

LEGAL AND DEMOCRATIC SERVICES

COUNCIL DECISION SHEET

COUNCIL - WEDNESDAY, 17 DECEMBER 2014

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 Council 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 Council or seek further instructions from Council.

	Item Title	Council Decision	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> (i) to not consider item 10(a) (A96 Park and Choose Car Park/Dyce Drive Link Road - Tender Report) and the supplementary report due to its lateness; and (ii) 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 items 10(b) and 10(c) so as to avoid disclosure of exempt information of the classes described in paragraphs 8 and 9 of Schedule 7(A) of the Act.		
3	<u>Requests for Deputations</u>	None received		

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4(a)	<u>Minute of Meeting of Council of 8 October 2014 - for approval (circulated separately)</u>	<u>The Council resolved:</u> to approve the minute.		
4(b)	<u>Minute of Meeting of Urgent Business Committee of 27 November 2014 - for approval</u>	<u>The Council resolved:</u> to approve the minute.		
5(a)	<u>Business Statement</u>	<u>The Council resolved:</u> to note the statement.		
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 10 and 30 October and 4, 7, 10 and 11 November 2014 - for approval</u>	<u>The Council resolved:</u> to approve the minutes.		
6(a)	<u>Planning Development Management Committee of 6 November 2014 - Provost Skene's House</u>	<u>The Council resolved:</u> to express a willingness to approve the application for listed building consent subject to notification to Historic Scotland, and the conditions outlined in the report.	Communities, Housing and Infrastructure	Maggie Bochel/ Gavin Evans

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7(a)	<u>Council Diary and Committee Membership</u>	<p><u>The Council resolved:</u></p> <p>(i) to approve the Council diary of meetings to December 2015 subject to changing the date of the Planning Development Management Committee in August to 18 August 2015; and</p> <p>(ii) to suspend Standing Order 22(1) and allocate one Labour Group seat on the Planning Development Management Committee to the Independent Alliance Group, and one Labour Group seat on the Finance, Policy and Resources Committee to the Conservative Group.</p>	Corporate Governance	Roddy MacBeath
7(b)	<u>Fairer Aberdeen Fund Annual Report 2013-14 and 6 Month Progress Report</u>	<p><u>The Council resolved:</u></p> <p>(i) to note the Fairer Aberdeen Fund Annual Report for 2013-14 at appendix 1 to the report;</p> <p>(ii) to note the information at appendix 2 to the report outlining Fairer Aberdeen Fund progress between 1 April and 30 September 2014;</p> <p>(iii) to note the information at appendix 3 to the report listing the initiatives being funded in 2014-15; and</p> <p>(iv) to commend the officers involved for their excellent work, and to thank the volunteer community members on the board for their valued input.</p>	Communities, Housing and Infrastructure	Susan Thoms/ Dave Kilgour
7(c)	<u>Community Planning Aberdeen - Update</u>	<p><u>The Council resolved:</u></p> <p>to note the report.</p>	Corporate Governance	Martin Murchie

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7(d)	<u>Camping in Designated Places Update</u>	<p><u>The Council resolved:</u></p> <p>(i) to note the letter dated 31 October 2014 from the Scottish Government confirming that Scottish Ministers have decided not to confirm the byelaws requested by the Council;</p> <p>(ii) to note the East Loch Lomond Camping Byelaws approved by Scottish Ministers on 10 March 2011 which comply with the general duty of the Equality Act 2010;</p> <p>(iii) to instruct the Chief Executive to work with all interested parties including those who objected to the byelaws and liaise with the Loch Lomond and the Trossachs National Park Authority to consider the issues experienced in Aberdeen and to report back to the Council at its meeting on 24 June 2015 with all available options to address those issues; and</p> <p>(iv) to instruct the Chief Executive to provide a report on the progress made on the implementation of the instruction contained in (iii) above to the Council meeting on 4 March 2015.</p>	<p>Office of Chief Executive</p> <p>Communities, Housing and Infrastructure</p> <p>Corporate Governance</p>	<p>Angela Scott</p> <p>Pete Leonard</p> <p>Alyson Mollison</p>
7(e)	<u>Legal Services Restructure Update</u>	<p><u>The Council resolved:</u></p> <p>to note the content of the report.</p>	<p>Corporate Governance</p>	<p>Jane MacEachran</p>
7(f)	<u>Chief Social Work Officer Annual Report 2013/2014</u>	<p><u>The Council resolved:</u></p> <p>to note the Chief Social Work Officer Annual Report 2013 - 2014.</p>	<p>Transitional Director - Social Care and Wellbeing</p>	<p>Liz Taylor</p>

