

ABERDEEN CITY COUNCIL

Town House,  
ABERDEEN, 14 May 2014

MINUTES OF MEETING OF ABERDEEN CITY COUNCIL

Sederunt:

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  
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  
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=2868&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.**

Council Meeting, 14 May 2014

## **DEAN OF GUILD**

1. The Lord Provost introduced Mr Colin Taylor as the new Dean of Guild and wished him well in the role. The Dean of Guild stated that he looked forward to carrying on the good work of the Burgesses in contributing to the life of the city.

## **ADMISSION OF BURGESSES**

2. (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:-

Frances Martin, Church Administrator, Aberdeen  
 Ian Marr, Chief Executive, Aberdeen  
 Scott Beattie, Community Project Co-ordinator, Aberdeen  
 Valerie S F Watts, Public Sector Chief Executive, 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:-

Dr Pauline Ann Strachan, NHS Executive Administrator, Aberdeen.

## **MEMBERS ARE REQUESTED TO AGREE THAT ANY EXEMPT BUSINESS ON THIS AGENDA BE CONSIDERED WITH THE PRESS AND PUBLIC EXCLUDED**

3. The Council 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:-

- 8(a) Progress Report on the Aberdeen Exhibition and Conference Centre (AECC) Development
- 8(b) Sale of Ground, Torry Quay/Greyhope Road
- 8(c) Update on Transfer of Ownership of Thomas Blake Glover House

### **The Council 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 32 to 34 of this minute refer) so as to avoid disclosure of exempt information of the classes described in paragraphs 6, 9 and 10 of Schedule 7(A) of the Act.

## **REQUESTS FOR DEPUTATION**

4. The Council had before it a request for deputation from Unison in connection with the report on phase one of the organisational review.

Council Meeting, 14 May 2014

**The Council resolved:-**

to accept the request and hear the deputation immediately prior to consideration of the report, which would be taken as the first item of general business.

**AGENDA ORDER**

5. The Lord Provost advised that item 7(i) (Appointments) would be considered at this juncture in light of recent events, which would enable the Council to consider appointing a new Leader of the Council, and this was accepted.

**APPOINTMENTS - OCE/14/024**

6. The Council had before it a report by the Chief Executive which proposed changes to previously agreed appointments.

**The report recommended:-**

that the Council agree -

- (a) that Councillor Jean Morrison replace Councillor Nathan Morrison as the Council's representative on Langstane Housing Association Ltd;
- (b) that Councillor Jean Morrison replace Councillor Lesley Dunbar as the Council's representative on the North East Scotland Climate Change Partnership;
- (c) that Councillor Jean Morrison replace Councillor Laing as the Council's representative on Transition Extreme;
- (d) that Councillor Graham replace Councillor Jean Morrison as the Council's representative on Care and Repair Initiative Scotland - Aberdeen Agency; and
- (e) that Councillor Lesley Dunbar replace Councillor Jean Morrison as the Council's representative on the General Committee for Older People's Week.

**The Council resolved:-**

- (i) to suspend Standing Order 2(1);
- (ii) to appoint Councillor Laing as Leader of the Council;
- (iii) to appoint Councillor Laing as Convener of the Urgent Business Committee; and
- (iv) otherwise to approve the recommendations.

**REMARKS**

7. The Lord Provost extended to his congratulations to Councillor Laing on her appointment as Leader of the Council and wished her well in the role. Councillor Laing thanked members for giving her the opportunity and stated that she was looking forward to working with all sides of the Council.

Councillor Yuill congratulated Councillor Laing and added that the Liberal Democrat Group looked forward to working with her. Councillor McCaig thanked Councillor Crockett for his work on behalf of the city as the previous Leader of the Council, and wished Councillor Laing well as his successor. Councillor Boulton added her own thanks to Councillor Crockett for his professionalism during his time in the role. Lastly,

## Council Meeting, 14 May 2014

Councillor Forsyth expressed his own personal thanks, as well as those of the Conservative Group, to Councillor Crockett, and wished Councillor Laing well in her new role.

