)	19 Development Management Sub Committee (10am) Local Review Body (12pm) Finance and Resources (2pm)	20	21
22	23 <i>Elected Member Development Day</i>	24 Appeals Committee (10am)	25 Council (10.30am)	26 Development Management Sub Committee (Visits) (am) Audit and Risk (2pm)	27	28
29	30					

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sat/day
		1	2	3	4 SCHOOL TERM ENDS Local Review Body (10am)	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24 Development Management Sub Committee (10am) Local Review Body (12pm)	25	26
27	28	29	30	31 Development Management Sub Committee (Visits)(am)		

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sat/day
					1	2
3	4	5	6	7	8 Local Review Body (10am)	9
10	11	12	13	14	15	16
17	18	19 <u>SCHOOL TERM STARTS</u> Licensing Board (10.30am)	20 Council (10.30am)	21 Development Management Sub Committee (10am) Local Review Body (12pm)	22	23
24	25	26 Housing and Environment (2pm)	27 Appeals Committee (10am)	28 Development Management Sub Committee (Visits)(am) Social Care and Wellbeing (2pm)	29 Corporate Health & Safety Committee (10am)	30
31						

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sat/day
	1 Pensions Panel (10am)	2 Licensing Committee (10am)	3 Homelessness Strategy Working Group (10am)	4 Enterprise, Planning and Infrastructure (2pm)	5	6
7	8 <i>Elected Member Development Day</i>	9	10 Disability Advisory Group (10.30am)	11 Education, Culture and Sport (2pm)	12 Local Review Body (10am)	13
14	15	16 Licensing Board (10.30am)	17 Housing Cases Review Sub Committee (2pm)	18	19 <u>SEPTEMBER HOLIDAY</u>	20
21	22 <u>SEPTEMBER HOLIDAY</u>	23	24 Appeals Committee (10am)	25 Development Management Sub Committee (10am) Local Review Body (12pm) Petitions Committee (2pm)	26	27
28	29	30 Finance and Resources (2pm)				

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sat/day
			1 Culture and Sport Sub Committee (10am)	2 Development Management Sub Committee (Visits) (am) Audit and Risk (2pm)	3	4
5	6	7 Zero Waste Management Sub Committee (2pm)	8 Council (10.30am)	9	10 <u>SCHOOL TERM ENDS</u> Local Review Body (10am)	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27 <u>SCHOOL TERM STARTS</u>	28 Housing and Environment (2pm)	29 Appeals Committee (10am)	30 Social Care and Wellbeing (2pm)	31	

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sat/day
						1
2	3 <i>Elected Member Development Day</i>	4 Enterprise, Planning and Infrastructure (2pm)	5 Disability Advisory Group (10.30am)	6 Development Management Sub Committee (10am) Local Review Body (12pm)	7	8
9	10	11 Licensing Board (10.30am)	12 Housing Cases Review Sub Committee (2pm)	13 Development Management Sub Committee (Visits)(am) Education, Culture and Sport (2pm)	14	15
16	17	18	19 Homelessness Strategy Working Group (10am)	20	21 Local Review Body (10am)	22
23	24	25 Licensing Committee (10am)	26 Appeals Committee (10am)	27 Petitions Committee (2pm)	28 Corporate Health & Safety Committee (10am)	29
30						

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sat/day
	1 Pensions Panel (10am)	2 Zero Waste Management Sub Committee (2pm)	3	4 Development Management Sub Committee (10am) Local Review Body (12pm) Finance and Resources (2pm)	5	6
7	8 <i>Elected Member Development Day</i>	9	10 Culture and Sport Sub Committee (10am) Disability Advisory Group (10.30am)	11 Development Management Sub Committee (Visits)(am) Audit and Risk (2pm)	12	13
14	15 Local Review Body (10am)	16 Appeals Committee (10am)	17 Council (10.30am)	18	19 <u>SCHOOL TERM ENDS</u>	20
21	22	23	24	25	26	27
28	29	30	31			

ABERDEEN CITY COUNCIL

STANDING ORDERS OF THE COUNCIL

In these Standing Orders, those marked + in the margin shall apply (with the necessary changes) to Committees and Sub Committees; those marked * shall apply (with the necessary changes) to Committees and Sub Committees only in relation to delegated functions.

PART I - MEETINGS OF THE COUNCIL

1. First Meeting of the Council

- (1) The statutory meeting of the Council shall take place on such date within 21 clear days of the date of the election, as the Council may have determined previously. For the purposes of these Standing Orders, clear days includes weekends and public holidays observed by the Council.
- (2) The first item of business to be transacted at such meeting shall be the election of the Convener of the Council who shall in terms of Section 4 of the Local Government Etc. (Scotland) Act 1994 have, during the term of his/her office, the title of Lord Provost. Until such election has been completed, the Returning Officer shall preside.
- (3) The Council shall next appoint:-
 - (i) a Depute Provost who shall be deemed to be the Depute Convener of the Council elected in terms of Section 4(2) of the 1994 Act;
 - (ii) a Leader and Depute Leader of the Council;
 - (iii) a Convener of each of the Committees of the Council; and
 - (iv) if the Council so resolves, a Vice-Convener of any or all of the Committees.
- (4) In the event of an equality of votes in the election of the Lord Provost or Depute Provost or the Convener or Vice Convener of any Committee, the appointment shall be determined by lot.
- (5) The only other business to be conducted at such meeting shall be:
 - (i) the review of (a) the order of reference of Committees and (b) Orders;
 - (ii) the appointment of the members of Standing Committees;
 - (iii) the appointment of members to represent the Council on Joint Boards, Joint Committees of the Council and other local authorities and outside bodies on which the Council is entitled to be represented and in respect

of which the Council has not delegated the power of appointment to any Committee;

- (iv) the adoption of a timetable of meetings of the Council; and
- (v) the approving of salaries to members.

2. Term of Office of Lord Provost, Depute Provost & Conveners

- (1) The terms of office of the Lord Provost, Depute Provost, Leader of the Council, Depute Leader of the Council and Convener and Vice-Convener of a Committee shall be the term of office of the Council, or, in the case of anyone elected to fill a casual vacancy, the remainder of that term, or, also in the case of a Convener or Vice-Convener, as long as they are a member of the Committee or Sub Committee in question.
- (2) The holders of the offices mentioned in (1) above shall cease to hold office immediately on ceasing to be a Councillor and shall be entitled to resign at any time during their term of office. At the conclusion of their term of office they shall be eligible for re-election provided they are re-elected as Councillors and are not disqualified by reason of membership of any other Committee.
- (3) If a casual vacancy arises in any of these offices, an election shall be held as soon as practicable at a meeting of the Council, the agenda for which specifies the filling of the vacancy as an item of business, in accordance with Standing Order 1(4).

3. Ordinary Meetings of the Council

- (1) All meetings of the Council shall, unless otherwise determined by the Lord Provost of the Council, take place in the Town House.
- (2) The ordinary meetings of the Council shall be held in accordance with the timetable approved by the Council, except that the Lord Provost shall have the power, where in his/her sole discretion special circumstances so require, to alter the date or time of any meeting.
- + (3) ~~Meetings of the Council shall start at a time to be determined by the Lord Provost and notified to elected members and may, Where a special meeting has been called to consider a report-referral from a Committee which is to meet earlier in the day, it shall be notified as commencing five minutes after the conclusion of the meeting of such Committee.~~
- + (4) (a) No meeting of the Council shall be held:
 - (i) during the local authority summer recess, ^[A1]which for the purposes of these Standing Orders is defined as the period of school summer holidays in force in the Council area period beginning on 1 July and ending on 15 August in any year, both dates inclusive;

- (ii) on a Saturday or Sunday or on public holidays observed by the staff employed in the Town House; and
 - (iii) on such other days as the Council may determine;
- (b) A special meeting of the Council called by requisition of members in terms of Standing Order 4(2) shall, if required, be held on any day, including any day referred to in Standing Order 3(4)(a). The Lord Provost shall also have the power, in his/her sole discretion and where special circumstances so require, to instruct that a meeting of the Council be held on any date whatsoever.
- (5) Where a meeting of a Committee or Sub Committee takes place under the terms of Standing Orders 3(4)(b), 31(4) and 37(7) during the ~~period 1 July to 15 August in any year~~summer recess, such Committee or Sub Committee shall, unless precluded by Statute, have delegated power to deal with any matter within its Order of Reference and such delegation shall not be subject to Standing Order 36(3). The provisions of paragraphs ~~(43)~~(iv) to (vii) of Standing Order 28 shall apply to any such meeting as they apply to the Urgent Business Committee.
- (6) The provisions of this Standing Order shall not prevent the Licensing Committee and Development Management Sub Committee meeting when necessary to deal with matters within their remits and such meetings shall be subject to the provisions of the Standing Orders, without exception.

4. Special Meetings of the Council

- (1) Special meetings of the Council for the consideration of the annual budget shall take place in accordance with the timetable fixed from time to time by the Council.
- (2) A special meeting of the Council may be called at any time by the Lord Provost or if required by at least a quarter of the members of the Council and in the latter case shall be held within fourteen clear days of receipt of the requisition by the Head of Legal and Democratic Services. For the avoidance of doubt the calculation of one quarter in these Standing Orders shall be rounded down if it results in a figure ending in less than point 5, and rounded up if the figure is point 5 or above. In the case of a meeting called in terms of this Standing Order the notice required to be published in terms of Standing Order 6 shall have attached the letter signed by the members requisitioning the meeting and shall specify the business proposed to be transacted at the meeting.

5. Precedence of Council Meetings

A meeting of the Council shall, unless the Lord Provost otherwise decides, take precedence over meetings of all Committees or Sub Committees, subject to the provisions of Standing Order 3(3) and except in the case of a special meeting of the Council ~~(a)~~ called to consider ~~a Report from a referral from~~ a Committee or Sub

Committee which is still meeting at the time appointed for the start of the meeting of the Council; ~~or (b) which forms part of the budget process determined by the Finance and Resources Committee.~~

+6. Calling of Meetings

Subject to the provisions of Standing Order 9(2) and in accordance with the Local Government (Scotland) Act 1973:-

- (1) Not less than five clear days before a meeting of the Council:
 - (i) Notice of the time and place of the meeting shall be published at the Town House; and
 - (ii) A summons to attend the meeting with an agenda specifying the business to be transacted and signed by the Head of Legal and Democratic Services shall be delivered or sent by post to the usual place of residence of every member of the Council or such other place as a member may have specified by notice in writing to the Head of Legal and Democratic Services.

~~(2)^[A2] Not less than five clear days before a meeting of the Council, the Pamphlet of Meetings of the Council and its Committees shall be delivered or sent by post to the usual place of residence of every member of the Council or such other place as a member may have specified including an email address.~~

~~+ (3) The validity of any meeting of the Council shall not be affected by the failure of any member to receive notice of a meeting.~~

+7. Convener

- (1) At any meeting of the Council, the chair shall be taken by the Lord Provost, whom failing, the Depute Provost. In the absence of both the Lord Provost and the Depute Provost, the members present shall choose one of their own number.
- (2) In these Standing Orders the term "Convener" shall include any other person presiding at a particular meeting and the terms "Lord Provost" or "Convener of the (Sub) Committee" shall mean the holder of the respective office or whom failing, the Depute Provost or Vice Convener as appropriate.
- (3) Nothing in this Standing Order shall prevent any Committee determining that in respect of its meetings of a particular type or in respect of meetings of a Sub Committee or other associated body, some other member shall preside.

8. Quorum

- (1) Subject to any statutory provision, a quarter of the membership of the Council shall constitute a quorum at all meetings of the Council.
- + (2) If, five minutes after the time specified for the start of a meeting of the Council, a quorum is not present, the division bell shall be rung and, if after a further two minutes, a quorum is still not present, no business shall be transacted and the

meeting shall be adjourned until such date and time as the Lord Provost shall determine.

- + (3) If, during any meeting of the Council, the Convener finds that a quorum is not present, he/she shall instruct that the division bell shall be rung and after a lapse of two minutes the roll shall be called and if a quorum is not present, the meeting shall be adjourned until such other date and time as the Lord Provost shall determine.

+9. Order of Business

- (1) At an ordinary meeting of the Council, the business shown on the agenda shall (unless otherwise agreed by the Council at the meeting) proceed in the following order:-

(i) Admission of Burgesses;

(ii) Determination of Exempt Business and Urgent Business

~~(iii) Requests for ~~ception~~ of deputations;~~

- ≠ (iv) Minutes of the previous meeting or meetings of the Council shall be circulated for approval.

~~(b) The pamphlet of Minutes of Committees shall be circulated for the information of Members of the Council irrespective of whether the appropriate Committee has approved the accuracy thereof. The Council shall however only consider those parts of the Minutes relating to matters which have not been delegated or which have been specifically referred to the Council.~~

~~(v) Referrals from Committees in terms of Standing Order 36(3);~~

(vi) General Business;

(vii) Questions of which due notice has been given in terms of Standing Order 20(2) in the order in which they have been received by the Head of Legal and Democratic Services;

~~(vii) Orders and Resolutions;~~

(viii) Motions of which due notice has been given in terms of Standing Order 21(1)s in the order in which they have been received by the Head of Legal and Democratic Services;

~~Business determined by the Convener to be a matter of urgency by reason of special circumstances;~~

(ix) Items of business which are confidential or exempt information in terms of Schedule 7(A) of the Local Government (Scotland) Act 1973.

+ (2) Except as otherwise prescribed by statute, no item of business shall be considered at a meeting of the Council unless either:

- (i) a copy of the agenda including the item and any associated report has been open in advance to inspection by members of the public in terms of the Local Government (Scotland) Act 1973; or
- (ii) by reason of special circumstances which shall be recorded in the minutes of the meeting, the Convener is of the opinion that the item should be considered at the meeting as a matter of urgency and that such items of business be considered by the Council at an appropriate stage in the meeting as determined by the Convener.

*10. Reception of Deputations

- (1) Every application for the reception of a deputation must be in writing, duly signed and delivered, faxed or e-mailed to the Head of Legal and Democratic Services as early as necessary to ensure that at least one working clear day (Monday to Friday) ~~(excluding Saturdays and Sundays or public holidays observed by staff employed at the Town House)~~ is available between receipt of the application and its submission to Council or Committee. The application must state the subject on which the deputation wish to be heard and the action (if any) which it is proposed that the Council should take. The application must relate to a substantive report on the agenda and no application shall be accepted which relates to the annual budget, ~~or to a planning application~~ or a process where formal representations may be made to an independent arbiter, except where required by statute.
- (2) ~~If the subject matter of the application falls within the remit of a Committee of the Council,~~ The application shall be submitted to the appropriate Committee and the Committee may, if it so resolves, hear the deputation. If, having heard the deputation, the Committee defers consideration of the report to which the application related, no further application to be heard shall be accepted from the same body or individuals unless a report containing substantial new information is submitted to the meeting at which the matter is next considered.
- (3) ~~If,~~^[A3] as a result of a referral by any means from a Committee, the matter is one upon which a final decision requires to be taken by the Council, the Council may determine whether it shall be competent for any body or individuals heard by the Committee to be heard by the Council.
- (4) If the application relates to a substantive report submitted to Council directly, the Council may, if it so resolves, hear the deputation. If Council defers a decision the procedure in (2) above shall apply.
- (5) No deputation shall consist of more than three persons.
- (6) The members of a deputation, or a deputation comprising a single person shall be permitted to address the Council, and they may speak in total for no more than ten minutes.
- (7) Any member of the Council may put any relevant question to the deputation, ~~and with the invitation of the Convener, any officer of the Council shall be entitled to respond to any matter raised by the deputation. Neither of these interventions shall be permitted until the deputation has concluded its presentation.~~ The time available for such questions shall not exceed ten minutes (over and above the maximum period of ten minutes allowed to receive the deputation). No questions shall be put to officers by members, and no debate or discussion on the subject matter shall take place, until the relevant report minute or other item falls to be is considered in terms of the order of business, or, alternatively until the deputation retires and consideration of the matter resumes in line with Standing Orders.

+11. Order of Debate

- (1) Any member of the Council wishing to speak at any meeting of the Council shall rise in his/her place and when called upon shall address the Convener and restrict his/her remarks:-
 - (i) to the matter before the meeting by moving, seconding or supporting a motion or any relative amendment;
 - (ii) to moving or seconding a procedural motion;
 - (iii) to asking a question or supplementary question; or
 - (iv) to a point of order (ie the correct application of procedure).
- (2) No member shall speak in support of a motion or amendment until it has been seconded;
- (3) No member shall speak more than once (except on a point of order, by asking a question or a supplementary question or by making a procedural motion) in a debate on any one motion and amendment except that the movers of a substantive motion (or an amendment which has become the substantive motion) and amendments in any debate shall have a right of reply but, in so replying, shall not introduce any new matter.
- (4) After the mover of the substantive motion has commenced his/her reply no member shall speak in the debate except on a point of order or procedural motion.

+12. Motions and Amendments

- (1) When called to move any motion or amendment, a member shall state the exact terms of the motion or amendment before speaking in support of it and, except in the case of (a) motions or amendments to approve or disapprove without further qualification; (b) motions or amendments to remit for further consideration; and (c) motions or amendments the terms of which have been fully set out in a minute of a Committee, the mover shall deliver written notice of these terms to the Head of Legal and Democratic Services before any vote is taken.
- (2) All amendments must be relevant to the motion and must differ from it and from each other substantially.
- (3) The Convener may rule a motion or amendment incompetent if it would require the incurring of expenditure and the source of such funding is not identified.
- (4) Where a motion has been duly seconded and any amendment moved and seconded, neither the motion nor the amendment may be altered in any substance or withdrawn except with the consent of the majority of the members present. If a motion or amendment is withdrawn, the mover and

seconded or it can move or second and speak in support of a further motion or amendment.

- (5) A motion for the approval of a minute (or any part of one) or a report of a Committee or to approve the recommendations in any report without amendment before the Council shall be considered as an original motion and any proposal involving alteration or rejection of such minute shall be dealt with as an amendment.
- (6) The Convener of a Committee shall have the prior right to move the approval of the minute (or any part of it) of any meeting of that Committee or the recommendation in any report before the Council. The Leader of the Council shall have the prior right to propose a Council budget.
- (7) A motion or amendment moved but not seconded or which has been ruled by the Convener to be incompetent shall be recorded in the Minute. A motion or amendment which may appear incompetent can be made competent or clarified when spoken to. The Lord Provost may rule on competency after the motion has been moved but before it is seconded.
- (8) When there is only one amendment to the motion, the vote shall be taken between the motion and the amendment. Whichever is carried shall become the resolution of the meeting and, accordingly, of the Council.
- (9) Where there are more than one amendments to the motion, the last amendment shall be put against that immediately preceding and then the amendment which is carried shall be put against the next preceding, and so on until only one amendment remains. A vote shall then be taken between it and the motion and whichever is carried shall become the resolution of the meeting and, accordingly, of the Council.
- (10) If, however, one of a number of amendments proposes or implies mere negation of a decision that no decision be taken on any matter before the Council the first division shall be taken between it and the motion. If the amendment is carried, the Council shall proceed to the next business. If the amendment is not carried, it shall be eliminated from the amendments, which, with the motion, shall be voted on in the usual way.
- (11) This Standing Order shall not apply to an Appointment Panel established under Standing Order 47 unless the Panel so resolves.

+13. Time allowed for speaking

- (1) In moving any motion or amendment (other than a motion for the adoption of annual reports, accounts or budget) a member shall not speak for more than ten minutes; each other member and the mover in exercising a right of reply shall not speak for more than five minutes (other than a member seconding a Council budget in which case ten minutes will be allowed/speeches will not be timed).

- (2) These time limits may be exceeded with the consent of the majority of the members present and the Convener shall be entitled to gauge such consent in relation to any speech without taking a vote.

+14. Closure of Debate

- (1) At any meeting of the Council it shall be competent after eight or more members (including the movers and seconders of motion and amendment) have spoken in a debate on any one motion and amendment, for any member who has not spoken in such debate to move "that the question be now put".
- (2) Such motion, if seconded, shall, without any discussion or amendment, be put to the vote and if a majority of the members present vote for it, the debate on the substantive motion shall cease except for the right of reply for the movers of the motion and amendment and the substantive motion and amendments shall immediately be put to the vote. If the motion for closure is not carried, the debate shall be resumed. Subsequent motions for closure may be made after a further three members have spoken.
- (3) No motion for closure may be made during the course of a speech.

+15. Method of Voting

- (1) (a) Every vote shall be taken by roll call, except:-
- (i) where prior to the vote on any particular matter, the members present agree unanimously that it be taken by show of hands; or
 - (ii) where prior to the vote on any particular matter, a majority of members present resolve (in the event of a division, by roll call vote) that it be taken by ballot;
 - ~~(iii) in the case of any matter relating to the appointment of a particular member of staff or relating to disciplinary or grievance proceedings affecting a particular member of staff, when the vote shall be taken by show of hands, or, if so resolved, by ballot.~~
- (b) A vote taken by means of the electronic vote counting system shall be deemed to be a vote by roll call and such equipment shall, if available and operational be used in preference to any other form of roll call.
- (2) ~~Except in the case of any matter falling within sub-paragraph (1)(iii) above, where only the decision shall be recorded, the~~ The names of the proposer and seconder of every motion and amendment shall be recorded in the minutes and, in the case of a roll call vote, the names of those voting and the manner in which they voted together with the names of those abstaining from voting, shall be recorded in the minutes, except in the case of any matter relating to the appointment of a particular member of staff or relating to disciplinary or grievance proceedings affecting a particular member of staff where only the decision shall be recorded.^[A4]

- (3) Immediately prior to any vote being taken, the division bell shall be rung and the Head of Legal and Democratic Services shall read out the question on which the vote is to be taken. Thereafter, no one shall interrupt the proceedings (except to draw attention to an omission in the calling of a member's name) until the result of the vote has been announced.
- (4) Except in cases where the Council is required to act in a quasi-judicial manner, a member who is absent when his/her name is called in a roll call vote shall be entitled to record a vote if he/she enters the meeting before the result of the vote is announced.
- (5) The Convener shall in the case of an equality of votes, have a second or casting vote except in any vote relating to the appointment of a member of the Council to any office or Committee, or to represent the Council on any other body, where, in the case of equality of votes the matter shall be determined by lot.
- (6) Notwithstanding the provisions of this Standing Order, it shall be competent for any member to record his/her dissent from any decision reached after a division by rising in his/her place immediately after the result of the decision has been announced and requesting that such dissent be recorded in the minutes.
- (7) Except as otherwise required by statute a majority shall be determined upon by those Members present and voting.

+16. Voting in the case of vacancies and appointments

(1) ~~When filling vacancies in the membership of any Committee, Sub-Committee or Working Group and making appointments of members to any body, candidates shall be formally proposed and seconded and, except where a single candidate has been nominated, no amendment shall be competent. Where a single candidate has been proposed and seconded, it shall be competent to move as an amendment that no appointment be made or that it be deferred.~~

~~(2)~~ Where only one vacancy requires to be filled and two candidates are proposed and seconded for appointment, a vote shall be taken as between these candidates and the candidate who receives the majority of votes shall be declared appointed. Where more than two candidates are proposed and seconded for appointment, a vote shall first be taken among all candidates with each member being entitled to vote for one candidate only. If any candidate receives an absolute majority of the votes of the members of the Council present and voting, he/she shall be declared appointed. If no candidate received a majority, the name of the candidate receiving the smallest number of votes shall be deleted, provided that, if two or more candidates tie in receiving the smallest number of votes, a vote or votes shall be taken between or among these candidates and the candidate who receives the smaller or smallest number of votes shall be dropped. This process shall continue until

one of the candidates receives an absolute majority of votes, when he/she shall be declared appointed.

- (2) Where more than one vacancy requires to be filled, a vote shall first be taken among all the candidates proposed and seconded for appointment where these exceed the number of vacancies, each member being entitled to vote for candidates up to the number of vacancies to be filled. The result shall be decided by the first vote except in the case where two or more candidates tie as having received an equal number of votes for the vacancy or vacancies. In such cases an additional vote or votes shall be taken between or amongst these candidates with the candidate having least votes being eliminated until the number of candidates equals the number of vacancies.
- (3) Where, in any vote between two candidates or, after such additional vote as maybe required by (2) and (3) above, there is an equality of votes, the Convener of the meeting shall have a casting vote, unless the matter which is the subject of the vote relates to the appointment of a member of the Council to any particular office or Committee in which case the decision shall be by lot.

+17. Adjournment

- (1) During any meeting of the Council, it shall be competent for a member, at any time, except during a speech by another member, to move that the meeting be adjourned, but no motion for adjournment may be made within thirty minutes of a motion for adjournment having previously been rejected if the Council is still considering the same item of business.
- (2) A motion for adjournment shall have precedence over all other motions and, if moved and seconded, shall be put to the meeting without discussion.
- (3) If the motion is carried, the meeting shall be adjourned until the time specified in the motion, or such other time as the Council may then fix, being on the same day or any other day within a period of four weeks.
- (4) Where a meeting has been adjourned without a time for its resumption having been fixed, it shall be resumed at such time as may be fixed by the Lord Provost.
- (5) When an adjourned meeting is resumed, the proceedings shall commence at the point at which they were interrupted by the adjournment.
- (6) Meetings of the Council and of Committees shall only continue five hours from commencement (or after 2100 hours, whichever is the later) if a decision to that effect is taken by the Council or Committee. If necessary, this will be dealt with as a procedural motion. In calculating five hours, only the time taken for meal breaks will be deducted.
- (78) If the meeting has continued, or in the judgement of the Lord Provost is likely to continue, for more than **three** hours, the Lord Provost may call a break in the proceedings for such a period as he/she may decide.
- (89) The Convener may adjourn any meeting of the Council if he/she is of the opinion that the business of the meeting cannot properly be conducted because of disorder. Such adjournment shall be signified by the Convener rising and quitting the Chair and shall be for one hour or such shorter period as may be specified by the Convener at that time.

+18. Powers and Duties of Convener

- (1) It shall be the duty of the Convener:-
 - (i) to preserve order and ensure that any member wishing to speak is given due opportunity to do so and a fair hearing;
 - (ii) to call members to speak according to the order in which they caught his/her eye;
 - (iii) to decide all matters of order, competency and relevancy;

- (iv) to ensure that the sense of the meeting is duly determined.
- (2) Any member wishing to raise a point of order may do so (but only immediately after it has arisen) by rising and stating that he/she is raising a point of order.
- (3) Any member then speaking shall resume his/her seat and the Convener shall call upon the member raising the point of order to state its substance. No other member shall be entitled to speak to the point of order except with the consent of the Convener.
- (4) The Convener shall give a ruling on the point of order, either immediately or after such adjournment as he/she considers necessary. Thereafter the member who was previously speaking shall (if permitted by the ruling) resume his/her speech giving effect to the Convener's ruling.
- (5) The decision of the Convener on all matters referred to in this Standing Order shall be final and shall not be open to question or discussion in any meeting of the Council.
- (6) Deference shall at all times be paid to the authority of the Convener. When the Convener rises to speak, any member then standing shall resume his/her seat, no further member shall rise and the Convener shall be heard without interruption.

