

LEGAL AND DEMOCRATIC SERVICES

COMMITTEE DECISION SHEET

COUNCIL - THURSDAY, 31 OCTOBER 2013

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

	Item Title	Committee Decision	PBB Option Affected	Services Required to take action	Officer to Action
1	<u>Admission of Burgesses</u>	Not applicable			
2	<u>Members are requested to agree that any exempt business on this agenda be considered with the press and public excluded</u>	<u>The Council resolved:-</u> in terms of Section 5(A)(4) of the Local Government (Scotland) Act 1973 to exclude the press and public from the meeting during consideration of items 3(a), 9(a), 9(b) and 9(c) so as to avoid disclosure of exempt information of the classes described in paragraphs 6 and 9 of Schedule 7(A) of the Act.			
3	<u>Requests for Deputations</u>	None received.			

	Item Title	Committee Decision	PBB Option Affected	Services Required to take action	Officer to Action
3(a)	<p><u>Procurement for a Development Partner for AECC and Surrounding Areas - Report by Director of Enterprise, Planning and Infrastructure</u></p>	<p><u>The Council resolved:-</u></p> <p>(i) to approve the key legal and commercial terms underpinning Participant Bid C as set out in the report;</p> <p>(ii) to delegate to the unanimous approval of the Director of Enterprise, Planning and Infrastructure and the Head of Legal and Democratic Services the negotiation and approval of the contract documents noted below, and any other contracts, letters or documents which required to be signed and/or sealed in connection with the appointment of a development partner for the development of a new AECC on such terms and conditions, consistent with the key legal and commercial terms referred to above, as they think fit. The contract documents referred to above are:-</p> <ul style="list-style-type: none"> a. the Promotion Agreement b. the Development Agreement c. the Profit Share Agreement d. the Ancillary Land Agreements e. the Lease f. the Funder Step in Agreement; <p>(iii) to agree that the officers referred to at (ii) above provide regular progress reports to Group Leaders and the Convener of Finance, Policy and Resources; and</p> <p>(iv) to authorise officers to continue to explore financial options to deliver the development at minimum cost to the</p>		Enterprise, Planning and Infrastructure	Andrew Win

	Item Title	Committee Decision	PBB Option Affected	Services Required to take action	Officer to Action
		Council and that such options be reported to Full Council within the next six months.			
4(a)	<u>Minute of Meeting of Council of 21 August 2013 - for approval (circulated separately)</u>	<u>The Council resolved:-</u> to approve the minute.			
5(a)	<u>Business Statement</u>	<u>The Council resolved:-</u> (i) to agree that the report requested within item 10 (Integration of Health and Social Care) be submitted to the next meeting of the Social Care, Wellbeing and Safety Committee; and (ii) otherwise to note the business statement.		Social Care and Wellbeing Legal and Democratic	Liz Taylor Allison Swanson (for info)
5(b)	<u>Motions List</u>	<u>The Council resolved:-</u> to note the motions list.			
5(c)	<u>Minutes of Meetings of Appointment Panel of 28 and 30 August 2013 - for approval</u>	<u>The Council resolved:-</u> to approve the minutes.			
6	<u>None to date</u>	None received.			

	Item Title	Committee Decision	PBB Option Affected	Services Required to take action	Officer to Action
7(a)	<p><u>Roles and Responsibilities: Is Aberdeen City Council Getting it Right? - Standing Orders, Orders of Reference, External Members on Committees and Scheme of Delegation - Report by Chief Executive</u></p>	<p><u>The Council resolved:-</u></p> <p>(i) to suspend Standing Order 22(1) and approve the amendment of the Orders of Reference for the Audit and Risk Committee to transfer the consideration of outcomes in respect of Arms' Length External Organisations to the Orders of Reference for the Education, Culture and Sport, Enterprise, Strategic Planning and Infrastructure and Social Care, Wellbeing and Safety Committees, as set out in paragraph 5.2 and as recommended by the Audit and Risk Committee of 24 September 2013;</p> <p>(ii) to suspend Standing Order 22(1) and approve changes (1) to Standing Orders 20 and 21, so that deadlines for the submission of questions and motions which would otherwise fall over Christmas and New Year or on another public holiday would now fall prior to the holiday period, as set out in paragraph 5.4; and (2) to Standing Order 10(1), by adding "No deputation shall be accepted which relates to a petition before the Petitions Committee.";</p> <p>(iii) to approve the establishment of a sub committee of seven members (2 Labour, 1 Conservative, 1 Independent Alliance, 2 SNP and 1 Liberal Democrat) to hear and determine complaints against external members</p>		Legal and Democratic	Roddy MacBeath