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7(g)	<u>Draft Housing Revenue Account (HRA) Budget and Housing Capital Budget 2015/16 to 2019/20 - referred simpliciter by Finance, Policy and Resources Committee of 4 December 2014</u>	<p>The Council resolved:</p> <p>(i) to approve the budget as at appendix 1 to the report, subject to clarifying that the Environmental Improvements budget for 2015/16 would remain at £1.2million, and that the housing repairs draft budget was for 2015/16 to 2019/20 not 2014/15 to 2018/19;</p> <p>(ii) to approve the weekly unrebated rents for municipal houses, as detailed at appendix 1 to the report, to take effect from Monday 6 April 2015;</p> <p>(iii) to approve the level of revenue contribution to the Housing Capital budget for 2015/16 as well as a provisional contribution for the subsequent four financial years as detailed at appendix 1 to the report;</p> <p>(iv) to continue to increase the level of working balances to 10% to meet future contingencies;</p> <p>(v) to agree to the continuation of the practice that all capital receipts, from the disposal of Council houses under right to buy, continue to be used to repay debt for 2015/16 and future years;</p> <p>(vi) to approve the level of miscellaneous rents and service charges, including Heat with Rent as detailed at appendix 1 to the report;</p> <p>(vii) to set a capital programme for the financial year 2015/16 based on the rent strategy adopted as well as the indicative level of programme for the financial years 2016/17 to 2019/20;</p>	<p>Corporate Governance</p> <p>Communities, Housing and Infrastructure</p> <p>Corporate Governance</p>	<p>Helen Sherrit</p> <p>Pete Leonard</p> <p>Stephanie Dunsmuir (for business statement)</p>

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		<p>(viii) in order for work to commence on the capital programme, to approve as estimated expenditure, in terms of Standing Order 1(3) of the Council's Standing Orders relating to Contracts and Procurement, the sums shown against each heading of the Housing Capital Expenditure budget set out in appendix 1 to the report;</p> <p>(ix) to authorise the Director of Communities, Housing and Infrastructure to undertake or instruct appropriate procedures to procure the works referred to in appendix 1 for the capital programme and award contracts relating thereto;</p> <p>(x) to instruct officers to submit a report to the Communities, Housing and Infrastructure Committee on spending uncommitted funds from the second home and empty property fund;</p> <p>(xi) to instruct officers to bring forward a report to the appropriate committee outlining the next phase of the Combined Heat and Power initiative to include additional homes and public buildings across the city in order to contribute towards the reduction of fuel poverty, reduce the Council's carbon footprint and minimise fuel costs faced by the Council in respect of public buildings; and</p> <p>(xii) to thank the relevant staff for their hard work and the members of the former Housing and Environment Committee and the Communities, Housing and</p>		

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		Infrastructure Committee for their input.		
7(h)	<u>Treasury Management - Mid Year Review - referred by Finance, Policy and Resources Committee of 4 December 2014</u>	<u>The Council resolved:</u> (i) to note the treasury management activities undertaken in 2014/15 as detailed in the report; and (ii) to approve the revised Counterparty list as detailed at appendix 1 to the report.	Corporate Governance	Neil Stewart
7(i)	<u>Business Rates Appeals Sub-Committee - referred by Finance, Policy and Resources Committee of 4 December 2014</u>	<u>The Council resolved:</u> (i) to establish the Business Rates Appeal Sub Committee comprising five members (1+1+1+1+1); (ii) to note that the members would be as follows:- <ul style="list-style-type: none"> • Labour - Councillor Ironside, with Councillor Young as nominated substitute • SNP - Councillor Noble, with Councillor Cameron as nominated substitute • Liberal Democrat - Councillor Yuill, with Councillor Jennifer Stewart as nominated substitute • Conservative - Councillor Donnelly, with Councillor Thomson as nominated substitute • Independent Alliance - Councillor Reynolds, with Councillor Boulton as nominated substitute; and (iii) to delegate authority to the Senior	Corporate Governance	Roddy MacBeath