+19. Suspension of Members

- (1) If any member of the Council disregards the authority of the Convener, obstructs the meeting or, in the opinion of the Convener otherwise acts in an offensive or disruptive manner at a meeting, the Convener may move that such member be suspended for the remainder of the meeting. If seconded such a motion shall be put to the vote immediately without discussion.
- (2) If such a motion is carried, the suspended member shall leave the meeting room immediately and shall not re-enter except with the consent of the Convener. If the member fails to comply the Convener may order the suspended member to be removed from the precincts of the meeting room by the Town Sergeant or by any other specified person or persons.
- (3) In the event of a motion for suspension of a member being defeated, the Convener may if he/she thinks it appropriate to do so adjourn the meeting as if a state of disorder had arisen.

+20. Questions

- (1) At any meeting of the Council, a member may put any question to the Convener relating to the matter then under discussion. The Convener may call upon any appropriate officer to provide factual information.
- (2) At any meeting of the Council, a member may put a question to the Lord Provost or to any Senior Councillor relating to the functions for which they have a responsibility, or to the Chief Executive irrespective of whether the subject matter of the question relates to business which would otherwise fall to be discussed at that meeting. This is provided:-
 - (i) that questions are submitted to the Head of Legal and Democratic Services not later than 12 noon on the ~~twenty-first~~^{fifteenth} clear day before the meeting to allow that officer, in consultation with the Chief Executive and the lead member of whom the question would be asked, to identify an officer to whom the question should be submitted for the preparation of a draft answer and that, if the question can be answered satisfactorily by that officer, it would thereby fall unless the member asking the question was unhappy with the response and explained why when requesting that the question continued to be placed on the agenda by no later than 12 noon on the ~~eighth~~^{tenth} clear day before the meeting;
 - (ii) that, where there has been insufficient time to undertake the research required to answer the question, the written answer can be submitted to the questioner within one week of the Council Meeting, unless ~~Council~~^{the Lord Provost} agrees either (a) to set a longer period, or (b) determines that no answer be provided as the work required would be too time consuming; ~~and~~
- (3) ~~Where no response to the question has been received in terms of the timescale set out at (2) above, the question shall be placed on the agenda.~~ Deadlines for the submission of questions shall be issued to members by the Head of Legal and Democratic Services.
- (43) All questions accepted by the Head of Legal and Democratic Services shall be set out on the agenda for the meeting, including, where appropriate, the reasons why any member who has submitted a question is unhappy with an officer's response. All questions to the same individual shall be grouped together and, where there is a similarity between questions, one answer may be provided answering them all. Subject to (2) above, answers will be issued in advance of the meeting.
- (54) Questions will only be allowed so far as the Lord Provost deems them relevant and competent; the Lord Provost shall also rule on whether the answer provided by an officer is satisfactory.

- (65) One supplementary question, limited to clarifying any answer given, may be asked by the original questioner and one further supplementary question may be asked by one other member.
- (76) No discussion shall be permitted on any question or answer which does not relate to an item of business otherwise falling to be considered at that meeting.
- (87) Only questions of which notice has been given in terms of Paragraph 2 above, and the answers to them~~thereto~~, shall be recorded in the minutes of the meeting.
- ~~(8) Written answers from Councillors shall be read out unless Council agrees otherwise.~~
- (98) In the event of the member submitting the question being absent from a Council Meeting, the question shall fall to the following agenda and, should the member again be absent, the question shall fall and require to be resubmitted.
- (109) No question submitted outwith the deadline specified in ~~this~~ Standing Order 20(2), that is, one identified as an urgent question, shall be accepted.

+21. Notices of Motion

- (1) No member shall propose any motion which does not directly relate to the item of business then under consideration unless prior notice in writing of such motion has been given, to the Head of Legal and Democratic Services, not later than 12 noon on the ~~tenth~~fourteenth clear day prior to an ordinary meeting of the Council. Prior to this, the member shall have contacted the appropriate Director ~~five~~seven clear days before this deadline to allow the Director to respond to the terms of the proposed motion. Correspondence between the member and the Director shall be appended to the motion form, whether submitted in writing or by email. Deadlines for the submission of motions shall be issued to members by the Head of Legal and Democratic Services.
- (2) The terms of motions of which notice has been given shall appear as items of business for consideration at the next ordinary meeting of the Council, except that the Lord Provost (or, subsequent to referral a Convener of a Committee or Sub Committee) may rule a motion incompetent if the Director consulted is of the opinion that the matter is being pursued at the time of submission. If no action is taken on the subject matter of the motion within six months, the motion may be re-submitted. In instances where the Lord Provost has ruled a motion incompetent, it shall not be printed on the agenda. The Lord Provost may also rule a motion incompetent if it would require the incurring of expenditure and the source of such funding is not identified.

- (3) A motion submitted in terms of this Standing Order shall not be deemed competent to be debated until the Convener so rules and calls upon the member who has given notice to move it.
- (4) If a member who has given notice of a motion is absent from the meeting when the motion falls to be considered, the motion shall ~~fall for not be considered at~~ that meeting but will be put on the agenda at the next meeting. If the member is absent on the second occasion, the motion shall fall.
- (5) All motions shall normally be directed to the appropriate Committee at the discretion of the Council.
- (6) Where a motion is remitted to a Committee (or Sub Committee) by the Council (or Committee) the mover of the motion shall in respect of that item only, where they are not a member of the Committee or Sub Committee, become a member of the Committee (or Sub Committee) considering the subject matter of the motion until it is discharged, and shall be entitled to move or second any motion or amendment relating to it and vote thereon. A member shall be permitted to make minor alterations to their motion prior to moving it, with the consent of the Convener. The provisions of Standing Order 45(8) shall apply to any motion so remitted.
- (7) Members are permitted to submit joint notices of motion on a joint and several basis, and in so doing the time allowed for speaking at Council meeting shall be limited to a total of ten minutes between all members who submitted the motion, although nothing shall prevent the Members moving the motion from deciding that one of them only should speak to the motion and in so doing enable the remaining Members to speak for five minutes during the debate as permitted by Standing Order 13(1).
- (8) In the event that a joint motion is submitted to Committee (or Sub Committee) the time allowed for speaking shall be that permitted by the Convener in terms of their powers under Standing Order 18(1) but ~~for the purposes of Standing Order 21(7b)~~ the first-named person on the joint motion shall be the Member entitled to move or second any motion or amendment and vote thereon.
- (9) A motion submitted outwith the deadline specified in this Standing Order, that is, one identified as an urgent motion, shall be accepted onto the agenda at the discretion of the Lord Provost.
- (10) Any motion proposing a nomination for Freedom of the City must be signed by at least two thirds of the members of the Council. For the avoidance of doubt the calculation of two thirds in this Standing Order shall be rounded down if it results in a figure ending in less than point 5, and rounded up if the figure is point 5 or above.

***22. Alteration or Revocation of Previous Decision**

- (1) A decision of the Council shall only be altered or revoked within six months of it having been taken by:
 - (i) a motion to that effect of which prior notice has been given in terms of Standing Order 21; or
 - (ii) a recommendation to that effect approved ~~at a meeting of any relevant~~ by the relevant Committee or Sub Committee.
- (2) A decision of the Council may only be altered or revoked within six months by the Council, decisions of Committees can be altered or revoked within six months by the Committee or the Council and decisions of a Sub Committee by the Sub Committee, or its parent Committee or the Council, provided the terms of Standing Order 22(1) are complied with.
- (3) The alteration or revocation of any decision shall have no retrospective effect.
- (4) This Standing Order shall apply with the necessary alterations only in relation to decisions which have been taken by a Committee or Sub Committee under delegated powers.
- (5) This Standing Order shall not apply to the ongoing negotiations between the Council and any other party in respect of the disposal, purchase, development or management of the Council's property portfolio.

+23. Suspension of Standing Orders

Unless prohibited by Statute, it shall be competent for a member at any time during a meeting to move suspension of the whole or any specified part of the Standing Orders and such a motion, if duly seconded, shall be put to the vote immediately without discussion.

+24. Admission of Public and Press

- (1) Except where otherwise required by statute, every meeting of the Council shall be open to the public and press.
- (2) The Council may, however, by resolution exclude the public and press while considering any matter which falls within the categories of "exempt information" ~~specified in Part III(A) of the 1973 Act as set out in Appendix III to these Standing Orders specified in Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973, enacted by the Local Government (Access to Information) Act 1985.~~
- (3) The terms of any such resolution specifying the part of the proceedings to which it relates and the categories of exempt information involved shall be specified in the minutes.

+25. Exclusion from Meeting of Persons interested in Contracts etc

- (1) A member or officer shall not be present at a meeting of the Council while any contract or other matter in which he/she has a pecuniary interest, direct or indirect, is under consideration unless, in the case of members, the statutory disability from participating in the discussion of such matter has been removed by the Standards Commission for Scotland.
- (2) A member who has made a declaration in terms of Section 112 of the Local Government Finance Act 1992 (by reason of being in arrears with Community Charge or Council Tax) shall be entitled to be present during the discussion of and to speak in relation to any matter to which that section applies but not to propose or second any motion relative thereto or to vote on the matter.
- (3) This standing order shall apply to persons other than members of the Council who are members of any Committee or Sub Committee in the same way as if they were members of the Council.

~~**26. Application of Standing Orders to Committees or Sub Committees**~~

~~In these Standing Orders, those marked + in the margin shall apply (with the necessary changes) to Committees and Sub Committees; those marked * shall apply (with the necessary changes) to Committees and Sub Committees only in relation to delegated functions.~~

[A5]

PART II - COMMITTEES AND SUB COMMITTEES

27. Committees of the Council

- (1) Subject to any statutory provision, the Council may at any time appoint Committees for any purpose and shall appoint the Committees referred to in the following Standing Order.
- (2) The Council shall delegate or refer to such Committees such matters as it may from time to time think fit and these matters so delegated or referred to Committees shall be set out in the order of reference of those Committees.

28. Committees of the Council

- (1) The Committees of the Council shall be:-

Core Committees

Corporate Policy and Performance

Finance and Resources

Housing and Environment

Education, Culture and Sport

Enterprise, Planning and Infrastructure

Social Care and Wellbeing

Audit and Risk

Regulatory Committees

Development Management Sub Committee

Licensing

Appeals

Pensions Panel

- (2) Each Committee shall consist of the number of members approved by the Council having regard to the political balance of the Council except that insofar as permitted by statute:

- (i) The Education, Culture and Sport Committee shall, in addition, include seven persons with voting rights who are not members of the Council, who shall be appointed by the Council at its statutory meeting and in terms of 29(4) below, as follows:

- (a) three persons representing religious bodies in accordance with the requirements of Section 124 (4) of the Local Government (Scotland) Act 1973, being:-

- (i) one representative of the Church of Scotland nominated in such manner as may be determined by the General Assembly of that church;

- (ii) one representative of the Roman Catholic Church nominated in such manner as may be determined by the Scottish Hierarchy of that church;
- (iii) one other person appointed by the Council having regard (a) to the comparative strength within the City of Aberdeen of all the churches and denominational bodies having duly constituted charges or regularly appointed places of worship there and (b) the representation provided for in (i) and (ii) above;

(b) in accordance with the discretion conferred by Section 124 (3) of the Local Government (Scotland) Act 1973:-

(i) two teachers employed in educational establishments managed by the Council nominated in such manner as may be determined by the Education, Culture and Sport Committee; and

(ii) two parent representatives, selected ~~from~~ by Aberdeen City ~~Council~~ Parent Council Forum from within its own membership, comprising one representative from primary and special needs, including nursery, and one representative from secondary.

~~(ii) The Shareholder Scrutiny Group shall, in addition, include two representatives, with/without voting VC6 rights, approved by trade unions.~~

~~(iii) All external members shall be provided with training on conduct by the Director of Corporate Governance.~~

(3) (i) The Appeals Committee shall consist of a membership conforming to the appropriate National Agreements.

(ii) ~~Leaders of the political groups represented~~ Members on the Appeals Committee shall be entitled to nominate substitutes, with full voting rights, to attend meetings of the Committee in their absence, ~~of a member of their respective groups, provided that the m~~ Members of, appointed to the Appeals Committee, and any substitutes, shall be drawn from the membership of the ~~Finance and Resources~~ Committee with the Human Resources function and such members shall have completed the necessary training.

(iii) The Convener of any Committee which is responsible for the decision or failure to come to a decision which is the subject of an appeal shall not be entitled to attend any hearing of the Appeals Committee which considers that Appeal.

- (iv) Any Councillor sitting in a particular hearing of the Appeals Committee shall not be substituted for after the commencement of that hearing, nor shall any Councillor join a hearing of the Appeals Committee after it has commenced.
 - (v) No Councillor shall be entitled to attend a meeting of the Appeals Committee except as a member of that Committee or as a substitute attending in that capacity.
- (4)
- (i) The Council shall appoint an Urgent Business Committee consisting of the number of Members appointed by the Council having regard to the political balance of the Council as set out in terms of Standing Order 29(1) to deal with items of business of an urgent nature.
 - (ii) The Urgent Business Committee shall have full powers, subject to the provision of any relevant enactment, to exercise all functions of the Council, Committee or Sub Committee which would otherwise have dealt with the matter.
 - (iii) In appointing the Urgent Business Committee, the Council shall appoint a Convener of the Committee. The Convener of the Committee which would otherwise deal with any item to be considered by the Urgent Business Committee shall be entitled to attend but without voting powers.
 - (iv) A Chief Officer in submitting any item of business to be considered by the Urgent Business Committee shall approach the Chief Executive firstly, must state the reason for the matter requiring urgent consideration and the consequences of delay. If satisfied that the matter is urgent, the Chief Executive or his/her representative shall contact the Convener of the Committee.
 - (v) The Convener of the Committee, if satisfied that the matter requires to be considered prior to the next scheduled meeting appropriate for its consideration, shall instruct the calling of a meeting of the Committee.
 - (vi) The Committee shall, before considering any item of business, determine (on a division if necessary) whether (a) it is appropriate that the Committee consider the matter, and (b) the urgency is such that the Committee should take a final decision on the matter.
 - (vii) If the Committee resolves not to consider the matter, the item of business should be placed on the agenda for the next scheduled meeting of the Council, Committee or Sub Committee as appropriate. In the event that the Committee resolves to consider the matter but not take a final decision thereon, the recommendation of the Committee shall be placed on the agenda of the next scheduled meeting of the Council, Committee or Sub Committee.

29. Membership of Committees and Sub Committees

- (1) In appointing Committees and Sub Committees, the Council shall, so far as possible, give effect to the principles regarding political balance set out in the Local Government and Housing Act 1989 and which would be mandatory in the event of those provisions of the 1989 Act being brought into force.
- (2) The membership of Committees and Sub Committees shall be reviewed in accordance with those principles at the first meeting of the Council after each election or by-election and any necessary alteration made thereafter.
- (3) Members shall be appointed to Committees at the first meeting of the Council after the ordinary election of Councillors and to Sub Committees at the first meeting thereafter of the appropriate Committees. It shall, however, be competent for the Council (in the case of Committees) and each Committee (in the case of Sub Committees) to vary the membership at any time provided that the political balance as set out above is maintained and that each member of the Council is afforded proper opportunity to serve on the Committees and Sub Committees.
- (4) Subject to any statutory provision, where the Council has appointed anyone other than a member of the Council to any Committee or Sub Committee that person shall, subject to his/her right to resign or to any disqualification, remain a member of that Committee from the date of his/her appointment until the next ordinary election of Councillors.
- (5) Members of the Committee shall be entitled to nominate substitutes to attend meetings of any Committee of the Council in the absence of a member of their group. The Lord Provost shall be entitled to appoint a substitute to attend meetings of Committees in the event that he/she is unable to attend. Substitute Members shall have full voting powers, shall intimate at the commencement of the meeting the member in whose place, he or she is attending and shall at all times defer to the right of that member to attend the meeting.

30. Appointment of Sub Committees

- (1) Subject to the provisions of paragraph (2) each Committee shall be entitled to appoint Sub Committees consisting of members of the Council, subject to any legal or constitutional restriction. Any Sub Committee of the Education, Culture and Sport Committee established to consider educational matters shall, however, consist of members of the Council as specified above together with one of the church representatives, ~~and~~ one of the teacher representatives and one of the parent representatives. A Member of a Sub Committee shall be entitled to nominate substitute members to attend meetings of the Sub Committee in the event that he/she is unable to attend. A substitute member shall have full voting powers and at the commencement of the meeting shall indicate the member in whose place he/she is attending and shall at all times defer to the right of that member to attend the meeting.
- (2) Subject to the provisions of these Standing Orders, each Committee shall have power to appoint special Sub Committees or Working Parties for such of their

functions as they deem necessary. Each Committee shall have power to appoint such advisory/consultative groups without delegated powers consisting of such of its own members and such other persons as it thinks fit.

- (3) Subject to any statutory requirement, any two or more Committees may appoint a joint Sub Committee to discharge such functions of mutual interest as the Committees concerned may determine and each Committee may delegate to such joint Sub Committees any of its own delegated functions.
- (4) Any two or more Committees may establish such joint working, advisory and/or consultative groups without delegated powers consisting wholly of members of these Committees or otherwise as they think fit.
- (5) (i) In appointing any Sub Committee, a Committee shall appoint a Convener who shall hold office for such period as the Committee shall specify at the time of appointment (or if no period is fixed, for the life of the Council) subject, however, to the right of the individual to resign at any time and to vacation of office in the event that the individual ceases to be a Councillor or as long as they are a member of the Committee or Sub Committee in question.
- (ii) Where by statute or otherwise (or by resolution of the Committee concerned) the right to appoint the Convener of a Sub Committee is reserved to the Sub Committee itself, this paragraph shall apply with the necessary modifications.

31. Days and Times of Meetings

- (1) The ordinary meetings of the Committees and Sub Committees shall be held in accordance with a timetable drawn up and approved by the Council.
- (2) Other meetings of Committees and Sub Committees shall be held on such dates and times (not precluded by Standing Orders) as the Committee or Sub Committee itself or the respective Conveners of those Committees or Sub Committees and the Convener of the Finance and Resources Committee shall determine.
- (3) It shall be within the discretion of the Convener of a Committee or Sub Committee to cancel, advance or postpone an ordinary meeting if in his/her opinion there is a good reason for doing so.
- (4) One quarter or more members of a Committee or Sub Committee, may, by notice in writing, require a special meeting of that Committee or Sub Committee to be called to consider the business specified in the notice. Such a meeting shall be held within fourteen clear days of receipt of the notice by the Head of Legal and Democratic Services, but no such meeting shall take place on any date precluded by Standing Orders except that such a meeting may be held within the summer recess period 1 July to 15 August if it would not otherwise be possible to hold the meeting within fourteen clear days of the date of the notice.

- (5) One quarter of Members of the Urgent Business Committee appointed in terms of Standing Order 40, may by notice in writing, request a special meeting of that Committee to be called to consider the business specified in the notice. Such a meeting shall be held within fourteen clear days of receipt of the notice by the Head of Legal and Democratic Services but only if (i) the business proposed is of such a nature that delay, until the next scheduled meeting of the Council, Committee or Sub Committee within whose remit the business would normally fall, would prejudice its proper discharge and (ii) the Convener of the Committee has declined to call a meeting in terms of Standing Order 40. Where a meeting is requisitioned but not held in terms of this Standing Order, the business shall be included on the Agenda of the next meeting of the Council, Committee or Sub Committee as appropriate.

32. Right of Members to attend meetings^[A7]

- (1) Any member of the Council shall be entitled to attend any meeting of any Committee or Sub Committee without being called to the meeting and shall, with the consent of the Committee or Sub Committee concerned be entitled to ask questions or address the meeting but not propose or second any motion or vote. The local members for any particular item will be entitled to attend any meeting of any Committee or Sub Committee and will be entitled to ask questions or address the meeting but not to propose or second any motion, or vote.
- (2) The right conferred by paragraph (1) shall include the right to be present even when press and public have been excluded but shall not apply where the Committee or Sub Committee concerned having heard the advice of the Head of Legal and Democratic Services determine that it would be prejudicial to the interests of the Council as a whole to allow non members of the Committee or Sub Committee to be present.

33. Notices and Order of Business of Meetings

- (1) Except in cases of urgency, every notice calling a meeting of a Committee or Sub Committee shall be given in writing at least 5 clear days before the date of the meeting detailing the business as then known.
- (2) The agenda issued for each meeting of a Committee or Sub Committee shall specify the business to be transacted and the order in which it will be brought before the meeting. The business shall proceed in that order unless otherwise resolved by the Committee or Sub Committee at the meeting.
- (3) Except as mentioned below every member of the Council shall be entitled to receive a copy of every notice calling a meeting of any Committee or Sub Committee and of the agenda thereof and shall on request receive a copy of any report issued in connection ~~therewith~~with the agenda.
- (4) The preceding paragraph shall not apply to any report where the Committee or Sub Committee concerned having heard the advice of the Head of Legal and

Democratic Services, determines that it would be prejudicial to the interests of the Council as a whole to make the report available.

34. Quorum

The quorum of Committees and Sub Committees shall be one quarter of the total number of members of the Committee or Sub Committee, or two members thereof whichever shall be the greater unless some other figure has been fixed at the time of the appointment of the Committee or Sub Committee.

35. Minutes of Meetings of Committees and Sub Committees

- (1) The Minute of each meeting of a Committee or Sub Committee shall be submitted as soon as is practicable to the next-a meeting of that Committee or parent-Sub Committee for approval. ~~Minutes of meetings of Committees and Sub Committees appointed for a specific task or remit shall (unless the Council or parent Committee has directed otherwise) be submitted after the Committee or Sub Committee has exhausted its remit or within three months from the date of such remit or of the submission of the last such minute.~~
- (2) A report on the deliberations of any Working Group ~~together with its recommendations for action or its minutes~~ shall be submitted to the Council or Committee which appointed it as frequently as appropriate.

36. Delegation to Committee and Sub Committee

- (1) The Committees and Sub Committees of the Council shall have the terms of reference and delegated authority specified in the respective Orders of Reference appended to these Standing Orders.
- (2) Subject to any specific restrictions contained in Standing Orders or its Order of Reference, each Committee or Sub Committee shall have delegated authority to determine any matter within its Order of Reference as set by the Council in the case of Committees and by the parent Committee in the case of Sub Committees.
- (3) Subject to the provisions of Standing Orders 37 and 38 the delegation conferred by the previous paragraph shall not apply where following a division in Committee, one third of the membership of the Committee immediately indicate that they wish the matter to be referred to the Council for decision. If one third of the membership resulted in a division of less than point 5 the number of members required to refer a decision is rounded down, whereas if one third resulted in a division of point 5 or over the number of members required would be rounded up, subject to a minimum of two members being required.
- (4) Any matter referred in terms of the preceding paragraphs, together with those excluded from delegation under the provisions of any other Standing Order

shall be specially identified in the minutes submitted to each meeting of the Council.

- (5) Paragraphs (3) and (4) above shall, with the necessary changes, apply where following a division in a Sub Committee, one third of the membership of the Sub Committee indicate that they wish the matter referred to the parent Committee for decision.
- (6) The provisions of paragraphs (3) and (5) shall not apply where, in the view of the Convener of the Committee or Sub Committee acting upon advice from the Head of Legal and Democratic Services and the Head of Service responsible for the area of service under consideration, such a reference would have the effect of depriving the Council of the opportunity to make any meaningful or effective determination on the subject matter of the Committee's decision.
- (7) The provisions of paragraphs (3) and (5) shall not apply to any proceedings relating to:
 - (a) the appointment of or retirement of staff
 - (b) grievance or disciplinary appeals by staff
 - (c) school attendance
 - (d) bursaries
 - (e) admission of any particular child to school
 - (f) provision of school transport for any particular child
 - (g) the granting of any licence, registration or certificate
 - (h) assumption of parental rights or adoption in the case of any individual
 - (i) any statutory review procedure
 - (j) aids and adaptations to premises for the benefit of social work clients
 - (k) a meeting of a Committee or Sub Committee during the summer recess in terms of Standing Order 3(5)
- (8) The Committees and Sub Committees shall conduct their business within their terms of reference and shall in exercising the authority delegated to them do so always in accordance with the following provisions. It shall, however, be competent, in relation to any matter not specifically referred to in the Order of Reference or in Standing Order 37 for the Committee, whose remit the matter most closely resembles, to consider such matters and to make any appropriate recommendation to the Council.
- (9) Committees and Sub Committees shall exercise the authority delegated to them having regard to and in accordance with the policy of the Council. ~~Committees and Sub Committees shall ensure the appropriate involvement of members of the community and representative bodies in the work of the Committee and of the Services under their control.~~ In particular Committees and Sub Committees shall ensure that the work of the Services under their control contributes to the corporate policy of the Council.
- (10) The Committees and Sub Committees shall conduct their business always in accordance with the Standing Orders relating to contracts and procurement, financial regulations and administrative procedures adopted by the Council.

- (11) The Committees and Sub Committees shall conduct their business having regard where appropriate to the constituency interests of local members in the matters under consideration. Each Committee and Sub Committee shall consider how best this may be done in relation to matters within their remit.
- (12) The Council may if it so resolves, deal with any matter falling within the Order of Reference of any Committee or Sub Committee without the requirement of receiving a report or minute of that Committee or Sub Committee referring to that matter.
- (13) Subject to any statutory requirement the Council may at any time vary, add to, restrict or recall any reference or delegation to any Committee or Sub Committee and any specific direction by the Council in relation to the remit of a Committee or Sub Committee shall take precedence over the terms of any provision in the Order of Reference.
- (14) A Committee may at any time deal with any matter falling within the Order of Reference of any of its Sub Committees without the requirement of the submission of a report or minute of that Sub Committee referring to that matter.
- (15) Subject to any statutory requirement, a Committee may at any time vary, add to, restrict or recall any reference or delegation to any of its Sub Committees or any specific direction by a Committee shall take precedence over the terms of any provision in the Order of Reference.
- (16) A Committee may at any time refer any item of business to a Sub Committee for consideration and report and may, if the Committee considers it appropriate to do so, delegate to the Sub Committee such additional powers to dispose of the business as the Committee thinks fit.
- (17) If the matter is of common interest to the Committee to which the matter is referred or delegated and to any other Committee or Committees, any of the Committees concerned shall be entitled (in the case of a matter referred but not delegated, without the necessity of the prior approval of the Council) to submit a proposal or recommendation relative to the matter to the other Committee or Committees and any such proposal or recommendation shall appear as an item of business on the agenda of the next convenient meeting of such Committee or Committees. However, no action shall follow on the submission of any such proposal or recommendation without the approval of the Committee within whose remit the matter falls.
- (18) In the event of disagreement between the Committees in respect of any such proposal or recommendations which falls within the delegated authority of one Committee, the decision of that Committee shall prevail. If the matter is not delegated to any Committee, a report summarising the views of the various Committees shall be prepared by the Head of Legal and Democratic Services and shall appear as an item of business on the agenda of the next meeting of the Finance and Resources Committee.

