

ABERDEEN CITY COUNCIL

Town House,
ABERDEEN, 19 August 2015

MINUTE OF MEETING OF ABERDEEN CITY COUNCIL

Sederunt:

LORD PROVOST GEORGE ADAM, CHAIRPERSON;
DEPUTE PROVOST JOHN REYNOLDS; and

COUNCILLORS

YVONNE ALLAN	MURIEL JAFFREY
MARIE BOULTON	JAMES KIDDIE
DAVID CAMERON	JENNIFER LAING
SCOTT CARLE	GRAEME LAWRENCE
NEIL COONEY	NEIL MacGREGOR
NEIL COPLAND	M. TAUQEER MALIK
JOHN CORALL	AILEEN MALONE
BARNEY CROCKETT	RAMSAY MILNE
STEVEN DELANEY	JEAN MORRISON, MBE
GRAHAM DICKSON	NATHAN MORRISON
ALAN DONNELLY	GILLIAN SAMARAI
JACQUELINE DUNBAR	JENNIFER STEWART
LESLEY DUNBAR	SANDY STUART
ANDREW FINLAYSON	ANGELA TAYLOR
STEPHEN FLYNN	ROSS THOMSON
GORDON GRAHAM	GORDON TOWNSON
ROSS GRANT	WILLIAM YOUNG
MARTIN GREIG	and
LEONARD IRONSIDE, CBE	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&MI
d=3610&Ver=4](http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=122&MI d=3610&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, 19 August 2015

WELCOME

1. The Lord Provost welcomed Councillors Neil Copland and Stephen Flynn and Fraser Bell, Head of Legal and Democratic Services to their first meeting of Council.

WEBCASTING

2. The Lord Provost advised that the meeting was being filmed for live and subsequent broadcast via the Council's website, and that all of the public part of the meeting was planned to be filmed for this purpose.

TOWN HOUSE ROOF

3. At the invitation of the Lord Provost, Members heard from the Director of Communities, Housing and Infrastructure in relation to the repairs to the Town House roof. Mr Leonard advised that access to the roof area had been very limited and so a detailed visual inspection had not been possible until recently. Once access had been gained to the area, it was discovered that the gables, pediments, louvres, capitals and pinnacles were constructed of a timber core covered entirely with lead. Previously it had been thought that the construction would most likely have been granite. Mr Leonard explained that a subsequent examination of the building features and materials had highlighted considerable deterioration and the timber core had been severely affected which meant that materials could not be fixed to the core. The design of the features would also make restoration difficult. Mr Leonard advised that officers would now prepare a business case for the repair work, to be presented to the Finance, Policy and Resources Committee at its meeting of 15 September 2015.

ADMISSION OF BURGESSES

4. (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:-

Charles G Abel, Musician, Aberdeen
Sharon A Findlater, Secretary/General Manager, Aberdeen
Andrew Forbes, Vice President of Operations, Aberdeen
Caroline A Inglis, University Secretary, Aberdeen

(B) 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:-

Mark Edward McCue, Shoemaker, Aberdeen
Alastair Bruce Walker, Shoemaker, Aberdeen.

Council Meeting, 19 August 2015

DETERMINATION OF EXEMPT BUSINESS

5. The Council was requested to determine that the following item of business, which contained exempt information as described in Schedule 7(A) of the Local Government (Scotland) Act 1973, be taken in private:-

11(a) Aberdeen Sports Village - Appointment of Board Members

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 item 11(a) so as to avoid disclosure of exempt information of the class described in paragraph 1 of Schedule 7(A) of the Act.

MINUTE OF MEETING OF COUNCIL OF 24 JUNE 2015

6. The Council had before it the minute of the meeting of Aberdeen City Council of 24 June 2015.

The Council resolved:-

to approve the minute.

BUSINESS STATEMENT

7. 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 remove items 5 (Street Begging) and 8 (Aberdeen City Centre Masterplan and Delivery Programme), noting that a report on the in-house officer team would be taken to the Finance, Policy and Resources Committee on 15 September 2015; and
- (ii) to otherwise note the business statement.

MOTIONS LIST

8. 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 WORKING GROUP OF 20 MAY 2015

9. The Council had before it the minute of the final meeting of the City Centre Regeneration Working Group of 20 May 2015.

The Council resolved:-

to approve the minute as a correct record.