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		Democratic Services Manager to make minor changes to the procedure following receipt of further information on behalf of Sherriff Officers.		
7(j)	<u>Aberdeen Exhibition and Conference Centre</u>	<u>The Council resolved:</u> to note the report.	Office of Chief Executive	Angela Scott
7(k)	<u>Aberdeen Sports Village - Pitches Phase</u> Please note that this is now item 10(c)	Please see item 10(c)		
7(l)	<u>Proposed Changes to Head of Service Roles within Corporate Governance and Recruitment and Selection Process to Vacant Head of Service Role</u>	<u>The Council resolved:</u> (i) to amend the current post of Head of Information Technology, Customer Services and Performance which transfers the function of Customer Services to the work portfolio of the Head of Human Resources and Organisational Development, and to retitle the post as Head of Information Technology and Transformation. In addition, to retitle the current Head of Human Resources and Organisational Development as Head of Human Resources, Organisational Development and Customer Services; (ii) to establish an Appointment Panel comprising nine members in total (3+3+1+1+1) to appoint to the Head of Information Technology and Transformation, including the	Office of Chief Executive Corporate Governance	Angela Scott/ Ciaran Monaghan Ewan Sutherland/ Jeff Capstick

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		<p>Convener of the Finance, Policy and Resources Committee who should be appointed as Convener of the Appointment Panel;</p> <p>(iii) to delegate powers to the Appointment Panel to agree all matters relating to the recruitment process, including role profile, person specification and salary;</p> <p>(iv) in respect of the timescale for recruitment processes, to delegate powers to relevant officers to finalise this timeline, in consultation with the Appointment Panel Convener;</p> <p>(v) to appoint external recruitment consultants for the purposes of supporting the recruitment to the post where appropriate;</p> <p>(vi) 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 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</p> <p>(vii) to agree that the estimated expenditure associated with this recruitment exercise, which is estimated to be no more than £50,000, be met from contingencies.</p>		

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8(a)	<p><u>Councillors Samarai and Dickson</u></p> <p>Councillor Samarai -</p> <p>(1) To ask the Chief Executive what the current deficit is for Bon Accord Care?</p> <p>(2) To ask the Chief Executive what the projected year end deficit is for Bon Accord Care?</p> <p>(3) To ask the Chief Executive why care at Bon Accord Care has moved from A grade at the time of transfer to C grade?</p> <p>(4) To ask the Chief Executive if any of the current discussions with Bon Accord Care include changes to staff terms and conditions?</p> <p>Councillor Dickson -</p> <p>(5) To ask the Chief Executive if the status quo remains what is the projected financial deficit for Bon Accord Care in 2015/16?</p>	<p><u>The Council resolved:</u></p> <p>(i) to request officers to circulate an explanatory note to members in regard to Bon Accord Care's budget for 2015/16 in terms of their business plan, and variance compared to the actual budget for 2015/16, once known, for Bon Accord Care to break even; and</p> <p>(ii) otherwise to note the information.</p>	<p>Corporate Governance</p> <p>Transitional Director - Social Care and Wellbeing</p>	<p>Steve Whyte/ Jonathan Belford</p> <p>Liz Taylor</p>
9(a)	<p><u>Lord Provost George Adam</u></p> <p>“That Aberdeen City Council agrees to take forward approaches from associates of the local fishing industry to create an appropriate and lasting memorial to the men and women who lived, worked and died in it, in peace time and war, and to commemorate the major contribution which fishing has made to the city's life and heritage. Officers are instructed to</p>	<p><u>The Council resolved:</u> to approve the terms of the motion.</p>	<p>Education and Children's Services</p>	<p>Lesley Thomson</p>