37. General Delegations to Committees

Except where Standing Orders or the Order of Reference of a particular Committee or Sub Committee expressly provides to the contrary, all Committees shall have the following delegated powers:-

- (1) Each Committee responsible for overseeing the provision of the services specified in its Orders of Reference shall be responsible for the supervision and management of staff within the staffing establishment set by the Council.
- (2) Each Committee responsible for overseeing the provision of the services specified in its Orders of Reference shall, insofar as permitted by the Standing Orders on contracts and procurement, have the power:
 - (i) to accept offers for the purchase of goods, materials or services (including the employment of outside consultants or practitioners providing professional or specialised services) required for the purposes of that service and to approve, reject, or vary lists of tenderers. This provision shall not, however, entitle any Committee in relation to goods, materials or services in respect of which the Council maintains a central contract, to accept a tender for the supply of those goods, materials or services outwith that contract except with the express approval of the Council;
 - (ii) to accept offers for the disposal of goods or materials surplus to the requirements of Services. This provision shall not however entitle any Committee to accept an offer in relation to any goods or materials, in respect of which the Council maintains a central contract, outwith that contract except with the express approval of the Council.
 - (iii) The power referred to in (i) above to award contracts shall include power to deal with any incidental matters relating to that contract and to vary or determine the contract.
- (3) Each Committee responsible for overseeing the provision of the services specified in its Orders of Reference shall be responsible for:
 - (i) the operational management of all land and the buildings occupied for the purpose of those services;
 - (ii) the approval of proposals for the development thereof of these where such development can be contained within the approved budget of the service and does not require the acquisition of any additional land or interest therein; and
 - (iii) the consideration of proposals for the development of land and buildings required for the function of the Committee where such proposals would require the acquisition of land or buildings, to the stage of recommending to the Finance and Resources Committee the development of a particular site.

- (4) Each Committee shall have power to settle claims against the Council arising out of the functions supervised by the Committee irrespective of value so long as such amount can be contained within the approved budget in respect of that function.
- (5) Each Committee and Sub Committee shall have power to determine all applications for loans, grants, donations and subscriptions (other than those relating to the day to day operational requirements of the service which are delegated to the Chief Officer) in respect of services which are linked to or associated with the functions of that Committee or Sub Committee, so long as such amount can be contained within the approved budget for that function.
- (6) Each Committee and Sub Committee shall be entitled to appoint on behalf of the Council representatives to outside bodies which provide services linked to or associated with the function of that Committee or Sub Committee and attendance at any ordinary meeting of such a body and the annual conference thereof shall be deemed to be an approved duty by the member or members concerned.
- (7) Without prejudice to the powers conferred on Conveners by Standing Order 3(iv) and 31(3) each Committee and Sub Committee shall have power to fix dates and times of its own meetings (including the power to vary the date of any meeting included in the annual time-table of meetings approved by the Council but not to any date precluded by Standing Orders (except where in the opinion of the Convener of the Committee or Sub Committee, the urgency of the business requires it) or to a time precluded by Standing Orders).
- (8) Each Committee and Sub Committee shall have power to delegate any of its delegated functions to an officer but shall have power at any time to itself deal with any matter so delegated.
- (9) Each Committee, subject to any statutory provision, shall have power to appoint a deputation not exceeding five members and consistent with the principles of political balance, to attend any meeting or conference relevant to the interests of the Committee provided that:
 - (i) no deputation exceeding two members shall be appointed to attend a conference outwith the European Union without the approval of the Finance and Resources Committee; and
 - (ii) in the case of a meeting or conference of interest to more than one Committee, the total deputation from the council shall not exceed a total of six members and officers except with the approval of the Finance and Resources Committee and, in the event of a disagreement among Committees as to the composition of any such deputation, the matter shall be determined by the Finance and Resources Committee.
- (10) (i) The Leader of the Council may attend meetings within the UK convened by or with other local authorities, government departments, other

statutory bodies or organisations of the European Union at which matters relevant to the interests of the Council are to be considered. The Leader of the Council may be accompanied by any appropriate officer and may authorise such officer and/or any other member of the Council to attend any such meeting in his/her absence.

- (ii) The Convener of any Committee may attend meetings within the UK convened by or with other local authorities, government departments, other statutory bodies or organisations of the European Union at which matters relevant to the interests of that Committee are to be considered.

Any such Convener may be accompanied by any appropriate officer and may authorise such officer and/or any other member of the Committee to attend any such meeting in his/her absence.

- (iii) The Chief Executive may authorise any Chief Officer to attend any meeting, conference or seminar within the UK organised by any appropriate professional or public body.

- (11) (i) Subject to the constitution of the Convention of Scottish Local Authorities, the members appointed by the Council to the Convention shall be entitled to attend all meetings of the Convention or its Committees, including the Annual General Meeting and Annual Conference.

- (ii) The Convener of any Committee of the Council may attend any meeting of the Convention or one of its Committees where he/she reasonably considers such attendance to be in the interest of the Council.

- (iii) Where a member of the Council has been appointed to any office by the Convention and such appointment has been notified to and approved by the Council, he/she shall be entitled, without further approval by the Council to attend all meetings, conferences, etc. necessarily arising out of such appointment.

- (12) The Convener of the Finance and Resources Committee or any other member of that Committee nominated by him/her shall be entitled to attend, with the appropriate officers, all meetings of the joint negotiating bodies responsible for the negotiation of conditions of service for the Council's employees.

- (13) (i) The Lord Provost shall be entitled to represent the City on all such occasions (within the United Kingdom) as it is appropriate and customary to be so represented.

- (ii) Where the Lord Provost represents the City whether within the U.K. or elsewhere and it is appropriate that the Lord Provost be accompanied, the attendance of a Town Sergeant, may be authorised by the Chief Executive ~~or the Lord Provosts Sub Committee.~~

- (iii) Where it is necessary because of an infirmity or disability that the Lord Provost be accompanied, the travel and subsistence cost of such companion shall be met by the Council on the same basis as those of the Lord Provost.
- (14) The expenses and allowances payable to any member of the Council in attending any meeting or Conference in terms of these Standing Orders or as otherwise authorised by the Council shall, subject to any enactment, be in accordance with the scheme laid down by the Council from time to time. Where it is necessary because of an infirmity, or disability that any member be accompanied, the travel and subsistence costs of such companion will be met by the Council on the same basis as those of the member.

38. Exclusion from Delegations

There shall be excluded from any delegation:-

- (i) ~~Incurring of capital expenditure in the absence of any consent to incur capital expenditure or other relevant statutory consents;~~
- (ii) Incurring of revenue expenditure for which no provision or insufficient provision has been made in the revenue budget except with the express consent of the Finance and Resources Committee;
- (iii) The acquisition or disposal other than by the Finance and Resources Committee, of any land or buildings or other interests therein required for the purposes of any service controlled by that Committee;
- (iv) The dismissal of Chief Officers;
- (v) The making of Bye Laws;
- (vi) The making of representations to, or the appointment of any deputation or meet with, any Government Minister or Government Department in relation to the financing of the Council or any of its services except with the approval of the Finance and Resources Committee.
- (vii) Any proposal which might if adopted give rise to an allegation of illegality or maladministration.

39. Expenditure^[A8] on Hospitality Etc

- (1) The Finance and Resources Committee may incur expenditure, within the provision made for that purpose within the appropriate Budget, on hospitality consisting of the reception and entertainment by way of official courtesy, of distinguished persons and persons representative of or connected with local government or other public services whether within or outside the United Kingdom where the occasion giving rise to such hospitality is not the concern mainly of any other Committee.
- (2) Any Committee may, within the sum provided for that purpose in the approved Revenue Budget for the service or function in question incur expenditure:-
 - (i) on the provision of hospitality of the type referred to in the subparagraph (1) above where the occasion relates mainly to the function of that Committee;

- (ii) on the provision of hospitality in connection with any inspection or ceremony affecting any service controlled by that Committee;
 - (iii) on the provision of hospitality to persons who may be interested in the promotion of industrial or commercial development or other activities which may create employment opportunities in the City; or to persons who are assisting or co-operating with the Council or its officers in relation to the functions of the Committee.
- (3) The Convener of any Committee may authorise the provision of hospitality in the circumstances specified in sub-paragraph (2) above and related to the functions of a service under the control of the Committee (or in the case of the Finance and Resources Committee to the functions of the Council) provided that the expenditure on any one occasion does not exceed £400 and that the expenditure can be met out of the sum provided in the appropriate budget for that purpose.
- (4) The Chief Executive or any Chief Officer may incur expenditure not exceeding £500 on any one occasion on the provision of appropriate hospitality to members and officers of HM Government, Local Authorities or Public Authorities visiting the City or to consultants or others who are assisting or co-operating with officers of the Council in carrying out any of the Council's functions. Chief Officers should advise the City Chamberlain/Head of Finance in advance if they intend to incur expenditure in excess of £100.

40. Council Recess - Delegation to Committees

- (1)
 - (i) During the ~~period 1st July to 15th August~~ summer recess in each year the Convener of the Urgent Business Committee, on the advice of the Chief Executive or his/her representative, shall be entitled to call meetings of the Committee to consider matters of an urgent nature.
 - (ii) The Urgent Business Committee shall have full power subject to the provisions of any relevant enactment to exercise all the functions of the Council during the recess period.
- (2) Nothing in this Standing Order shall prevent the Licensing Committee or the Development Management Sub Committee meeting when necessary to deal with matters within their respective remits.

PART III - OFFICERS OF THE COUNCIL

41. Returning Officer for Elections

- (1) The Chief Executive shall be the Returning Officer for each election of councillors in accordance with Section 41 of the Representation of the People Act 1983 and the Head of ~~Legal and Democratic Service, Office of Chief Executives~~ shall be Depute Returning Officer.
- (2) The Head of ~~Legal and Democratic Service, Office of Chief Executives~~ shall be Returning Officer for (i) all elections of Community Councillors in terms of the Council's Scheme for the establishment of Community Councils; and (ii) any election so required by a Parent Council in terms of the Scottish Schools (Parental Involvement) Act 2006.

42. Statutory Officers of the Council

- (1) The Council shall, as necessary, in accordance with the relevant statutes, appoint individuals to hold the offices of:-

Electoral Registration Officer
Public Analyst and Agricultural Analyst
Data Protection Officer

and the officers so appointed (who need not be employed exclusively by the Council) shall in addition to any other powers and duties delegated to them by the Council have all the powers and duties conferred upon them by the respective statutes.

- (2) For the avoidance of doubt the persons occupying for the time being the posts of Principal Trading Standards Officer, Chief Social Work Officer and ~~Chief Senior~~ Registrar of Births, Deaths and Marriages shall respectively be deemed to be and shall have all the statutory powers of the Chief Inspector of Weights and Measures, Chief Social Work Officer and Registrar of Births, Deaths and Marriages.
- (3) The Chief Executive, Head of Legal and Democratic Service and Head of Finance shall be respectively the Head of the Council's Paid Service, Monitoring Officer and Proper Officer for the administration of the Council's financial affairs in terms respectively of S4 and S5 of the Local Government and Housing Act 1989 and S95 of the Local Government (Scotland) Act 1973 and entitled to discharge all the powers and duties conferred upon such officers by the 1989 Act or other statutory provisions.
- (4) The Head of Planning and Sustainable Development shall be the Proper Officer in terms of the Planning Etc. (Scotland) Act 2006.
- (5) Nothing in these Standing Orders shall be deemed to refer to any of these officers so acting.

43. Proper Officers of the Council

Where the Council is required in terms of any statute to appoint a Proper Officer for any purpose such appointment shall be made by the Committee responsible for overseeing the service concerned and when made shall be recorded in a register kept for that purpose by the Head of Legal and Democratic Services. The register shall be open to public inspection at all reasonable times.

44. Signing of Deeds

All deeds or other document to which the Council is a party shall be signed by the Chief Executive, the Head of Legal and Democratic Services or ~~the either~~ Legal Manager ~~(Policy & Advice Team), Legal Manager (Conveyancing Team) or the Legal Manager (Court Team)~~ before a witness in terms of the Requirements of Writing (Scotland) Act 1995.

45. Reports by Chief Officers

- (1) Reports to the Council, Committees and Sub Committee shall be submitted by the appropriate Chief Officer when requested by the Council, Committee or Sub Committee or when in the professional opinion of such Chief Officer such report is required to enable the Council to comply with any enactment or other rule of law or when the exigencies of the service under his/her control so require.
- (2) Any report to be submitted in terms of this Standing Order shall be provided in draft to the following officers, in accordance with the published timetable:-
 - (i) the Head of Finance who shall either within a period of four clear days from the date of receipt of the report submit to the Chief Officer concerned his/her comments on the financial implications for incorporation in the report or (having so advised the Chief Officer concerned) prepare his/her own observations in writing on the financial implications which shall be submitted to the meeting at which the report is to be considered;
 - (ii) the Head of Legal and Democratic Services who shall within four clear days from the date of receipt of the report and after such consultation as he/she may deem appropriate advise such Chief Officer as to what action should be taken in respect of the report;
 - (iii) the Head of Human Resources and Organisational Development and Head of Asset Management and Operations in cases where the report concerns matters within their professional remit and to the Chief Officer whose service or budget may be affected by the proposals contained in the report and those Chief Officers shall be entitled within four clear days from the date of receipt of the report to submit to the Chief Officer concerned his/her comments on those matters for incorporation in the report or (having so advised the Chief Officer concerned) to prepare

his/her own observations on such matters which shall be submitted to the meeting at which the report is to be considered; and

- (iv) the provision of these Standing Orders shall not prevent Chief Officers agreeing to a lesser period of consultation on a particular report in urgent circumstances or to meet the exigencies of the service.
- (v) reports and items to be included on an agenda for a meeting of the Council, Committee or Sub Committee must be delivered to the Head of Legal and Democratic Services by 10am on the day specified in the published timetable. If the deadline for submission of reports to Committee Services is missed the report author is responsible for the completion and arranging for the signatures for the late docket which should include the reason why the report has been submitted as a late item and why it should be considered as a matter of urgency.
- (vi) where any Chief Officer, who has been consulted in accordance with the terms of these Standing Orders, is not in agreement with the proposals set out in any report, or any part thereof, the views of the Chief Officer should be clearly stated together with the reasons why the writer of the report is taking a different view.

(vii) where an Equality and Human Rights Impact Assessment requires to be undertaken, report consultation must include this and the Assessment shall be included in the papers submitted to the Committee.

- (3) Any report requested by the Council, Committee or Sub Committee shall be submitted within such period as may be specified in the request (or, if not specified, within two cycles) or such longer time as the Council, Committee or Sub Committee may subsequently approve.
- (4) Where in the opinion of the Head of Legal and Democratic Services consideration of a report submitted in accordance with this Standing Order is required to comply with any enactment or other rule of law or to avoid the Council being guilty of maladministration he/she shall place it on the agenda for a meeting of the Council, or the appropriate Committee or Sub Committee within two cycles of the completion of the procedures referred to in sub-paragraph (2) above.
- (5) Chief Officers shall keep under review the progress of all contracts, works, service provision and other projects concerning the Services under their control and in the event that any Chief Officer considers that the circumstances so warrant shall report any significant variation in such progress to the appropriate Committee.
- (6) Without prejudice ^[A9]to the foregoing sub-paragraph, in the case of all contracts exceeding £100,000 in value and all projects where the aggregate of the separate contracts contained therein exceeds £100,000 where it appears

to the Chief Officer responsible for monitoring the progress of the contract or project that

- (i) a delay of three months or more in the estimated completion of the contract or project is probable; or
- (ii) the cost of the contract or project will exceed by more than 10% the estimated cost of the contract (inclusive of any allowance for additional works and remedial costs) stated in the tender report or any subsequent report approved by that Committee;

the Chief Officer shall submit a report detailing such circumstances and the reasons therefor to the first convenient meeting of the appropriate Committee.

- (7)
 - (i) where a report contains proposals which will have a particular bearing on a ward, the officer compiling the report must consult with the local Members whose ward will be so affected.
 - (ii) where any Member, who has been consulted in accordance with the terms of this Standing Order, is not in agreement with the proposals set out in any report, or any part thereof, the views of the Member should be clearly stated together with the reasons why the writer of the report is taking a different view.
- (8)
 - (i) where a Member has raised a Notice of Motion before the council which has subsequently been referred by the Council to a future meeting of the Council or to a particular Committee or Sub Committee, officers shall where timescales permit prepare a background report setting the context for the motion, containing no recommendations. The Member who raised the Notice of Motion ~~shall~~ be consulted on any the background report or any subsequent report to the said Council, Committee or Sub Committee.
 - (ii) the basis of the consultation is (1) whether in the Member's view the terms of the Motion have been addressed and (2) the Member's view of the content and recommendations contained in the report.

46. Consolidated Loans Fund - Borrowing and Lending

The Head of Finance shall report as frequently as he/she considers appropriate and not less than twice yearly to the Finance and Resources Committee on the borrowing and lending operations of the Council's Consolidated Loans Fund.

47. Appointment of Officers

- (1) The appointment of all employees of the Council shall be based on merit.
- (2) The Chief Executive, all Directors and all other JNC posts shall be appointed by an Appointment Panel, of such composition as the Council may determine, which shall reflect the political balance of the Council. The Panel shall be

chaired by the Convener of the ~~Finance and Resources~~-Committee with the Human Resources function or such member as may be determined.

- (3) Only those Members who participated in the drawing up of the person specification for the post and the shortlisting of candidates shall participate in the interview and selection process.
- (4) Unless the Committee responsible for supervising the function concerned shall otherwise decide because of the particular nature of the duties to be performed by the postholder, the appointment of all other staff (excluding teaching staff) shall be delegated to the appropriate Chief Officer. The Head of Human Resources and Organisational Development and any officer nominated by the Chief Executive shall be entitled to be represented at any interview or meeting relating to the appointment of such staff.
- (5) Unless the Committee shall otherwise direct, all appointments shall where appropriate be made after press advertisement and not less than two weeks shall be allowed between the date on which the advertisement first appears and the closing date for the receipt of applications.
- (6) Except in the event that the number of applications makes such a procedure impractical the Panel or officer responsible for making an appointment shall draw up a short list of suitably qualified applicants who shall be called for interview and after such interviews and such other inquiries as may be considered appropriate the most suitable candidate shall be appointed.
- (7) The list of applications for any appointment shall be treated as confidential and only the name and particulars of successful candidates shall be recorded in the minutes of the Council or otherwise published.
- (8) The appointment of teaching staff shall comply with the arrangements approved by the former Education and Leisure Committee on 24th April, 2007.
- (9) Each meeting of the Panel shall determine the process by which each appointment shall be made, which determinations will not be recorded in the minute. For the avoidance of doubt the Convener shall in the case of equality of votes in any procedure under this Standing Order have a second or casting vote.

48. Employment - Relatives of Members and Certain Officers

- (1) Subject to the provisions of any enactment any person who is a relative of a member of the Council (or of a Chief Officer or Head of Service or equivalent) seeking employment in any Department of the Council shall disclose the fact of such relationship on the application form.
- (2) The preceding paragraph shall apply equally to a person who is a relative of a member of a Committee or a Sub Committee who is not a member of the Council but only if the post applied for is under the control of that Committee or Sub Committee.

- (3) For the purposes of this Standing Order "relative" means a first cousin or nearer degree of relationship whether by blood or marriage or civil partnership and shall include a person in the same household.
- (4) The Chief Executive shall after consultation with the Head of Human Resources and Organisational Development be advised immediately when an application falling within the terms of this Standing Order is received and shall submit to the Committee, Sub Committee or persons making the appointment such observations as he/she considers appropriate as to the procedure to be followed in making the appointment including the arrangements for selecting leets and interviewing candidates.
- (5) The procedure adopted shall in any event ensure that the related member or officer
 - (a) has not been and will not be in any way involved in the appointment procedures, and
 - (b) will not be involved in any direct working relationship with the appointee which might give rise to allegations of favouritism or other form of embarrassment with the Council or Service(s) concerned.
- (6) This procedure must be followed in other personnel procedures such as grievance or disciplinary procedures or job evaluation.

49. Disposal of Property to Relatives of Members and Officers

- (1) This Standing Order applies where a property transaction (whether purchase, sale, lease, servitude, excambion or of any other description) is proposed between the Council and a member of the Council (including for this purpose a non-elected member of any Committee or Sub Committee) or a Chief Officer, or any other remunerated officer ~~remunerated on JNC scales~~ or where to the knowledge of such member or officer such a transaction is proposed between the Council and any relative of his/her or person in the same household as him/her.
- (2) The member or officer shall when he/she intimates his/her interest in the proposed transaction or as soon as he/she receives a proposal from the Council or becomes aware of a proposal involving a relative or person in the same household, give notice of the possible transaction to the Chief Executive.
- (3) The Chief Executive shall thereupon submit a report to the Committee or Sub Committee by whom the transaction is to be considered containing such observations as he/she considers to be appropriate or necessary regarding the transaction or the procedure to be applied in formulating or approving its terms including the exclusion of persons from the process.
- (4) When considering a transaction falling within this Standing Order the Committee or Sub Committee concerned shall satisfy themselves after due

consultation with the Chief Executive that the person giving the notice required by paragraph (2) has not in any way been involved in the negotiations and has not exercised influence or pressure in relation to the negotiations and that there is no way in which the transaction can give rise to allegations of favouritism.

50. Restriction on employees engaging in other remunerative employment

- (1) A person who is in the employment of the Council shall not engage in any activity falling within the scope of the Working Time Regulations 1998 without the sanction of the Head of Human Resources and Organisational Development.
- (2) No person in the employment of the Council shall engage in any work in competition with any Service of the Council.
- (3) Employees are not permitted to use the equipment or resources of the Council in any outside employment, or for the benefit of any voluntary or charitable organisation without the prior approval of their Director, or in the case of chief officers with the approval of the Chief Executive.

51. Employees not to retain fees or commission

No person employed by the Council shall be entitled to retain any fee, commission or other payment collected or received under colour of his/her office or employment except with the consent of the Council.

52. Employees accepting gratuity etc.

- (1) Except where retention of any fee or commission has been duly authorised under Standing Orders or otherwise, any employee of the Council who in the course of his/her employment accepts any gift (other than minor tokens of an advertising nature) gratuity, bonus or reward shall be subject to the Council's Disciplinary procedure.
- (2) This Standing Order shall not apply to any gift (except from a party who is, or may expect to be under contract to the Council for the provision of any works, goods or services) in money or money's worth not exceeding £50 which is recorded within 21 clear days of receipt in the register kept for that purpose by the Head of Legal and Democratic Services and which shall be available for inspection by any member of the Council or Chief Officer nor shall it apply to reasonable hospitality received directly in connection with any meeting, function or conference at which the officer is representing the Council or any meeting, function or conference organised by a professional body.

53. Public Notices, Invitations to tender etc.

Subject to the provisions of any enactment, all public notices, advertisements and invitations to tender whether by press advertisement or otherwise required to be given by or on behalf of the Council or any Committee or Service thereof shall be made by and in the name of the Chief Officer of the Service concerned or the Head of Legal and Democratic Services, as may be agreed between those Directors.

54. Annual Return of Attendance by Members

The Head of Finance shall prepare and issue an annual return showing for the previous financial year the expenses (including travelling expenses) and allowances paid to each member of the Council. ~~(other than allowances payable to the Lord Provost and Depute Provost of the Council towards meeting the expenses of their offices).~~

55. Access of Members to Documents etc.

Any document in the possession or under the control of the Council which contains material relating to any business to be transacted at or to any proceedings at a meeting of the Council or of any Committee or Sub Committee shall be open to inspection by any member of the Council and in the case of a meeting of a Committee or Sub Committee by any other member of the Committee or Sub Committee provided (a) that if the Head of Legal and Democratic Services after consultation with the Chief Officer responsible to the Council for the custody or control of the document certifies that it discloses exempt information of a description falling within any one or more of paras 1-5, 7, 9, 11, 12 and 14 of Appendix III hereto, the document shall not be made available except with the prior consent of the Committee controlling the Service concerned and (b) that no document shall be made available for inspection if to do so would be contrary to law.

56. Custody of Title Deeds

The Head of Legal and Democratic Services shall be responsible for the safe custody of the title deeds of all land and property in the ownership of the Council, the Minutes and other records of the proceedings of the Council, its Committees and Sub Committees and all other records belonging to or relating to the Council which are not more appropriately retained by the Chief Officer of a particular Service. The requirements of this paragraph may be exercised in terms of an agency arrangement with any other local authority or authorities.

Senior Councillors

Post	Appointee	Remuneration	Senior Councillor
Lord Provost	Councillor Adam	£28,410	
Depute Provost	Councillor Reynolds	£21,308	1
Council Leader	Councillor Crockett	£37,880	
Depute Council Leader	Councillor Boulton	£28,410	1
Convener, Audit & Risk	Councillor McCaig	£28,410	1
Vice Convener, Audit & Risk	Councillor Yuill	£21,308	1
Convener, Corporate Policy and Performance	Councillor Graham	£28,410	1
Vice Convener, Corporate Policy and Performance	Councillor Taylor	£21,308	1
Convener, Education, Culture and Sport	Councillor Laing	£28,410	1
Vice Convener, Education, Culture and Sport	Councillor Thomson	£21,308	1
Convener, Enterprise, Planning and Infrastructure	Councillor Crockett		
Vice Convener, Enterprise, Planning and Infrastructure and Convener, Development Management Sub-Committee	Councillor Milne	£21,308	1
Convener, Finance and Resources	Councillor Young	£28,410	1
Vice Convener, Finance and Resources	Councillor Allan	£21,308	1
Convener, Housing and Environment	Councillor Cooney	£28,410	1
Vice Convener, Housing and Environment	Councillor Jean Morrison	£21,308	1
Convener, Social Care and Wellbeing	Councillor Ironside	£28,410	1

Post	Appointee	Remuneration	Senior Councillor
Vice Convener, Social Care and Wellbeing	Councillor Lesley Dunbar	£21,308	1
Convener, Licensing Committee	Councillor Forsyth	£21,308	1
Convener, Appeals Committee	Councillor Grant	£21,308	1
Convener, Licensing Board	Councillor Boulton		
Convener, Pensions Panel	Councillor Crockett		
Senior Councillor Totals		£411,950	17
Maximum allowed		£424,118	19

20.3.13

DEMOCRATIC PROCESSES WORKING GROUP

ABERDEEN, 4 June 2013. Minute of Meeting of the DEMOCRATIC PROCESSES WORKING GROUP. Present:- Councillor Young, Chairperson; and Councillors Boulton, Forsyth, Ironside CBE, Laing, McCaig and Yuill.

Officers in attendance:- Ciaran Monaghan, Roderick MacBeath, Vikki Cuthbert and Stephanie Dunsmuir.

In the absence of Councillor Crockett, Councillor Young was appointed as chair.

MINUTE OF PREVIOUS MEETING

1. The Working Group had before it the minute of its previous meeting of 29 April 2013.

The Working Group resolved:-
to approve the minute as a correct record.

MEMBERS' FEEDBACK - OFFICER RESPONSES

2. With reference to article 1 of the minute of its previous meeting, the Working Group had before it the feedback from the questionnaire to Elected Members around Committee structures. Officers had provided responses to the points raised where it was appropriate to do so.