	Item Title	Committee Decision	PBB Option Affected	Services Required to take action	Officer to Action
		<p>of committees and sub committees in accordance with the procedure set out at paragraph 5.6 and Appendix A;</p> <p>(iv) to approve the revised Scheme of Delegation to officers as set out under paragraph 5.8 and Appendix B, except that the delegated power to Directors to amend establishments within approved budgets (no. 19 on page 78 of Appendix B) be deleted and all Directors instructed to report to the Finance, Policy and Resources Committee on any restructuring proposal including appointing new posts, converting one post to another, changing grades and changing job titles, except for minor restructuring which would be submitted to the Chief Executive, in consultation with the Convener and Vice Convener of Finance, Policy and Resources, for approval (including confirmation as to whether a proposal constituted minor restructuring or not);</p> <p>(v) to suspend Standing Order 22(1) and approve the transfer of one Labour Group place on the Planning Development Management Committee to the Independent Alliance Group and the transfer of one Independent Alliance Group place on the Social Care, Wellbeing and Safety Committee to the Labour Group;</p> <p>(vi) to note that the petitions pages on the Council's website went live on 21</p>			

	Item Title	Committee Decision	PBB Option Affected	Services Required to take action	Officer to Action
		<p>October; and</p> <p>(vii) to suspend Standing Order 22(1) and approve the following -</p> <ul style="list-style-type: none"> • that the title of the Vice Convener of Social Care, Wellbeing and Safety (with responsibility for Police and Fire and Rescue) be amended to Vice Convener of Social Care, Wellbeing and Safety (with responsibility for Safety) • that the remit of the Social Care, Wellbeing and Safety Committee be amended to include - <ul style="list-style-type: none"> “9. To develop and approve the Council’s Health and Safety policy, including its annual review and revision.” • That the remit of the Finance, Policy and Resources Committee be amended at paragraph 8 to read - <ul style="list-style-type: none"> “To develop and approve corporate policy and strategies including partnership working, and HR policies except <i>the Health and Safety policy</i> and those specified as relating to teaching staff and falling within the remit of the Education, Culture and Sport Committee.” • That the Corporate Health and Safety Committee report to the 			

	Item Title	Committee Decision	PBB Option Affected	Services Required to take action	Officer to Action
		<p>Social Care, Wellbeing and Safety Committee and that the Vice Convener of Social Care, Wellbeing and Safety (with responsibility for Safety) be the senior elected member with specific responsibility for health and safety, as envisaged in the policy document.</p>			
7(b)	<p><u>Appointments - Report by Chief Executive</u></p>	<p><u>The Council resolved:-</u></p> <ul style="list-style-type: none"> (i) to appoint Councillor Taylor as a member of the NESTRANS Board, replacing Councillor Grant; (ii) to appoint Councillor Taylor as a member of the Strategic Development Planning Authority, replacing Councillor Grant, and that Councillor Grant replace Councillor Taylor as a substitute member on the Authority; (iii) to appoint the Council Leader and three further elected members (two administration and one opposition) to the Community Planning Aberdeen Board and five elected members (three administration and two opposition) to the Community Planning Aberdeen Reference Group; (iv) to appoint Councillor Finlayson as Vice Convener of the Planning Development Management Committee; (v) to note that to comply with its legal obligations in terms of the Prison and 		Office of Chief Executive	Ciaran Monaghan