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	report on the establishment of a small working group, the scope of a commission and confirmation of a budget with a view to obtaining additional contributions to build on external funds already secured.”			
9(b)	<p><u>Councillor Corall</u></p> <p>“That this Council -</p> <ol style="list-style-type: none"> 1. Acknowledges that the costs of the proposed redevelopment of the Art Gallery and its associated Museums Collection Centre are exceeding considerably their original estimates; 2. Instructs officers to immediately halt the tendering exercise for the proposed renovation in light of its affordability and major opposition from the citizens of Aberdeen; 3. Agrees that steps are taken to ensure the present Art Gallery building is wind and watertight; 4. Instructs that an urgent inquiry be undertaken to ascertain why the new build at Granitehill will miss its completion date of December 2014; 5. Instructs that elected members are made aware of the additional costs of alternative storage and the reasons why; and 6. Agrees that alternative disabled access be designed and implemented as a matter of urgency.” 	Withdrawn from the agenda		

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9(c)	<p><u>Councillor Reynolds</u></p> <p>“That this Council calls upon the Scottish Government to review and change its policy on overseas travel for MSPs, civil servants and all employees of organisations funded from the public purse, in line with that applicable to local authorities, whereby international flights are by economy tickets only and only in the most exceptional of circumstances and by ministerial permission could premium economy or business class be authorised.”</p>	<p><u>The Council resolved:</u> to approve the terms of the motion subject to the addition of “and the UK Government” after “Scottish Government” and “MPs,” after “MSPs,”.</p>	Office of Chief Executive	Angela Scott/ Ciaran Monaghan
10(a)	<p><u>A96 Park and Choose Car Park/Dyce Drive Link Road - Tender Report</u></p>	Withdrawn from the agenda		
10(b)	<p><u>Waste Management Services Contract Variation - referred by Zero Waste Management Sub Committee of 2 December 2014</u></p>	<p><u>The Council resolved:</u></p> <p>(i) that the revised technical and service proposals identified in the report be accepted and shall form the basis of the variation to the Waste Management Services Contract with SITA North East Limited;</p> <p>(ii) to agree that organic waste (kitchen and garden) should continue to be processed by Keenan (Recycling) Limited in New Deer (under a sub-contract between SITA and Keenan (Recycling) Limited) pending development of a more local facility if a local commercial outlet becomes</p>	<p>Communities, Housing and Infrastructure</p> <p>Corporate Governance</p>	<p>Pete Lawrence/ Callum Hay</p> <p>Scott Paterson</p>

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		<p>available (noting that there is a contract break point after five years, beyond five years a further contract variation would be required);</p> <p>(iii) that a new facility be constructed on the identified site at Altens, directly funded by the Council to:-</p> <p>(a) process recycled mixed materials (including glass) for onward sale to markets; and</p> <p>(b) prepare residual waste for export via Montrose Port to an off-site processing plant, pending development of a local Energy from Waste facility;</p> <p>(iv) that the Altens facility should be capable of receiving third-party waste from other sources so as to maximise economies of scale and reduce unit costs to the Council;</p> <p>(v) that the new facility at Altens should include a new Waste Services depot and office to allow withdrawal from the Kittybrewster site in anticipation of the Berryden Corridor road redevelopment;</p> <p>(vi) to accept the current commercial position as the basis for the contract variation and to delegate authority to the Director of Communities, Housing and Infrastructure to finalise the terms of the variation in consultation with the Head of Legal and Democratic Services - and that this authority be limited to seeking lower cost services only and does not include authority to</p>		

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		<p>alter the specification of the services; and</p> <p>(vii) that the Altens site, accesses, roads, offices, plant and other fixed assets shall be wholly owned by the Council and be returned to the Council in good condition at the end of the contract so as to be available to a new contractor (or to allow operations to be brought in-house) at that time.</p>		
10(c)	<p><u>Aberdeen Sports Village - Pitches Phase</u></p>	<p><u>The Council resolved:</u></p> <p>(i) to note the four options for development being explored by Aberdeen Sports Village, the University of Aberdeen and Aberdeen City Council officers; and</p> <p>(ii) to instruct officers to continue to work in partnership to develop the various options and come back to an appropriate committee with more detailed costs, once the soil investigation analysis is complete.</p>	<p>Education and Children's Services</p> <p>Communities, Housing and Infrastructure</p>	<p>Gayle Gorman</p> <p>Pete Leonard/ Gail Woodcock</p>

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