In relation to the comment that Conveners should only be able to vary the date or time of Committee meetings with the agreement of the relevant Director, and that the variation should be for a genuine business reason, Mr MacBeath advised that Conveners had always had unfettered discretion in this area. He also suggested that Directors were usually consulted on any proposal to alter a meeting. Councillor Yuill acknowledged this, but asked if in future, Members could be advised of the reasons on the notice why a meeting had been changed.

In relation to the comment that Members were not permitted to speak again during debate, the Working Group agreed that they were content to leave Standing Order 11(3) unchanged. Councillor Boulton raised the point which had been discussed at the last meeting in relation to budget seconders having more than five minutes to speak. Mrs Cuthbert noted that this point was covered under the suggested amendments to the Standing Orders (at item 4 of the agenda).

Finally, in relation to the comment about relevant members being kept informed where an operational matter had the potential to generate public interest, Mr MacBeath advised that officers had been reminded to consult with Ward members on matters which affected their Wards. It was noted however that it was not always appropriate for operational matters to be shared more widely.

DEMOCRATIC PROCESSES WORKING GROUP

4 June 2013

The Working Group resolved:-

- (i) to recommend that Members be advised of the reason for a change to the date or time of a meeting;
- (ii) to recommend that Standing Order 11(3) should remain unchanged; and
- (iii) to note the officers' responses to the comments from Elected Members.

COMMITTEE STRUCTURE AND ORDERS OF REFERENCE

3. The Working Group had before it the current Committee structure and Orders of Reference for discussion.

The Chairperson set out the Administration proposals for the structure as follows:-

- to disestablish the Corporate Policy and Performance Committee
- to establish a Petitions Committee
- to change the Development Management Sub Committee to the Planning Committee
- to create a Sub Committee of the Finance and Resources Committee solely to consider property matters
- to increase the remit of the Social Care and Wellbeing Committee to consider the Police and Fire and Rescue matters which were currently the responsibility of the Corporate Policy and Performance Committee
- to request that officers prepare Orders of Reference for the proposed changes to the Committee structure for the Council meeting in June

Councillor McCaig queried the reason for a Property Sub Committee, and the Chairperson clarified that it was to ensure that matters relating to property and asset management were given separate and detailed scrutiny, rather than forming part of the larger Finance and Resources Committee agenda. Councillor McCaig then requested that the membership of the Sub Committee be not simply restricted to one member per Group. The Chairperson advised that this would not be the case.

Councillor Yuill asked to where the other functions of the Corporate Policy and Performance Committee would report if it were to be disestablished. The Chairperson explained that the Human Resources function would be reported to the Finance and Resources Committee, and that the Community Planning function would be reported to Social Care and Wellbeing. Councillor McCaig noted that this might cause difficulty with more than one Director reporting to the same meeting, and the Chairperson suggested that he would ask the Director of Corporate Governance to put forward proposals to Group Leaders in this regard. Mr MacBeath advised that officers in Democratic Services were in the process of preparing the report to Council on the Committee structure, and therefore this could form part of that report. The Chairperson agreed, noting that he would discuss the matter with the Director of Corporate

DEMOCRATIC PROCESSES WORKING GROUP

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Governance and the Chief Executive prior to Mr MacBeath circulating the proposals to Group Leaders.

Councillor Yuill then asked if the Planning Committee membership would be the same size as other Committees, and the Chairperson advised that this would be the case.

The Working Group resolved:-

- (i) to note the proposals from the Administration in relation to the Committee structure; and
- (ii) to note that officers would prepare amended Committee Orders of Reference in relation to the proposed structure for the Council meeting on 26 June 2013.

REVISED STANDING ORDERS

4. With reference to article 2 of the minute of its previous meeting, the Working Group had before it a revised set of Standing Orders which took account of the changes requested at the last meeting of the Group.

Mrs Cuthbert took the Working Group through the changes, and particularly referred to the following amendments:-

- (1) Standing Order 3(4) – amended to
 “No meeting of the Council shall be held:
 (i) during the ***local authority summer recess, which for the purposes of these Standing Orders is defined as the period of school summer holidays in force in the Council area.***”

The Working Group resolved:-

to recommend the amended wording for Standing Order 3(4).

- (2) Standing Order 6(2) – officers recommended ceasing publication of the pamphlet of minutes, noting that all minutes were published on the Council website.

Following the request made at the previous meeting of the Group that officers investigate the practice in other local authorities in relation to the pamphlet of minutes, Mrs Cuthbert advised that most authorities did put the minutes to Council, however they were generally going on the agenda for approval, rather than for information, but that some were also considering dispensing with their own pamphlets.

The Working Group resolved:-

to recommend that officers cease production of the pamphlet of minutes.

DEMOCRATIC PROCESSES WORKING GROUP

4 June 2013

- (3) Standing Order 10(3) – amended to
 “If, as a result of a referral **by any means** from a Committee, the matter is one upon which a final decision requires to be taken by the Council, **the Council may determine whether** it shall be competent for any body or individuals heard by the Committee to be heard by the Council.”

The Working Group resolved:-

to recommend the amended wording for Standing Order 10(3).

- (4) Standing Order 12(6) – amended to
 “The Convener of a Committee shall have the prior right to move the approval of the minute (or any part of it) of any meeting of that Committee or the recommendation in any report before the Council. **The Leader of the Council shall have the prior right to propose a Council budget.**”

The Working Group resolved:-

to recommend the amended wording for Standing Order 12(6).

- (5) Standing Order 13(1) – amended with various options for the Working Group to discuss:

“In moving any motion or amendment (other than a motion for the adoption of annual reports, accounts or budget) a member shall not speak for more than ten minutes; each other member and the mover in exercising a right of reply shall not speak for more than five minutes (**other than a member seconding a Council budget in which case 7.5/8/10 minutes will be allowed / speeches will not be timed**).”

The Working Group resolved:-

to recommend that the Standing Orders be amended to allow a member seconding a Council budget to speak for ten minutes.

- (6) Standing Order 17(6) and 17(7) – officers had prepared a variety of options for the Working Group to consider, namely:-

- (a) Meetings of the Council and of Committees shall only continue after five hours from commencement if a decision to that effect is taken by the Council or the Committee. If necessary, this will be dealt with as a procedural motion. In calculating five hours, only the time taken for refreshment breaks will be deducted;
- (b) No provision for cutting short meetings, i.e. the status quo;
- (c) Provisions as set out above;
- (d) No business, except business which requires to be dealt with by law or by these Standing Orders, shall be introduced after five hours from commencement of the meeting. If items of business have not been

DEMOCRATIC PROCESSES WORKING GROUP

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- introduced within this timeframe but remain on the agenda for consideration, the Council / Committee will reconvene at the following day at a time to be determined by the Lord Provost / Committee, to conclude the meeting; or
- (e) No meetings shall continue after 6.00pm.

Councillor Yuill referred to article 2(9) of the previous minute and suggested that the wording could be:-

“Every meeting of the Council shall end not later than five hours after the time at which it commenced or 2100 hours, whichever is the *later*.”

The Chairperson stated that his preference would be that meetings did not adjourn to the next day. He suggested that members could discuss this wording with their Groups and then determine the position. Councillor Laing noted that there was nothing in the Standing Orders at present which precluded a Convener from drawing a meeting to a close if they felt it had gone on longer than necessary.

The Working Group resolved:-

to discuss the options for Standing Order 17(6) and (7) within their Groups.

- (7) Standing Order 21(6) – amended to
 “Where a motion is remitted to a Committee (or Sub Committee) by the Council (or Committee) the mover of the motion shall in respect of that item only, where they are not a member of the Committee or Sub Committee, become a member of the Committee (or Sub Committee) considering the subject matter of the motion until it is discharged, and shall be entitled to move or second any motion or amendment relating to it and vote thereon. ***A member shall be permitted to make minor alterations to their motion prior to moving it, with the consent of the Convener. The provisions of Standing Order 45(8) shall apply to any motion so remitted.***”

The Working Group resolved:-

to recommend the amended wording for Standing Order 21(6).

- (8) Standing Order 22(6) – Mrs Cuthbert advised that officers had recommended that the following wording be added to the Standing Orders to reflect current practice.
“A proposal to amend a budget line within six months does not require a suspension in terms of paragraph (1) above.”

The Working Group resolved:-

to recommend the additional wording at Standing Order 22(6).

- (9) Standing Order 28(2)(b)(ii) – further to the discussion at the previous meeting of the Working Group, to amend the wording to:

DEMOCRATIC PROCESSES WORKING GROUP

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“In accordance with the discretion conferred by Section 124(3) of the Local Government (Scotland) Act 1973:-

- (ii) two parent representatives, selected **by** Aberdeen City Parent **Council** Forum **from within its own membership**, comprising one representative from primary and special needs, including nursery, and one representative from secondary.”

The Working Group resolved:-

to recommend the amended wording for Standing Order 28(2)(b)(ii).

(10) Standing Order 28(3)(ii) – further to the discussion at the previous meeting of the Working Group, to amend the wording to:

“Leaders of the political groups represented on the Appeals Committee shall be entitled to nominate substitutes, with full voting rights, to attend meetings of the Committee in the absence of a member of their respective groups, provided that the members of, and any substitutes, shall be drawn from the membership of the Committee **with the Human Resources function.**”

The Working Group resolved:-

to recommend the amended wording for Standing Order 28(3)(ii).

(11) Mr MacBeath then referred to joint motions and advised that there was some confusion over the fact that only the Member named first on the motion would be added to the Committee for that item until consideration of the matter was concluded. He advised that there was a difference of opinion over whether a Member named as a joint mover of a motion would be allowed to second that motion and suggested that this be clarified.

The Working Group resolved:-

to agree that a Member named as a joint mover of a motion be allowed to second that motion.

(12) Finally, Mr MacBeath advised that officers in Legal Services would be revising the Standing Orders relating to Contracts and Procurement, and these would be reported to the Council meeting in August. Following these amendments, some alterations would probably be required to the main Standing Orders. Councillor Yuill requested that Members at the June Council meeting be provided with a colour copy of the amended Standing Orders so that the proposed changes could be clearly identified.

The Working Group resolved:-

- (i) to note that the Standing Orders relating to Contracts and Procurement would be revised and presented to Council at its meeting in August; and

DEMOCRATIC PROCESSES WORKING GROUP

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- (ii) to request that the report to Council on 25 June contain colour copies of the proposed changes to the Standing Orders and Orders of Reference.

PETITIONS COMMITTEE

5. With reference to article 4 of the minute of its previous meeting, the Working Group had before it a paper which set out the provisions for Petitions Committees in some local authorities. The Chairperson advised that the Administration would prefer a similar model to the City of Edinburgh Petitions Committee, however Councillor Forsyth added that further work was needed to ensure that flexibility was built in for areas of the city where it could prove difficult to reach the minimum number of required signatures. He noted that there were certain areas of the city with small numbers of businesses which would mean that they would find it difficult to obtain the required numbers if a high threshold of business signatories were to be required.

Councillor Yuill noted that the City of Edinburgh Petitions Committee would consider a petition which was supported by at least 500 people, and suggested that in Aberdeen, this could be set at a level of 220 people. Members of the Working Group concurred that the minimum should be set at less than 500. Councillor Forsyth suggested that there could be scope for variable thresholds, for example, 100 people for the first stage with higher numbers required for later stages.

Members suggested that the minimum number of signatures could be set at 250, with Convener discretion for anything below that number. The process could then be reviewed after a year to assess whether the thresholds were adequate.

The Working Group discussed whether online petitions could be supported, and Mr MacBeath advised that officers could investigate whether this would be possible.

Councillor McCaig asked what provisions would apply if the Petitions Committee was asked to consider a live issue, and the Working Group noted that the Petitions Committee was a means for the public to raise issues not currently being dealt with by the Council.

The Working Group also discussed if there would be a mechanism in place to ensure that the same issues were not always brought before the Petitions Committee, and Mr MacBeath advised that other Petitions Committees had rules in place to stop this occurring.

The Working Group resolved:-

to request that the report to Council be submitted to Group Leaders for consultation, and that it reflect the preferred options from the City of Edinburgh and Stirling Council

DEMOCRATIC PROCESSES WORKING GROUP

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models, and the earlier discussion around thresholds and flexibility over the number of signatures required.

SCHEME OF DELEGATED POWERS

6. The Working Group had before it the current Scheme of Delegated Powers for information. Mrs Cuthbert advised that an amended Scheme would be reported to Council in August taking account of any amendments to the structure and Standing Orders which the Council decided to make at its meeting on 25 June 2013. Officers would contact Heads of Service to ask them if they had any amendments they wished to make to the Scheme.

The Working Group resolved:-

- (i) to note the current Scheme of Delegated Powers;
- (ii) to note that officers would contact Heads of Service to ask them to consider any amendments they might wish to make to the Scheme; and
- (iii) to note that an amended Scheme of Delegated Powers would be reported to Council at its meeting on 21 August 2013.

- COUNCILLOR WILLIE YOUNG, Chairperson

DEMOCRATIC PROCESSES WORKING GROUP

ABERDEEN, 29 April 2013. Minute of Meeting of the DEMOCRATIC PROCESSES WORKING GROUP. Present:- Councillor Crockett, Chairperson; and Councillors Boulton, Forsyth, Ironside CBE, Laing, McCaig, Young and Yuill.

Officers in attendance:- Stewart Carruth, Ciaran Monaghan, Roderick MacBeath, Vikki Cuthbert and Stephanie Dunsmuir.

FEEDBACK RECEIVED FROM ELECTED MEMBERS

1. With reference to article 13 of the minute of the Council meeting of 6 March 2013, the Chairperson advised that a questionnaire had been issued to all Elected Members seeking their views on the current democratic processes of the Council. The responses submitted were now before the Working Group for consideration.

Mr MacBeath noted that the responses had indicated a general level of satisfaction with the current Committee structure, with no real appetite for a radical overhaul.

The Working Group commented that the responses were helpful, and agreed that they should be borne in mind during any consideration of changes to the structure. Mr MacBeath queried whether the Group wished to discuss the structure in more detail at this stage, and Councillor Young advised that this would be considered outwith the meeting.

The Working Group resolved:-

to note the responses provided by Elected Members.

PROPOSED CHANGES TO STANDING ORDERS

2. The Working Group had before it a revised set of Standing Orders incorporating suggested amendments and additions from officers in Democratic Services. Mr MacBeath took the Working Group through the revised Orders and explained the rationale behind each suggestion. These would be submitted as officer recommendations to Council on 26 June.

The Working Group made the following requests (amendments in bold and italics):-

(1) In relation to Standing Order 3(4)(a)(i) (Ordinary Meetings of the Council), to request that this be amended to read:-

“No meeting of the Council shall be held:

- (i) during the summer recess, which for the purposes of these Standing Orders is defined as the period of **local authority** school summer holidays in force in the Council area.”

The Working Group resolved:-

to recommend the amended wording to Standing Order 3(4)(a)(i) set out above.

DEMOCRATIC PROCESSES WORKING GROUP

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(2) In relation to Standing Order 6(2) (Calling of Meetings), Mr MacBeath advised that officers were proposing to cease production of the paper copies of the pamphlet of minutes. Councillor Ironside asked that a paper copy still be provided for those Elected Members who had difficulty reading such a large document electronically. Councillor McCaig noted that if the pamphlet was no longer printed, then the Committee minutes would still be available in hard copy in the Members' Library as part of the Committee agendas.

The Working Group resolved:-

to request that officers investigate what the practice was at other local authorities for dealing with pamphlets of minutes.

(3) In relation to Standing Order 9 (Order of Business), and the reference to referrals from Committees to Council in terms of Standing Order 36(3), Councillor Yuill asked where referrals to Committee would sit on the agenda where there had been unanimous Committee agreement, and Mr MacBeath advised that these would sit under 'General Business'.

(4) In relation to Standing Order 10(3) (Reception of Deputations), Mr MacBeath highlighted the revised wording, namely:-

“If as a result of a referral, **by any means** from a Committee, the matter is one upon which a final decision requires to be taken by the Council, it shall be competent for any body or individuals heard by the Committee to **submit a further request to** be heard by the Council.”

He advised that it would be for Elected Members to decide if this was limited in any way; for example, hearing the same organisations again when reports on the same matter were put before Committee on more than one occasion. Councillor McCaig asked if the wording could be changed to “**the Council may determine whether or not** it shall be competent for any body or individuals....”.

The Working Group resolved:-

to request that officers prepare additional options for the wording relating to Standing Order 10(3).

(5) In relation to Standing Order 12(6) (Motions and Amendments), and the amended wording, namely:-

“The Convener of a Committee shall have the prior right to move the approval of the minute (or any part of it) of any meeting of that Committee or the recommendation in any report before the Council. **The Leader of the Council shall have the prior right to move approval of the Council budget.**”

Councillors Yuill and McCaig requested that this be amended to “The Leader of the Council shall have the prior right to **propose a** Council budget.”

DEMOCRATIC PROCESSES WORKING GROUP

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The Working Group resolved:-

to recommend the amended wording proposed by Councillors Yuill and McCaig as set out above.

(6) In relation to Standing Order 12(7) (Motions and Amendments), and the amended wording:-

“A motion or amendment moved but not seconded or which has been ruled by the Convener to be incompetent shall be recorded in the Minute. ***A motion or amendment which may appear incompetent can be made competent or clarified when spoken to. The Lord Provost may rule on competency after the motion has been moved but before it is seconded.***”

Councillor McCaig queried whether this referred to written motions only. Mr MacBeath advised that the additional wording was simply to clarify practice, in that if an Elected Member was moving something incompetent, it afforded them the chance to make it competent.

(7) In relation to Standing Order 13 (Time allowed for speaking), Councillor Boulton proposed that seconders of budgets be allowed longer than five minutes of speaking time.

The Working Group resolved:-

to request that officers prepare one or two further options in relation to Standing Order 13, to reflect the suggestion from Councillor Boulton that seconders of budget speeches be allowed more than five minutes for their speech.

(8) In relation to Standing Order 15(6) (Method of Voting), and the proposed wording:-

“Notwithstanding the provisions of this Standing Order, it shall be competent for any member to record his/her dissent from any decision reached after a division by rising in his/her place immediately after the result of the decision has been announced and requesting that such dissent be recorded in the minutes. ***It shall not be competent for any other comments by a member to be minuted, unless it relates to matters of a valedictory or congratulatory nature or tribute.***”

Councillor McCaig noted that there had been previous occasions where apologies or clarifying remarks had been minuted. Councillor Young suggested this could be looked at separately.

(9) In relation to Standing Order 17(6) and (7), namely:-

“Every meeting of the Council shall end not later than five hours after the time at which it commenced or 2100 hours whichever is the earlier. In the

DEMOCRATIC PROCESSES WORKING GROUP

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event of all the business not having been conducted, the meeting shall thereupon stand adjourned.”

“It shall, however, be competent, before the expiry of the time limit, for any member to move that the meeting be continued for a further period, not exceeding one hour. A motion to extend the time limit shall be competent, even during a speech; shall have precedence over all other motions and, if moved and seconded, shall be put to the meeting forthwith without discussion.”

Mr MacBeath explained that this Standing Order had been reinstated as a result of a discussion at the Union Management Committee, to comply with the Working Time Directive. The Working Group asked that a different form of words be produced which would not limit the meeting time to, for example, 10am to 3pm (as was the case if the meeting should not end later than five hours after the time it commenced), but would still comply with the Working Time Directive. It was suggested that officers could consult with HR in producing the new wording.

The Working Group resolved:-

to request that officers look at alternative options for the wording for Standing Orders 17(6) and 17(7) in conjunction with officers in HR, to ensure that it complied with the Working Time Directive.

(10) In relation to Standing Order 21(2) (Notices of Motion), Councillor Yuill requested that this be amended to read as follows:-

“The terms of motions of which notice has been given shall appear as items of business for consideration at the next ordinary meeting of the Council, except that the Lord Provost (or subsequent to referral, a Convener of a Committee or Sub Committee) may rule a motion incompetent if the Director consulted is of the opinion that the matter is being pursued ***at the time of submission.***”

The Working Group resolved:-

to recommend the inclusion of the wording proposed by Councillor Yuill above.

(11) The Working Group then considered Standing Order 28(2)(b)(ii) (Committees of the Council), and the suggested wording:-

“In accordance with the discretion conferred by Section 124(3) of the Local Government (Scotland) Act 1973:-

- (i) two teachers employed in educational establishments managed by the Council nominated in such manner as may be determined by the Education, Culture and Sport Committee; and
- (ii) two parent representatives, selected from Aberdeen City Council Parent Forum, comprising one representative from primary and special needs, including nursery, and one representative from secondary.”

DEMOCRATIC PROCESSES WORKING GROUP

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The Working Group resolved:-

to request officers to clarify whether part (ii) should be amended to read “two parent representatives selected **by** Aberdeen City Parent Council Forum”.

(12) Finally, the Working Group considered Standing Order 28(3)(ii), namely:-

“Leaders of the political groups represented on the Appeals Committee shall be entitled to nominate substitutes, with full voting rights, to attend meetings of the Committee in the absence of a member of their respective groups, provided that the members of, and any substitutes, shall be drawn from the membership of the **Corporate Policy and Performance Committee.**”

The Working Group resolved:-

to request that officers amend the wording to “...provided that the members of, and any substitutes, shall be drawn from the membership of the **Committee with the Human Resources function.**”

CURRENT ORDERS OF REFERENCE

3. Mr MacBeath advised the Working Group that the current Committee and Sub Committee Orders of Reference were presented for information, but that these would clearly need to be amended if a new Committee structure was approved.

The Working Group resolved:-

to note the current Orders of Reference.

PETITIONS COMMITTEE

4. Mr MacBeath referred to the decision of Council of 6 March 2013, and the request that the Working Group consider the introduction of a Petitions Committee. Officers circulated papers which provided further information on how Petitions Committees operated in other local authorities.

The Working Group resolved:-

to consider the information circulated and discuss the introduction of a Petitions Committee at the next meeting of the Group.

FUTURE MEETING

5. Councillor Yuill queried the process for any revisions to the structure and asked if it was planned to present any member proposals to the Working Group prior to their

DEMOCRATIC PROCESSES WORKING GROUP

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submission to Council in June. The Chairperson stated that this suggestion would be taken into consideration. Councillor Yuill also asked that officers submit a response to the questionnaire feedback (article 1 of this minute refers) to the next meeting of the Working Group, advising whether the revisions requested could be taken forward.

The Working Group was also asked for its views on whether training on the new Standing Orders would be welcomed by Elected Members, and those present responded that this would be helpful.

The Chairperson thanked everyone for their contributions and drew the discussion to a close by suggesting that a further meeting of the Working Group be held towards the end of May.

- **BARNEY CROCKETT, Chairperson**

ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	21 August 2013
LEAD OFFICER	Chief Executive
TITLE OF REPORT	First Minister's professional conduct; Aberdeen Donside by-election – Motion by Councillor Young
REPORT NUMBER:	OCE/13/025

1. PURPOSE OF REPORT

The report brings before the Council the response received by the Chief Executive from Sir Peter Housden, Permanent Secretary to the Scottish Government following her letter to him in the terms of the motion agreed by Council at its meeting on 26 June 2013.

2. RECOMMENDATION

That the Council considers the response received from the Permanent Secretary and decides how it now wishes to proceed.

3. FINANCIAL IMPLICATIONS

The report has no specific financial implications.

4. OTHER IMPLICATIONS

The report has no other specific implications.

5. BACKGROUND/MAIN ISSUES

At its meeting on 26 June 2013 the Council approved the terms of the following 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:-

- i) The First Minister's unannounced visit and lecture on 17 June 2013 to schoolchildren 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.

- ii) The First Minister's unannounced visit to Hazlehead Park on 17 June 2013 a park owned wholly 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 the Council on the response received from the Permanent Secretary, in order for the Council to determine its position on this matter.

Attached are copies of the letter sent to the Permanent Secretary by the Chief Executive on 1 July 2013 and the reply dated 6 August received from him.

6. IMPACT

The report has no specific impact on the delivery of the Council's business plan or the Council's role in delivering the Single Outcome Agreement. The correspondence between the Council and the Scottish Government has been the subject of public interest.

7. MANAGEMENT OF RISK

The report fulfils the instruction to bring back to the Council the response received from the Permanent Secretary in order that it might determine its position on the matter.

8. BACKGROUND PAPERS

None

9. REPORT AUTHOR DETAILS

Ciaran Monaghan
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Your Ref.
Our Ref. VW/CM/EM/16/1
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ABERDEEN CITY COUNCIL

1 July 2013

Sir Peter Housden KBC
Permanent Secretary
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Dear Sir Peter

Aberdeen Donside By-election

At its meeting on Wednesday 26 June 2013 Aberdeen City Council considered and approved a notice of motion in the following terms:

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:-

- i) the First Minister's unannounced visit and lecture on 18 June 2013 to schoolchildren at Bramble Brae School without reference to Aberdeen City Council's Director of Education, Culture and Sport or to 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; and
- ii) the First Minister's unannounced visit to Hazlehead Park on 17 June 2013, a park owned wholly by Aberdeen City Council, again without any reference to the 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.

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

VALERIE WATTS
CHIEF EXECUTIVE

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Given the above, I would welcome the opportunity to discuss with you how I and my colleagues at the City Council would be able to assist you in progressing any investigation you undertake.

I look forward to hearing from you.

Yours sincerely

A large black rectangular redaction box covering the signature area.

Valerie Watts
Chief Executive

Your Ref.
Our Ref. VW/CM
Contact Valerie Watts
Email chiefexecutive@aberdeencity.gov.uk
Direct Dial 01224 522500
Direct Fax 01224 644346



ABERDEEN
CITY COUNCIL

30 July 2013

Sir Peter Housden KBC
Permanent Secretary
The Scottish Government

Office of Chief Executive
Aberdeen City Council
2nd Floor
Town House
Broad Street
Aberdeen AB10 1FY

by email: perm.sec@scotland.gsi.gov.uk

Tel 08456 08 09 10
Minicom 01224 522381
DX 529451, Aberdeen 9
www.aberdeencity.gov.uk

Dear Sir Peter

Aberdeen Donside By-election

I write with reference to my letter of 1 July about the above and the First Minister's conduct in the City during the campaign.

Aberdeen City Council holds its first meeting after the summer recess on Wednesday 21 August and I expect to be asked then by elected members for an update on progress with the requested investigation. I would therefore be grateful if you could let me know how the matter is being progressed.

Yours sincerely



Valerie Watts
Chief Executive

VALERIE WATTS
CHIEF EXECUTIVE



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Permanent Secretary
Sir Peter Housden KCB

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Valerie Watts
Chief Executive
Aberdeen City Council
2nd Floor
Town House
Broad Street
Aberdeen, AB10 1FY



6 August 2013

Valerie

Aberdeen Donside By-election

Thank you for your letter of 1 July following the Council's instruction that you should write to me 'demanding an investigation into the First Minister's professional conduct during the Aberdeen Donside by-election'.

In your letter, you refer to the First Minister's visit to Bramble Brae School, and separately to the announcement of the Scottish Government's donation to the Piper Alpha Memorial Trust.