	Item Title	Committee Decision	PBB Option Affected	Services Required to take action	Officer to Action
		<p>Young Offenders Institutions (Scotland) Rules 2011 it was required to appoint a replacement member of the Peterhead Visiting Committee, however as this member would be unable to attend the mandatory training and be PVG checked prior to closure of Peterhead Prison on 6 December that no appointment be made;</p> <p>(vi) to note that regulation 148 (8) of the Prison and Young Offenders Institutions (Scotland) Rules 2011 provide that the proceedings of a visiting committee was not invalidated by any vacancy in the membership or any defect in the appointment of a member; and</p> <p>(vii) to note that Councillor Ironside had been replaced by Councillor Jean Morrison as a member of the Disabled Persons Housing Service.</p>			
7(c)	<p><u>Review of Polling Districts and Polling Places - Report by Chief Executive</u></p>	<p><u>The Council resolved:-</u></p> <p>(i) to agree that no changes be made to polling districts; and</p> <p>(ii) to agree the recommended changes to polling places as outlined within the report and to proceed to public consultation.</p>		Office of Chief Executive	David Gow

	Item Title	Committee Decision	PBB Option Affected	Services Required to take action	Officer to Action
7(d)	<u>Scottish Independence Referendum - Schools Activities - Report by Chief Executive</u>	<p><u>The Council resolved:-</u> to agree the following expectations for schools activities in relation to the Scottish Independence Referendum:-</p> <ul style="list-style-type: none"> • schools will facilitate the work of the Counting Officer and relevant organisations in reaching 15 to 17 year olds in school with information on voter registration and related matters; • in developing and delivering learning and teaching activities, schools will be mindful of the advice and resources on offer from Education Scotland and other relevant organisations; and • in inviting representatives of Better Together and Yes Scotland to engage directly in school with 15 to 17 year olds, schools will be able to evidence a consistent and balanced approach. 		Office of Chief Executive	Ciaran Monaghan
7(e)	<u>Accelerate Aberdeen - Digital Connectivity Update - Report by Director of Enterprise, Planning and Infrastructure</u>	<p><u>The Council resolved:-</u></p> <p>(i) to note the content of the report, especially that officers no longer needed to pursue the necessary procurements for white area infill as this would be undertaken as part of the Scottish Government's Digital Scotland Superfast Broadband project;</p> <p>(ii) to note that officers would be reviewing the resources needed to deliver the amended project taking into account existing resources and technical expertise available in house or within partner organisations and would report</p>		Enterprise, Planning and Infrastructure	Jan Falconer

	Item Title	Committee Decision	PBB Option Affected	Services Required to take action	Officer to Action
		<p>back to members on how this would be managed;</p> <p>(iii) to instruct the relevant officers to undertake the necessary procurements for equipment to provide free wireless in agreed public buildings, as outlined in the revised bid;</p> <p>(iv) to agree that officers undertake a review of options for the Digital Incubator Hub and that the recently approved capital business case process be used to evaluate bids with a report being submitted to the relevant committee when the appraisal was complete;</p> <p>(v) to agree that officers work collaboratively across and outwith the Council to pursue the other projects outlined as part of the overall Accelerate Aberdeen programme; and</p> <p>(vi) to instruct the Director of Enterprise, Planning and Infrastructure to put in place the necessary resources to deliver the Accelerate Aberdeen programme.</p>			
7(f)	<u>Strategic Infrastructure Plan - Report by Chief Executive</u>	<p><u>The Council resolved:-</u></p> <p>(i) to approve the Council's Strategic Infrastructure Plan (SIP) appended to the report subject to obtaining a screening opinion from the consultation authorities on the need for a Strategic Environmental Assessment</p>		<p>Housing and Environment</p> <p>Corporate Governance</p> <p>Enterprise,</p>	<p>David Leslie</p> <p>Paul Fleming</p> <p>Gordon</p>