AUDIT, RISK AND SCRUTINY COMMITTEE - ANNUAL REPORT - CG/15/079

10. With reference to article 10 of the minute of the meeting of the Audit, Risk and Scrutiny Committee of 25 June 2015, the Council had before it, by way of referral, a report by the Chief Executive and Interim Director of Corporate Governance which presented the annual report of the Audit, Risk and Scrutiny Committee.

The report recommended:-

that Council consider the contents of the report.

The Council resolved:-

to note the report.

BY-ELECTION RESULTS - OCE/15/027

11. The Council had before it a report by the Chief Executive which presented the results of the Hilton / Woodside / Stockethill and the Kincorth / Nigg / Cove by-elections which had been held on 30 July 2015 and advised that the newly elected Councillors were Neil Copland and Stephen Flynn, both of the Scottish National Party.

The report recommended -

that Council note the results of the by-election.

The Council resolved:-

to note the report.

ACCOUNTS COMMISSION STATUTORY REPORT - OCE/15/028

12. The Council had before it a report by the Chief Executive which presented the Accounts Commission's report of 2 July 2015 which had been published following the Best Value audit undertaken by Audit Scotland during the early months of 2015.

The report recommended:-

that Council –

- (a) consider the Commission's findings; and
- (b) agree to receive update reports from the Chief Executive at future meetings of the Council as appropriate.

Council Meeting, 19 August 2015

The Council resolved:-

- (i) to note the Commission's findings; and
- (ii) to agree to receive update reports from the Chief Executive at future meetings of the Council as appropriate.

APPOINTMENTS - OCE/15/029

13. The Council had before it a report by the Chief Executive which advised of changes to previously agreed appointments and sought new appointments.

The report recommended:-

that Council agree the appointment of a representative to sit on the board of Care and Repair Initiative Scotland, Aberdeen Agency.

There was circulated an addendum to the report which sought the appointment of two representatives to fill the current vacancies on the Licensing Board.

The Council resolved:-

- (i) to agree not to make an appointment to the board of Care and Repair Initiative Scotland, Aberdeen Agency at this stage;
- (ii) that Councillor Donnelly replace former Councillor Forsyth and Councillor Copland replace Councillor Dickson as representatives on the Licensing Board;
- (iii) that Councillor MacGregor replace former Councillor May as a representative on Aberdeen Bulawayo Trust;
- (iv) that Councillor MacGregor replace former Councillor Blackman as a representative on Aberdeen Endowments Trust;
- (v) that Councillor Townson replace former Councillor May as a representative on Aberdeen Gornel Trust;
- (vi) that Councillor Jackie Dunbar replace former Councillor McCaig as a representative on the City Development Company;
- (vii) that Councillor Corall replace former Councillor May as a representative on the Cowdray Hall Committee;
- (viii) that Councillor Flynn replace Councillor Townson as a representative on the Disability Advisory Group;
- (ix) that Councillor Cameron replace former Councillor McCaig on the Electoral Boundaries Working Group;
- (x) that Councillor Samarai replace former Councillor Blackman as a representative on the Epilepsy Association of Scotland;
- (xi) that Councillor Copland replace former Councillor Blackman on the Fersands Area Forum;
- (xii) that Councillor Copland replace Councillor Townson as a representative on Grampian Racial Equality Council;
- (xiii) that Councillor Copland replace former Councillor Blackman on Printfield Community Project;
- (xiv) that Councillor Townson replace former Councillor Blackman on the Special Licensing Objections Committee; and
- (xv) that Councillor Copland replace former Councillor Blackman on the Woodside Neighbourhood Community Planning and Regeneration Network.

CITY CENTRE MASTERPLAN REFERENCE GROUP - OCE/15/031

14. With reference to article 9 of the minute of its meeting of 24 June 2015, the Council had before it a report by the Chief Executive which presented options on the governance arrangements of an Aberdeen City Centre Masterplan Reference Group.