**MINUTE OF MEETING OF ABERDEEN CITY COUNCIL OF 5 MARCH 2014**

8. The Council had before it the minute of meeting of Aberdeen City Council of 5 March 2014.

**The Council resolved:-**  
to approve the minute.

**MINUTE OF MEETING OF URGENT BUSINESS COMMITTEE OF 11 MARCH 2014**

9. The Council had before it the minute of meeting of the Urgent Business Committee of 11 March 2014.

**The Council resolved:-**  
to approve the minute.

**MINUTE OF MEETING OF URGENT BUSINESS COMMITTEE OF 17 MARCH 2014**

10. The Council had before it the minute of meeting of the Urgent Business Committee of 17 March 2014.

**The Council resolved:-**  
to approve the minute.

**MINUTE OF MEETING OF URGENT BUSINESS COMMITTEE OF 27 MARCH 2014**

11. The Council had before it the minute of meeting of the Urgent Business Committee of 27 March 2014.

**The Council resolved:-**  
to approve the minute.

**MINUTE OF MEETING OF URGENT BUSINESS COMMITTEE OF 24 APRIL**

12. The Council had before it the minute of meeting of the Urgent Business Committee of 24 April 2014.

**The Council resolved:-**  
to approve the minute.

Council Meeting, 14 May 2014

## **BUSINESS STATEMENT**

13. 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) in respect of item 7 (Strategic Infrastructure Plan (SIP) Key Goal 1: A step change to the supply of housing), to note that all future progress on the affordable housing project would be reported to the Finance, Policy and Resources Committee as part of an overall SIP update report, and therefore to delete the item;
- (ii) to note that a report on item 10 (Integration of Health and Social Care) was expected to be submitted to the next meeting; and
- (iii) otherwise to note the statement.

## **MOTIONS LIST**

14. 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 GUILDRY AND MORTIFICATION FUNDS SUB COMMITTEE OF 14 APRIL 2014**

15. The Council had before it the minute of meeting of the Guildry and Mortification Funds Sub Committee of 14 April 2014.

### **The Council resolved:-**

to approve the minute, thereby approving the increase in allowances for 2013/14 backdated from 1 May 2013.

## **MINUTE OF MEETING OF CITY CENTRE REGENERATION BOARD OF 23 APRIL 2014**

16. The Council had before it the minute of meeting of the City Centre Regeneration Board of 23 April 2014.

### **The Council resolved:-**

to note the minute.

Council Meeting, 14 May 2014

## **ORGANISATIONAL REVIEW (PHASE ONE) - OCE/14/020**

17. (A) In terms of Standing Order 10(2), the Council received a deputation from Ms Karen Davidson and Ms Deirdre Macdonald of Unison.

Ms Davidson made reference to the consultation process, highlighting that the trade unions had received the information immediately prior to a public holiday weekend, which had not been very helpful for staff. She also made reference to the number of staff responses to the consultation, adding that a number of staff were unaware of the roadshows that had been held.

In terms of the proposals contained within the report, Ms Davidson highlighted the lack of detail below first tier level and that there was a great deal of uncertainty across the Council but particularly amongst Personal Assistants and Business Managers, however she thanked the Chief Executive for meeting the Personal Assistants the previous day. She emphasised that a reduction in the number of Directorates would not equate to a reduction in workload and questioned what interim arrangements would be put in place.

Ms Davidson requested that consideration of the report be deferred for further discussion, particularly in the context of the integration of health and social care which was not due to be implemented until April 2015.

Ms Macdonald reminded members of the SWIA (Social Work Inspection Agency) report of 2008, which had been heavily critical of the Council's operation of social work services, and which was partially attributed to the decentralisation of the service. She emphasised that there had been a dramatic turnaround in performance since 2008, which coincided with the reintroduction of a Social Care and Wellbeing Directorate, however the proposals contained within the report would result in social work services being spread across a number of different sectors once again. She added that staff were greatly concerned and did not feel confident that the proposed changes were being introduced for the right reasons.

Members asked questions of Ms Davidson and Ms Macdonald and thanked them for their contribution.

## **DECLARATION OF INTEREST**

**At this juncture, Councillors Ironside and Yuill declared interests as members of Unison and Councillors Kiddie and Milne declared interests as retired members of Unison. None of the members considered that the nature of their interest required them to leave the meeting.**

(B) The Council had before it a report by the Chief Executive which recommended changes to the Council's organisational structure at top tier level, and set the context for phase two of the review which would impact primarily on existing Heads of Service.

## Council Meeting, 14 May 2014

**The report recommended:-**

that the Council -

- (a) approve the proposed top tier structure model as set out at appendix 2 to the report;
- (b) approve the process for filling the top tier posts as detailed at appendix 3 to the report; and
- (c) note that proposals emanating from phase two of the review would be reported to Council later in the year and that the phase two report would also include a proposed committee structure to reflect the new management arrangements.