I have had sight of your letter to the First Minister on these questions, and of his reply of today's date sets out the facts and background on both issues.

As the First Minister indicated, the business of government continues during by-elections – there are no 'purdah' procedures per se. The donation to which you refer formed part of a suite of events and engagements in Aberdeen and elsewhere that ran through the period to the anniversary on 6 July and beyond. It was made to the Piper Alpha Memorial Trust, a body set up to preserve the memory of a tragedy impacting on victims and relatives from many nations and communities.

I hope these points will be of assistance to the Council

[Redacted signature area]

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.scotland.gov.uk



ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	21 August 2013
DIRECTOR	Ewan Sutherland
TITLE OF REPORT	Reorganisation of Aberdeen City Council Charitable Trusts
REPORT NUMBER:	CG/13/087

1. PURPOSE OF REPORT

The purpose of this report is to put forward proposals for the reorganisation of the charitable trusts managed by the Council. The aim is to:-

- a) Minimise the administrative burden and cost to the Council
- b) Maximise the benefit receivable to the beneficiaries of relevant charities
- c) Comply with the requirements of the Office of the Scottish Charities Regulator (OSCR).

2. RECOMMENDATION(S)

It is recommended that the Council

- a) approves the proposed reorganisation of the Charitable Trusts as outlined in the report and at Appendix A;
- b) adopts the constitution shown at Appendix B for the future operation of the Aberdeen Art Gallery Trusts; and
- c) appoints the Head of Legal and Democratic Services as the Secretary and the Head of Finance as the Treasurer of the Aberdeen Art Gallery Trusts.

3. FINANCIAL IMPLICATIONS

There are no implications for the Council's financial position. All financial implications for the charitable trusts are dealt with in section five of the report and are intended to maximise the benefit receivable to charitable recipients. It should be noted that there are 39 charitable trusts subject to reorganisation with funds of less than £20K, with 2 trusts having funds of over £20K being affected.

4. OTHER IMPLICATIONS

The reorganisation of the charitable trusts secures the continuation of the trust's funds for their original charitable purposes.

5. BACKGROUND/MAIN ISSUES

Background - Aberdeen City Council Charitable Trusts

- 5.1 The Council administers 52 Charitable Trusts with a total capital value at 31 March 2013 of £8M. It is proposed to reorganise 39 trusts that have individual capital values of under £20K and a cumulative capital value of £120K and 2 trusts with individual capital values of over £20K and a cumulative capital value of £99K.
- 5.2 A report to the Finance and Resources Committee on 17th June 2010, outlined proposals to restructure all the charitable trusts with assets below £20K. This proposal has now been taken forward in consultation with OSCR to identify the most appropriate restructuring outcome for each trust. The process involved a review of obtainable records, relevant guidance and legislation in order to ensure best fit in relation to the charitable purpose of each trust to maximise the benefits receivable for beneficiaries and appropriately justify each proposed change.
- 5.3 Evolving accounting requirements for smaller charitable trusts now require each set of trust accounts to be independently examined by a qualified accountant. This has resulted in a significantly administrative burden on Council staff and cost of the examination that is not cost effective for the trusts to bear.
- 5.4 OSCR are also reinforcing that very small historic trusts should, where possible, be amalgamated to reduce overheads and maximise the income to beneficiaries. Ideally, funds would be incorporated into trusts that are pro-actively supporting current activities for equivalent relevant charitable purposes.
- 5.5 Council officers have met with the officers of OSCR resulting in the attached proposal. This process has in part been advised by OSCR's experience of similar re-organisations with trusts of other Scottish Local Authorities.
- 5.6 If approved the reorganisation would proceed on a phased basis over the year. Relevant documentation would require submission and approval for each trust. OSCR has requested that we stagger the restructuring exercise to meet their resource capabilities. Details of the relevant Trusts and how they would be treated are given in Appendix A, and it is proposed that they be dealt with in the following manner subject to approval by OSCR and the agreement from recipient organisations to accept the transfer of funds and agree use of the funds as approved in the transfer proposal:-

Phase 1 –Gallery & Museum Trusts

There are 9 charitable trusts with relevant purposes in relation to the Aberdeen Art Gallery and Museum with funds totalling £49K. It is proposed they transfer their remaining funds into one existing trust - Aberdeen Art Gallery Trusts, SC018575, for the purposes of acquiring works of art for the art gallery and museum. Since the Aberdeen Art Gallery Trusts does not have a constitution it would be a requirement under the Charities and Trustee Investment (Scotland) Act 2005 for the reorganisation of that charity by a variation of the constitution of the charity, that a revised constitution be adopted. The attached constitution in Appendix B is proposed for adoption for the future operation of the trust.

Phase 2 –Poverty Related Charities

There are 9 charitable trusts with poverty related purposes with funds totalling £23K. It is proposed to transfer the funds to a poverty related charity – Instant Neighbour Aberdeen, SC002223.

Phase 3 – Various charitable purposes

There are 11 charitable trusts with more unique charitable purposes and funds sufficient to transfer where the review has sought to find an existing charitable organisation which OSCR agrees has aims compatible with the original aims of the trusts. The intention would be that the funds transfer to these organisations for use towards the purposes of the receiving charity.

There is one charitable trust where it is proposed the trust be wound up and that there is not a relevant charitable organisation for transfer and therefore allocating funds to Aberdeen City Council (for the Public Library) is deemed appropriate.

There are 9 charitable trusts that are proposed for winding up due to insufficient funds.

Phase 4 – Reorganisation of Trusts with funds of over £20K

It is proposed due to the nature of these trusts that they be incorporated into this re-organisation process:

- a) A request has been received from The Aberdeen Seafarers Centre, SC043560, for the transfer of funds from two charities related to Seamen and Fishermen.
- b) The Captain Harvey Loutit Trust was established for a building fund for a regional museum for Aberdeen City. It is proposed the remaining funds in the trust will be used for the first available expenditures on the Aberdeen Art Gallery & Museum extension and when the trust's funds are expended the trust will be wound up.

Proposals and Actions

6. It is proposed that the Council approve the proposed reorganisation of charitable trusts administered by the Council as outlined in the report and at Appendix A.
 - 6.1 Adopt the revised constitution for Aberdeen Art Gallery Trusts, SC018575, detailed in Appendix B.
 - 6.2 Appoint the Head of Legal and Democratic Services as the Secretary and the Head of Finance as the Treasurer of Aberdeen Art Gallery Trusts.

7. IMPACT

It is essential that the Trusts are managed efficiently so that they continue to support the purposes for which they were established.

8. BACKGROUND PAPERS

None.

9. REPORT AUTHOR DETAILS

Carol Smith - Finance Operations Manager (34) 6377

Email carosmith@aberdeencity.gov.uk

James Hashmi - Team Leader Reporting & Monitoring (34) 6400

Email jhashmi@aberdeencity.gov.uk

Appendix A

	CHARITY NAME	CHARITY NUMBER	PURPOSE	FUND AS AT 31 MARCH 2013 (subject to audit)	Subtotal
PHASE 1	ABERDEEN ART GALLERY - Propose transfer of funds to "Aberdeen Art Gallery Trusts", SCO 18575 for purchase of works of art recommended by the Officer responsible for the management of Aberdeen Art Gallery & Museum and wind up the trusts (Purpose- The advancement of the arts, heritage, culture or science.)			£s	
	John Black's Trust	SC018536	Aberdeen Art Gallery & Industrial Museum	6,342	
	Mrs Harvey Loutit	SC018548	For Display Cases in Regional Museum 14 September 1969	9	
	Sir Thomas Jaffrey's Gift	SC018554	Purchase of Works of Art for Aberdeen Art Gallery 30 September 1925	6,211	
	Miss Margaret Cumming Innes	SC018555	Purchase of Etchings for Aberdeen Art Gallery 17 June 1929	3,266	
	Miss Margaret C Hamilton	SC018556	Purchase of Exhibits for Regional Museum 11 September 1942	610	
	Sir Alex Lyon Trust	SC018569	Purchase of Works of Art for Aberdeen Art Gallery 6 June 1927	3,152	
	John Clark	SC018570	Bequest to Art Gallery 22 December 1923	3,938	
	Alexander Webster's Bequest	SC018571	Purchase of Pictures for Aberdeen Art Gallery 15 January 1912	17,795	
	Sir James Murray's Gift	SC018573	Purchase of Works of Art for Aberdeen Art Gallery 18 April 1927	7,475	
			-	<u>48,798</u>	
PHASE 2	Proposed transfer of funds to Poverty Related Charity - INSTANT NEIGHBOUR SCO02223 and wind up trusts				
	Booth Coal Fund	SC018531	Provision of Coal to the Poor in the Parish of Newhills	319	
	Mary Duthie Williams	SC018542	Provision of Blankets for Deserving Poor 19 March 1906	3,676	
	W D Watson's Trust	SC018543	Poor Deserving Female Factory Workers. A preference being given to Former Employees of Patrick Watson & Sons	4,847	
	Catherine Rolland	SC018544	Poor of Aberdeen and Kirk Session of King Edward 9 December 1659	8,404	
	Lady Durriss (The Lady Durriss Trust holds funds for two)	SC018559	Charitable Purposes 15 March 1754	167	
	Lady Durriss (separate purposes)	SC018559	Kirk Session of Durriss and Strachan and Poor Families 15 March 1754	3,324	
	Mollison Fund	SC018546	Upholding Tomb and Poor Widows connected with St Clements Parish Church 4 December 1911	44	
	Jean Guild	SC018557	Widows of Burgesses and Aged Virgins 24 December 1634	420	
	Alexander Forbes of Morkeu	SC018552	To provide a Summer Treat to Inmates of Woodend Home (Glenburn Wing) - (Was Poorhouse) - 16 October 1893	1,558	
				<u>22,759</u>	

CHARITY NAME		CHARITY NUMBER	PURPOSE	FUND AS AT 31 MARCH 2013 (subject to audit)	Subtotal
PHASE 3 Various					
MEDICAL - Aberdeen Royal Infirmary - Propose transfer funds to Minnie Cecil Bequest SC012731 (Peterkins Solicitors) and wind up trusts					
Bedlam Fund	SC018538	Persons Deprived of the Use of Reason		5,090	5,090
EDUCATIONAL - Propose transfer funds to The University of Aberdeen SC013683 and wind up trusts					
Dr Robert Beveridge	SC018539	Promotion of the Study of Pathology at the Infirmary 18 March 1882 & 19 July 1886		113	113
GORDON HIGHLANDERS - Propose Transfer of funds to Gordon Highlanders Association Trust SC002889 and wind up trust					
Lieutenant Colonel Charles M. MacQuibban Memorial Fund	SC018547	Comforts for Non-Commissioned Officers and Men of the 1st Battalion, Gordon Highlanders		1,213	1,213
SOCIAL CARE PURPOSES - DISABILITY - Propose transfer of funds to Disabled Persons Housing Service(AberdeenCity) SC034791 and wind up trust					
Former Health Dept Prize Fund	SC018577	For Bi-Annual Prize to Member of Staff for Best Contribution to Welfare of Handicapped Persons 6 June 1960		2,796	2,796
BENEFIT OF CHILDRENS SERVICES - Propose transfer of funds to Befriend a Child SC005467 and wind up trust.					
Mrs Henrietta Wood	SC018541	For use of the Boys' Hostel (Westfield) 19 August 1958		4,909	4,909
BENEFIT OF OLDER PEOPLE - Propose Transfer of funds to Aberdeen Care and Repair Group SC015306 and wind up trusts.					
Miss Eliza Moir	SC018553	Old People's Home at 30 Albyn Place		5,454	5,844
City of Aberdeen Relay Scheme Charitable Trust	SC021305	Charitable Purposes 4 July 1966		390	
BENEFIT OF S.A. STUDENTS - Propose transfer of funds to Aberdeen University SC013683 and wind up trust.					
CML Werdmuller	SC018558	For South African Students at Aberdeen University		15,465	15,465
ANIMAL CRUELTY - Propose transfer to Mrs Murray Home for Stray Dogs and Cats SC012708 and wind up trust.					
Mrs Gibson's Bequest	SC018561	Semons Against Cruelty to Animals 14 February 1829		80	80

Appendix B

We, Aberdeen City Council, the Local Authority for Aberdeen in terms of the Local Government, etc. (Scotland) Act 1994, and having its principal office at Marischal College, Broad Street, Aberdeen AB10 1AB is the trustee for Aberdeen Art Gallery Trusts (the "Trust"). The trust has existed for some time and the original deed is no longer available. This Trust Deed is a replacement deed, with the trust being reorganised in line with the Charities and Trustee Investment (Scotland) Act 2005, by an application to OSCR for a variation to the constitution.

(One) appoint as trustee ourselves (who and whose successors are referred to as "the Trustee")

Trust purposes

1. The Trustee shall hold and apply any such other funds and assets as may from time to time be comprised in the Trust Property, in trust to provide for the purchase of works of art for the collection of Aberdeen Art Gallery & Museum.

2. The expenses of creating and administering the Trust, and any tax payable in relation to the Trust, shall be met in priority to all other payments and transfers of assets out of the Trust Property.

Powers

3. In the administration of the Trust, the Trustee shall, in addition to the powers and rights which are conferred by law upon trustees who are acting without remuneration, have the fullest powers with regard to investment, sale, administration and management of the Trust Property as if it was owner; in particular (but without limiting the scope of the powers which it may exercise under the preceding provision), the Trustee shall have the following powers:-

(a) To expend the whole assets of the Trust for the Trust Purposes.

(b) To carry on any other activities which further any of the Trust Purposes.

(c) To take such steps as may be deemed appropriate for the purpose of raising funds.

(d) To accept grants, donations and legacies of all kinds (and to accept any reasonable conditions attaching to them).

(e) To establish and/or support any other charity, and to make donations for any charitable purpose falling within the Trust's Purposes.

(f) To purchase, take on lease, hire, or otherwise acquire, any property or rights.

(g) To improve, manage, develop, or otherwise deal with, all or any part of the Trust Property.

(h) To sell, let, hire out, license, or otherwise dispose of, all or any part of the Trust Property.

(i) To borrow money, and to give security in support of any such borrowings by the Trust.

(j) To employ such staff as are considered appropriate for the proper administration of the Trust or for the proper conduct of the Trust's activities, and to make reasonable provision for the payment of pension and/or other benefits for members of staff, ex-members of staff and their dependants.

(k) To engage such consultants and advisers as are considered appropriate from time to time.

(l) To effect insurance of all kinds (which may include officers' liability insurance).

(m) To invest any funds which are not immediately required for the administration of the Trust or for the Trust's activities, in such investments as may be considered appropriate (and to dispose of, and vary, such investments).

(n) To liaise with other voluntary sector bodies, local authorities, UK or Scottish government departments and agencies, and other bodies, all with a view to furthering the Trust Purposes.

(o) To form any company which is a charity with objects which are similar (wholly or in part) to those of the Trust, and, if considered appropriate, to transfer to any such company (without any payment being required from the company) the whole or any part of the Trust Property.

(p) To retain any property comprised in the Trust Property for such time as the Trustee thinks proper.

(q) To have any part of the Trust Property registered in the name of a nominee and to pay reasonable fees to such nominee.

(r) To compromise or settle by arbitration all disputed claims by or against the Trust or the Trust Property.

(s) To appoint solicitors to the Trust or agent for the Trustee in any other capacity, and to pay to such solicitors or other agent his/her/their usual charges.

(t) To reimburse the Trustee out of the Trust Property, in relation to all expenses reasonably incurred by him/her in the administration of the Trust.

(u) To wind up the Trust.

(v) To do anything which may be incidental or conducive to the furtherance of any of the Trust Purposes.

Procedure at Trustee's meetings

4. Subject to the provisions of the following paragraphs, the Trustee may regulate the proceedings as it thinks fit.

Delegation

5. The Trustee may delegate any of its powers to any committee consisting of one or more representatives of the Trustee; any such delegation of powers may be made subject to such conditions as the Trustee may impose, and may be revoked or altered.

Remuneration

6. No Trustee may serve as an employee (full-time or part-time) of the Trust, and the Trustee shall not be given any remuneration by the Trust for carrying out its duties as a trustee.

Secretary

7. The Trustee shall appoint a secretary to the Trust for such term, at such remuneration (if any), and on such conditions, as the Trustee may think fit; and any secretary so appointed may be removed by them.

8. The Trustee shall ensure that the secretary:

(a) keeps proper minutes of all proceedings at any meetings of the Trustee (and at meetings of committees of the Trustee) including the names of the committee members present at each such meeting

(b) keeps proper records and documents in relation to all other matters connected with the administration and management of the Trust.

Accounts

9. The Trustee shall appoint a treasurer to the Trust for such term, at such remuneration (if any), and on such conditions, as the Trustee may think fit; and any treasurer so appointed may be removed by them.

10. The Trustee shall ensure that the treasurer:

(a) maintains proper accounting records, in accordance with all applicable statutory requirements.

(b) shall prepare annual accounts, complying with all relevant statutory requirements; if an audit is required under any statutory provisions or if the Trustee otherwise think fit, the treasurer shall ensure that an audit of such accounts is carried out by a qualified auditor.

11. An accountant engaged in an audit of the Trust's accounts shall be entitled to have access to all accounting records and other documents relating to the Trust.

Operation of bank accounts

12. The signature of an authorised signatory of the Treasurer is required in relation to all cheques issued by the Trust and all other operations (excluding lodgement of funds) on the bank and building society accounts held by the Trust.

Payments to charities etc

13. The receipt of the treasurer or other appropriate officer for any funds or other assets paid or transferred by the Trustee to any charity shall represent sufficient discharge to the Trustee.

Limitations on liability

14. The Trustee shall not be liable for loss or depreciation of the value of investments retained or made by it, nor for omissions, nor for neglect in management, nor for insolvency of debtors, nor for the acts, omissions, neglect or default of one another or of any banker, solicitor, factor or other agent employed by them.

Conduct of Trustee

15. The Trustee shall, in exercising its functions as a trustee of the Trust, act in the interests of the Trust; and, in particular, must

(a) seek, in good faith, to ensure that the Trust acts in a manner which is in accordance with its objects (as set out in this Trust Deed)

(b) act with the care and diligence which it is reasonable to expect of a person who is managing the affairs of another person

(c) in circumstances giving rise to the possibility of a conflict of interest of interest between the Trust and any other party

- (i) put the interests of the Trust before that of the other party, in taking decisions as a Trustee
- (ii) where any other duty prevents it from doing so, disclose the conflicting interest to the Trust and refrain from participating in any discussions or decisions involving any other Trustees with regard to the matter in question
- (d) ensure that the Trust complies with any direction, requirement, notice or duty imposed on it by the Charities and Trustee Investment (Scotland) Act 2005.

Amendment of Trust Deed/winding-up

16. If in the opinion of the Trustee any change in circumstances or alteration in the law has made or is likely to make execution of the Trust Purposes impossible or impracticable, or if in the opinion of the Trustee the administration of the Trust could be improved, or the Trust Purposes be advanced in a more appropriate manner, the Trustee may (subject to clauses 17 and 19) in their discretion,

(a) supplement or amend the provisions of this Trust Deed or any deed supplemental to this Trust Deed; or

(b) wind up the Trust and transfer the Trust Property (after settlement of all debts and liabilities) to some other charity or charities having similar objects to those of the Trust.

17. In no circumstances is the Trust Property to be held or applied for any purpose which is not an exclusively charitable purpose.

Interpretation

18. In this Trust Deed

“charity” means a body which is either a “Scottish charity” within the meaning of section 13 of the Charities and Trustee Investment (Scotland) Act 2005 or a “charity” within the meaning of section 96 of the Charities Act 1993

“charitable purpose” means a charitable purpose under section 7 of the Charities and Trustee Investment (Scotland) Act 2005 which is also regarded as a charitable purpose in relation to the application of sections 505 and 506 of the Income and Corporation Taxes Act 1988;

“the Trust Deed” means this trust deed (including any supplementation or amendment effected in accordance with the provisions of clauses 30 and 31);

“the Trust Property” means any such funds and assets as may from time to time be received by the Trustee as trustee under the Trust Deed (from us or any other person), and the assets in which any funds so received may from time to time be invested.

“the Trust Purposes” means the purposes specified in clause 1.

19. Any reference in this Trust Deed to a provision of any legislation shall include any statutory modification or re-enactment of that provision in force from time to time.

We declare that the Trust shall be irrevocable.

This Trust Deed, consisting of this and the 3 preceding pages, is executed as follows:-

SIGNED by the said Aberdeen City Council

At Aberdeen on

in the presence of

This page is intentionally left blank

ABERDEEN CITY COUNCIL

COMMITTEE	Full Council
DATE	21 August 2013
DIRECTOR	Gordon McIntosh
TITLE OF REPORT	Aberdeen Western Peripheral Route
REPORT NUMBER:	EPI/13/136

1. PURPOSE OF REPORT

Full Council of 6th March 2013 (Article 28 refers) authorised officers to continue discussions with Aberdeenshire Council and Transport Scotland with regards to a revised payment mechanism towards the Council's 9.5% contribution towards the Aberdeen Western Peripheral Route (Northern and Southern Legs), and for the Head of Legal and Democratic Services to negotiate a legal agreement governing the payment mechanism, subject to the approval of the Director of Corporate Governance, the Head of Finance and the Director of Enterprise, Planning and Infrastructure.

This report outlines the result of those discussions and details the proposed Third Variation to the existing Memorandum of Understanding to govern the revised payment mechanism. It also seeks approval for an amended process to be used for receipt and opening of tenders in the course of the competitive dialogue process to appoint a Special Purpose Vehicle ("SPV") to enter into a Project Agreement to design, build, finance and operate the Aberdeen Western Peripheral Route/Balmedie-Tipperty (AWPR/B-T) project. It also seeks approval for the Head of Legal and Democratic Services to agree the terms of the AWPR/B-T Project Agreement and other associated contractual documentation with the SPV, and to sign it on behalf of Aberdeen City Council, subject to approval of the documentation by the Director of Corporate Governance, the Head of Finance and the Director of Enterprise, Planning and Infrastructure.

2. RECOMMENDATION(S)

It is recommended that Elected Members: -

- (a) Note the Council decision of 6th 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 ;

- (b) Note that officers and officials are progressing the terms of a Third Variation to the October 2003 MoU to govern the revised payment mechanism, which is 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 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); 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 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:-
 - 1. Third Variation of Memorandum of Understanding
 - 2. Funding Agreement
 - 3. Project Agreement

3. FINANCIAL IMPLICATIONS

- 3.1 Funding for the Aberdeen Western Peripheral Route (“AWPR”) has been the subject of a tripartite Memorandum of Understanding (“MoU”) between the Scottish Ministers, Aberdeen City Council and Aberdeenshire Council signed on 30th October 2003 (and subsequently varied in April 2007 and April 2013 to reflect changes to the project).
- 3.2 The MoU established the level of funding contributions from the two partner local authorities of Aberdeen City and Aberdeenshire Councils in recognition of the costs of providing ‘additional’ junctions with local roads and the significant local economic benefits accruing as a result.
- 3.3 The MoU commits both Aberdeen City and Aberdeenshire Councils to contribute 9.5% each of the overall cost of the scheme development and capital construction of the Northern and Southern Legs of the AWPR (coloured orange and green respectively at Appendix 1). The scheme development and construction costs of the Fastlink (coloured purple) and the A90 Balmedie-Tipperty Dualling (coloured red) will be met in their entirety by the Scottish Ministers. A 30-year operation and maintenance cost for the project, post complete scheme construction and when it is opened fully for public use will also be met by The Scottish Ministers. From 1 January 2013, both Councils’ contribution,

shared equally between them, will be £141m with a cap of £150m. Further detail on this is provided below.

4. OTHER IMPLICATIONS

- 4.1 The successful delivery of the AWPR will significantly contribute towards the achievement of the Aberdeen City Council's vision of "A Smarter City". This includes, for example, the "Smarter Mobility" policy objective through the delivery of a modern, effective transport network within and around Aberdeen and the "Smarter Economy" by providing the infrastructure to enable the City of Aberdeen to be a place to invest, live, work and export from.
- 4.2 Environmental and sustainability issues associated with the Scheme were considered during the Environmental Impact Assessment of the AWPR as outlined in the 2007 Environmental Statement, and examined during the subsequent 9 month Public Local Inquiry with appropriate mitigation measures being confirmed within the Ministerial Decision Letter of 21st December 2009.

5. BACKGROUND/MAIN ISSUES

AWPR Payment Mechanism

- 5.1 Report CG/12/08 to Elected Members of Aberdeen City Council of 10th October 2012 (Article 24 refers) by the Head of Finance gave details of discussions between officers of both Aberdeen City and Aberdeenshire Councils and officials of Transport Scotland on the future operation of the local authorities' payment mechanism towards the AWPR.
- 5.2 Elected Members agreed, in principle, to bring forward the Council's contribution to the AWPR project costs, subject to clarification of the Council's legal powers to undertake such a course of action and it being in the best interest of the Council to do so; and instructed officers to continue to negotiate with Transport Scotland officials on the future funding mechanism and report back in due course on this funding package.
- 5.3 The Minister for Transport & Veterans, Keith Brown MSP, subsequently wrote to both Aberdeen City and Aberdeenshire Councils in November 2012 indicating the Scottish Government's willingness to consider how both Councils wished to fund their respective 9.5% contributions to the AWPR (Northern & Southern Legs only) Scheme, in recognition of the cost estimate increase and the Scheme's progress towards procurement in the Official Journal of the European Union.

- 5.4 Elected Members at Full Council of 6th March 2013 (Article 28 refers) subsequently further agreed to note the updated overall cost estimate for the AWPR project and to authorise the Council to enter into a variation to the Memorandum of Understanding with the Scottish Ministers and Aberdeenshire Council; secondly, to approve the proposal for Aberdeen City Council and Aberdeenshire Council to meet their share of the costs of the AWPR project via a combined (equally shared) up-front capital contribution; and; thirdly, to authorise officers to enter into further discussions with Transport Scotland and Aberdeenshire Council regarding the up-front capital contribution and to authorise the Head of Legal and Democratic Services to negotiate the terms of a legal agreement to govern the payment mechanism, subject to the approval of the Director of Corporate Governance, the Head of Finance and the Director of Enterprise, Planning and Infrastructure and to report back to the next appropriate Council meeting on the outcome.

Following this decision by both local authorities, the Minister for Transport & Veterans, Keith Brown MSP, visited Aberdeen on 7th May 2013 and announced that the Scottish Government had agreed to cap both local authorities' outstanding 9.5% share of the AWPR scheme at £75M each. The Council is still awaiting formal confirmation of that position.