The report recommended:-

that Council –

- (a) agree the establishment of a City Centre Masterplan Reference Group;
- (b) agree the proposed Terms of Reference as set out in Appendix A to the report;
- (c) agree to a model for the Reference Group which created a 'Core Group' with additional targeted engagement with the larger Reference Group, as described as Option 3 in Appendix E;
- (d) agree to the proposed membership of a Core Group as set out in the Terms of Reference at Appendix A;
- (e) agree that the Core Group be chaired by the Depute Leader of the Council and that the Vice-Chair be agreed by the Core Group from amongst its non-Council members;
- (f) instruct the Chief Executive to write to the proposed non-Council members of the Core Group, inviting them to make a nomination, giving due consideration to the personal attributes set out at section 5.7.2 of the report; and
- (g) note that the Chief Executive would establish management arrangements to oversee the activity of the in-house delivery team and to support and enable other public / private bodies.

The Council resolved:-

- (i) to approve recommendations (a), (b), (c), (e), (f) and (g) contained within the report;
- (ii) to agree a revised membership of the Core Group including those representatives set out in the Terms of Reference at Appendix A, as well as a representative from the Community Council Forum and a representative from Aberdeen City and Shire Economic Future (ACSEF);
- (iii) to disband the City Centre Regeneration Working Group; and
- (iv) to request that the Lord Provost write to the external members of the former City Centre Regeneration Working Group to thank them for their contributions to the process.

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 at the earliest opportunity.

Council Meeting, 19 August 2015

ABERDEEN LOCAL DEVELOPMENT PLAN SITE OP58 - COUNTESSWELLS, LYING WEST OF HAZLEHEAD PARK

15. With reference to article 11 of the minute of its meeting of 8 October 2014, the Council had before it a report by the Development Management Manager in relation to the proposed residential-led, mixed use development at Aberdeen Local Development Plan Site OP58, Countesswells, lying west of Hazlehead Park. At its meeting in October 2014, Council had agreed a willingness to grant conditional approval to the application, but to withhold issue of the consent document until the applicant had entered into a legal agreement with the Council to address the following matters:-

- (i) The provision of 25% affordable housing on site in accordance with the Development Framework, including a range of delivery options, including contributions towards a gypsy traveller halting site;
- (ii) Developer contributions towards primary education provision (one two stream and one three stream school) and a new secondary school plus serviced land for the foregoing;
- (iii) Developer contributions towards community facilities, a library, sports provision, playing fields and healthcare;
- (iv) Developer contributions towards the Strategic Transport Fund;
- (v) Developer contributions towards mitigation on the local roads network, together with provision of infrastructure; and
- (vi) Developer contributions towards the Core Paths Network.

The report advised that since that time, the three developers involved in the Countesswells site had been unable to reach agreement on a consortium approach to delivery of the development. Stuart Milne Group had therefore requested that the permission in principle be issued with suspensive conditions securing the delivery of the infrastructure for the development. It was suggested that in order to allow substantial progress in the short term once planning permission in principle was granted that separate Section 75 agreements might be necessary.

The report recommended:-

that Members agree to a willingness to approve the application, subject to all the conditions listed within the circulated report to Council, but to withhold the issue of the decision notice until such time as either one, two or all of the collective Consortium Members had signed up to a Section 75 relating to the provision of contributions towards affordable housing, a gypsy traveller halting site, primary and secondary education, core paths, the Strategic Transport Fund and Healthcare, and the agreement or agreements had subsequently been registered.

Councillor Milne moved, seconded by Councillor Young:-

That Council recognises that the Countesswells Consortium (the applicant for the Aberdeen Local Development Plan Site OP58, Countesswells lying west of Hazlehead Park planning application), already enjoys a willingness to approve in respect of this application, subject to conditions and to the signing of a Section 75 agreement to secure essential but very costly infrastructure, a substantial part of the cost of which the Council could now be exposed to if the conditional consents now proposed were to be successfully challenged.

Council Meeting, 19 August 2015

Council, without rescinding the willingness to approve, agrees to refuse the current proposal to approve the application subject to condition but without the protection of a legally binding Section 75 agreement.

Council further instructs officers to:-

- (i) work with the applicant to obtain the executive of the Section 75 agreement by the consortium and all relevant associated parties;
- (ii) reiterate advice given to the principal member of the consortium previously, that, should early agreement on the Section 75 agreement not be reached, the Council would consider a separate new application for the land within the principal party's control;
- (iii) pursue these options as a matter of utmost urgency; and
- (iv) report back to the Group Leaders, the Conveners of Finance, Policy and Resources; Communities, Housing and Infrastructure; and Planning Development Management Committees, and to appropriate Committee(s) / full Council on progress in the delivery of the development of this strategically important site.

