

ABERDEEN CITY COUNCIL

Town House,
ABERDEEN, 25 June 2014

MINUTE OF MEETING OF ABERDEEN CITY COUNCIL

Sederunt:

Lord Provost George Adam, Chairperson; and

COUNCILLORS

YVONNE ALLAN
KIRSTY BLACKMAN
MARIE BOULTON
DAVID CAMERON
SCOTT CARLE
NEIL COONEY
JOHN CORALL
WILLIAM CORMIE
BARNEY CROCKETT
GRAHAM DICKSON
ALAN DONNELLY
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
ANDREW MAY
RAMSAY MILNE
JEAN MORRISON MBE
NATHAN MORRISON
JAMES NOBLE
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=2869&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.

URGENT MOTION

1. The Lord Provost advised that he had accepted an urgent motion by Councillor McCaig and that this would be considered at the appropriate point on the agenda (Article 19 of this minute refers).

ADMISSION OF BURGESSES

2. 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:-

John J Johnstone, Ballroom Manager, Aberdeen
Richard P Nicholson, Local Government Tree Officer, Aberdeen
Douglas J Ritchie, Local Government Officer, Aberdeen

DETERMINATION OF EXEMPT BUSINESS

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:-

- 9(a) City Centre Regeneration Board Update and City Centre Masterplan and Delivery Programme
- 9(b) Marischal Square - Hotel Operator Update
- 9(c) Minute of Meeting of Social Work Complaints Review Committee of 21 May and 6 June 2014

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 20 to 22 of this minute refer) so as to avoid disclosure of exempt information of the classes described in paragraphs 1, 6, 9 and 10 of Schedule 7(A) of the Act.

MINUTE OF MEETING OF ABERDEEN CITY COUNCIL OF 14 MAY 2014

4. The Council had before it the minute of meeting of Aberdeen City Council of 14 May 2014.

The Council resolved:-

to approve the minute.

BUSINESS STATEMENT

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

The Council resolved:-

to note the business statement.

MOTIONS LIST

6. 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.

MINUTES OF MEETINGS OF CITY CENTRE REGENERATION BOARD OF 12 MAY AND 11 JUNE 2014

7. The Council had before it the minutes of meetings of the City Centre Regeneration Board of 12 May and 11 June 2014.

The Council resolved:-

to note the minutes.

POLLING PLACES AT THE SCOTTISH INDEPENDENCE REFERENDUM - OCE/14/028

8. With reference to Article 18 of the minute of its meeting of 14 May 2014, the Council had before it a report by the Chief Executive which provided an update on the arrangements for the delivery of the Scottish Independence Referendum in the city.

The report recommended:-

that the Council note the polling scheme established for the Scottish Independence Referendum.

The Council resolved:-

to approve the recommendation.

APPOINTMENTS - OCE/14/032

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

The report recommended:-

that the Council -

Council Meeting, 25 June 2014

- (a) agree that Councillor Laing replace Councillor Crockett on the following bodies:-
- Aberdeen Business Improvement District Board
 - Aberdeen City and Shire Economic Future
 - Aberdeen City Centre Association
 - Aberdeen Torshavn Commission
 - Community Planning Aberdeen Board
 - University of Aberdeen University Court; and
- (b) note that Councillor Laing had replaced Councillor Crockett on the following:-
- City Centre Regeneration Board
 - Transitional Leadership Group for Integration

The Council resolved:-

- (i) to approve the recommendations; and
that Councillor Thomson replace Councillor Forsyth on the City Centre Regeneration Board.

"LEGAL HIGHS" - MOTION BY COUNCILLOR THOMSON - OCE/14/029

10. With reference to Article 23 of the minute of its meeting of 14 May 2014, the Council had before it a report by the Chief Executive which presented a briefing note on new psychoactive substances at the request of the Aberdeen City Alcohol and Drugs Partnership.

The report recommended:-

that the Council note the briefing note provided.

The Council resolved:-

- (i) to approve the recommendation; and
(ii) to instruct the Chief Executive to send a copy of the briefing note to the UK and Scottish Governments as a follow up to the original letter as part of the terms of the motion.

STREET BEGGING UPDATE - CG/14/080

11. With reference to Article 27 of the minute of its meeting of 14 May 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, and an addendum to the report which appended the decision of Scottish Ministers to refuse to confirm the byelaw.

The addendum to the report recommended:-

that the Council note the decision of Scottish Ministers.