Councillor Laing moved, seconded by Councillor Boulton:-

That the Council approve the recommendations contained within the report and agree that the function of Chief Social Work Officer be placed within a Council Directorate.

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

That the Council defer final consideration of the matter pending the report referred to in recommendation (c) regarding phase two, agree the continuing need for a Director of Social Care and Wellbeing, and instruct the Chief Executive to reflect this in the report back.

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

That the Council approve the recommendations contained within the report, agree that it is the Council's view that the Joint Accountable Officer should have the job title Director of Health and Social Care Integration, and instruct the Chief Executive to report back to the Council meeting in August on the appropriate location of the Chief Social Work Officer within the Council's structure.

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

On a division, there voted:-

For the amendment by Councillor McCaig (13) - Councillors Blackman, Cameron, Corall, Dickson, Jackie Dunbar, Kiddie, MacGregor, McCaig, May, Noble, Samarai, Sandy Stuart and Townson.

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

Declined to vote (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 then divided between the motion and the amendment by Councillor McCaig.

## Council Meeting, 14 May 2014

On a division, there voted:-

For the motion (28) - Lord Provost; Depute Provost; and Councillors Allan, Boulton, Carle, Cooney, Crockett, Delaney, Donnelly, Lesley Dunbar, Finlayson, Forsyth, Graham, Grant, Greig, Ironside, Laing, Lawrence, Malik, Malone, Milne, Jean Morrison, Nathan Morrison, Jennifer Stewart, Taylor, Thomson, Young and Yuill.

For the amendment by Councillor McCaig (13) - Councillors Blackman, Cameron, Corall, Dickson, Jackie Dunbar, Kiddie, MacGregor, McCaig, May, Noble, Samarai, Sandy Stuart and Townson.

**The Council resolved:-**

to adopt the motion.

**In terms of Standing Order 15(6), Councillors Blackman, Cameron, Corall, Dickson, Jackie Dunbar, Kiddie, MacGregor, McCaig, May, Noble, Samarai, Sandy Stuart and Townson intimated their dissent against the foregoing decision.**

**POLLING PLACES AT THE SCOTTISH INDEPENDENCE REFERENDUM - OCE/14/013**

18. With reference to Article 12 of the minute of its meeting of 5 March 2014, the Council had before it a report by the Chief Executive which sought final approval, following public consultation, of the proposed changes to polling places for the Scottish Independence Referendum, and referred to recent Directions issued by the Chief Counting Officer.

**The report recommended:-**

that the Council -

- (a) agree the proposed changes to polling places for the Scottish Independence Referendum as outlined in the report;
- (b) note that officers would make all necessary arrangements to ensure that the Chief Counting Officer's Directions were met in full; and
- (c) agree that a report providing an update on the arrangements being put in place for the delivery of the Scottish Independence Referendum be brought to the Council at its meeting on 25 June 2014.

**The Council resolved:-**

to approve the recommendations.

**SCOTTISH INDEPENDENCE REFERENDUM - LETTER FROM SECRETARY OF STATE FOR SCOTLAND - OCE/14/014**

19. With reference to Article 28 of the minute of its meeting of 18 December 2013, the Council had before it a report by the Chief Executive which presented the Secretary of State for Scotland's letter in response to the Council's invitation to him to provide a written response to the Scottish Government's White Paper *Scotland's Future*.



## Council Meeting, 14 May 2014

**The report recommended:-**

that the Council note the Secretary of State's letter.

**The Council resolved:-**

to approve the recommendation.

**MINISTERIAL VISITS PROTOCOL - OCE/14/017**

20. With reference to Article 14 of the minute of its meeting of 5 March 2014, the Council had before it a report by the Chief Executive which presented the proposed ministerial visits protocol as requested by the Council.

**The report recommended:-**

that the Council review the content of the ministerial visits protocol and, subject to any agreed changes, approve it for immediate introduction.

**The Council resolved:-**

to approve the ministerial visits protocol for immediate introduction.

**LOCAL POLICING PLAN 2014 - 2017 - OCE/14/015**

21. With reference to Article 13 of the minute of meeting of the Social Care, Wellbeing and Safety Committee of 25 March 2014, the Council had before it a report by the Chief Executive which presented the Local Policing Plan for Aberdeen City 2014 - 2017 as issued by Police Scotland.