- 5.5 This is to be formally agreed by way of a Third Variation to the MoU in the following terms:
- 5.5.1 The effective start date of this revised payment mechanism is 1st January 2013;
 - 5.5.2 Each Council's capital cost contribution equates to £70.5M (at outturn prices);
 - 5.5.3 In recognition, however, of the level of risk associated in determining costs based upon estimates, a "cap" on liabilities has been set at £150M (£75M per local authority). Both Aberdeen City and Aberdeenshire Councils will have no further exposure to the overall cost once the cap has been reached;
 - 5.5.4 Conversely, should the actual new works costs incurred (for both the Northern Leg and Southern Leg only) be lower than the current estimates, both Councils will receive a proportionate reduction in their upfront capital contribution, as outlined in 5.5.3 above, in line with the funding allocation within the MoU Agreement (81% the Scottish Ministers; 9.5% and 9.5% to each Council);
 - 5.5.5 De-trunking costs will be funded, in their entirety, by the Scottish Ministers;

- 5.5.6 Insurance, liability and responsibility risk(s) for working in and around the BP/Shell pipelines which are traversed by the AWPR and Balmedie-Tipperty routes and how these relate to the Main Works shall be met either by the SPV formed to deliver the construction contract and/or the Scottish Ministers as appropriate;
- 5.5.7 Property acquisition receipts which may arise following a future re-sale will be distributed on a 81%/9.5%/9.5% basis for those properties acquired which fall within the boundaries of the AWPR Southern and Northern Legs (where costs are shared between the three funding partners per the MoU Agreement), otherwise receipts shall revert 100% to the Scottish Ministers for those properties within the AWPR Fastlink and A90 Balmedie-Tipperty Legs of the AWPR/B-T Scheme; and,
- 5.5.8 Operation and Maintenance insurance costs will be met, in their entirety, by the Scottish Ministers.

The Third Variation to the MoU is currently being prepared and agreed by the three parties.

VAT

- 5.6 As previously advised to Elected Members on 6th March 2013, the Council was seeking specialist VAT advice. Such specialist advice has subsequently been received and in a letter dated 11th June 2013, HMRC have re-confirmed Aberdeen City Council's understanding that, as the Council has been delegated the functions of the Scottish Ministers as Trunk Roads Authority in relation to the AWPR/B-T project under section 4 of the Roads (Scotland) Act 1984, then re-charges made by Aberdeen City Council to Aberdeenshire Council and the Scottish Ministers in relation of the AWPR/B-T project remain outside the scope of VAT.

Council's Standing Orders Relating to Contracts & Procurement

- 5.7 Pursuant to the MoU, an Agency Agreement was entered into between Aberdeen City Council and the Scottish Ministers on 4th and 6th November 2003 (and subsequently varied in 2008, 2012 and 2013) whereby Aberdeen City Council became the Appointed Agent of the Scottish Ministers under section 4 of the Roads (Scotland) Act 1984 for the carrying out of the Scottish Ministers' functions as Trunk Roads Authority in relation to the AWPR/B-T project.
- 5.8 Under the terms of the Agency Agreement, Aberdeen City Council is responsible for the provision of all services in connection with the procurement, preparation and construction of the AWPR/B-T project on behalf of the Scottish Ministers and acting as their Agent.

- 5.9 Accordingly, Aberdeen City Council is the Contracting Authority and has undertaken a significant number of procurements in relation to advance works and services required for a civil engineering project of this magnitude (for example, archaeological investigations, demolition works and ecological mitigation measures as further detailed in Report EPI/12/242 to Elected Members of the Council's Enterprise, Planning and Infrastructure Committee of 6th November 2012). Aberdeen City Council shall be the Contracting Authority for the Main Works contract for the construction and subsequent 30 year operation and maintenance of the Scheme post full completion.
- 5.10 As outlined in Report EPI/12/056 to Elected Members of Aberdeen City Council's Enterprise, Planning and Infrastructure Committee of 31st January 2012, the "competitive dialogue" procedure is being used to procure a Contractor to design, build, finance and operate the AWPR/B-T project. The procurement process is now well underway.
- 5.11 Competitive Dialogue is a procedure whereby a public authority is able to conduct dialogue with bidders directly with the aim of developing one or more suitable alternative solutions to meet its requirements. Individual bidders may develop more than one solution. The dialogue may be conducted in successive stages, with the option of reducing the number of solutions (and therefore bidders) at each stage. Solutions must be eliminated on the basis of applying the stated award criteria.
- 5.12 As the Council's Standing Orders in Relation to Contracts and Procurement make clear, the competitive dialogue can only be used in exceptional circumstances for "particularly complex" supplies, services and works contracts where it would not be possible to award a contract using the open or restricted procedures and where the circumstances do not permit use of the negotiated procedure.
- 5.13 It should be noted that for both public authorities and bidders this procedure requires a greater investment of inputs in terms of resources, planning and time than other standard procedures and cannot be viewed as a short-cut in any way. The process always involves competitive tendering and award can only be made on the basis of the Most Economically Advantageous Tender award criterion.
- 5.14 The complexity and scale of the procurement exercise for the AWPR/B-T project can be illustrated by the fact that the electronic "data room" which provides a secure environment for the transmission of documents and drawings contains in excess of 3,800 documents and drawings in one section alone. The amount and volume of documentation will only increase as the procurement competition proceeds and dialogue period submissions (leading to Final Submissions) are generated.

- 5.15 Accordingly, Elected Member approval to apply Standing Order 1(6)(a) (Special Circumstances) is sought in order to exempt the AWPR/B-T competitive dialogue Final Tender Submissions from certain 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 to be undertaken by the Head of Procurement in the presence of two Members of the Council).
- 5.16 This would enable Final Tender Submissions to be delivered to a secure area of Transport Scotland's Buchanan House offices in Glasgow where they would be opened in the presence, and kept in the custody of, the AWPR/B-T Managing Agent, Mr John Wilson. The Head of Legal and Democratic Services and the Head of Procurement have both been specifically consulted on this proposition and are in agreement.
- 5.17 Such a procedure would be justifiable in the special circumstances surrounding the AWPR/Balmedie-Tipperty scheme as it would considerably facilitate the efficient and effective evaluation of Final Tender Submissions with all material and documentation securely held in one central location for ease of access by technical, legal, insurance and financial advisors in addition to evaluation by officers of the AWPR/B-T Managing Agent plus officials of Transport Scotland.
- 5.18 This recommendation also reflects the reality that the storage capacity of the Managing Agent's offices at the Aberdeen Business Centre (Willowbank House, Aberdeen) is limited and has been robustly tested with the receipt and storage of the information submitted in March 2013 by bidders' Pre-Qualification Questionnaires and accompanying documentation. Additionally, savings both in financial and carbon terms will be achieved by not having to courier or otherwise transport voluminous amounts of documentation from Aberdeen to elsewhere in Scotland.

Project Agreement and Associated Documents

- 5.19 Approval is sought for the Head of Legal and Democratic Services to agree the terms of the Project Agreement and all other associated contractual documentation with the SPV, and to sign it on behalf of Aberdeen City Council, subject to the approval of the documentation by the Director of Corporate Governance, the Head of Finance and the Director of Enterprise, Planning and Infrastructure.
- 5.20 Implementation of this recommendation will allow for the speedy conclusion of the Project Agreement in what is envisaged shall be a fast moving and time sensitive commercial environment. It is important for Elected Members to note that, in this respect, the Council's financial interests in the Project Agreement will already have been safeguarded and secured by the Third Variation to the MoU whereby the Councils

will jointly fund their outstanding capital share of the Scheme on a fixed cap basis and the Scottish Ministers shall be required to pay the entire Unitary Charge.

6. IMPACT

Corporate - The delivery of the AWPR\B-T will achieve a number of the objectives and policies listed in Aberdeen City Council's "The Smarter City" policy statement and also the Single Outcome Agreement. This includes, for example, the provision of a sustainable transport system and promotion of Aberdeen as a city to invest, live, work and export from.

Public – Upon completion, the AWPR\B-T will remove traffic from unsuitable rural and urban roads in and around Aberdeen and will improve road safety. By cutting congestion, it will reduce journey times and improve journey time reliability in addition to providing access to Park & Choose sites around the periphery of the City and improving access to national Trunk Road and Trans-European transport networks.

EHRIA - An Equality and Human Rights Impact Assessment has not been completed as this report relates to administrative arrangements only.

7. MANAGEMENT OF RISK

The management of risk, both threats and opportunities, is an integral part of successfully delivering the AWPR/B-T project. A series of risk registers have been developed to capture the risk relating to different aspects of work involved in project delivery and reviewed regularly. This risk management process is adopted throughout scheme delivery and enables key risks to be identified and actively managed to reduce the impact that they may have on project delivery.

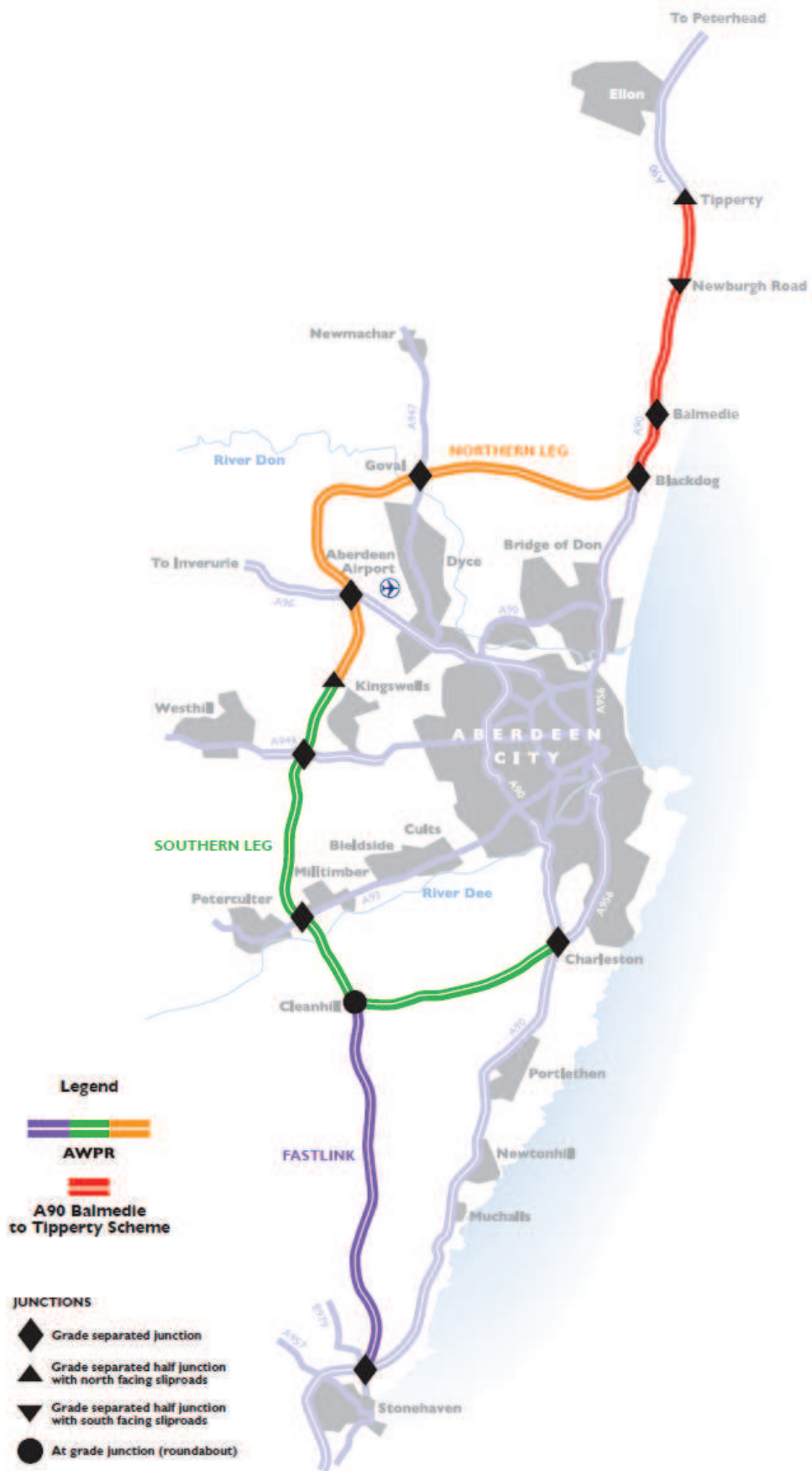
8. BACKGROUND PAPERS

Transport Scotland News Release, 7th May 2013 – "[Funding Agreement reached for the AWPR/Balmedie-Tipperty, capping council payments](#)"

9. REPORT AUTHOR DETAILS

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Appendix 1: AWPR & A90 Balmedie to Tipperty Scheme



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COMMITTEE: Council DATE: 21 August 2013

DIRECTOR: Fred McBride

TITLE OF REPORT: Welfare Reform/Financial Inclusion Update

REPORT NUMBER: H&E/13/057

1. PURPOSE OF REPORT

- 1.1. To update members on actions taken since March 2013 and on developments with the Welfare Reform agenda.

2. RECOMMENDATIONS

- 2.1. It is recommended that the Council note progress made and the on-going actions.

3. FINANCIAL IMPLICATIONS

- 3.1. There are substantial financial implications for Aberdeen City Council and its citizens in relation to Welfare Reform and this is reflected through the contingencies that have been set aside within the 2013/14 budget. This will continue to be de-risked as part of the year end process as requested by Council on 14 February 2013.
- 3.2. Contained within the 2013/14 budget is a contingency of £1M to offset any in-year cost pressures that occur. There is also a risk fund contained within the 2013/14 budget which can also be accessed if required during the year.
- 3.3. The risk fund has been set up to mitigate any in-year cost pressures that may occur in the Council, and Welfare Reform will clearly fall into that category. For example, cost pressures have already been identified around the introduction of the Council Tax Reduction Scheme and loss of benefit income for Homelessness.
- 3.4. The Head of Finance has already indicated (as part of the budget setting process and by way of financial monitoring to Committee) that as part of the year end process further earmarked sums and provisions can be made to ensure that any additional financial risk that the introduction of Welfare Reform presents has been mitigated as far as possible.

4. OTHER IMPLICATIONS

- 4.1. Welfare reform impacts across a number of Council services but has an immediate and direct impact on Housing and Council Tax, Homelessness Services, Financial Inclusion and further increase in demand for assistance through Social Work can be anticipated. Other key partners will also come under both financial and operational pressure.

5. BACKGROUND/MAIN ISSUES

5.1. Background

5.2. The Welfare Reform Act completed its passage through the UK Parliament in March 2012 and received royal assent on 5th March 2012. This legislation brought about the most fundamental reform to the social security system since its inception after the 2nd World War. Its primary purpose is aimed at delivering a system that is simpler, fairer and ensuring that “work always pays”. The stated aims of Welfare Reform are to:

- Simplify what has become an overly complex benefit system
- Make the benefit system fair for recipients and tax payers.
- Ensure that individuals always benefit financially by moving off benefits and into work.

5.3. Many of the proposed changes were not planned to be introduced until after April 2013. The most significant change relates to the introduction of Universal Credit (UC), which will provide a basic allowance/single payment with additional elements for children, disability, housing and care that will support people both in and out of work. Universal Credit is still scheduled to be rolled out from October 2013, but the pace of this has been slowed by the UK Government.

5.4. This new benefit will replace others including working tax credit, child tax credit, Housing Benefit, income support, income based job seekers allowance and income related employment and support allowance (ESA). When Universal Credit is introduced the total benefits to a household will be capped at £26,000 per year. Universal Credit will be paid as a single benefit one month in arrears in a single monthly payment with recipients being financially responsible for making payments, e.g. rent, that may be due. Currently Housing Benefit for claimants administered by the Council and Housing Benefit for the majority of social housing tenants is paid directly to the landlord. Under Universal Credit this amount will be paid to the tenant whose responsibility it will be to pay the rent unless there are exceptional circumstances. Guidance will be given to clarify the circumstances where alternatives to payments to the claimant are possible.

5.5. Recent activity including the reduction in the number of pilots progressed seem to indicate that Universal Credit will be introduced at a slower rate than first envisaged.

5.6. The national roll-out of UC will expand from the Pathfinder areas to six hub jobcentres - Hammersmith, Rugby, Inverness, Harrogate, Bath and Shotton. These jobcentres will be taking new claims for the benefit; introduction of components to drive the cultural shift under Universal Credit, including 20,000 Jobcentre Plus advisers to be retrained to deliver the claimant commitment, and enhanced job search support nationally. Ten in-work conditionality pilots (including Aberdeen) will test how best to encourage claimants to progress in work, and improved access to digital services across Jobcentre Plus including 6,000 new computers will be installed across the country, embedding digital technology and ensuring that jobseekers become used to online transactions.

5.7. The changes to the rate of introduction may make it more difficult to plan our

work in relation to mitigation activity although the additional time will be beneficial in allowing greater communication with citizens.

- 5.8. The Department for Work & Pensions has published a draft Local Service Support Framework which covered issues such as frequency of payments, direct payments and assistance with digital access. Discussions on this are taking place with the local government associations including COSLA.
- 5.9. The Local Service Support Framework recognises that some people will need extra support, including while they transition from the current benefit system to UC. In particular, some claimants will require support with:
- Triage and explaining the new services, particularly while they are being introduced in incremental stages;
 - Assistance with making claims online and managing their UC account online;
 - Advice to help them manage their money under UC's monthly payment arrangements and ensure that rent and cash flow is well managed.
- 5.10. It was recently announced that, for example, where two months of arrears have built up then direct payments could be re-introduced. Even at one month of arrears DWP will review its decision about direct payments. These actions will be valuable in minimising the loss of rent to the Council. We will continue to monitor the evolving Framework and its potential.
- 5.11. At the recent UK Welfare to Work Convention, Local Authorities were advised by the Universal Credit Team (UK) that a revised draft is due to be published in October 2013 but as yet they are unclear about the budget for this initiative. However, it is now clear that many more claimants should be able to get their housing benefit paid direct to their landlord.
- 5.12. Welfare Reform Project Board**
- 5.13. The Board has met regularly since the beginning of 2013 to develop and oversee the work streams identified below. The Board whilst established by ACC recognises that Welfare Reform is a Community Planning issue and key representatives from partner bodies such as DWP, NHS and Police Scotland are included within it. Progress delivering the Welfare Reform program is monitored by the Program Management Board, supported by the Program Management Office. The program includes the following projects but will evolve and expand as required to manage changes to our processes such as that required for Universal Credit.
- Scottish Welfare Fund
 - An Integrated Approach to Benefits, Training and Employment
 - Household Management and Budgeting
 - Training and Communications
- 5.14. The Third Sector in Aberdeen has formed a Welfare Reform Network which will take forward statistical and other information to the Welfare Reform Board to ensure the widest possible range of information is being reviewed.

5.15. Scottish Welfare Fund

- 5.16. This initiative was implemented locally from the beginning of April 2013 and the implementation has been managed smoothly.
- 5.17. It was previously indicated that Aberdeen City Council would receive £540,786 for Community Care Grants and £359,055 for Crisis Grants for distribution to claimants.
- 5.18. In the three months, April 2013 – June 2013, 96 Community Care Grants have been paid out at an average of £469. A total of £45,054 has been spent which is 8% of spend for the year, against a planned spend of 25%. On average in Scotland 13% has been spent in the year. The Welfare Reform Program Board will examine why this may be and consider whether we need to make any change to how we administer the fund. We do however anticipate that with the onset of autumn and winter, demands on the fund will increase sharply.
- 5.19. In the same period, 558 Crisis Grants have been paid out at an average of £52. A total of £28,860 has been spent which is 8% of spend for the year, against a planned spend of 25%. On average in Scotland 9% has been spent in the year.
- 5.20. In April 2013 there were 530 applications with 152 being successful and in May 2013, 512 applications with 241 successful.
- 5.21. The reasons for refusal are outlined below:

39.33%	qualifying conditions not met
30.85%	eligibility not met
7.59%	not on qualifying benefit
6.18%	other
4.37%	repeat application within 28 days
3.92%	should apply for short term benefit advance
3.73%	priority level insufficient
2.66%	failed to supply evidence
0.85%	excluded items
0.55%	exceeds maximum living expenses

- 5.22. Work is on-going to pilot the use of the Accord card for goods from the Food Bank Partnership Aberdeen.
- 5.23. Figures for the Fund are being submitted to and collated by the Scottish Government. A practitioners group has been established to ensure issues from across the country are shared.
- 5.24. This Fund will be in existence for two years where after a replacement initiative will come into place.

5.25. An Integrated Approach to Benefits, Training and Employment

- 5.26. The Welfare Matters HUB started in Ebury House on 1 May and the team is currently developing a schedule for cover from 9 – 5 p.m. Monday to Friday before widely advertising the phone number etc. Debt Advice staff and Homelessness Prevention staff are due to contribute to this initiative. It will be launched when it is fully operational which is expected to be in September 2013. The HUB also involves the co-location of other third party partners such as Job Parents.
- 5.27. The new Welfare Reform Project Manager took up the role on 5 August 2013. This post will manage the delivery of the Welfare Matters Hub at Ebury House as well as seek to develop the satellites elsewhere in the City, taking this project to a fully operational level. DWP Flexible Support Funding provided £175k to assist in funding this post, provide enhanced employability support as well as supporting the Welfare Reform conference held in March.
- 5.28. The Library and Information service in Aberdeen City Council anticipated that changes to the welfare system under the Welfare Reform Act would impact on libraries in particular for support in accessing benefits on line. Libraries have been providing support for job seekers in completing online applications and preparing CVs. Weekly job clubs are being held in libraries in partnership with various agencies. Digital literacy needs are being addressed via basic ICT skills classes and 1 to 1 sessions across the service. This has been developed further with training for libraries regarding digital access having now taken place.
- 5.29. An application was made by Aberdeen City Council to Scottish Government for support from the Youth Employment Scheme, Employer Initiative. The Council was successful in receiving an allocation of £547k which provides 50% employer wage subsidy for young people between the ages of 16 and 24 who have been unemployed for up to 6 months. This will provide potential support for up to 170 young people and incentive for Small, Medium, Enterprises. The scheme is funded by the Scottish Government and the European Union and is being managed by staff in the Community Planning and Performance team in partnership with the local Job Centre.
- 5.30. The website www.welfarereformaberdeen.org.uk is live and information continues to be uploaded. This will become a key communication tool for the program and will continue to be developed along with other communication mediums, such as the successful conference hosted by ACC earlier this year.

5.31. Household Management and Budgeting

- 5.32. The Scottish Legal Aid Board has been asked by the Scottish Government and the Money Advice Service to run a new grant funding programme. The Making Advice Work programme will focus on improving access to advice for people in Scotland with a view to promoting achievement of particular priority outcomes and is in addition to our current grant funding programme. Scotland wide, £7.45m by way of grants in the period to the end of March 2015 is available for this new programme. £5.1M of funding is being made available from the Scottish Government and £2.35M of funding is being made available by the Money Advice Service.

- 5.33. Stream 1 of the programme, community-wide advice, is designed to focus funding on projects that can provide advice, information and representation for people across a geographic area. Its also designed to focus on help to resolve benefit and complex debt problems and to provide targeted assistance to help people successfully make the transition to the new benefits system. Stream 2 of the programme focuses specifically on advice for tenants of social landlords. Project proposals should aim to provide advice, information and/or representation for social tenants dealing with the impact of changes to the benefit system, particularly those changes which are likely to impact on their ability to manage their housing costs or to sustain their tenancies. Stream 3 aims to tackle barriers in accessing advice and test new ways of resolving problems related to debt, financial management and social welfare law for priority groups of people with disabilities and people experiencing domestic abuse.
- 5.34. A number of applications have been submitted to the “Making Advice Work” Programme, including a joint application from Grampian Housing Association and Grampian Women’s Aid for specialist advice and outreach work; The Illness & Disability Action Group; Aberdeen City Council & Grampian Housing Association for 3 Money Advice staff and Aberdeen Cyrenians & Aberdeen City Council for additional advice staff. It is the intention that all these services will link in with the HUB.
- 5.35. Aberdeen City Council is either involved directly or supporting these applications that will bring additional resources to the city.
- 5.36. We are working with the Credit Unions to pilot a scheme to make direct rent payments from their accounts to assist with budgeting and rent payments. Discussions are also underway with Education Officers regarding how as part of financial education, information regarding Credit Unions and the benefits of using their services could usefully be included.
- 5.37. Cash In Your Pocket are still working on the Directory of Advice Providers to ensure staff can refer clients to appropriate services.
- 5.38. Food Bank Aberdeen has been established and is funded by the Fairer Scotland Fund Board. A Food Bank Aberdeen application to the Support & Connect Stream of the Big Lottery was made for funding to enhance debt advice services and additional credit advice was unsuccessful but a further application could be submitted in 6 months. The Food Banks Partnership was recently given an ACVO Impact Award at their recent awards ceremony under the ‘Working Together’ category.
- 5.39. However, an application from Aberdeen Cyrenians to assist customers into services was successful. This includes additional reception and advice staff at their Summer Street Centre and for some outreach work.
- 5.40. A workshop is scheduled with key providers to discuss money advice and household budgeting matters.
- 5.41. Those applying to the Scottish Welfare Fund can indicate that they would like a Benefits check and we are examining how best to provide onward referral for those in debt or struggling financially, as well as how we can monitor outcomes of these referrals.

5.42. Training and Communications

- 5.43. An e-Learning course was launched for all ACC staff on the 10th April 2013. Feedback received has been very positive. E-Learning is live on the Welfare Reform Aberdeen website. There have been some requests for additional training from ACC staff. External training was sourced for Benefits Advice and Welfare Rights staff - this will be on-going.
- 5.44. A considerable amount of work has gone into developing appropriate media responses, sharing knowledge, ensuring consistency of responses across partner media teams along with the development of the multi-agency website and material, branded Welfare matters. Work is ongoing to develop a signposting Directory for citizens seeking additional support.
- 5.45. We are actively considering how best to engage and support tenants to meet the challenges faced as the Welfare Reform agenda rolls out. Integrating this with other major programs of work such as our emerging regeneration program will provide opportunities for this.

5.46. Discretionary Housing Payments

- 5.47. Discretionary Housing Payments (DHP) provides Council and Private Sector tenants' financial assistance with housing costs, in addition to Housing and other benefits. It is a matter for the Local Authority to determine whether further help is required. These funds are allocated by the Department of Work and Pensions to Local Authorities for distribution. For Aberdeen City Council the amount available for 2013/14 is £226,785.
- 5.48. Guidance has indicated that subject to the guidelines issued, local authorities may increase the amount of DHP by up to 2.5 times the DWP allocation, from within the local authorities existing finances. The UK government has advised that the DHP Fund nationally will be increased to mitigate, in the short term, the impact to Housing Benefit changes mentioned earlier. The DWP have also indicated that any increased level of discretionary funding allocated to Aberdeen City Council should be targeted at mitigating the impact of the under occupancy reduction, the benefit cap and to support customers affected by Local Housing Alliance reform after the introduction of Universal Credit.
- 5.49. Applications/spend to date
- | | |
|-----------------------------------|-------------|
| Number of claims received: | 688 |
| Claims complete: | 379 |
| Claims in progress/outstanding: | 309 |
| Amount Spent/allocated: | £215,966.87 |
| Funding available for allocation: | £350,996.13 |
- 5.50. It was clear that all of the Discretionary Housing Payments would be utilised at an early stage within the financial year and an additional contribution has now been approved by Aberdeen City Council to ensure funding remains

available as above.

