

## LEGAL AND DEMOCRATIC SERVICES

### COUNCIL DECISION SHEET

#### COUNCIL - THURSDAY, 8 OCTOBER 2015

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	<b><u>Determination of Exempt Business</u></b>	<b><u>The Council resolved:</u></b> (i) 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 8(a) and 8(b) so as to avoid disclosure of exempt information of the classes described in paragraphs 1 and 9 of Schedule 7(A) of the Act; and (ii) in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, to accept items 6(b) and 6(j) as matters of urgency. (iii)		
2	<b><u>Requests for Deputations</u></b>	None received		
3(a)	<b><u>Minute of Meeting of Council of 19 August 2015 - for approval (circulated separately)</u></b>	<b><u>The Council resolved:</u></b> to approve the minute.		

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4(a)	<b><u>Business Statement</u></b>	<b><u>The Council resolved:</u></b> (i) to delete item 2 - Establishment of Short-term Halting Sites for Gypsies/Travellers and Proposed Byelaw Regarding Camping in Designated Areas; and (ii) otherwise to note the business statement.	Corporate Governance	Martyn Orchard
4(b)	<b><u>Motions List</u></b>	<b><u>The Council resolved:</u></b> to note the motions list.		
4(c)	<b><u>Minute of Meeting of Appointment Panel of 11 September 2015 - for approval</u></b>	<b><u>The Council resolved:</u></b> to approve the minute.		
5	<b><u>None to date</u></b>			
6(a)	<b><u>By-election Results</u></b>	<b><u>The Council resolved:</u></b> to note the results of the by-elections.	Office of Chief Executive	Ciaran Monaghan
6(b)	<b><u>Committee Places</u></b>	<b><u>The Council resolved:</u></b> (i) to approve the committee places as contained within appendix A to the report; (ii) to agree that the composition of the Urgent Business Committee, Appeals Committee and Shadow Integration Joint Board remain unchanged; (iii) to agree that the composition of the	Corporate Governance	Martyn Orchard  and all committee clerks

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		<p>Council's Sub Committees, Working Groups and Boards remain unchanged;</p> <p>(iv) to appoint members to the outside bodies listed below in place of former Councillor Forsyth:-</p> <ul style="list-style-type: none"> <li>• Alcohol and Drugs Partnership - Councillor Thomson</li> <li>• Aberdeen Domestic Abuse Partnership - Councillor Donnelly</li> <li>• Jack Wood Trust - Councillor Donnelly</li> <li>• Scottish Council for Single Homeless - Councillor Donnelly</li> <li>• Grampian Valuation Joint Board (substitute member) - Councillor Thomson;</li> </ul> <p>(v) to agree the following committee place changes:-</p> <ul style="list-style-type: none"> <li>(a) Councillor Ironside to replace Councillor Lesley Dunbar on the Shadow Integration Joint Board</li> <li>(b) Councillor Ironside to replace Councillor Lesley Dunbar as Convener of the Shadow Integration Joint Board and Social Care Spokesperson</li> <li>(c) Councillors Allan and Jean Morrison to replace Councillor Ironside and</li> </ul>		

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		<p>Graham as substitute members of the Shadow Integration Joint Board;</p> <p>(d) Councillor Donnelly to replace Councillor Thomson on the Education and Children's Services Committee</p> <p>(e) Councillor Donnelly to replace Councillor Ironside as Vice Convener of the Education and Children's Services Committee</p> <p>(f) Councillor Malik to replace Councillor Crockett on the Education and Children's Services Committee</p> <p>(g) Councillor Malik to replace Councillor Laing on the Pensions Committee</p> <p>(h) Councillor Cooney to join the Planning Development Management Committee</p> <p>(i) Councillor Crockett and Reynolds to join the Licensing Committee</p> <p>(j) Councillor Taylor to join the Petitions Committee;</p> <p>(vi) to agree that Councillor Ironside replace Councillor Lesley Dunbar as the Council's representative on the Northern Community Justice Authority; and</p> <p>(vii) to note the revised table setting out Senior Councillor allowances.</p>		