**The report recommended:-**

that the Council review the content of the Local Policing Plan for Aberdeen City 2014 - 2017 and, subject to any agreed changes, approve it.

Chief Superintendent Adrian Watson was in attendance and answered a number of questions from members.

Councillor Laing moved, seconded by Councillor Boulton:-

That the Council approve the Local Policing Plan for Aberdeen City 2014 - 2017.

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

That the Council thanks and commends the personnel in A Division for their excellent and steadfast commitment to all aspects of policing in Aberdeen. The division's distinguished leadership and participation in community planning is particularly notable.

So that the Council can support our local Police, through monitoring and scrutinising of the local impact of Police Force restructuring, agrees not to approve the Policing Plan unless and until trend and performance information from before April 2013 - which has been gained through the SPPF and used for the local policing priorities and objectives - is incorporated.

## Council Meeting, 14 May 2014

The purpose of this is in order to link to the new performance framework adopted in April 2013 and that is applied in the current Policing Plan. Of particular interest are details on both operational and non-operational matters including information on diversionary activities, service response, and resource management in the division relating to personnel and assets.

To enable the measuring of the achievement of the plan's policing priorities and objectives, agrees that an explanation is included showing details of how 2013/14 savings have been made in A Division and agrees to include a detailed forecast of how savings will be achieved in A Division up to 2016/17 (which informs the projected savings to 2026). This should include costs and savings from the restructuring exercise and from impact of restructuring.

The financial information should be related to the full business case and financial strategy of the new force.

On a division, there voted:-

For the motion (35) - Lord Provost; Depute Provost; and Councillors Allan, Boulton, Cameron, Carle, Cooney, Corall, Crockett, Dickson, Donnelly, Jackie Dunbar, Lesley Dunbar, Finlayson, Forsyth, Graham, Grant, Ironside, Kiddie, Laing, Lawrence, MacGregor, McCaig, Malik, May, Milne, Jean Morrison, Nathan Morrison, Noble, Samarai, Sandy Stuart, Taylor, Thomson, Townson and Young.

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

Absent from the division (1) - Councillor Blackman.

**The Council resolved:-**  
to adopt the motion.

## **LOCAL FIRE AND RESCUE PLAN 2014 - 2017 - OCE/14/016**

**22.** With reference to Article 12 of the minute of meeting of the Social Care, Wellbeing and Safety Committee of 25 March 2014, the Council had before it a report by the Chief Executive which presented the Local Fire and Rescue Plan for Aberdeen City 2014 - 2017.

**The report recommended:-**  
that the Council review the content of the Aberdeen City Local Fire and Rescue Plan 2014 - 2017 and, subject to any agreed changes, approve it.

Local Senior Officer Duncan Smith was in attendance to answer questions from members, although there were none.

## Council Meeting, 14 May 2014

Councillor Laing moved, seconded by Councillor Boulton:-

That the Council approve the Aberdeen City Local Fire and Rescue Plan 2014 - 2017.

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

That the Council thanks and commends the personnel involved in the Fire and Rescue Service in Aberdeen for their high quality, stalwart commitment to fire safety in Aberdeen and notes in particular the service's distinguished leadership and participation in community planning in the city.

So that the Council can continue to support the work of the service locally, agrees that detailed trend and performance information is included to enable in depth comparison with current and future performance from the period from before April 2013.

This should include operational and non-operational data on assets and personnel, response times etc. and should relate to the full business case and financial strategy to indicate costs and savings as they affect Aberdeen in 2013/14 along with detailed forecasts to 2015/16.

On a division, there voted:-

For the motion (36) - Lord Provost; Depute Provost; and Councillors Allan, Blackman, Boulton, Cameron, Carle, Cooney, Corall, Crockett, Dickson, Donnelly, Jackie Dunbar, Lesley Dunbar, Finlayson, Forsyth, Graham, Grant, Ironside, Kiddie, Laing, Lawrence, MacGregor, McCaig, Malik, May, Milne, Jean Morrison, Nathan Morrison, Noble, Samarai, Sandy Stuart, Taylor, Thomson, Townson and Young.

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

**The Council resolved:-**

to adopt the motion.

**LEGAL HIGHS - MOTION BY COUNCILLOR THOMSON - OCE/14/018**

**23.** With reference to Article 24 of the minute of its meeting of 5 March 2014, the Council had before it a report by the Chief Executive which provided an update on progress in relation to Councillor Thomson's motion.