- 5.51. It was anticipated that around £1M of claims could have been possible from the under-occupation measure alone.

5.52. Under-occupation

Since April 2013 tenants who have a bedroom(s) in excess of their requirements have been subject to a reduction in their Housing Benefit. A 14% reduction applies to those tenants who have one bedroom in excess of their requirements or a 25% reduction for those with two or more bedrooms in excess of their requirements.

The value of arrears for those tenants affected by the under occupation has increased by a similar percentage to all cases with arrears. In May the increase was 12.7% and in June the increase in arrears was 11.5%.

The table below provides more detail on value and number of cases.

	May 2013	June 2013
Total number of tenants affected by Under Occupation in arrears	1280	1208
Value of Arrears for those tenants affected by Under-occupation	£405,313	£407,391
Total number of tenants in arrears	8670	7674
Total value of current arrears	£3,566,543	£3,283,224
Total Number of tenants affected by Under-Occupation and in receipt of benefit	1888	
Total of tenants with a 14 % reduction	1577	
Total of tenants affected with a 25% reduction	311	

Prior to the introduction of the spare room subsidy 23.1% of tenants affected by under occupation were in arrears with their rent. This percentage however has now increased to 71% of tenants in arrears of rent.

5.53. Benefit cap

- 5.54. The benefits cap roll out began in Aberdeen on 15 July 2013 and mainly affects those in temporary accommodation or families with more than 3 children.

- 5.55. Around 140 households will be affected by this measure. As of 22 July there has only been 5 Capping Cases from DWP. This has resulted in only one case being capped.

5.56. Employability

- 5.57. As outlined in 5.2, one of the stated aims of Welfare Reform is to ensure that

individuals always benefit financially by moving off benefits and into work. One major facet of financial inclusion, therefore, requires a focus on improving employability. The Department for Work & Pensions has procured a number of programmes to in relation to this aim including the Work Programme and Work Choice.

- 5.58. In June 2013, there were 2,762 unemployed claimants in Aberdeen, 1,821 males and 941 females. These claimants accounted for 1.8% of the city's working age population. The level of unemployment in Aberdeen is low compared with the other main cities and the overall Scottish average. At 3.8%, the Scottish claimant count rate is more than double the Aberdeen rate.
- 5.59. Although the city's claimant count has been falling in recent months, it remains well above the pre-recession numbers that were seen in 2007 and 2008. In the period since January 2001, the claimant count in Aberdeen has fluctuated between a high of 3,669 (February 2012) and a low of 1,509 (October 2007).
- 5.60. Unemployed claimants aged under 25 accounted for 22% of all claimants in Aberdeen in June 2013. This represents a lower-than-average incidence of youth unemployment than across Scotland as a whole, where 27% of claimants were aged under 25.
- 5.61. 1,025 claimants in Aberdeen had been out of work for more than six months in June 2013, including 530 who had been out of work for more than a year. 1,195 claimants in Aberdeen were classed as short-term, i.e. their period of unemployment at June 2013 was less than 3 months in duration.
- 5.62. Unemployment is unevenly distributed across Aberdeen. There were 466 claimants in the Torry/Ferryhill ward in June 2013 compared with 39 in Lower Deeside. Northfield ward had the highest rate of unemployed claimants, 3.5% of the ward's working age population.
- 5.63. Based on the International Labour Organisation definition of unemployment, there was an average of 6,300 unemployed people in Aberdeen in 2012, 5% of the city's population aged 16 and over.
- 5.64. A report by Sheffield Hallam University estimated that Aberdeen's real unemployment total in April 2012 was 9,600. This includes the hidden unemployed who are not included in either the monthly claimant count or the unemployment data from the Labour Force Survey.
- 5.65. According to the Income and Poverty Modelled Estimates, in 2011, 9% of Aberdeen City's working age population was income deprived compared to 13% in Scotland. Aberdeenshire and Shetland Islands had the lowest income deprived working age population in 2011 at 7%.
- 5.66. The Work Programme**
- 5.67. The Work Programme aims to deliver flexible support to help long-term claimants of Jobseeker's Allowance (JSA), and some claimants of health-related benefits, to move into sustainable jobs. Providers (or 'primes') from the private, public and voluntary sectors have payment-by-results contracts

with DWP. Primes then manage networks of sub-contractors who deliver some or all of the services on their behalf. Claimant eligibility for the Work Programme is set by DWP and managed by Jobcentre Plus.

- 5.68. The first release of Work Programme statistics in November 2012 showed performance falling short of DWP's expectations.
- 5.69. The minimum expectations set by the Department for Work and Pensions (DWP) for year two performance were:
- Job outcomes should be 33% of referrals for the Jobseeker's Allowance (JSA) 18 to 24 group.
 - Job outcomes should be 27.5% of referrals for the JSA 25 and over group.
 - Job outcomes should be 16.5% of referrals for the new ESA claimants group.
- 5.70. From 1 April 2012 to 31 March 2013, there were 516,000 referrals and 123,000 job outcome payments. In this second financial year the contractual performance level for the JSA 18 to 24, JSA 25 and over and ESA new customers' payment groups were 31.9%, 27.3% and 5.3% respectively. This was against a minimum performance level of 33%, 27.5% and 16.5% for each group respectively.
- 5.71. It is clear that performance in relation to ESA is extremely disappointing.
- 5.72. DWP are now working with those returning from the Work Programme, who appear to be those furthest from job readiness.

5.73. Financial Inclusion Manager

- 5.74. The post holder has been in post from the beginning of July 2013. The post will lead on the mitigation activity of Welfare Reform as well as focusing on Financial Inclusion issues, which include improving employability.
- 5.75. A strategy is being developed for the Welfare Reform Project Board that will attempt to set out objectives and priorities for the future. A key aspect of work in this area will be how best to integrate activities across Directorates with shared objectives and priorities. Consideration of the issues, including resources available will also seek to include other partners, recognising the role of Community Planning.
- 5.76. A number of policies and procedures are being reviewed/revised/developed with this corporate agenda in mind including: service charges for temporary homelessness accommodation; corporate debt policy; anti-poverty strategy; guidelines for discretionary housing payments; HR policies; the living wage; improving progression; links to procurement (particularly with major projects such as AWPR/regeneration, and Bon Accord Care); integrating with offender programmes; integrating with programmes for other client groups (learning disabilities, mental health, etc.); other "support" programmes (design delivery model to for whole-family working to support long-term workless residents) and links with City Deals.
- 5.77. We intend to establish networks to develop and share best practice in relation to Advice Services and Improving Employability Services. Crucially

we need to determine the level of service that needs to be provided in relation to debt, budgeting and financial inclusion whilst improving the coordination of services provided through other agencies as well as the City Council.

6. IMPACT


- 6.1. The report relates to the Single Outcome Agreement and the Council vision of Aberdeen – the Smarter City, in particular the strategic priority ‘Smarter Living (Quality of Life)’ where we challenge inequality and positively promote wellbeing building on cultural and physical activity.
- 6.2. The report has strong links to the Community Plan and our vision as a city to be an even better place to live and work, where people can expect high quality services to meet their needs.
- 6.3. The report also relates to the following National Outcome Measures:
 - National Outcome 6 – “We live longer, healthier lives”
 - National Outcome 9 – “A Safer and Stronger Scotland
 - National Outcome 10 – “We live in well-designed, sustainable places where we are able to access the amenities and services we need”
- 6.4. Given the significant changes to the welfare benefit system and the immediate impact this will have on our citizens it is likely that this report will be of interest to the public.

7. BACKGROUND PAPERS

- 7.1. Income & Earnings in Aberdeen City & Aberdeenshire – ACC Research & Information - 2013
- 7.2. Unemployment in Aberdeen 2013 – ACC Research & Information - 2013

8. REPORT AUTHOR DETAILS

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ABERDEEN CITY COUNCIL

COMMITTEE:	Council
DATE:	21 August 2013
DIRECTOR:	Fred McBride, Social Care and Wellbeing
TITLE OF REPORT:	Integration of Health and Social Care
REPORT NUMBER:	SCW/13/037

1. PURPOSE OF REPORT

The Public Bodies (Joint Working) (Scotland) Bill was introduced in the Scottish Parliament on May 28, 2013. This is the Bill which sets out the Scottish Government's intentions for the integration of health and social care services in Scotland.

2. RECOMMENDATION(S)

Council is requested to

- (i) note the key requirements of the Bill;
- (ii) 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;
- (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.

3. SUMMARY OF THE BILL

3.1 In summary, the Bill:

- provides for national outcomes for health and wellbeing, with health boards and local authorities accountable to the Scottish Ministers for delivery;
- sets out principles for planning and delivery of integrated functions, the main aims of which are: improvement to the wellbeing of recipients of services; anticipation and prevention of need; and effective use of resources;

- establishes integration joint boards and integration joint monitoring committees as the partnership arrangements for the governance and oversight of health and social care services, with Community Health Partnerships removed from statute;
- requires health board and local authority partners to enter into arrangements, through an integration plan, to delegate functions and resources to ensure the effective delivery of those functions, either by delegation to an integration joint board established as a body corporate or by delegation by one partner to the other partner;
- requires integration joint boards to appoint a Chief Officer, who will be jointly accountable, through the board, to the health board and local authority, responsible for the management of the integrated budget and for the delivery of services for the area of the integration plan; and
- requires integration joint boards, or health boards or local authorities to whom functions are delegated, to prepare a strategic plan for the area, setting out arrangements for delivery of integration functions and how it will meet the national health and wellbeing outcomes.

4. FINANCIAL IMPLICATIONS

- 4.1 At this stage the full financial implications are not known, particularly in relation to the cost of establishing a model of integration and the partnership arrangements.
- 4.2 Establishing an integrated Health & Social Care budget is a requirement on Partnerships. The budget contribution for social care initially will be the budget for Older People's and Rehabilitation services, and the value of this has been declared through the Joint Commissioning Strategy for Older People for 2013-2014 (£78,316 gross and £61,025 net for 2013-14). Work is ongoing in NHS Grampian to identify the health budget and nationally to determine which parts of the acute sector budget will be included.
- 4.3 The Partnership will, be required to fund the post of Chief Officer. The Scottish Government plans to issue a Job Description for this post, which will allow determination of the salary level. It is expected that this cost will be offset in part by the existing resource used to fund CHP general managers.
- 4.4 The organizational development aspects of supporting a major change programme will come with costs to be borne jointly, and still to be determined. To the present, joint organizational development initiatives to support integrated working at the service delivery level have been

supported by existing resources and by awards from the Change Fund for Reshaping Care for Older People.

5. LEGAL IMPLICATIONS

The legal implications will not be fully known until the Bill reaches its final stage. As currently proposed, integration will not affect statutory responsibilities for delivery of social care to adults which will remain with the Council, or for delivery of health care which will remain with Health Boards

The role of the Chief Social Work Officer is retained.

A new legal body will require to be established. The Bill proposes a variety of models including establishment of a joint board and Scottish Ministers may prescribe a number of issues including powers and functions to be dealt with on an integrated basis.

Integrated budget and governance issues will require further consideration.

There appear to be different implications for staff depending on the integration model chosen

6. OTHER IMPLICATIONS

- 6.1 The introduction of the Bill has major implications for the Council and for Social Care and Wellbeing in terms of changes to responsibilities, structural arrangements and business planning
- 6.2 An Integration Authority is to be established as the legal entity that is responsible for integrated arrangements. The functions of the Integration Authority are as follows.
- 6.3 Integration Plans must be prepared in each local authority area to include the model of integration to be used. Where there are two or more local authorities in a health board area, as in Grampian, the integration plans must pay regard to the likely combined effect on the board area, and their inter-relationship in respect of the effective running of the Health Board.
- 6.4 The local authority and the health board will be required to submit their integration plan to Scottish Ministers for approval. Where a plan is refused approval, it must be modified and resubmitted to Scottish Ministers for approval. The Bill does not specify what the grounds would be for withholding approval of an integration plan.
- 6.5 Once a plan has been approved by Scottish Ministers, the local partners can establish an Integration Joint Board to which functions are

to be delegated. A Chief Officer is to be appointed to each integration board.

- 6.6 The Integration Joint Board will be a decision making body that will be accountable to full Council and to the Health Board. There will be parity of membership drawn from both organisations, supported by professional advisers. Scottish Ministers will make provision for the membership, proceedings and general powers of each joint board.
- 6.7 Each integration authority will be required to develop 3 year strategic plans which are reviewed and updated annually. They will set out arrangements for carrying out integration functions over the next three years and how these arrangements intend to achieve the national health and wellbeing outcomes over the same period.
- 6.8 Each integration authority must prepare and publish a performance report for the reporting year. This will set out an assessment of performance. Form, content, and period during which they will be published may be prescribed through regulations.

7. BACKGROUND/MAIN ISSUES

- 7.1 The original consultation on integration proposed 2 models of integration: the Body Corporate model and the Lead Agency model. The Bill talks about 4 models, which essentially refer to the Body Corporate Model, now called the Integration Joint Board, and the 3 possible permutations of the Lead Agency model.
- 7.2 The preferred model for Aberdeen City is the Integration Joint Board, where the local authority and the health board delegate functions into a new partnership body which will be the governance board that oversees the integrated arrangement. This model avoids the disruption of major structural change and time diverted from delivery of services to implement change. Under this model, staff would remain with their current employer, the local authority or the NHS, with the potential for the Integration Joint Board to appoint to posts at a later date.
- 7.3 The Lead Agency model could involve: delegation of functions by the local authority to the health board; delegation of functions by the health board to the local authority; delegation by both the local authority to the health board to the other; or delegation of functions by the Health Board to the local authority. A joint monitoring committee must be set up to monitor the operational delivery of the functions set out in the integration plan.
- 7.4 Unlike the Integration Joint Board where staff remain with their current employer, the Lead Agency model would involve the transfer of staff under TUPE arrangements. (Under the Highland Lead Agency model, 1400 local authority staff in adult services transferred to Highland

Health Board and around 230 staff transferred to Highland Council into children's services).

- 7.5 A Chief Officer is to be appointed to each Integration Joint Board. In the consultation this role was known as the Joint Accountable Officer. The Chief Officer, who will be jointly accountable to the health board and local authority through the joint board, is responsible for the management of the integrated budget, the delivery of services for the area of the integration plan, and the development and delivery of the strategic plan for the joint board.
- 7.6 The role of Chief Social Work Officer is to be retained and the relationship between the CSWO and the Chief Officer will need to be determined in terms of responsibilities and governance.
- 7.7 The Bill is now the property of the Scottish Parliament and the timescale for legislating is at their discretion. The Scottish Government expect Stage 1 to happen soon after the end of the summer recess and stage 2 to begin around November. As yet there is no timetable for drafting the regulations and guidance which will accompany the Act.
- 7.8 Scottish Ministers have made it clear that progress towards delivering integration should be made now, and not delayed until the Bill becomes law. By the stage of the passing of the Bill into law, local authorities and health boards will be expected to have integrated all adult services.
- 7.9 Any discretionary areas, such as children and families' services or homelessness, may be integrated beyond that date at the determination of local decision makers.

8. IMPACT

- 8.1 The approach of the Aberdeen Community Health and Social Care Partnership to integration to date has been to promote integrated working in the delivery of services to people at a local level. The focus has been on the development of 'cluster working', based around groupings of GP practices across the City, with alignment of social care staff to clusters to facilitate a multi-disciplinary approach.
- 8.2 At a Grampian level, the three councils and NHS Grampian proposed principles for integration which were agreed by the four Chief Executives and discussions have continued on common issue.

The principles for integration agreed by the Chief Executives, which are consistent with the principles of the Bill, are:

- The process of integration must focus on improved outcomes for the public.
- It is important to build on what has already been achieved.
- The scope of integration will be agreed by the local Partnership.

- Integration of Health & Social Care (across agencies), should progress within a context of maintaining integration with other relevant services within the agencies towards achieving agreed outcomes. Integration between health and social care should not lead to their isolation from other services.
- Integration must be delivered within existing resources and pay due concern to the need for improved efficiency and cost reduction.
- Integrated services should be delivered locally to maximise the disruption to the recipient.

8.3 Concern remains across social work services in Scotland that the integration of adult health and social care services will lead to a loss of the integrated approach to provision of social work across the population and in relation to all social care needs. Consideration of the future position of children's services, in particular, is necessary to ensure an integrated approach to meeting the needs of individuals and families across the lifespan, and the needs of communities, is retained.

8.4 The introduction of the Bill requires a focus on the next stage, which is to establish the preferred model for integration and propose the detail of the Integration Joint Board for consideration by the Council and the Health Board.

8.5 This Report relates to new government policy and forthcoming legislation. There are no direct links to current service or corporate plans.

The information contained in this Report as it relates to the Public Bodies (Joint Working) (Scotland) Bill is in the public domain.

8.6 At this stage the Report will have no impact in relation to Equalities and Human Rights Assessment.

9. MANAGEMENT OF RISK

9.1 The risk to the Council at this stage lies in not complying with the directions of Scottish Ministers as set out in the Bill. To avoid this, it is recommended that the planning for the establishment of the Integration Joint Board is commenced and proposals are brought to Council for consideration.

10. BACKGROUND PAPERS

The following documents informed this Report:

The Public Bodies (Joint Working) (Scotland) Bill

Public Bodies (Joint Working) (Scotland) Bill - Explanatory Notes

<http://www.scottish.parliament.uk/parliamentarybusiness/Bills/63845.aspx>

Up-date on the Public Bodies (Joint Working) Scotland Bill

Association of Directors of Social Work (ADSW), 18 June 2013.

11. REPORT AUTHOR DETAILS

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ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	21 August 2013
DIRECTOR	Pete Leonard
TITLE OF REPORT	Street-begging
REPORT NUMBER:	H&E/13/058

1. PURPOSE OF REPORT

The purpose of this report is to provide the Council with information on street-begging; explain the approaches and interventions currently being used to prevent and respond to street begging; sets out an initial draft of a potential byelaw to prohibit street-begging and seeks a decision from Council on whether initial consultation with the Scottish Government should commence.

2. RECOMMENDATIONS

The Council is recommended to:

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

3. FINANCIAL IMPLICATIONS

Should Scottish Ministers in due course confirm a byelaw then costs of approximately £2,000 would be incurred in placing a press advert in accordance with the Local Government (Scotland) Act 1973 and erecting signage in the designated area around the city centre. Costs could be contained within existing community safety budgets however future decisions through budget setting process may impact on this. If community safety budgets are reduced specific funds shall require to be identified from the general fund to meet these costs.

4. OTHER IMPLICATIONS

Byelaw procedures are set out in the Local Government (Scotland) Act 1973. Section 201 of the Act provides that local authorities “*may make byelaws for the good rule and government of the whole or any part of their area, and for the prevention and suppression of nuisances therein*”. Standing order 38 of the Council’s Standing Orders and Orders of Reference means that the making of byelaws requires approval at Full Council. Confirmation of the byelaw by the Scottish Ministers would be required before they could come into force. Hence, a street-begging byelaw cannot be achieved without the Scottish Ministers’ agreement.

Guidance expects early dialogue with the Scottish Government to canvass whether the basic principle of the proposed byelaw is likely to be supported.

The Scottish Government wrote to all local authorities in 2012 informing of their policy in respect of street-begging byelaws. A copy of this letter is appended to this report.

The Scottish Government stated that “*the act of begging itself should not to be criminalised and we will not support any byelaws that seek to criminalise the act of begging*”.

This gives a clear indication that the Scottish Government are highly unlikely to confirm a street-begging byelaw at this time.

5. BACKGROUND/MAIN ISSUES

The street-begging forum is a local partnership which meets to develop strategies to address issues related to street-begging in Aberdeen city centre. The partnership includes the Council (housing, homelessness, community safety and social work), Police Scotland, UK Border Agency, Alcohol and Drug Partnership (ADP), Big Issue and voluntary sector organisations including Bethany Christian Trust and Aberdeen Cyrenians.

Frequency of meetings have increased during 2013 prompted by requests from the Council’s administration for the introduction of a byelaw to criminalise street-begging in the city. The partnership’s focus is not solely on a legislative response and it identifies and agrees a wider strategic response.

Survey

Grampian Police undertook a survey in February 2013 to inform the partnership on numbers of street-beggars, their housing, social and health needs, and motivations. A summary of findings is as follows:

1. 31 individuals who regularly beg (not all at the same time) were encountered.
2. 19 UK nationals and 12 foreign nationals (mix of mostly Eastern European individuals).

3. 26 males (18 UK nationals, 8 non-UK nationals) and 5 females (2 UK nationals and 3 non-UK nationals).
4. None are 'homeless/roofless' but one male is resident in a hostel.
5. 29 have Aberdeen addresses, 2 (1 male and 1 female non-UK nationals) have the same address in Kirkcaldy.

Most UK national beggars have alcohol and/or drugs misuse problems and are begging to fund their habits. Non-UK nationals tend to be begging because it is a relatively easy source of income.

Most street-begging happens at evenings as a consequence of the generosity of people socialising in city centre.

Non-UK nationals are mostly, if not all, Romanian and Bulgarian nationals.

Comparing these findings with a surveys undertaken in 2009 shows that the overall number of street-beggars is similar. However in 2009 all beggars could be described as local and most with substance misuse problems. The reduction in numbers of local people street-begging gives some indication that positive impact has been made in dealing with the issue.

Further survey work will be undertaken and surveys to capture information regarding street-beggars (and also views from businesses and the public) are currently being designed in collaboration with colleagues at Glasgow Community Safety Services.

Officers consider that street-begging activity has decreased in the past three months. This applies particularly to begging activity by migrant street-beggars. More robust policing further described below is likely to be the main reason for this reduction.

Complaints, criminal charges and views

Police received 67 complaints about street-begging activity between 2010 – 17 June 2013. Most of these complaints include allegations of aggression and intimidation towards members of the public. None of the complaints up to 31 March 2013 resulted in relevant criminal charges which are available to police to deal with aggressive begging. However, since April 2013 police has increased their priority to dealing with the issue and taking a far more robust approach to investigation and enforcement. Since April 2013, 11 crimes have been recorded and all detected resulting in actions such as reporting to procurator fiscal, fixed penalty notices and formal warnings.

It should be noted that police also receive complaints from street-beggars reporting as victims of aggression and intimidation from members of the public

A review of Council records has identified three complaints received in the past three years.

Aberdeen Inspired (formerly known as Aberdeen Business Improvement District), which has been participating in the partnership, was been asked to obtain information from its members on the impact that street-begging has on business and general views on the issue. Aberdeen Inspired report that various members have been adversely affected by street-begging activity. Often shop or security staff will move beggars on from around their premises either as a preventative approach or in response to complaints. No incidents involved migrant beggars however some staff do feel insecure when locking up and migrant beggars are situated close by. There is some sharing of information between beggars and security staff at shopping centres which has allowed a mutually beneficial arrangement to develop.

Partnership Actions

The street-begging forum has agreed the following actions which are on-going or in the process of being implemented.

The communications strategy has been refreshed with the over-riding message asking that people do not give directly to beggars. Further, highlighting that almost all (if not all) have access to housing and other relevant services to meet any health and social needs. That many beggars use the money collected to feed alcohol and drug habits will also be communicated.

Aberdeen Cyrenians and Bethany Christian Trust will continue to engage beggars on-street helping direct beggars towards relevant support services if appropriate. An information booklet for beggars giving information about relevant services is being revised and will be distributed by various services which encounter beggars – eg police and city wardens. Bethany Christian Trust will receive funds collected through begging boxes to enable purchase of items that will help remove begging needs of individuals (obviously this will not extend to alcohol and drugs).

UK Border Agency will undertake further patrols to address begging by relevant non-UK nationals who cannot remain in the country if supporting themselves by street-begging. Police also have powers in this regard and this has recently been clarified to officers so that these powers can be robustly utilised.

Increased focus on street-begging this year prompted Police to review their response to street-begging activity. Since 1 April Police have been taking a far more pro-active approach to dealing with incidences of street-begging that they encounter on patrols and in response to complaints received. Greater use of public space CCTV to monitor activity is also an element of their enhanced approach. This more pro-active approach is considered to be a main reason for the perceived reduction in street-begging activity in recent months.

Byelaw

The Council has previously thoroughly investigated and considered a street-begging byelaw with reports to Policy and Strategy committee in 2008 and Council in 2009. Council resolved to follow the advice from the Scottish Government, the Procurator Fiscal, Grampian Police and Council officers and not proceed at that time with efforts to establish a byelaw against street begging in Aberdeen.

As mentioned above, on 4 September 2012 the Cabinet Secretary for Justice wrote to all local authorities setting out the Scottish Government's policy on byelaws to prohibit street-begging. This letter explained that the Scottish Government had received a number of inquiries from local authorities on the subject in recent years. The Scottish Government believes that there are currently sufficient criminal powers to deal with aggressive type begging and that *"the act of begging itself should not to be criminalised and we will not support any byelaws that seek to criminalise the act of begging"*. The Scottish Government also expresses support for multi-agency approaches to dealing with the complex housing, health and social needs that it believes are factors leading to street-begging.

An initial draft of a potential byelaw to prohibit street-begging is at appendix B. This is a revised version of the draft byelaw developed in 2009 and our legal services have provided guidance in preparing this. Should Council instruct initial consultation with the Scottish Government then this wording would form the basis for initial discussion.

Reflecting that the vast majority of street-begging occurs around the city centre and in support of city centre regeneration objectives, the initial draft potential street-begging byelaw would apply to the designated Business Improvement District (BID) area around the city centre. A plan of the BID area is at appendix C. The use of an area specific byelaw would introduce an element of inconsistency in the city. For example, begging would be permitted in streets immediately adjacent to others where it would be an offence. However, begging outside the city centre is likely to continue to be infrequent given that beggars rely upon high levels of footfall which are far less outside the city centre. If an area specific byelaw results in increased begging outside the city centre then it might create additional safety risks to the public in the event of aggressive street-begging. Areas outside the proposed specified area are unlikely to have CCTV coverage, likely to have less city warden and police patrols and fewer other members of the public to act as deterrents and to intervene in respect of aggressive begging.

Officers have consulted Police Scotland and the Procurator Fiscal regarding a potential byelaw. These discussions were around a byelaw that would have applied throughout the city.

Police Scotland would be responsible for enforcing a byelaw and in May, Police Scotland expressed the following views on a potential byelaw.

“Aberdeen City Division, Police Scotland, is supportive of our partners exploring further measures in how we positively deal with those who beg in Aberdeen. This includes our support for further investigation and appraisal of a bye-law to prohibit street-begging.

Grampian Police (legacy force) previously provided figures which showed that all those begging in the city centre in February 2013, were not homeless and the vast majority were being supported by the welfare system. Most of them cited the motivation to beg as being a need to pay for alcohol and/or drugs dependencies. Several suggested that if they were forced from begging, then they may consider committing crime to fund their addiction.

We do ask that the collaborative approach continues and that all partners work together to positively divert those concerned away from begging on the street.”

In response to the consultation on this report Police Scotland asked that the following statement is included in addition to comments provided in May as detailed above.

“This is a matter for the Councils concerned and Police Scotland will continue to work with partners to support those who are vulnerable. Where any crime has been committed we will respond accordingly.”