Councillor Boulton moved as an amendment, seconded by Councillor Thomson:-

That Council:-

- (i) note the report; and
- (ii) instruct officers to proceed with the existing approval of October 2014 and agreed Section 75.

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

That Council refuse the application on the grounds that the surrounding roads infrastructure was currently unable to support the proposed development, and due to the impact on the education infrastructure.

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

On a division, there voted:-

For the amendment by Councillor Boulton (21) – Lord Provost; Depute Provost; and Councillors Allan, Boulton, Cameron, Cooney, Copland, Dickson, Donnelly, Jackie Dunbar, Finlayson, Flynn, Ironside, Kiddie, Laing, MacGregor, Malik, Samarai, Taylor, Thomson and Townson.

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

Declined to vote (10) – Councillors Carle, Crockett, Lesley Dunbar, Graham, Grant, Lawrence, Milne, Jean Morrison, Nathan Morrison and Young.

The Council then divided between the motion and the amendment by Councillor Boulton.

Council Meeting, 19 August 2015

For the motion (18) – Lord Provost; and Councillors Carle, Corall, Crockett, Donnelly, Lesley Dunbar, Graham, Grant, Ironside, Kiddie, Lawrence, Malik, Milne, Jean Morrison, Nathan Morrison, Sandy Stuart, Taylor and Young.

For the amendment by Councillor Boulton (19) – Depute Provost; and Councillors Allan, Boulton, Cameron, Cooney, Copland, Delaney, Dickson, Jackie Dunbar, Finlayson, Flynn, Greig, Laing, MacGregor, Malone, Samarai, Thomson, Townson and Yuill.

Declined to vote (1) – Councillor Jennifer Stewart.

The Council resolved:-

to adopt the amendment by Councillor Boulton.

EMPLOYMENT OF CHILDREN BYELAWS - ECS/15/037

16. The Council had before it a report by the Director of Education and Children's Services which sought approval for the making of new byelaws to ensure the continuation of safe and responsible employment of children.

The report recommended:-

that Council –

- (a) approve the making of new Aberdeen City Council Byelaws on the employment of children, in terms substantially similar to those of the proposed Byelaws in the appendix to the report, but subject to any modification which may be deemed necessary or desirable by the Head of Legal and Democratic Services and any modification which may be made by the Scottish Ministers; and
- (b) instruct the Head of Legal and Democratic Services to arrange for all appropriate steps to be taken in order to obtain confirmation of the said new Byelaws by the Scottish Ministers.

Councillor Laing moved, seconded by Councillor Boulton:-

That the recommendations in the report be approved.

Councillor Jackie Dunbar moved as an amendment, seconded by Councillor Cameron:-

That Council:-

- (a) approve the making of new Aberdeen City Council Byelaws on the employment of children, in terms substantially similar to those of the proposed Byelaws in the appendix to the report, and that delegated authority be granted to the Head of Legal and Democratic Services to make any modifications be deemed necessary or desirable by Scottish Ministers; and
- (b) instruct the Head of Legal and Democratic Services to arrange for all appropriate steps to be taken in order to obtain confirmation of the said new Byelaws by the Scottish Ministers.

Council Meeting, 19 August 2015

On a division, there voted:-

For the motion (22) – Lord Provost; Depute Provost; and Councillors Allan, Boulton, Carle, Cooney, Crockett, Donnelly, Lesley Dunbar, Finlayson, Graham, Grant, Laing, Lawrence, Malik, Ironside, Milne, Jean Morrison, Nathan Morrison, Taylor, Thomson and Young.

For the amendment (17) – Councillors Cameron, Copland, Corall, Delaney, Dickson, Jackie Dunbar, Flynn, Greig, Jaffrey, Kiddie, MacGregor, Malone, Samarai, Jennifer Stewart, Sandy Stuart, Townson and Yuill.

The Council resolved:-

to adopt the motion.

CORPORATE PARENTING ANNUAL UPDATE 2014/15 - ECS/15/036

17. With reference to article 30 of the minute of its meeting of 14 May 2014, the Council had before it a report by the Director of Education and Children's Services which provided an update on the progress of the implementation of the Corporate Parenting Policy and Action Plan 2012-2015.

