

ABERDEEN CITY COUNCIL

Town House,
ABERDEEN, 5 March 2014

MINUTES OF MEETING OF ABERDEEN CITY COUNCIL

S e d e r u n t :

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

COUNCILLORS

YVONNE ALLAN
KIRSTY BLACKMAN
MARIE BOULTON
DAVID CAMERON
SCOTT CARLE
NEIL COONEY
JOHN CORALL
WILLIAM CORMIE
BARNEY CROCKETT
STEVEN DELANEY
GRAHAM DICKSON
ALAN DONNELLY
JACQUELINE DUNBAR
LESLEY DUNBAR
ANDREW FINLAYSON
FRASER FORSYTH
GORDON GRAHAM
ROSS GRANT
MARTIN GREIG
LEONARD IRONSIDE CBE
MURIEL JAFFREY

JAMES KIDDIE
JENNIFER LAING
GRAEME LAWRENCE
NEIL MacGREGOR
CALLUM McCAIG
M. TAUQEER MALIK
AILEEN MALONE
ANDREW MAY
RAMSAY MILNE
JEAN MORRISON MBE
NATHAN MORRISON
JAMES NOBLE
GILLIAN SAMARAI
JENNIFER STEWART
SANDY STUART
ANGELA TAYLOR
ROSS THOMSON
GORDON TOWNSON
WILLIAM YOUNG
and
IAN YUILL

Lord Provost George Adam, in the Chair

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

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=122&MId=2867&Ver=4>

Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.

ADMISSION OF BURGESSES

1. (A) The persons undermentioned were admitted into the presence of the Council and passed as Burgesses of Guild in respect of their respective Acts of Admission in the Guild Burgess Book:-

Gary Atkinson, Company Director, Aberdeen
 Michael Gibb, Retired Chartered Loss Adjuster, Aberdeen
 Michael Loggie, Company Director, Aberdeen
 Mary Martin, Hotelier, Aberdeen
 Robert Shepherd, Freelance Radio Presenter and Journalist, Aberdeen

(B) The person undermentioned was admitted into the presence of the Council and passed as a Burgess of Guild by right of their father's status as a Free Burgess:-

Jonathan Graham, Pharmacist, Aberdeen

(C) The persons undermentioned were admitted into the presence of the Council and passed as Burgesses of the Burgh of Aberdeen of their own craft only:-

Edward Day, Hammerman, Aberdeen
 Kevin Leiper, Baker, Aberdeen
 David Ross, Baker, Aberdeen

DEAN OF GUILD

2. The Lord Provost highlighted that this was the last Council meeting for the current Dean of Guild, Mr Fred Dalgarno, and invited him to address the Council.

Mr Dalgarno advised that he was standing down as Dean of Guild after eight years in the role, and that his successor would be announced at the Burgesses' Annual General Meeting in May. Mr Dalgarno thanked elected members and officers for the support they had given him and the Burgesses during his time as Dean of Guild.

The Lord Provost thanked Mr Dalgarno on behalf of the Council, and former Lord Provost Peter Stephen, for his excellent service, and also expressed his thanks to Mr Dalgarno's wife Moira for her attendance at many events in a supporting role. The Lord Provost's remarks were echoed by Councillors Crockett, McCaig and Yuill.

The Council resolved:-

to concur with the Lord Provost's remarks.

CLOSURE OF THE HAMILTON SCHOOL

3. Councillor Laing referred to the recent Scottish Government decision to close the Hamilton School in Aberdeen, which although a private school, had a significant impact on the Council in its statutory role as education authority with a duty of care. She added that staff across a number of services had worked incredibly hard over the course of a weekend to reopen the vacant Braeside School and put staff in place there as a temporary solution for the large number of children affected. Councillor Laing paid

tribute to the staff involved and expressed her sincere thanks for their hard work, underlining that the Council's greatest asset was its staff.

Councillors Jennifer Stewart and Townson endorsed Councillor Laing's comments, and paid tribute to the Director of Education, Culture and Sport and her team for their handling of the situation and the quality of briefings to elected members.

The Council resolved:-

to concur with the remarks of the various members.

URGENT MOTION

4. The Lord Provost advised that he had received an urgent notice of motion by Councillor McCaig in accordance with Standing Order 21(9), which he had accepted onto the agenda and which would be considered as the last item of business (Article 25 of this minute refers).

MINUTE OF MEETING OF ABERDEEN CITY COUNCIL OF 18 DECEMBER 2013

5. The Council had before it the minute of meeting of Aberdeen City Council of 18 December 2013.

The Council resolved:-

to approve the minute subject to amending recommendation (a) within Article 23 on page 3480 to reflect that £750,000 had been agreed and not £75,000.