The Procurator Fiscal would be responsible for prosecuting offences under any future byelaw. The PF has raised some concerns about the need for a byelaw, its potential effectiveness, its potential impact on the criminal justice system and also raised issues related to its enforceability. Further, he highlighted that police powers to deal with breach of the peace offences which might arise through street-begging activities have been improved through enactment of the Criminal Justice and Licensing (Scotland) Act 2010.

Council officers have been working with counterparts from Glasgow Community Safety Services who are working with Glasgow City Council on preparing a case for a street-begging byelaw. Colleagues in Glasgow have expressed a desire to work collaboratively with this Council and other Scottish cities with a view to a combined approach to the Scottish Government. Officer advice is that a combined approach supported by evidence from various local authorities may be more persuasive than individual approaches. Glasgow colleagues intend convening a meeting of representatives from other Scottish cities in the near future to progress this approach. Initial discussions have identified that gathering evidence of need for a byelaw would focus on: impact on business; complaints and feedback from the public; links between street-begging activity and other crime in the locality; benefit and tax fraud; and levels of engagement with support services.

Further discussion

Street-begging is a long-standing issue in Aberdeen city centre and in many other major towns and cities, nationally and internationally.

Since 2009 when the Council previously considered a street-begging byelaw the extent of begging has not increased and perhaps there may have been a slight decrease in activity. A significant change has been the prevalence of migrant street-beggars attracted to beg in Aberdeen apparently due to it providing an easy source of income.

Unlike most UK national street-beggars, most migrant street-beggars are not begging to fund any substance misuse problem nor does it seem to be a consequence of housing, social or health needs. It also seems that there may be an element of organisation to street-begging by migrant beggars in order to maximise income. Romanian and Bulgarian nationals can enter and live in the UK without needing to apply for permission, if they can support themselves and their families in the UK without becoming an unreasonable burden on public funds. Currently Bulgarian and Romanian nationals may need to apply for permission before they can work here. Street-begging is not an acceptable means of supporting themselves or their families hence police and UK Border Agency will take action when Romanian and Bulgarian nationals are found to be street begging. In 2014 these rules are relaxed and as a consequence the powers of police and UK Border Agency to deal with street-begging by Romanian and Bulgarian nations will cease.

Most UK national street-beggars have a substance misuse problem but substance misuse services are accessible and certainly far more so than in 2009. This is particularly helped through the services provided at the Timmermarket clinic which is situated in the city centre.

Recorded complaints about street-begging in Aberdeen may be considered low compared with perceived levels of public dissatisfaction about the prevalence of street-begging in Aberdeen city centre. The low level of recorded complaints may be explained by apathy and uncertainty about where complaints should be made. However, essentially members of the public who give money to street-beggars are perpetuating the problem through these actions.

The Scottish Government are unequivocal that they do not support byelaws for street-begging. Police Scotland and the Procurator Fiscal would concur that there are already sufficient powers to deal with aggressive begging. There would also be consensus with the Scottish Government's view that beggars' housing, social and health needs should be met and a collaborative approach is key to this. However, and particularly in respect of migrant beggars, there are no apparent unmet needs in these regards. And, where needs do exist significant effort is being exerted to direct and encourage engagement with relevant services which seem to be relatively readily available. The street begging forum is ensuring a collaborative approach is being delivered with diverse actions taken to reduce levels of street-begging in the city centre.

Council should also consider that begging has been against the law in England for over 100 years and yet begging remains an issue in cities and

large towns there. This would support Procurator Fiscal's view that a street-begging byelaw may not be sufficiently effective.

It can be concluded that more needs to be done to address street-begging. The street-begging forum is ensuring an approach in keeping with Scottish Government recommendations however this approach is insufficiently effective in eliminating street-begging. Whilst there may be views that a byelaw is required, it is highly unlikely that the Scottish Ministers would confirm such as matters stand. Should Council decide that further work should be undertaken in pursuance of a byelaw then this may be most effectively served by collaborating with other Scottish local authorities and engagement with the Scottish Government.

6. IMPACT

Reducing levels of street-begging is likely to enhance the city centre's reputation as place to visits, shop and socialise. Addressing the social, health and housing needs of street-beggars supports various objectives within the single outcome agreement and five-year business plan.

Concerns exists in the city about street-begging activity in terms fear and alarm caused; impact on business and city image; and also, concern for the well-being of the beggars. The street-begging forum delivers an extensive strategy in line with Scottish Government recommendations however the issue does persist. Additional intervention is required to further reduce and eliminate street-begging.

Equalities and human rights issues need to be considered in the context of the Council's public sector equality duty as set out in s 149(1) of the Equality Act 2010. Members attention is directed to the EHRIA appended (Appendix D) There are various negative and positive impacts likely to arise through the implementation of a byelaw. It may be perceived that people who complain about feeling unsafe due to the presence of street beggars (which include people with disabilities and older people, local businesses and others) may benefit from the introduction of the byelaw. Disability groups would experience positive impacts through reduced trip hazards arising from street-beggars. All protected characteristics would benefit from reduced alarm and distress caused by aggressive street-begging. People who beg may be subject to warnings/arrest/fine/criminal record etc for begging in Aberdeen and this included individuals with multiple long term problems including substance misuse. Beggars may face increased poverty due to removal/reduction in begging income. However, this may encourage their engagement with relevant support services resulting in their improved health and well-being outcomes in the longer term.

The byelaw may interfere with an individual's rights under Article 3 (inhumane/degrading treatment or punishment) and/or 10 (freedom of expression) however it may be argued that the byelaw is towards a legitimate aim and proportionate.

Street-begging is a subject that attracts a high profile in local media. Discussions about a street-begging byelaw are likely to be a matter reported nationally.

7. MANAGEMENT OF RISK

Street-begging has a negative impact on the city's reputation. Failing to satisfactorily address the matter may create risk to the vibrancy of the city centre.

Care must be taken that public expectation is not raised unrealistically that a street-begging byelaw may be secured and that should it be, then it would eradicate entirely street-begging in the city.

Best practice interventions are essential to manage risk of harm to street-beggars in terms of protecting them from harm and meeting their housing, health and social needs.

Some beggars have indicated that they beg as an alternative to committing crime. Prohibition of street-begging may create risk that street-beggars will commit crime particularly to fund drug and alcohol dependencies.

From 2014, restrictions on Bulgarian and Romanian's status within the UK will change meaning that powers of the UK Border Agency and police to deal with street-begging no longer apply. This creates risk of increased street-begging however this risk may be reduced with increased rights to public funds and benefits.

8. BACKGROUND PAPERS

Street-begging report and minute of Housing and Environment committee meeting 14 May 2013

Proposed Street-begging Byelaw report and minute of Council meeting 20 May 2009.

9. REPORT AUTHOR DETAILS

Neil Carnegie
Service Manager – Community Safety

Telephone: 01224 219451

Email: ncarnegie@aberdeencity.gov.uk

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Equality and Human Rights Impact Assessment - the Form

There are separate guidance notes to accompany this form – “Equality and Human Rights Impact Assessment – the Guide.” Please use these guidance notes as you complete this form. Throughout the form, **proposal** should be understood broadly to include the full range of our activities and could refer to a decision, policy, strategy, plan, procedure, report or business case, embracing a range of different actions such as setting budgets, developing high level strategies and organisational practices such as internal restructuring. Essentially everything we do!

STEP 1: Identify essential information

1. Committee Report No.

2. Name of proposal.

3. Officer(s) completing this form.

Name	Designation	Service	Directorate
Neil Carnegie	Service Manager – Community Safety	Housing and Community Safety	Housing and Environment

4. Date of Impact Assessment.

5. When is the proposal next due for review?

6. Committee Name.

7. Date the Committee is due to meet.

8. Identify the Lead Council Service and who else is involved in delivering this proposal (for example other Council services or partner agencies).

Housing and Community Safety and Legal Services – Police Scotland and Procurator Fiscal – who would enforce the by-law and prosecute and cases. Scottish Government who must approve any request for a bye-law.

9. Please summarise this Equality and Human Rights Impact Assessment (EHRIA). This must include any practical actions you intend to take or have taken to reduce, justify or remove any adverse negative impacts. This must also include a summary of how this proposal complies with the public sector equality duty for people with protected characteristics - see Step 2. **Please return to this question after completing the EHRIA.**

Concerns exists in the city about street-begging activity in terms fear and alarm caused; impact on business and city image; and also, concern for the well-being of the beggars. The street-begging forum delivers an extensive strategy in line with Scottish Government recommendations however the issue does persist. Additional intervention is required to further reduce and eliminate street-begging.

There are various negative and positive impacts likely to arise through the implementation of a bye-law. It may be perceived that people who complain about feeling unsafe due to the presence of street beggars (which include people with disabilities and older people, local businesses and others) may benefit from the introduction of the bye-law. Disability groups would experience positive impacts through reduced trip hazards arising from street-beggars. All protected characteristics would benefit from reduced alarm and distress caused by aggressive street-begging. People who beg may be subject to warnings/arrest/fine/criminal record etc for begging in Aberdeen and this included individuals with multiple long term problems including substance misuse. Beggars may face increased poverty due to removal/reduction in begging income. However, this may encourage their engagement with relevant support services resulting in improved health and well-being outcomes in the longer term.

The bye-law may interfere with an individual's rights under Article 3 (inhumane/degrading treatment or punishment) and/or 10 (freedom of expression) however it may be argued that the bye-law is towards a legitimate aim and proportionate.

10. Where will you publish the results of the Equality and Human Rights Impact Assessment? Tick which applies.

- Para 9 of EHRIA will be published in committee report in Section 6 "Impact"
- Full EHRIA will be attached to the committee report as an appendix
- Copied to Equalities Team to publish on the Council website

STEP 2: Outline the aims of the proposal

11. What are the main aims of the proposal?

The proposed bye-law seeks to reduce street-begging in Aberdeen, in particular non-aggressive street-begging (aggressive begging can be tackled through existing legal measures) which causes the public and businesses concern, feeling unsafe as well as concern about the image of the city.

12. Who will benefit most from the proposal?

The general public, and in particular those people and businesses who feel unsafe because of the presence and nuisance activity of non-aggressive beggars.

The Council by improved image of Aberdeen by reducing the impact of street-beggars on the image of the city centre, and reducing fear of crime and public concern about the city centre being unsafe.

Beggars may also benefit given the removal/reduction in income from begging may encourage their engagement with relevant social, health and housing services resulting in improved outcomes for them.

13. You should assess the impact of your proposal on equality groups and tell us how implementing this proposal will impact on the needs of the public sector equality duty to: eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations.

The proposed bye-law will not eliminate discrimination, harassment and victimisation; or advance equality of opportunity. It may foster good relations should relations improve between those who beg and those who do not.

The proposed bye-law would target a group perceived by many as disadvantaged and excluded. Local audits have shown that a significant proportion of those begging in the city centre have substance misuse problems.

Approx. one third of those begging in Aberdeen at an audit in February 2013 were Romanian and Bulgarian nationals.

Those begging can be seen by many as causing alarm and distress and impacting on the image of the city centre in particular Union Street. Most of such complaints relate to aggressive begging which is covered by existing enforcement powers.

STEP 3: Gather and consider evidence

15. What **evidence** is there to identify any potential positive or negative impacts in terms of involvement, consultation, research, officer knowledge and experience,

equality monitoring data, user feedback and other? You must consider relevant evidence, including evidence from equality groups.

Grampian Police undertook a survey in February 2013 to inform the partnership on numbers of street-beggars, their housing, social and health needs, and motivations. A summary of findings is as follows:

1. 31 individuals who regularly beg (not all at the same time) were encountered.
2. 19 UK nationals and 12 foreign nationals (mix of mostly Eastern European individuals).
3. 26 males (18 UK nationals, 8 non-UK nationals) and 5 females (2 UK nationals and 3 non-UK nationals).
4. None are 'homeless/roofless' but one male is resident in a hostel.
5. 29 have Aberdeen addresses, 2 (1 male and 1 female non-UK nationals) have the same address in Kirkcaldy.

Most UK national beggars have alcohol and/or drugs misuse problems and are begging to fund their habits. Non-UK nationals tend to be begging because it is a relatively easy source of income.

Most street-begging happens at evenings as a consequence of the generosity of people socialising in city centre.

Non-UK nationals are mostly, if not all, Romanian and Bulgarian nationals.

Comparing these findings with a surveys undertaken in 2009 shows that the overall number of street-beggars is similar. However in 2009 all beggars could be described as local and with substance misuse problems. The reduction in numbers of local people street-begging gives some indication that positive impact has been made in dealing with the issue.

Officers consider that street-begging activity has decreased in the past three months. This applies particularly to begging activity by migrant street-beggars.

Police received 67 complaints about street-begging activity between 2010 – 17 June 2013. Most of these complaints include allegations of aggression and intimidation towards members of the public. None of the complaints up to 31 March 2013 resulted in relevant criminal charges which are available to police to deal with aggressive begging. However, since April 2013 police has increased their priority to dealing with the issue and taking a far more robust approach to investigation and enforcement. Since April 2013, 11 crimes have been recorded and all detected resulting in actions such as reporting to procurator fiscal, fixed penalty notices and formal warnings.

It should be noted that police also receive complaints from street-beggars reporting as victims of aggression and intimidation from members of the public

A review of Council records has identified three complaints received in the past three years.

Aberdeen Inspired (formerly known as Aberdeen Business Improvement District), which has been participating in the partnership, was been asked to obtain information from its

members on the impact that street-begging has on business and general views on the issue. Aberdeen Inspired report that various members have been adversely affected by street-begging activity.

Elected members have regularly raised concerns about street-begging and its impact on the image and safety of the city centre.

A previous campaign by a local newspaper led to concerns about increased hostility and threats towards those begging. Whether or not a bye-law is approved, public concern about beggars will continue.

There may be further public concern if a by-law is granted and can only be used in limited circumstances and/or is ineffective in reducing street-begging in the long term.

The bye-law is likely to raise public expectations on reducing/removing street-begging which may not be met.

A section of the public will be concerned that those begging are being unfairly targeted when they cannot obtain services eg drug treatment.

STEP 4: Assess likely impacts on people with Protected Characteristics

16. Which, if any, people with protected characteristics and others could be affected positively or negatively by this proposal? Place the symbol in the relevant box. Be aware of cross-cutting issues, such as older women with a disability experiencing poverty and isolation.

(Positive +, neutral 0, - negative)

Protected Characteristics					
Age - Younger Older	+	Disability	+	Gender Reassignment*	0
Marriage or Civil Partnership	0	Pregnancy and Maternity	0	Race**	0
Religion or Belief	0	Sex (gender)***	0	Sexual orientation****	0
Others e.g. poverty	- +				

Notes:

* Gender Reassignment includes Transsexual

** Race includes Gypsy/Travellers

*** Sex (gender) i.e. men, women

**** Sexual orientation includes LGB: Lesbian, Gay and Bisexual

17. Please detail the potential positive and/or negative impacts on those with protected characteristics you have highlighted above.

In making the assessment you must consider relevant evidence, including evidence received from individuals and equality groups. Having considered all of these elements, you must take account of the results of such assessments. This requires you to consider taking action to address any issues identified, such as removing or mitigating any negative impacts, where possible, and exploiting any potential for positive impact. If any adverse impact amounts to **unlawful discrimination**, the policy must be amended to avert this. Detail the impacts and describe those affected.

<p>Positive impacts (describe protected characteristics affected)</p> <p>It may be perceived that people who complain about feeling unsafe due to the presence of street beggars (which include people with disabilities and older people, local businesses and others) may benefit from the introduction of the bye-law.</p> <p>Disability groups would experience positive impacts through reduced trip hazards arising from street-beggars.</p> <p>All protected characteristics would benefit from reduced alarm and distress caused by aggressive street-begging.</p>	<p>Negative Impacts (describe protected characteristics affected)</p> <p>People who beg may be subject to warnings/arrest/fine/criminal record etc for begging in Aberdeen and this included individuals with multiple long term problems including substance misuse.</p> <p>Beggars may face increased poverty due to removal/reduction in begging income. However, this may encourage their engagement with relevant support services resulting in improved health and well-being outcomes in the longer term.</p>
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STEP 5: Human Rights - Apply the three key assessment tests for compliance assurance

18. Does this proposal/policy/procedure have the potential to interfere with an individual's rights as set out in the Human Rights Act 1998? State which rights might be affected by ticking the appropriate box(es) and saying how. **If you answer "no", go straight to question 22.**

- Article 3 – Right not to be subjected to torture, inhumane or degrading treatment or punishment
 Article 6 – Right to a fair and public hearing
 Article 8 – Right to respect for private and family life, home and correspondence
 Article 10 – freedom of expression
 Other article not listed above

How?

The proposed by-law could be regarded as introducing a local law which will lead to those involved in street-begging being unfairly punished for something which is not unlawful in the rest of Scotland. Unlike in England, where there is longstanding legislation banning begging, there is no such legislation in Scotland.

It could also be seen as restricting peoples freedom of expression by stopping them sitting on the public street and seeking money. (Aggressive behaviour is covered by existing legislation).

Legality

19. Where there is a potential negative impact is there a legal basis in the relevant domestic law?

Yes – s 201 of the Local Government (Scotland) Act 1973

Legitimate aim

20. Is the aim of the policy identified in Steps 1 and 2 a legitimate aim being served in terms of the relevant equality legislation or the Human Rights Act?

Yes – it seeks to protect the wider public from the negative impacts of begging behaviour and nuisance activity, leading to people feeling threatened, unsafe and fear of crime. As set out in section 13 above the aim of the bye-law is also to address all 3 strands of the public sector equality duty in s.149 of the Equality Act 2010

Proportionality

21. Is the impact of the policy proportionate to the legitimate aim being pursued? Is it the minimum necessary interference to achieve the legitimate aim?

Yes. The street-begging forum delivers an extensive strategy to reduce street-begging however the issues persists. The strategy is in line with that recommended by the Scottish Government. A bye-law provides an additional measure that can contribute to reduced street-begging and is proportionate to the legitimate aimed pursued. Further, the potential byelaw would only apply to the area most adversely affected by street-begging.

STEP 6: Monitor and review

22. How will you monitor the implementation of the proposal? (For example, customer satisfaction questionnaires)

Police Scotland would assist monitoring the implementation of the by-law, how many warnings, charges issued.

The joint street-begging sub group would consider this information on a quarterly/6 monthly basis to ensure that resources are targeted properly to ensure that those involved in begging have contact with staff who can assess their needs and offer access to support and assistance to services to help them exit street-begging.

The public would be consulted periodically through City Voice and local consultations on the impact of the by-law.

23. How will the results of this impact assessment and any further monitoring be used to develop the proposal?

If the bye-law were granted, its impact on numbers involved in street-begging will be monitored, along with court outcomes in relevant cases. Any adjustments to the terms of the bye-law will be considered in the light of this evidence.

STEP 7 SIGN OFF

The final stage of the EHRIA is formally to sign off the document as being a complete, rigorous and robust assessment.

Person(s) completing the impact assessment.

Name	Date	Signature
Neil Carnegie	08/08/13	

Quality check: document has been checked by

Name	Date	Signature
Sandra Bruce	25/07/13	

Head of Service (Sign-off)

Name	Date	Signature

Now –

Please send an electronic copy of your completed EHRIA - without signatures - together with the proposal to:

Equalities Team
Customer Service and Performance
Corporate Governance
Aberdeen City Council
Business Hub 13
Second Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB

Telephone 01224 523039 Email sandrab@aberdeencity.gov.uk

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Chief Executives – Local Authorities



4 September 2012

Dear Sir or Madam,

BYELAWS PROHIBITING STREET BEGGING

Over the past few years the Scottish Government has received a number of inquiries from local authorities seeking views on whether byelaws prohibiting street begging would be an appropriate mechanism for dealing with this issue. Therefore, I thought it would be helpful if I set out below confirmation of the Scottish Government's policy on street begging in the context of the use of byelaws.

For anyone begging and behaving in a manner that constitutes a breach of the peace or anyone begging and using threatening and abusive behaviour, existing criminal laws can be used to prosecute them for this behaviour. That is why there are currently no byelaws banning street begging in force anywhere in Scotland as we consider it is unnecessary to introduce byelaws to tackle 'aggressive' street begging because there is adequate legal provision in place in Scotland to deal with such behaviour. In addition to the criminal offences noted above, there are also provisions contained in the Civic Government (Scotland) Act 1982 and the Antisocial Behaviour etc. (Scotland) Act 2004 which local authorities and police can use to deal with acts of aggressive street begging. As a matter of policy, we believe that if the act of begging does not involve any alarming or distressing behaviour that may constitute a breach of the peace or any other type of behaviour that breaches other existing criminal offences, then the act of begging itself should not be criminalised and we will not support any byelaws that seek to criminalise the act of begging.

As you will be aware, begging raises cross cutting social justice issues such as homelessness, drug and alcohol addiction as well as issues relating to poor mental health which we believe need to be considered when dealing with the issue of street begging. I welcome the fact that a number of local authorities have been pro-active in working with a variety of bodies such as health boards, the police, social services, the UK Border Agency (if foreign beggars have been identified) and Third Sector bodies to engage with street beggars to help them seek appropriate support and advice they require to help them deal with their immediate needs.

We believe that this multi-agency approach to address the complex social issues associated with street begging is the most positive and productive way of dealing with this issue and its associated problems. I hope you will appreciate why the Scottish Government has adopted this approach and like me, you are convinced of the benefits of adopting such a multi-agency approach to tackle this issue rather than criminalising individuals with complex social needs.

I hope you find this letter helpful.

Kind regards
Kenny

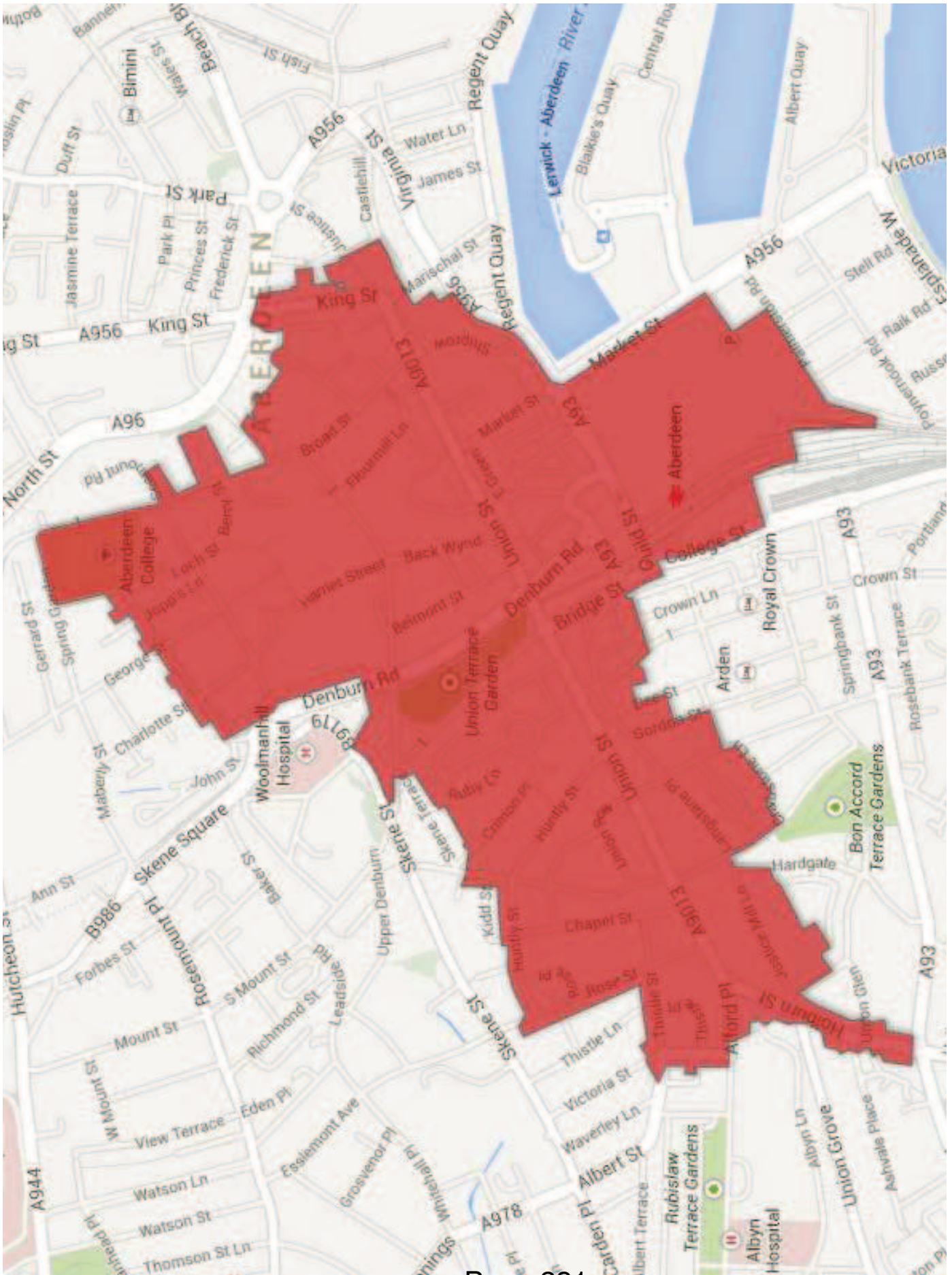
KENNY MACASKILL

DRAFT POSSIBLE BYELAW

The following developed from the byelaw proposal in 2009 could form the starting point for discussion with Scottish Government on its wording of any subsequent byelaw proposal.

- “(1) Any person who, in the designated area, –
- (a) begs, or
 - (b) otherwise acts with the purpose of inducing the gifting of money or goods,
- so as to cause or be likely to cause annoyance, and fails to desist upon being required to do so by a constable, shall be guilty of an offence.
- (2) A person guilty of an offence under subsection (1) shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (3) A person participating in a public charitable collection in respect of which –
- (a) Aberdeen City Council has given its permission under section 119 of the Civic Government (Scotland) Act 1982, or
 - (b) such permission is not required by virtue of a direction of the Scottish Ministers under the said section 119,
- shall not be guilty of an offence under this section.”

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Equality Act 2010

2010 CHAPTER 15

PART 11

ADVANCEMENT OF EQUALITY

CHAPTER 1

PUBLIC SECTOR EQUALITY DUTY

PROSPECTIVE

149 Public sector equality duty

- (1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- (2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).
- (3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
 - (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Equality Act 2010. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- (4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- (5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
 - (a) tackle prejudice, and
 - (b) promote understanding.
- (6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.
- (7) The relevant protected characteristics are—
 - age;
 - disability;
 - gender reassignment;
 - pregnancy and maternity;
 - race;
 - religion or belief;
 - sex;
 - sexual orientation.
- (8) A reference to conduct that is prohibited by or under this Act includes a reference to—
 - (a) a breach of an equality clause or rule;
 - (b) a breach of a non-discrimination rule.
- (9) Schedule 18 (exceptions) has effect.

Exempt information as described in paragraph(s) 9 of Schedule 7A of the Local Government (Scotland) Act 1973.

Document is Restricted

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