**The report recommended:-**

that the Council note the progress made to date in addressing the terms of Councillor Thomson's motion and instruct officers to report again to Council once a response had been received from the Aberdeen City Alcohol and Drugs Partnership.

**The Council resolved:-**

to approve the recommendation.

Council Meeting, 14 May 2014

**BIG NOISE TORRY BUSINESS PLAN AND PARTNERSHIP AGREEMENT - OCE/14/027**

**24.** With reference to Article 22 of the minute of its meeting of 18 December 2013, the Council had before it a report by the Chief Executive which provided an update on progress with Sistema Scotland with regard to funding, the business plan, partnership agreement and associated documentation, which would enable Sistema Scotland to commission work and commence recruitment of staff for Big Noise Torry.

**The report recommended:-**

that the Council -

- (a) agree the business plan and the proposed model of funding;
- (b) instruct the Head of Legal and Democratic Services in conjunction with the Head of Communities, Culture and Sport, in consultation with the Conveners of Finance, Policy and Resources, and Education, Culture and Sport, to conclude and finalise the partnership agreement with Sistema Scotland, to meet the implementation of Big Noise Torry and in such terms as the Head of Legal and Democratic Services deemed appropriate;
- (c) refer the report to the Education, Culture and Sport, Enterprise, Strategic Planning and Infrastructure, Housing and Environment, and Social Care, Wellbeing and Safety Committees, to enable these committees to consider how the introduction of a Big Noise Centre in the city, its principles and experiences could be integrated in other aspects of the Council's work; and
- (d) refer the funding from 1 April 2015, to the forthcoming Council budget setting processes in future years.

**The Council resolved:-**

- (i) to approve recommendations (a) and (b); and
- (ii) to instruct the Chief Executive to liaise with all Directorates of the Council to consider how the introduction of a Big Noise Centre in the city, its principles and experience could be integrated into all aspects of the Council's work and that a report on this be brought back to the Council.

**COMMUNITY PLANNING ABERDEEN UPDATE - CG/14/065**

**25.** The Council had before it a report by the Director of Corporate Governance which provided a six monthly update on the activity of Community Planning Aberdeen.

**The report recommended:-**

that the Council note the report.

**The Council resolved:-**

to approve the recommendation.

Council Meeting, 14 May 2014

### **FAIRER ABERDEEN FUND PROGRESS REPORT - CG/14/055**

26. The Council had before it a report by the Director of Corporate Governance which provided a six monthly update on the Fairer Aberdeen Fund programme from 1 April to 30 September 2013, and advised of the projects currently being funded in 2014/15.

#### **The report recommended:-**

that the Council -

- (a) consider and advise the Fairer Aberdeen Board of its comments on progress;
- (b) note the information at appendix 1 outlining Fairer Aberdeen Fund project activity between 1 April and 30 September 2013; and
- (c) note the information at appendix 2 listing the initiatives being funded in 2014/15.

#### **The Council resolved:-**

- (i) to note the Council's commitment to the Fairer Aberdeen Fund and that from 1 April to 30 September 2013 £1,500,000 had been awarded to over 50 initiatives supporting projects in regeneration areas and work across the city with vulnerable groups and individuals;
- (ii) to approve recommendations (b) and (c); and
- (iii) to request the Director of Corporate Governance to ask the Fairer Aberdeen Board to consider giving local Community Councils a role in selecting the seven Board representatives from the priority regeneration areas.

### **STREET BEGGING UPDATE - CG/14/061**

27. With reference to Article 19 of the minute of its meeting of 5 March 2014, 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.

### **PROPOSED BYELAW REGARDING CAMPING IN DESIGNATED PLACES - H&E/13/090**

28. With reference to Article 18 of the minute of its meeting of 5 March 2014, the Council had before it a joint report by the Director of Housing and Environment and the Director of Corporate Governance which sought a decision on the progression of a byelaw to prohibit unauthorised camping in various designated sensitive areas.

## Council Meeting, 14 May 2014

**The report recommended:-**

that the Council decide whether to approve a camping byelaw and the areas to which it would apply, as set out in appendix A to the report, and instruct officers to complete the statutory process for seeking confirmation of such a byelaw from the Scottish Government.