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6(c)	<b><u>Amendment to Scheme of Delegated Powers - Civic Licensing</u></b>	<b><u>The Council resolved:</u></b> to approve the amendment to page 13 of the Scheme of Delegated Powers as appended to the report.	Corporate Governance	Ruth O'Hare  Martyn Orchard
6(d)	<b><u>Accounts Commission Statutory Report</u></b>	<b><u>The Council resolved:</u></b> to note the arrangements being put in place to ensure that the Controller of Audit receives updates on the Council's progress in addressing the Commission's findings.	Office of Chief Executive	Ciaran Monaghan
6(e)	<b><u>Statutory Performance Indicators 2014/15</u></b>	<b><u>The Council resolved:</u></b> (i) to note the outturn performance indicators and analysis of the 2014/15 Statutory Performance Indicators (SPIs); (ii) to note that further information and analysis on specific SPIs was available on request and that service committees would receive in-depth analysis of SPIs as part of the regular service performance reporting process; (iii) to agree that the SPI outturn performance for 2014/15 be published as part of the Council's Public Performance Reporting arrangements; (iv) to request officers to advise members why the percentage of visits to high risk premises for trading standards inspections had dropped in 2014/15 compared to the previous two years; (v) to request officers to investigate why the Council had failed to meet the target for the new indicator percentage	Corporate Governance       Communities, Housing and Infrastructure   Corporate Governance	Neil Buck          Pete Leonard   Steve Whyte

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		<p>of Council expenditure with local suppliers, and to advise members accordingly; and</p> <p>(vi) to request officers to provide members with the supporting information referred to in the report in terms of the period of unprecedented turnover of staff in the Application Support Team which had significantly slowed down the validation process for planning applications.</p>	Communities, Housing and Infrastructure	Pete Leonard
6(f)	<p><b><u>Treasury Management Policy and Strategy - referred by Finance, Policy and Resources Committee of 15 September 2015</u></b></p>	<p><b><u>The Council resolved:</u></b> to approve the revised counterparty list as detailed in appendix 1 to the report.</p>	Corporate Governance	Neil Stewart
6(g)	<p><b><u>Relaxation of Drinking in Public Byelaw for Aberdeen Christmas Village 2015</u></b></p>	<p><b><u>The Council resolved:</u></b></p> <p>(i) to instruct the Head of Legal and Democratic Services to carry out the necessary advertising of the proposed suspension;</p> <p>(ii) to instruct the Head of Legal and Democratic Services to carry out the necessary steps to request confirmation from the Scottish Government that the Aberdeen City Council Drinking in Public Places Byelaw 2009 be suspended within the boundaries of Union Terrace between 25 November 2015 and 3 January 2016; and</p> <p>(iii) to request that all members be</p>	<p>Office of Chief Executive</p> <p>Corporate Governance</p>	<p>Daniel Parrott</p> <p>Fraser Bell</p>

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		provided with a copy of the letter to be sent to the Scottish Government as part of (ii) above.		
6(h)	<b><u>Introduction of a Communications Protocol - withdrawn</u></b>	<b><u>Withdrawn</u></b>		
6(i)	<b><u>Bon Accord Care Annual Report 2015</u></b>	<b><u>The Council resolved:</u></b> to approve the Bon Accord Care annual report 2015 for its interest.		
6(j)	<b><u>Interim Director of Corporate Governance</u></b>	<b><u>The Council resolved:</u></b> (i) that the Chief Executive make all necessary arrangements to engage the services of an Interim Director of Corporate Governance; (ii) that the Chief Executive report to committee during spring 2016 on the work of the Interim Director; and (iii) that the Chief Executive report to Council during autumn 2016 on options for the recruitment to the permanent post of Director of Corporate Governance.	Office of Chief Executive	Ciaran Monaghan
7(a)	<b><u>Motion by Councillor Yuill</u></b>  "That this Council instructs officers to report on the feasibility of locating a major item of public art at an appropriate point alongside the route of the Aberdeen Western Peripheral Route and <u>what</u> the	<b><u>The Council resolved:</u></b> to refer the motion to the Communities, Housing and Infrastructure Committee, and to request that the report called for consider other similar projects and proposals.	Corporate Governance	Emma Parr

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	<p>potential sources of funding for such a project might be”</p> <p><b>The principal circulation contained a typographical error in respect of the above motion - it should be <i>what</i> rather than <i>that</i></b></p>			
7(b)	<p><b><u>Motion by Councillor Yuill</u></b></p> <p>“That this Council:</p> <p>1. Notes the impact the branches of mature trees growing on Council property can have on neighbouring properties.</p> <p>2. Notes that the Council accepts no responsibility for pruning such overhanging branches even when they are causing a loss of amenity to others.</p> <p>3. Instructs officers to report on the feasibility and implications of amending the Council's policy so that the Council would accept responsibility for pruning Council-owned trees whose branches are overhanging neighbouring properties.”</p>	<p><b><u>The Council resolved:</u></b> to refer the motion to the budget process.</p>		
7(c)	<p><b><u>Motion by Councillor Yuill</u></b></p> <p>“That, noting the increasing concerns about the possible effects on public health of the use of glyphosate for controlling weeds, this Council instructs officers to</p>	<p><b><u>The Council resolved:</u></b> to refer the motion to the budget process.</p>		