The report recommended:-

that Council –

- (a) note the progress set out in the annual update for 2014-2015;
- (b) instruct officers to report back on the implementation and review of the policy to Council in 2016;
- (c) continue to be proactive in promoting the corporate parenting agenda in Council business; and
- (d) continue to support and invest in the Council's Family Firm opportunities.

The Council resolved:-

to approve the recommendations.

FINAL DRAFT GAELIC LANGUAGE PLAN - CHI/15/238

18. With reference to article 17 of the minute of the Finance, Policy and Resources Committee of 9 June 2015, the Council had before it a report by the Director of Communities, Housing and Infrastructure which presented the final draft Gaelic Language Plan for approval.

The report recommended:-

that Council agree:-

- (a) the content of the Council's final draft Gaelic Language Plan;
- (b) to receive annual monitoring updates in relation to the associated action plan by means of an information bulletin report;
- (c) to submit the draft plan on 21 August 2015 to Bòrd na Gàidhlig for approval; and

Council Meeting, 19 August 2015

- (d) should Bòrd na Gàidhlig propose modifications to the submitted draft plan, to instruct officers to submit the modified plan to Committee for approval.

Councillor Laing moved, seconded by Councillor Cooney:-
That the recommendations be approved.

Councillor Yuill moved as an amendment, seconded by Councillor Jennifer Stewart:-
That the Council:-

- (i) notes that 0.8% of Aberdeen residents speak Gaelic whilst 35.5% of residents speak Scots;
- (ii) notes that there is no tradition over a period of several centuries of Gaelic being spoken in Aberdeen;
- (iii) notes that no details are provided in the report of the costs associated with implementing the proposed Gaelic Language Action Plan; and
- (iv) instructs officers to present to the next appropriate meeting a further report including details of the identifiable additional costs which would be associated with implementing the proposed Gaelic Language Plan.

On a division, there voted:-

For the motion (34) – Lord Provost; Depute Provost; and Councillors Allan, Boulton, Cameron, Carle, Cooney, Copland, Corall, Crockett, Dickson, Donnelly, Jackie Dunbar, Lesley Dunbar, Finlayson, Flynn, Graham, Grant, Ironside, Jaffrey, Kiddie, Laing, Lawrence, MacGregor, Malik, Milne, Jean Morrison, Nathan Morrison, 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.

MOTION BY COUNCILLOR KIDDIE

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

“That Council agree to instruct the Head of Finance to provide a report on ethical investments in respect of the Pension Fund and the impact of such a strategy, and report back to Council within a 6 month period on such a strategy.”

The Council resolved:-
to refer the motion to the Pensions Committee.

Council Meeting, 19 August 2015

MOTION BY COUNCILLOR REYNOLDS

20. The Council had before it the following notice of motion by Councillor Reynolds:-

“That it be remitted to the appropriate Committee to instruct officers to bring forward a report supporting the need for a temporary traffic order restricting the use by HGVs to access only on the unnumbered road running from the B997, past Shielhill Farm to the B999, with a view to the introduction of a permanent restriction.”

The Council resolved:-

to refer the motion to the Communities, Housing and Infrastructure Committee.

ANNOUNCEMENTS

21. Councillor Milne, as Convener of the Planning Development Management Committee, advised that this was the last Council meeting for Dr Margaret Bochel, who was shortly to be leaving the Council after joining in 2005 as a Head of Service. He highlighted Dr Bochel’s many achievements and her huge impact on the Planning Service over her time with the Council and added that her legacy would last for many years. He thanked Dr Bochel for her service and wished her well in her new role.

The Lord Provost drew Members’ attention to the artwork by local artist Nicole Porter which was currently displayed in the Council Chamber. He advised that ‘In The Thick of It’ formed part of an assessment for Ms Porter’s MFA in Contextualised Practice at Gray’s School of Art and Members were invited to use the cards provided to make comment on the piece.

In accordance with the decision recorded under Article 4 of this minute, the following item was considered with the press and public excluded.

ABERDEEN SPORTS VILLAGE - APPOINTMENT OF BOARD MEMBERS - ECS/15/043

22. The Council had before it a report by the Director of Education and Children’s Services which advised of the outcome of the selection process undertaken by the Appointment Panel to identify a preferred candidate for appointment to the Board of Aberdeen Sports Village.

The Council resolved:-

to agree to the appointment of Mathew Sharkey to the Board of Aberdeen Sports Village.

- GEORGE ADAM, Lord Provost.