MINUTE OF MEETING OF ABERDEEN CITY COUNCIL OF 6 FEBRUARY 2014

6. The Council had before it the minute of meeting of Aberdeen City Council of 6 February 2014.

The Council resolved:-

to approve the minute.

MINUTE OF MEETING OF URGENT BUSINESS COMMITTEE OF 14 FEBRUARY 2014

7. The Council had before it the minute of meeting of the Urgent Business Committee of 14 February 2014.

The Council resolved:-

to approve the minute.

BUSINESS STATEMENT

8. The Council had before it a statement of Council business which had been prepared by the Head of Legal and Democratic Services.

The Council resolved:-

- (i) to delete item 1 (50m Swimming Pool) and request that an update be provided to members on completion of the project;
- (ii) to delete item 3 (Property Disposal - Broad Street); and
- (iii) otherwise to note the statement.

MOTIONS LIST

9. The Council had before it a list of outstanding motions which had been prepared by the Head of Legal and Democratic Services.

The Council resolved:-

to note the motions list.

MINUTE OF MEETING OF CITY CENTRE REGENERATION BOARD OF 10 FEBRUARY 2014

10. The Council had before it the minute of meeting of the City Centre Regeneration Board of 10 February 2014.

The Council resolved:-

to note the minute.

DECLARATION OF INTEREST

Councillor Finlayson declared an interest in regard to the following item of business by virtue of a personal connection and withdrew from the meeting.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE -16 JANUARY 2014 - LAND ADJACENT TO 58 WHITEHALL PLACE - 131045

11. With reference to Article 3 of the minute of meeting of the Planning Development Management Committee of 16 January 2014, which had been referred to it for consideration by five members of the Committee, the Council had before it (1) a report by the Head of Planning and Sustainable Development on the application seeking planning permission for a proposed single dwelling house, including demolition of the existing garage and the formation of a new driveway to the existing house; and (2) the decision of the Committee - that the application be refused on the grounds that the proposed development represented overdevelopment of the site; was not in keeping with the properties in the surrounding area; the quality of the materials proposed would be out of character with surrounding buildings; would result in a loss of on-street car parking; and would set an undesirable precedent for future development of a similar nature.

The report recommended:-

that the Planning Development Management Committee approve the application subject to the following conditions:-

(1) That the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing No. 1004 (Revision A) of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval; (2) That notwithstanding the provisions of Class 1, Class 2 and Class 3 of the Schedule to the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 or any order amending, revoking or re-enacting that Order, no enlargement, improvement or other alteration to the dwellinghouse shall be undertaken without an express grant of planning permission from the planning authority; (3) That the building hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full; and (4) That no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed.

Councillor Milne moved, seconded by Councillor Cormie:-

That the Council approve the application in accordance with the recommendation contained within the report subject to the removal of the terrace and planter and replacement with a flat roof as proposed by the applicant.

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

That the Council reaffirm the decision of the Planning Development Management Committee.

On a division, there voted:-

For the motion (25) - Lord Provost; and Councillors Allan, Blackman, Carle, Cooney, Cormie, Crockett, Donnelly, Lesley Dunbar, Forsyth, Graham, Grant, Ironside, Lawrence, McCaig, Malik, Milne, Jean Morrison, Nathan Morrison, Noble, Jennifer Stewart, Sandy Stuart, Taylor, Townson and Young.

For the amendment (15) - Councillors Boulton, Cameron, Corall, Delaney, Jackie Dunbar, Greig, Jaffrey, Kiddie, Laing, MacGregor, Malone, May, Samarai, Thomson and Yuill.

Declined to vote (1) - Councillor Dickson.

Absent from the division (2) - Depute Provost; and Councillor Finlayson.

The Council resolved:-
to adopt the motion.

POLLING PLACES AT THE SCOTTISH INDEPENDENCE REFERENDUM - OCE/14/004

12. With reference to Article 11 of the minute of its meeting of 18 December 2013, the Council had before it a report by the Chief Executive which proposed changes to polling places to accommodate the increase in polling stations for the Scottish Independence Referendum.

The report recommended:-

that the Council -

- (a) agree the recommended changes to polling places as outlined, subject to any changes;
- (b) following approval of the recommended changes to polling places, proceed to public consultation; and
- (c) note that following the conclusion of the public consultation, the final polling place scheme for the Scottish Independence Referendum would be brought to the Council in May 2014 for approval.

The Council resolved:-

to approve the recommendations.

APPOINTMENTS - OCE/14/007

13. The Council had before it a report by the Chief Executive which proposed a change to a previously agreed appointment.