	Item Title	Committee Decision	PBB Option Affected	Services Required to take action	Officer to Action
		<p>and to instruct officers to undertake that work if required;</p> <p>(ii) to deliver Key Goal 1: A step change to the supply of housing:</p> <p>(a) instruct officers to take forward a procurement process in accordance with the Council's Standing Orders in Relation to Contracts and Procurement, in order to appoint a Joint Venture partner(s) to deliver the affordable housing element identified in the SIP and report back to Council with the outcomes of the procurement process, and recommending a preferred bidder(s) prior to entering a contract(s);</p> <p>(b) notwithstanding (a) above, agree to invoke Standing Order 1(6)(a) of the Council's Standing Orders in Relation to Contracts and Procurement and in doing so agree to disapply the provisions of Standing Order 1(3); and</p> <p>(c) approve the establishment of a Housing Programme Manager for a fixed term period of three years, which would be met from within existing budgets;</p> <p>(iii) to deliver Key Goal 2: High quality digital connectivity at home and at work:</p> <p>(a) approve the establishment of a Head of Broadband Delivery and</p>		Planning and Infrastructure	McIntosh

	Item Title	Committee Decision	PBB Option Affected	Services Required to take action	Officer to Action
		<p>Broadband Delivery Project Manager on a fixed term basis to deliver the Accelerate Aberdeen programme, which would be met from within existing budgets;</p> <p>(iv) to deliver Key Goal 3: Better local transport:</p> <p>(a) instruct officers to open discussions with the Scottish Government to investigate proposals for cross-city transport connections, as outlined in the SIP, to establish funding mechanisms for investigation and delivery of proposals; and</p> <p>(b) instruct officers to report to the Council's budget meeting in February 2014 in respect of proposals to advance the delivery of all phases of the Berryden Corridor as part of the Non Housing Capital Plan and budget process;</p> <p>(v) to deliver Key Goal 4: The skills and labour that Aberdeen needs to thrive:</p> <p>(a) promote the delivery of the Oil and Gas Academy for Scotland as outlined in the SIP;</p> <p>(vi) to deliver Key Goal 5: A better image for Aberdeen:</p> <p>(a) approve the establishment of a City Centre Infrastructure Fund and to invest £20million into the fund financed through the Non Housing Capital Programme;</p>			

	Item Title	Committee Decision	PBB Option Affected	Services Required to take action	Officer to Action
		<p>(b) instruct officers to include this fund as part of the Non Housing Capital Plan at the Council's Budget meeting in February 2014;</p> <p>(c) approve the creation of a City Centre Regeneration Board as a working group of Full Council, comprising six elected members (Council Leader, Depute Council Leader, Convener of Finance, Policy and Resources, Vice Convener of Finance, Policy and Resources, Convener of Audit and Risk and Vice Convener of Audit and Risk) and one representative of each of Aberdeen and Grampian Chamber of Commerce, ACSEF, Aberdeen Inspired, the Robert Gordon University, Scottish Enterprise, the University of Aberdeen and Visit Aberdeen, with the Board to be chaired by the Depute Leader of the Council;</p> <p>(d) instruct the City Centre Regeneration Board to report back to Council at its meeting on 25 June 2014 with recommended project(s) to regenerate the city centre, and to provide updates on progress to Council each cycle;</p> <p>(e) approve the establishment of a Programme Manager and two Project Manager posts to deliver</p>			

	Item Title	Committee Decision	PBB Option Affected	Services Required to take action	Officer to Action
		<p>city centre regeneration, which would be met from within existing budgets;</p> <p>(f) note the report and decision on the Aberdeen Exhibition and Conference Centre, which was a separate report to this meeting; and</p> <p>(g) instruct officers to continue to work on the new ways of funding element of the SIP proposal in accordance with the Scottish Cities Alliance; and</p> <p>(vii) to thank officers for their work in relation to the SIP, and the accompanying presentation, with particular mention to David Leslie (Housing and Environment Business Manager).</p>			
7(g)	<u>Treasury Management Mid Year Review - Report by Acting Director of Corporate Governance - Referred by Finance and Resources Committee of 26 September 2013</u>	<u>The Council resolved:-</u> to note the Treasury Management activities undertaken in 2013/14 as detailed in the report.		Finance	Neil Stewart
7(h)	<u>Fairer Scotland Fund - Progress Report - Report by Acting Director of Corporate Governance</u>	<u>The Council resolved:-</u> (i) to thank the Fairer Scotland Fund Board for the Fairer Scotland Fund Annual Report for 2012/13; (ii) to note that the Fairer Scotland Fund		Customer Service and Performance	Dave Kilgour Susan Thoms

