

ABERDEEN CITY COUNCIL

Town House,
ABERDEEN, 8 October 2015

MINUTES OF MEETING OF ABERDEEN CITY COUNCIL

Sederunt:

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

COUNCILLORS

YVONNE ALLAN	LEONARD IRONSIDE, CBE
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
WILLIAM CORMIE	RAMSAY MILNE
BARNEY CROCKETT	JEAN MORRISON, MBE
STEVEN DELANEY	NATHAN MORRISON
GRAHAM DICKSON	ALEX NICOLL
ALAN DONNELLY	JAMES NOBLE
JACQUELINE DUNBAR	GILLIAN SAMARAI
LESLEY DUNBAR	SANDY STUART
ANDREW FINLAYSON	ANGELA TAYLOR
STEPHEN FLYNN	ROSS THOMSON
GORDON GRAHAM	GORDON TOWNSON
ROSS GRANT	WILLIAM YOUNG
MARTIN GREIG	and
MICHAEL HUTCHISON	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=3611&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.

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ANNOUNCEMENTS

1. The Lord Provost welcomed Councillors Alex Nicoll and Michael Hutchison to their first meeting of Council.

The Lord Provost acknowledged the recent passing of former Councillor Millie McLeod, who had served on Aberdeen City Council between 2003 and 2007; and former Councillor Charles Clevitt, who had served on the City of Aberdeen District Council.

DETERMINATION OF EXEMPT BUSINESS AND URGENT BUSINESS

2. 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) Strategic Mixed Tenure Housing for Aberdeen City: Procurement of a Development Partner
- 8(b) Minute of Meeting of Social Work Complaints Review Committee of 24 September 2015

The Council was also requested to determine that the following items of business were matters of urgency:-

- 6(b) Committee Places
- 6(j) Interim Director of Corporate Governance

The Council resolved:-

- (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.

MINUTE OF MEETING OF COUNCIL OF 19 AUGUST 2015

3. The Council had before it the minute of meeting of Aberdeen City Council of 19 August 2015.

The Council resolved:-

to approve the minute.

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BUSINESS STATEMENT

4. 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 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.

MOTIONS LIST

5. 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 APPOINTMENT PANEL OF 11 SEPTEMBER 2015

6. The Council had before it the minute of meeting of the Appointment Panel of 11 September 2015.

The Council resolved:-

to approve the minute.

BY-ELECTION RESULTS

7. The Council had before it a report by the Chief Executive which presented the results of the Midsocket/Rosemount and George Street/Harbour by-elections which had been held on 1 October 2015, and advised that the newly elected Councillors were Alex Nicoll and Michael Hutchison, both of the Scottish National Party.

The report recommended:-

that the Council note the results of the by-elections.

The Council resolved:-

to approve the recommendation.

COMMITTEE PLACES - OCE/15/043

8. The Council had before it a report by the Chief Executive which presented proposals for amending Committee places following the results of the Midstocket/Rosemount and George Street/Harbour by-elections.

The report recommended:-

that the Council -

- (a) approve the Committee places as contained within appendix A to the report;
- (b) agree that the composition of the Urgent Business Committee, Appeals Committee and Shadow Integration Joint Board remain unchanged;
- (c) agree that the composition of the Council's Sub Committees, Working Groups and Boards remain unchanged; and
- (d) appoint members to the following outside bodies to replace former Councillor Forsyth:-
 - Alcohol and Drugs Partnership
 - Aberdeen Domestic Abuse Partnership
 - Jack Wood Trust
 - Scottish Council for Single Homeless
 - Grampian Valuation Joint Board (substitute member)

Councillor Laing advised that Councillor Lesley Dunbar had stepped down as Convener of the Shadow Integration Joint Board and as Social Care Spokesperson, and recorded her thanks for the excellent job she had done under challenging circumstances. Councillor Laing's comments were echoed by Councillors Greig, Kiddie and Samarai.