Councillor Laing moved, seconded by Councillor Boulton:-

That the Council -

- (1) agree to move forward with the byelaw as indicated in appendix A to the report;
- (2) note the comments of the Procurator Fiscal that presumption against prosecution was distinct from enforcement; and
- (3) instruct the Chief Executive to write to the Lord Advocate asking him to look again at the guidelines issued to Procurators Fiscal in relation to unauthorised encampment by Gypsy/Travellers and presumption against prosecution, given the problems the Council had in dealing with the vast number of such encampments, given that the guidelines were over ten years old and given that there was no statutory responsibility placed upon a local authority to provide halting sites.

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

That the Council instruct officers to abandon pursuit of the byelaw, and concentrate all efforts to establish suitable short term halting sites within Aberdeen and also to discuss additional sites with Aberdeenshire Council.

This will allow the Police Service of Scotland without fear or favour to apply the provisions of the Trespass (Scotland) Act 1865 within the city of Aberdeen having specific regard to Gypsy/Travellers and in accordance with the guidance issued by the Lord Advocate of Scotland, namely a general presumption of non prosecution of Gypsy/Travellers setting up unauthorised encampments such prosecution only being considered:-

- when a suitable alternative stopping place has been identified by Aberdeen City Council and Gypsy/Travellers have refused to relocate within a reasonable time; or
- where use of a particular site by Gypsy/Travellers, or excessive size of the encampment causes a severe road safety or public health hazard; or
- where the same Gypsy/Travellers have been repeatedly evicted from a site by Aberdeen City Council and return after a short time.

On a division, there voted:-

For the motion (28) - Lord Provost; Depute Provost; and Councillors Allan, Boulton, Carle, Cooney, Crockett, Delaney, Donnelly, Lesley Dunbar, Finlayson, Forsyth, Graham, Grant, Greig, Ironside, Laing, Lawrence, Malik, Malone, Milne, Jean Morrison, Nathan Morrison, Jennifer Stewart, Taylor, Thomson, Young and Yuill.

For the amendment (12) - Councillors Blackman, Cameron, Corall, Dickson, Jackie Dunbar, Kiddie, MacGregor, McCaig, May, Noble, Sandy Stuart and Townson.

Council Meeting, 14 May 2014

Absent from the division (1) - Councillor Samarai.

**The Council resolved:-**

to adopt the motion.

**BUS LANE ENFORCEMENT EXPENDITURE - EPI/041**

29. With reference to Article 17 of the minute of meeting of the Enterprise, Strategic Planning and Infrastructure Committee of 13 March 2014, the Council had before it a report by the Director of Enterprise, Planning and Infrastructure which sought approval for the proposed policy for the use of net Bus Lane Enforcement income and the list of proposed schemes.

**The report recommended:-**

that the Council -

- (a) agree the proposed policy for the use of net Bus Lane Enforcement income; and
- (b) agree that the income be spent on the schemes set out in section 5.3.1 of the report for 2014/15.

Councillor Laing moved, seconded by Councillor Boulton:-

That the Council -

- (1) approve recommendation (a);
- (2) instruct the Chief Executive to write to Keith Brown MSP, Minister for Transport and Veterans requesting that he review the current concessionary travel scheme to ensure that it complied fully with the Equalities Act and provided for those people with disabilities which prevented their take up of free bus transport and who were unable to drive; and
- (3) approve recommendation (c) subject to the following amendments:-
  - removal of Energetic Corridor All Modes Feasibility Study (£25,000)
  - moving Park & Ride Maintenance to the reserve list (£50,000)
  - reducing the Emergency Contingency Fund to £38,525 from £50,000 (£11,475)
  - adding a new project - Waiting Restrictions for City Centre - at £100,000 (utilising the above savings plus underspend of £13,525).

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

That the Council -

- (1) approve recommendation (a);
- (2) instruct the Chief Executive to write to Keith Brown MSP, Minister for Transport and Veterans requesting that he review the current concessionary travel scheme to ensure that it complied fully with the Equalities Act and provided for those people with disabilities which prevented their take up of free bus transport and who were unable to drive; and
- (3) approve recommendation (c) subject to the following amendments:-
  - removal of Energetic Corridor All Modes Feasibility Study (£25,000)

## Council Meeting, 14 May 2014

- reducing the Emergency Contingency Fund to £38,525 from £50,000 (£11,475)
- adding a new project - Minor Works to Roads Infrastructure for City Centre - at £50,000 (utilising the above savings plus underspend of £13,525)

On a division, there voted:-

For the motion (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.

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

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

Absent from the division (1) - Councillor Kiddie.