	Item Title	Committee Decision	PBB Option Affected	Services Required to take action	Officer to Action
	Colour copies of Appendix 1 (Fairer Scotland Fund Annual Report 2012-13) have been circulated separately	<p>contributed to a wide range of objectives contained within the Council's policy statement Smarter Aberdeen in relation to how they work with partners to seek to reduce the level of inequality in the city by encouraging and supporting citizens to participate in the development, design and decision making of services to promote civic pride, active citizenship and resilience;</p> <p>(iii) to note the information at Appendix 2 detailing the funding decisions taken by the Fairer Scotland Fund Board in relation to project funding for 2013/14;</p> <p>(iv) to approve the request from Community Planning Aberdeen for an additional allocation of £96,749 in this financial year; and</p> <p>(v) to recommend to Community Planning Aberdeen that the Fairer Scotland Fund Board be renamed the Fairer Aberdeen Board.</p>		Legal and Democratic	Allison Swanson
7(i)	<u>Community Planning Aberdeen Development Plan - Report by Acting Director of Corporate Governance</u>	<p><u>The Council resolved:-</u></p> <p>(i) to note that the Development Plan had been agreed by the Community Planning Aberdeen Management Group; and</p> <p>(ii) to agree to receive six monthly updates on progress with the implementation of the Development Plan.</p>		Customer Service and Performance	Martin Murchie

	Item Title	Committee Decision	PBB Option Affected	Services Required to take action	Officer to Action
7(j)	<u>Camping in Designated Areas Update - Report by Acting Director of Corporate Governance</u>	<u>The Council resolved:-</u> (i) to note the report; and (ii) to instruct that a report be submitted to the next meeting seeking approval of a timeline for the potential byelaw.		Legal and Democratic	Alyson Mollison
7(k)	<u>Street-begging Update - Report by Acting Director of Corporate Governance</u>	<u>The Council resolved:-</u> to note the report.		Legal and Democratic	Alyson Mollison
8(a)	<u>Councillor Jennifer Stewart</u> “That this Council agrees to instruct officers to open discussions with business at the Hill of Rubislaw about the feasibility of providing additional car parking spaces, including a multi-levelled facility, on the site and that this be treated as a matter of urgency.”	<u>The Council resolved:-</u> (i) to acknowledge that to achieve a satisfactory resolution for residents in respect of parking at the Hill of Rubislaw, senior officers and Councillors should continue to make representations to senior managers of the companies operating there; (ii) to note that local ward Councillor Ross Thomson and the Director of Enterprise, Planning and Infrastructure, would meet senior company managers individually, with all local members invited to attend, to discuss this continuing issue at the highest level, including the possibility of introducing a multi-storey car park, improving onsite provision through changes to existing landscaping and setting targets through the Green Travel Plan;		Enterprise, Planning and Infrastructure	Gordon McIntosh Hugh Murdoch Maggie Bochel

	Item Title	Committee Decision	PBB Option Affected	Services Required to take action	Officer to Action
		<p>(iii) to instruct officers to prioritise the introduction of the Carnegie Crescent and Morningfield Road Controlled Parking Zone (CPZ), noting that these should have been included in the original Zone X CPZ but that the previous Liberal Democrat administration removed these streets on 19 February 2009 causing intolerable pressure on these streets which had had an adverse impact on the quality of life of local residents; and</p> <p>(iv) to note that Kings Gate was the natural boundary for Zone X and so to instruct officers to request the developers of the new office complex at Hill of Rubislaw to contribute to the costs of introducing the Carnegie Crescent Area CPZ which would bring these streets into line with Zone X as proposed by officers in 2009.</p>			
8(b)	<p><u>Councillor Yuill</u></p> <p>“That this Council agrees to write to the Rt. Hon. Alistair Carmichael MP, Secretary of State for Scotland, inviting him to visit Aberdeen and meet with the Group Leaders and Chief Executive.”</p>	<p><u>The Council resolved:-</u></p> <p>(i) to instruct the Chief Executive to invite the Rt. Hon. Alistair Carmichael MP, Secretary of State for Scotland to meet with the Leader of the Council to discuss amongst other things the Council’s vision, Aberdeen the Smarter City, noting Aberdeen was stronger now and would be stronger in the future - economically, politically and socially - as a partner within the United</p>		Office of Chief Executive	Valerie Watts Ciaran Monaghan