The Council resolved:-

- (i) to note the decision of the SNP Scottish Government to reject the request for the Prohibition of Begging in Designated Area Byelaws 2014 as set out in the letter dated 20 June 2014;

Council Meeting, 25 June 2014

- (ii) in light of the response from the Scottish Government declining to support a proposed byelaw, to instruct officers to develop alternative sustainable solutions to the use of the proposed byelaw working in partnership with Police Scotland and other appropriate stakeholders; and
- (iii) to instruct the Chief Executive to write to the appropriate Scottish Minister seeking financial and non-financial support to develop sustainable solutions to tackle street begging.

CAMPING IN DESIGNATED PLACES UPDATE - CG/14/081

12. With reference to Article 28 of the minute of its meeting of 14 May 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 camping in designated places.

The report recommended:-

that the Council note the report.

The Council resolved:-

to approve the recommendation.

AWPR/B-T GOVERNANCE AND APPROVALS PROCESS - EPI/14/037

13. The Council had before it a report by the Director of Enterprise, Planning and Infrastructure which set out the governance approvals process which Aberdeen City Council (the Council), in its capacity as the Appointed Agent of the Scottish Ministers, would be required to follow in order to enter into the Non Profit Distributing (NPD) Contract for the Design Build Finance and Operation (DBFO) of the Aberdeen Western Peripheral Route/Balmedie-Tipperty (AWPR/B-T) Project.

The report recommended:-

that the Council -

- (a) note the governance and approvals process outlined therein;
- (b) delegate to the Chief Executive, or her nominated representative, the approval of Independent Project Assurance Model (IPAM 4) Key Stage Review; and
- (c) note the revised process for execution of the NPD contract documents (namely, the NPD Contract, the various direct agreements with sub-contractors and the Lender's Direct Agreement) by the Council in its capacity as Agent of the Scottish Ministers for the AWPR/B-T Project in accordance with Article 1(8) of the revised Standing Orders relating to Contracts and Procurement.

The Council resolved:-

to approve the recommendations.

LEGAL SERVICES RESTRUCTURE UPDATE - CG/14/085

14. With reference to Article 6 of the minute of its meeting of 26 June 2013, the Council had before it a report by the Director of Corporate Governance which provided an update on the implementation of the new structure for Legal Services.

The report recommended:-

that the Council note the content of the report.

The Council resolved:-

to note with disappointment that the new structure had only been operational for a few months; and in light of the delay in implementing the new structure and the insufficiency of evidence from services that they are satisfied with the new structure and the quality of service being provided, to instruct the Director of Corporate Governance to report back to the Council at its meeting in December 2014, providing evidence of levels of customer satisfaction and the financial outturn in terms of expenditure on external legal resources.

ESTABLISHMENT OF A SHADOW INTEGRATION JOINT BOARD - SCW/14/19

15. The Council had before it a report by the Director of Social Care and Wellbeing on behalf of the Transitional Leadership Group (TLG) for integration, which proposed that a Shadow Integration Joint Board be established to take forward preparations for integration of adult health and social care from 1 April 2015.

The report recommended:-

- (a) that a Shadow Integration Joint Board be established from 1 October 2014;
- (b) that the core membership of the Shadow Integration Joint Board be confirmed as the membership of the TLG, or substitute members as determined by each partner, with the expectation that all members with voting rights representing the Board of NHS Grampian be non-executive Directors;
- (c) that the Shadow Integration Joint Board have the authority to extend its non-voting membership as necessary; and
- (d) that the Council and Board of NHS Grampian agree to receive a report on the remit of the Shadow Integration Joint Board.

The Council resolved:-

to approve the recommendations.

CHIEF OFFICER - ADULT HEALTH AND SOCIAL CARE - JOINT APPOINTMENT - CG/14/079

16. The Council had before it a report by the Chief Executive which sought approval to set up an Appointment Panel to recruit to the newly established post of Chief Officer - Adult Health and Social Care, which was a joint appointment with NHS Grampian.

The report recommended:-

that the Council -

Council Meeting, 25 June 2014

- (a) establish an Appointment Panel comprising ten members (five Council elected members, including the Leader of the Council to Chair the Panel, and five Directors of NHS Grampian), to appoint to the vacant post of Chief Officer - Adult Health and Social Care, and co-opt the five NHS Grampian Directors with full voting rights;
- (b) delegate powers to the Appointment Panel to agree all matters relating to the recruitment process, including role profile, person specification and salary;
- (c) in respect of the timescale for the recruitment process, delegate powers to the relevant officers to finalise this timeline, in consultation with the Chair of the Panel;
- (d) appoint external recruitment consultants for the purposes of supporting the recruitment to the above post where appropriate;
- (e) 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 5, thereby allowing a contract to be entered into with the recruitment consultants to support the recruitment process for this post, without the need to undertake a competitive tendering exercise; and
- (f) approve the estimated expenditure associated with these recruitment exercises, estimated to be no more than £50,000, and that these costs be equally shared between the Council and NHS Grampian, and that the Council's contribution towards these costs be met from contingencies.