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	<p>report to the appropriate committee on:</p> <p>(1) The latest information on the health and environmental risks associated with the use of glyphosate and the mitigation measures put in place by this Council to address these risks in its use of glyphosate.</p> <p>(2) The options for, and feasibility and implications of, switching to a non-chemical method of weed control on Council property.”</p>			
8(a)	<p><b><u>Strategic Mixed Tenure Housing for Aberdeen City: Procurement of a Development Partner</u></b></p> <p>Appendix 1 will be circulated at the meeting</p>	<p><b><u>The Council resolved:</u></b></p> <p>(i) to note the outcome of the procurement evaluation process and agree to select Places for People Group Limited as preferred bidder for the Strategic Mixed Tenure Housing for Aberdeen City project;</p> <p>(ii) to agree the structure of the proposed LLP as described in the report and delegate authority to the Head of Legal and Democratic Services, in consultation with the Convener and Vice Convener of the Finance, Policy and Resources Committee, the Convener of the Communities, Housing and Infrastructure Committee, the Convener of the Audit, Risk and Scrutiny Committee, the Director of Communities, Housing and Infrastructure and the Head of Finance, to register the LLP and to</p>	Communities, Housing and Infrastructure	Paul Genoe

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		<p>conclude and sign the Limited Liability Partnership Agreement with the preferred bidder;</p> <p>(iii) to approve the process for LLP business planning and budget preparation as described in the report;</p> <p>(iv) to approve the procedures for the transfer of initial sites and option sites as described in the report and delegate authority to the Head of Legal and Democratic Services, in consultation with the Convener and Vice Convener of the Finance, Policy and Resources Committee, the Convener of the Communities, Housing and Infrastructure Committee, the Convener of the Audit, Risk and Scrutiny Committee, the Director of Communities, Housing and Infrastructure and the Head of Finance, to conclude and sign the Development Agreement;</p> <p>(v) to approve the disposal of the site at East Woodcroft, as shown on the plan at appendix 2, for the amount specified in the report subject to adjustment for finalisation of the costs associated with the identified conditions and instruct the Head of Legal and Democratic Services to transfer title to the site to the LLP and agree final terms and conditions in consultation with the Director of Communities, Housing and Infrastructure;</p> <p>(vi) to approve the disposal (in phases) of the site at Summerhill, as shown on</p>		

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		<p>the plan at appendix 2, for the amount specified in the report subject to adjustment for finalisation of the costs associated with the identified conditions and instruct the Head of Legal and Democratic Services to transfer title to the site in phases to the LLP and agree final terms and conditions being agreed in consultation with the Director of Communities, Housing and Infrastructure, and also to approve the entering into of a Licence Agreement to allow the LLP to occupy parts of the site for construction operation or other operations prior to their disposal to the LLP;</p> <p>(vii) to approve the disposal of the option sites, as shown on the plans at appendix 2, subject to the process contained within the Development Agreement and to delegate responsibility for approving land value for the disposal of the option sites to the Council's Property Sub Committee;</p> <p>(viii) to agree to appoint two elected members from the Administration and one elected member from the opposition as the Council's representatives on the LLP Management Board;</p> <p>(ix) to give the Council's three representatives on the LLP's Management Board the authority to make decisions on behalf of the Council in relation to the business of the LLP, subject to the provisions of</p>		

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		<p>the LLP Agreement which reserve some decisions for the Council to the exclusion of the Management Board;</p> <p>(x) to approve the governance arrangements in line with the ALEO governance arrangements;</p> <p>(xi) to delegate authority to the Head of Finance to seek consent of the Scottish Ministers for the disposal of the Housing Revenue Account sites at East Woodcroft and the former St Machar Primary School; and</p> <p>(xii) to note that a progress report would be brought back to Council within six months after the establishment of the LLP.</p>		
8(b)	<b><u>Minute of Meeting of Social Work Complaints Review Committee of 24 September 2015 - for approval</u></b>	<p><b><u>The Council resolved:</u></b></p> <p>(i) to approve the recommendations; and</p> <p>(ii) otherwise to note the Director of Education and Children's Services comments in the foreword.</p>	Corporate Governance	Allison Swanson

If you require any further information about this decision sheet, please contact Martyn Orchard, tel. 01224 523097 or email [morchard@aberdeencity.gov.uk](mailto:morchard@aberdeencity.gov.uk) or