The report recommended:-

that the Council appoint Councillor Milne as a representative on Scotland Excel's Joint Committee in place of Councillor Crockett.

The Council resolved:-

to approve the recommendation.

FIRST MINISTER'S PROFESSIONAL CONDUCT: ABERDEEN DONSIDER BY-ELECTION - MOTION BY COUNCILLOR YOUNG - OCE/14/005

14. With reference to Article 12 of the minute of its meeting of 21 August 2013, the Council had before it a report by the Chief Executive which presented the response from Sir Bob Kerslake, Head of the Civil Service, following the Chief Executive's letter to him in the terms of the Council decision referred to.

The report recommended:-

that the Council consider the response from the Head of the Civil Service and decide how it wished to proceed.

Councillor Crockett moved, seconded by Councillor Boulton:-

That the Council -

- (1) note the content of the correspondence received from the Head of the Civil Service;
- (2) instruct the Chief Executive to write to the Permanent Secretary to the Scottish Government seeking talks aimed at creating a positive working

partnership between Aberdeen City Council and the Scottish Government;
and

- (3) instruct the Chief Executive to report to the next Council meeting with a revised protocol for the organisation of ministerial visits to Council properties which reflects the protocols operated for such visits by both the UK and the Scottish Governments.

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

That the Council -

- (1) note the response from the Head of the Civil Service; and
(2) reaffirm Aberdeen City Council's policies on access to and campaigning on Council premises.

On a division, there voted:-

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

For the amendment (20) - Councillors Blackman, Cameron, Corall, Cormie, Delaney, Dickson, Jackie Dunbar, Greig, Jaffrey, Kiddie, MacGregor, McCaig, Malone, May, Noble, Samarai, Jennifer Stewart, Sandy Stuart, Townson and Yuill.

Declined to vote (2) - Councillors Forsyth and Thomson.

The Council resolved:-
to adopt the motion.

REVISAL OF STANDING ORDERS RELATING TO CONTRACTS AND PROCUREMENT - CG/14/035

15. The Council had before it a report by the Director of Corporate Governance which sought approval of the revised Standing Orders relating to Contracts and Procurement.

The report recommended:-
that the Council -

- (a) approve the revised Standing Orders relating to Contracts and Procurement appended to the report, the same to come into force with immediate effect and thereby replace the Standing Orders relating to Contracts and Procurement approved by Council on 30 June 2010; and
(b) approve that the current Standing Orders and Committee Orders of Reference (as revised on 3 December 2013) remain unchanged for the time being.

The Council resolved:-
to approve the recommendations.

TREASURY MANAGEMENT POLICY AND STRATEGY - CG/14/012

16. With reference to Article 11 of the minute of meeting of the Finance, Policy and Resources Committee of 20 February 2014, the Council had before it, by way of remit,

a report by the Director of Corporate Governance which outlined the Treasury Management Policy and Strategy for 2014/15 to 2016/17 for approval.

The Finance, Policy and Resources Committee recommended that the Council:-

- (a) consider and approve the Council's Treasury Management Policy Statement for 2014/15 to 2016/17 as detailed at appendix 1 to the report;
- (b) consider and approve the Council's Borrowing and Investment Strategy for 2014/15 to 2016/17 as detailed at appendix 2 to the report; and
- (c) approve the revised Counterparty list as detailed at appendix 3 to the report.

The Council resolved:-

to approve the recommendations.

COMMITTEE ORDERS OF REFERENCE - AMENDMENT TO REFLECT ARM'S LENGTH EXTERNAL ORGANISATIONS (ALEOS) GOVERNANCE FRAMEWORK - CG/14/038

17. With reference to Article 7 of the minute of meeting of the Audit and Risk Committee of 27 February 2014, the Council had before it a report by the Director of Corporate Governance which proposed amendments to the Committee Orders of Reference to reflect the scrutiny arrangements for tier 2, 3 and 4 ALEOs.

The report recommended:-

that the Council -

- (a) approve the method of monitoring tier 2, 3 and 4 organisations set out in appendix 1 to the report;
- (b) approve the amendments to Committee Orders of Reference set out in appendix 2 to the report;
- (c) authorise officers to amend the tier in which organisations sit as funding to them increases, decreases or ceases altogether in line with committee decisions; and
- (d) agree that the amended Orders of Reference be circulated to service committees via information bulletins in the next cycle of meetings.

The Council resolved:-

- (i) to approve the recommendations; and
- to request that annual reports be submitted to the relevant service committees for tier 3 and 4 organisations.