**The Council resolved:-**  
to adopt the motion.

### **CORPORATE PARENTING: ANNUAL UPDATE 2013-14 - SCW/14/005**

**30.** The Council had before it a report by the Director of Social Care and Wellbeing which provided an annual update on progress with the implementation of the Corporate Parenting Policy and Action Plan 2012 - 2015.

**The report recommended:-**

that the Council -

- note the progress set out in the annual update for 2013 - 2014; and
- instruct officers to report back on the implementation and review of the policy to Council in May 2015.

**The Council resolved:-**  
to approve the recommendations.

### **CHIEF EXECUTIVE - VALEDICTORY**

**31.** The Lord Provost noted that this was the last Council meeting for Chief Executive Mrs Valerie Watts before she left for her new post of Chief Executive of Health and Social Care Northern Ireland, and thanked her for her valued contribution to the Council and the city as a whole.



## Council Meeting, 14 May 2014

Councillor Laing emphasised that Mrs Watts would leave a lasting legacy in the city, and that she had always found her to be very supportive with an excellent personality and sense of humour. Councillor Boulton advised that she had enjoyed a very good relationship with Mrs Watts, and thanked her personally and on behalf of the city for her excellent service. Councillor Yuill echoed the sentiments of the previous speakers, adding that Mrs Watts would be sorely missed and a hard act to follow. Councillor Forsyth underlined that Mrs Watts had been a real asset to the Council and highlighted her numerous and varied skills. Lastly, Councillor McCaig advised that he was sorry that Mrs Watts was leaving and wished her every success in her new post.

Mrs Watts thanked the various members for their kind words, adding that she had thoroughly enjoyed her three and a half years as Chief Executive, however she felt unable to turn down a new challenge back in Northern Ireland, which was a particular draw for family reasons. She highlighted that she would be leaving behind many outstanding employees, and thanked current and past members of the Corporate Management Team, trade union colleagues, partner organisations and all elected members for their hard work and support. She also thanked David Leslie, Alasdair Ross and Eve Moir in the Office of Chief Executive but reserved special praise for Ciaran Monaghan, who she valued as her most trusted and loyal special adviser who had been there for her at all times. Lastly, she underlined that the position of Chief Executive of Aberdeen City Council was one of the best in local government, and wished Mrs Angela Scott well as her successor.

**In accordance with the decision recorded under Article 3 of this minute, the following items were considered with the press and public excluded.**

**DECLARATIONS OF INTERESTS**

**The Depute Provost and Councillors Cameron and Malone declared interests in the following item of business by virtue of their position as Council appointed Directors to the Board of AECC but chose to remain in the meeting as AECC Limited was a body being a company established wholly or mainly for the purpose of providing services to the local authority, and which had 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.**

**PROGRESS REPORT ON THE ABERDEEN EXHIBITION AND CONFERENCE CENTRE (AECC) DEVELOPMENT - EPI/14/077**

**32.** With reference to Article 4 of the minute of its meeting of 31 October 2013, the Council had before it a report by the Director of Enterprise, Planning and Infrastructure which provided an update on progress with the redevelopment of AECC.

Council Meeting, 14 May 2014

**The report recommended:-**

that the Council -

- (a) note the progress detailed in the report; and
- (b) request officers to finalise the financial options to deliver the development at minimum cost to the Council and that such options be reported to Council at its meeting in October 2014.

**The Council resolved:-**

to approve the recommendations.

**SALE OF GROUND, TORRY QUAY/GREYHOPE ROAD - EPI/13/268**

**33.** With reference to Article 6 of the minute of meeting of the Property Sub Committee of 22 April 2014, the Council had before it, by way of remit, a report by the Director of Enterprise, Planning and Infrastructure which advised of discussions which had been undertaken with Aberdeen Harbour Board in regard to ground at Torry Quay/ Greyhope Road.

**The report recommended:-**

that the Sub Committee -

- (a) approve the sale of the ground at Torry Quay/ Greyhope Road to Aberdeen Harbour Board for the amount detailed; and
- (b) instruct the Head of Legal and Democratic Services to conclude missives for the sale of the property on the terms agreed with Aberdeen Harbour Board.

The Property Sub Committee approved the recommendations, subject to confirmation from the Head of Legal and Democratic Services on whether the Deed of Trust required the decision to be referred to Council.

Councillor Laing moved, seconded by Councillor Boulton:-

That the Council approve the recommendations contained within the report.