The Council resolved:-

to approve the recommendations, and that the five elected members on the Appointment Panel comprise three members of the Administration and two members of the Opposition.

JOINT INSPECTION OF SERVICES FOR CHILDREN AND YOUNG PEOPLE IN THE ABERDEEN CITY COMMUNITY PLANNING PARTNERSHIP AREA - SCW/14/19

17. The Council had before it a joint report by the Director of Social Care and Wellbeing and the Director of Education and Integrated Children's Services which advised of the announcement of the Joint Inspection of Services for Children and Young People in Aberdeen led by the Care Inspectorate.

The report recommended:-

that the Council -

- (a) note the process of the Joint Inspection;
- (b) agree that a briefing for elected members take place; and
- (c) instruct the Chief Executive to submit a report to Council setting out progress and recommendations from the scrutiny process.

The Council resolved:-

to approve the recommendations.

COUNCILLOR LAING

18. The Council had before it the following notice of motion by Councillor Laing:-

“Aberdeen City Council asks all people and organisations with any influence to work to make certain that -

- (1) All possible efforts and appropriate resources are offered and used to guarantee that the female children abducted from their schools in Nigeria are returned home safely to their families and their school; and
- (2) All children no matter their gender, ethnicity, race, disability, religious beliefs or sexual orientation have the right to be educated, and to enjoy that right of education free from fear or any other influence.”

The Council resolved:-

to approve the terms of the motion.

URGENT MOTION BY COUNCILLOR MCCAIG

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

“Aberdeen City Council expresses its shock and concern that a young man who was raised in Aberdeen is reportedly involved with ISIS militants and has featured in their recruitment videos.

The Council welcomes the huge and enriching contribution made to the city by the Bangladeshi and wider Muslim communities and believes that at times such as this it is important that the whole city comes together in a spirit of peace, unity and solidarity to ensure that the actions of an individual are not used as a breeding ground for intolerance.”

The Council resolved:-

(i) to approve the terms of the motion; and
to request the Lord Provost to write to Muslim community leaders in relation to the motion.

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

CITY CENTRE REGENERATION BOARD UPDATE AND CITY CENTRE MASTERPLAN AND DELIVERY PROGRAMME - EPI/14/168

20. The Council had before it a report by the Director of Enterprise, Planning and Infrastructure which provided an overview of the work undertaken by the City Centre Regeneration Board since its inception on 31 October 2013, and outlined the procurement process for the City Centre Masterplan and Delivery Programme, seeking approval to award the contract to the successful tenderer.

The report recommended:-

that the Council -

Council Meeting, 25 June 2014

- (a) note the work of the City Centre Regeneration Board;
- (b) approve the proposed nine month programme for the preparation of the City Centre Masterplan and Delivery Programme; and
- (c) approve the outcome of the evaluation process and the appointment of Tenderer B, in line with the recommendation of the City Centre Regeneration Board.

The Council resolved:-

to approve the recommendations.

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 Marischal Square Working Group.

MARISCHAL SQUARE - HOTEL OPERATOR UPDATE - EPI/14/171

21. With reference to Article 2 of the minute of meeting of the Marischal Square Working Group of 23 June 2014, the Council had before it, by way of remit, a report by the Director of Enterprise, Planning and Infrastructure which provided an update on the process for the selection of a preferred operator and brand for the hotel element within the Marischal Square development and recommended the preferred operator.

The report recommended:-

that the Working Group -

- (a) note the content of the report and recommend that the new tenant and operating structure be forwarded to Council on 25 June 2014 for consideration; and
- (b) recommend to Council that the Head of Legal and Democratic Services and the Head of Asset Management and Operations be instructed to conclude the terms of the Hotel Management Agreement, reflecting all necessary terms to protect the Council's interest.

The Marischal Square Working Group had approved the recommendations.

The Council resolved:-

to approve the recommendations.

MINUTE OF MEETING OF SOCIAL WORK COMPLAINTS REVIEW COMMITTEE OF 21 MAY AND 6 JUNE 2014

22. The Council had before it the minute of meetings of the Social Work Complaints Review Committee of 21 May and 6 June 2014, and a foreword by the Director of Social Care and Wellbeing which set out the actions to be taken to respond to the recommendations.

Council Meeting, 25 June 2014

The Council resolved:-

- (i) to approve the recommendations; and
- (ii) otherwise to note the Director's comments in the foreword.

- **GEORGE ADAM, Lord Provost.**