UNAUTHORISED CAMPING - CG/14/037

18. With reference to Article 18 of the minute of its meeting of 18 December 2013, the Council had before it a joint report by the Director of Housing and Environment and the Director of Corporate Governance which provided an update on the work associated with putting in place a byelaw to prohibit unauthorised camping on defined sites within the city.

The report recommended:-

that the Council note the report.

The Council resolved:-

to approve the recommendation.

STREET BEGGING - CG/14/036

19. With reference to Article 19 of the minute of its meeting of 18 December 2013, the Council had before it a report by the Director of Corporate Governance which provided an update on progress on the proposed byelaw to prohibit street begging in the city centre.

The report recommended:-
that the Council note the report.

The Council resolved:-
to approve the recommendation.

RELAXATION OF DRINKING IN PUBLIC BYELAW FOR BP BIG SCREENS 2014

20. The Council had before it a report by the Director of Enterprise, Planning and Infrastructure which sought permission to request Scottish Ministers to confirm the suspension of the operation of the Aberdeen City Council Drinking in Public Places Byelaw 2009 to permit the responsible consumption of alcohol within the boundaries of the Duthie Park for the BP Big Screens event.

The report recommended:-
that the Council instruct the Head of Legal and Democratic Services to carry out the necessary advertising of the proposed suspension and request confirmation from Scottish Ministers that the Aberdeen City Council Drinking in Public Places Byelaw 2009 be suspended within the boundaries of the Duthie Park for the BP Big Screens event on 15 July 2014 - "La Boheme".

The Council resolved:-
to approve the recommendation.

BROAD STREET CIVIC SQUARE ASSESSMENT - ESPI/14/008

21. With reference to Article 29 of the minute of its meeting of 26 June 2013, the Council had before it a report by the Director of Enterprise, Planning and Infrastructure which advised of the results of the assessment process undertaken by officers with regard to the creation of a civic space on Broad Street.

The report recommended:-
that the Council -

- (a) note the content of the report and the outcome of the supporting technical reports;
- (b) agree that option C - full pedestrianisation of Broad Street between Upperkirkgate and Queen Street - best meets the objectives of this project, and acknowledge that this option is reliant on additional traffic management measures;
- (c) instruct officers to report back to members on the details of the draft Traffic Regulation Order within six months; and
- (d) instruct officers to also report back within six months on the outcomes of the future year traffic and air quality model testing for 2023.

Councillor Crockett moved, seconded by Councillor Forsyth:-

That the Council approve the recommendations contained within the report.

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

That the Council refer the matter to the city centre masterplanning process being taken forward by the City Centre Regeneration Board.

During the course of summing up, Councillor McCaig advised that he was willing to withdraw his amendment and this was accepted by members.

The Council resolved:-

- (i) to approve the recommendations;
- (ii) to instruct officers to investigate the feasibility of reopening the Castlegate to traffic and opening Queen Street at the junction of West North Street and include their findings in the report instructed within six months, and enter into discussions with Muse Developments with regard to maximising views of Provost Skene's House from Broad Street; and

to request officers to provide members with a breakdown of accident statistics for Broad Street.

MATTER OF URGENCY

The Lord Provost intimated that he had directed in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, that the following item be considered as a matter of urgency to enable the Council to consider the matter without delay at the request of the City Centre Regeneration Board.

DECLARATION OF INTEREST

Councillor Grant declared a pecuniary interest in relation to the following item of business by virtue of being an employee of Aberdeen Inspired and withdrew from the meeting.

ABERDEEN CITY CENTRE - WAYFINDING PROJECT - EPI/14/040

22. With reference to Article 9 of the minute of meeting of the City Centre Regeneration Board of 10 February 2014, the Council had before it a report by the Director of Enterprise, Planning and Infrastructure which sought agreement to joint fund the wayfinding project pilot scheme with Aberdeen Inspired.

The report recommended:-

that the Council -

- (a) agree to joint fund the pilot scheme with Aberdeen Inspired, as outlined in section 5.4.3 of the report; and
- (b) instruct officers to report back to members on the outcome of a review of the pilot scheme.

The Council resolved:-

- (i) to provide up to 50% of the capital costs capped at £50,000 of the wayfinding scheme outlined at appendix B to the report, and that this be met from the City Centre Regeneration Fund; and
- to instruct officers to report to the appropriate committee on the suspended letter sign scheme outlined in paragraph 5.3.3 of the report once Aberdeen Inspired had completed all necessary preparatory work on the scheme.

MATTER OF URGENCY

The Lord Provost intimated that he had directed in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, that the following item be considered as a matter of urgency to enable the Council to consider the matter without delay.