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

That the Council instruct officers to negotiate further with Aberdeen Harbour Board on the sale of the ground at Torry Quay/Greyhope Road.

On a division, there voted:-

For the motion (35) - Lord Provost; Depute Provost; and Councillors Allan, Boulton, Cameron, Carle, Cooney, Corall, Crockett, Dickson, Donnelly, Jackie Dunbar, Lesley Dunbar, Finlayson, Forsyth, Graham, Grant, Ironside, Kiddie, Laing, Lawrence, MacGregor, McCaig, Malik, May, Milne, Jean Morrison, Nathan Morrison, Noble, Samarai, Sandy Stuart, Taylor, Thomson, Townson and Young.

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

Absent from the division (1) - Councillor Blackman.

Council Meeting, 14 May 2014

**The Council resolved:-**  
to adopt the motion.

#### **DECLARATIONS OF INTEREST**

**Councillors Crockett and Young declared interests in the following item of business by virtue of their positions as members of the Board of the North East Scotland Japan Trust. The Depute Provost declared an interest by virtue of his position as a Trustee of the North East Scotland Japan Trust in a personal capacity. All of the Councillors considered that the nature of their interest required them to leave the meeting and took no part in the Council's deliberations thereon.**

**Prior to leaving the meeting, the Depute Provost advised that he had not read the report to the Finance, Policy and Resources Committee nor in terms of its referral to Council, and Councillor Boulton requested that this be recorded in the minute.**

#### **FINANCE, POLICY AND RESOURCES COMMITTEE OF 6 MAY 2014 - UPDATE ON TRANSFER OF OWNERSHIP OF THOMAS BLAKE GLOVER HOUSE - ESPI/14/069**

**34.** With reference to Article 30 of the minute of meeting of the Finance, Policy and Resources Committee of 6 May 2014, which had been referred to it by six members of the Committee, the Council had before it (1) a report by the Director of Enterprise, Planning and Infrastructure which provided an update on the actions related to the transfer of ownership of Thomas Glover House from the North East Scotland Japan Trust to the Council; and (2) the decision of the Committee - to approve the following recommendations contained within the report:-

- (a) to instruct the Head of Legal and Democratic Services, in consultation with the Head of Finance and the Director of Enterprise, Planning and Infrastructure, to conclude negotiations with the Trust regarding the terms and conditions of the transfer including the proposed future use of the asset, and ensuring that the Council was protected from any further claims against legal title of the asset;
- (b) to authorise appropriate officers to incur the expenditure set out in section 3.5 of the report, utilising the underspend in the Council's 2013/14 General Services revenue budget;
- (c) to approve the transfer of responsibility of operating the building to the Council; and
- (d) to instruct officers, once the transfer was complete, to advise the Trust of the successful transfer and support the Trust in winding up.

The Council also had before it an addendum to the report **which recommended:-** that the Council authorise the Head of Legal and Democratic Services to negotiate and execute a Non Disclosure agreement with the organisation detailed related to the disclosure of information to third parties in respect of the ownership and management of Glover House.

## Council Meeting, 14 May 2014

Councillor Laing moved, seconded by Councillor Boulton:-

That the Council reaffirm the decision of the Finance, Policy and Resources Committee, and authorise the Head of Legal and Democratic Services to negotiate and execute a Non Disclosure agreement with the organisation detailed related to the disclosure of information to third parties in respect of the ownership and management of Glover House.

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

That the Council -

- (1) earmark the expenditure set out in section 3.5 of the report from the underspend in the Council's 2013/14 General Services revenue budget and instruct officers to submit a further report detailing the full terms of the condition of transfer to a future meeting of the Finance, Policy and Resources Committee; and
- (2) authorise the Head of Legal and Democratic Services to negotiate and execute a Non Disclosure agreement with the organisation detailed related to the disclosure of information to third parties in respect of the ownership and management of Glover House.

On a division, there voted:-

For the motion (20) - Lord Provost; and Councillors Allan, Boulton, Carle, Cooney, Donnelly, Lesley Dunbar, Finlayson, Forsyth, Graham, Grant, Ironside, Laing, Lawrence, Malik, Milne, Jean Morrison, Nathan Morrison, Taylor and Thomson.

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

Absent from the division (4) - Depute Provost; and Councillors Blackman, Crockett and Young.

**The Council resolved:-**

to adopt the motion.

- **GEORGE ADAM, Lord Provost.**