	Item Title	Committee Decision	PBB Option Affected	Services Required to take action	Officer to Action
		<p>Kingdom; and</p> <p>(ii) to further instruct the Chief Executive to report to the next meeting of the Council on the response to the invitation and the outcome of any meeting subsequently held with the Secretary of State.</p>			
8(c)	<p><u>Councillor Yuill</u></p> <p>“That this Council:</p> <ol style="list-style-type: none"> 1. Notes with concern the continuing problem of some online retailers and courier companies charging a surcharge to deliver to many parts of Scotland, including Aberdeen; 2. Agrees to support the Fair Delivery Scotland Campaign launched by Sir Robert Smith MP; and 3. Instructs the Chief Executive to write to Sir Robert Smith in these terms.” 	<p><u>The Council resolved:-</u></p> <p>to note with concern the continuing problem of some online retailers and courier companies charging a surcharge to deliver to many parts of Scotland, including Aberdeen.</p>			

	Item Title	Committee Decision	PBB Option Affected	Services Required to take action	Officer to Action
8(d)	<p><u>Councillor Yuill</u></p> <p>“That this Council agrees to write to the Scottish Transport Minister to express concern at the poor quality of maintenance of the soft landscaping of the central reservations and verges of trunk roads in Aberdeen and to urge the Minister to take action to address this problem.”</p>	<p><u>The Council resolved:-</u> to approve the terms of the motion.</p>		Enterprise, Planning and Infrastructure	Gordon McIntosh
9(a)	<p><u>Proposed Sale of the Former Causewayend School - Report by Director of Enterprise, Planning and Infrastructure</u></p>	<p><u>The Council resolved:-</u></p> <p>(i) to accept the offer submitted by the company recommended for the former Causewayend School;</p> <p>(ii) to instruct the Head of Legal and Democratic Services to conclude missives for the sale of the property incorporating various qualifications as necessary to protect the Council’s interests; and</p> <p>(iii) in the event that missives were not concluded within a period of six months with the preferred bidder (as in (i) above), to authorise officers to enter into discussions with a second specified company and report the outcome to the Finance, Policy and Resources Committee.</p>		Asset Management and Operations	Neil Strachan

	Item Title	Committee Decision	PBB Option Affected	Services Required to take action	Officer to Action
9(b)	<u>Marischal Square - Hotel Operator - Report by Director of Enterprise, Planning and Infrastructure</u>	<u>The Council resolved:-</u> to approve Cycas Hospitality Limited/Residence Inn by Marriott as the preferred operator/tenant for the hotel element within the Marischal Square development.		Asset Management and Operations	Stephen Booth
9(c)	<u>Post of Head of Finance - Recruitment and Selection Process - Report by Chief Executive</u>	<u>The Council resolved:-</u> (i) to establish an Appointment Panel comprising nine members (3+3+1+1+1) to appoint to the post of Head of Finance to meet initially on 5 November 2013; (ii) to delegate powers to the Appointment Panel to agree all matters relating to the recruitment process, including role profile and salary; (iii) that external recruitment consultants Aspen People be appointed for the purposes of supporting the recruitment to the post; (iv) to invoke Standing Order 1(6)(a) of the Council's Standing Orders relating to Contracts and Procurement to dis-apply the requirements of Standing Order 4, thereby allowing a contract to be entered into with the recruitment consultants Aspen People to support the recruitment process for the post, without the need to undertake a competitive tendering exercise; and (v) to approve the estimated expenditure of up to £35,000 associated with this recruitment exercise, to be met from		Legal and Democratic Human Resources and Organisational Development	Roddy MacBeath Jeff Capstick

	Item Title	Committee Decision	PBB Option Affected	Services Required to take action	Officer to Action
		contingencies.			

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