REORGANISATION OF ABERDEEN CITY COUNCIL CHARITABLE TRUSTS - CG/14/025

23. The Council had before it a report by the Director of Corporate Governance which presented further proposals for the reorganisation of the charitable trusts managed by the Council.

The report recommended:-

that the Council adopt the revised constitution detailed at appendix A to the report for the future operation of the Aberdeen Art Gallery Trusts.

The Council resolved:-

to approve the recommendation.

MOTION BY COUNCILLOR THOMSON

24. The Council had before it the following notice of motion by Councillor Thomson:-

“That this Council -

- (i) acknowledges the concerns of communities across Scotland regarding the sale of so called “legal highs”;
- (ii) notes that in 2012 there were 37 legal high related deaths in Scotland;
- (iii) further notes with concern that these substances are sold openly from retail premises in locations in Aberdeen; and
- (iv) instructs the Chief Executive to write to both the UK and Scottish Governments asking them to ban these substances, take measures to proactively combat their sale and supply in Scotland, or as a potential way forward consider the licensing of premises where legal highs are available.”

Councillor Thomson moved, seconded by Councillor Lawrence:-

That the Council -

- (1) approve the terms of the motion; and
- (2) request officers to investigate if the Council had any powers under Trading Standards and Consumer Protection laws to take action against outlets selling legal highs.

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

That the Council -

- (1) acknowledge the concerns of communities across Scotland regarding the sale of so called "legal highs";
- (2) note that in 2012 there were 37 legal high related deaths in Scotland;
- (3) further note with concern that these substances are sold openly from retail premises in locations in Aberdeen; and
- (4) refer the motion to the Alcohol and Drugs Partnership for detailed consideration and report back to Council within one cycle if possible.

During the course of summing up, Councillor Thomson advised that he was willing to accept part (4) of Councillor Kiddie's amendment as an addendum to his motion. Councillor Kiddie therefore advised that he would withdraw his amendment and this was accepted.

The Council resolved:-

- (i) to approve the terms of the motion;
- (ii) to request officers to investigate if the Council had any powers under Trading Standards and Consumer Protection laws to take action against outlets selling legal highs; and

to refer the motion to the Alcohol and Drugs Partnership for detailed consideration and instruct officers to report back to Council within one cycle.

URGENT MOTION BY COUNCILLOR MCCAIG

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

"Council notes with concern the decisions taken by COSLA Leaders in September and February regarding the funding formula, which according to Scottish Government figures may mean Aberdeen City Council loses out on an additional £7.3m of revenue and £0.2m of capital in 2015/16. Council urges the Council Leader, or his substitute, to put the interests of the city first and vote for this additional funding to come to Aberdeen when the matter is next discussed at COSLA in April."

Councillor McCaig moved, seconded by Councillor Yuill:-

That the terms of the urgent motion be approved.

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

That the Council -

- (1) note that Aberdeen City Council, like every other Council in Scotland, was being underfunded by the Scottish Government and that if local authorities throughout Scotland received the same percentage share of the Scottish Government's budget in 2014/15 as they received in 2010/11 there would be additional funding of over £600million to be shared by local authorities this year;
- (2) instruct officers to write to the Cabinet Secretary for Finance, Employment and Sustainable Growth to obtain details of his funding for Aberdeen including a full disclosure of the 85% floor rule, Council tax assumptions and NDRI uplift assumptions, and to ask who the Cabinet Secretary

consulted at COSLA, if anybody, before releasing the figures for 2015/16 and when that consultation, if any, took place; and to agree thereafter to share that information with the Council's COSLA representatives and the Leaders of the Administration;

- (3) agree the appointment of Councillor Ironside as a representative on the COSLA Convention in place of Councillor McCaig; and
- (4) agree that whoever represents the city at the next COSLA Leaders meeting in April, the representative must ensure that they put the interests of the citizens of Aberdeen first and vote to obtain the most advantageous financial settlement for the city of Aberdeen.

On a division, there voted:-

For the motion (20) - Councillors Blackman, Cameron, Corall, Cormie, Delaney, Dickson, Jackie Dunbar, Greig, Jaffrey, Kiddie, MacGregor, McCaig, Malone, May, Noble, Samarai, Jennifer Stewart, Sandy Stuart, Townson and Yuill.

For the amendment (23) - Lord Provost; Depute Provost; and Councillors Allan, Boulton, Carle, Cooney, Crockett, Donnelly, Lesley Dunbar, Finlayson, Forsyth, Graham, Grant, Ironside, Laing, Lawrence, Malik, Milne, Jean Morrison, Nathan Morrison, Taylor, Thomson and Young.

The Council resolved:-

to adopt the amendment.

- **GEORGE ADAM, Lord Provost.**