The Council resolved:-

- (i) to approve recommendations (a), (b) and (c);
- (ii) to appoint the following members to the outside bodies listed below in place of former Councillor Forsyth:-
 - Alcohol and Drugs Partnership – Councillor Thomson
 - Aberdeen Domestic Abuse Partnership – Councillor Donnelly
 - Jack Wood Trust – Councillor Donnelly
 - Scottish Council for Single Homeless – Councillor Donnelly
 - Grampian Valuation Joint Board (substitute member) – Councillor Thomson;
- (iii) to agree the following Committee place changes:-
 - (a) Councillor Ironside to replace Councillor Lesley Dunbar on the Shadow Integration Joint Board;
 - (b) Councillor Ironside to replace Councillor Lesley Dunbar as Convener of the Shadow Integration Joint Board and Social Care Spokesperson;
 - (c) Councillors Allan and Jean Morrison to replace Councillors Ironside and Graham as substitute members of the Shadow Integration Joint Board;
 - (d) Councillor Donnelly to replace Councillor Thomson on the Education and Children's Services Committee;
 - (e) Councillor Donnelly to replace Councillor Ironside as Vice Convener of the Education and Children's Services Committee;

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- (f) Councillor Malik to replace Councillor Crockett on the Education and Children's Services Committee;
 - (g) Councillor Malik to replace Councillor Laing on the Pensions Committee;
 - (h) Councillor Cooney to join the Planning Development Management Committee;
 - (i) Councillors Crockett and Reynolds to join the Licensing Committee; and
 - (j) Councillor Taylor to join the Petitions Committee;
- (iv) to agree that Councillor Ironside replace Councillor Lesley Dunbar as the Council's representative on the Northern Community Justice Authority; and
- (v) to note the revised table setting out Senior Councillor allowances as set out below.

Post	Appointee	Remuneration	Senior Councillor
Lord Provost	Councillor Adam	£29,271	
Depute Provost	Councillor Reynolds	£21,954	1
Council Leader	Councillor Laing	£39,028	
Depute Council Leader and Culture and Events Spokesperson	Councillor Boulton	£29,271	1
Convener, Audit, Risk and Scrutiny	Councillor Jackie Dunbar	£29,271	1
Vice Convener, Audit, Risk and Scrutiny	Councillor Yuill	£21,954	1
Convener, Communities, Housing and Infrastructure	Councillor Cooney	£29,271	1
Vice Convener, Communities, Housing and Infrastructure	Councillor Graham	£21,954	1
Vice Convener, Communities, Housing and Infrastructure	Councillor Jean Morrison	£21,954	1
Regeneration and Transport Spokesperson	Councillor Grant	£21,954	1

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Post	Appointee	Remuneration	Senior Councillor
Convener, Education and Children's Services	Councillor Taylor	£29,271	1
Vice Convener, Education and Children's Services	Councillor Donnelly	£21,954	1
Convener, Finance, Policy and Resources	Councillor Young	£29,271	1
Vice Convener, Finance, Policy and Resources	Councillor Thomson	£21,954	1
NHS/Shadow Integration Joint Board and Social Care Spokesperson	Councillor Ironside	£21,954	1
Convener, Pensions	Councillor Crockett	£21,954	1
Convener, Petitions	Councillor Donnelly	£0	1
Vice Convener, Petitions	Councillor Carle	£0	
Convener, Planning Development Management	Councillor Milne	£21,954	1
Vice Convener, Planning Development Management	Councillor Finlayson	£0	1
Convener, Licensing Committee	Councillor Carle	£21,954	1
Convener, Appeals	Councillor Allan	£21,954	1

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Post	Appointee	Remuneration	Senior Councillor
Convener, Licensing Board	Councillor Boulton		
Senior Councillor Totals		£409,803	19
Maximum allowed		£436,968	19

AMENDMENT TO SCHEME OF DELEGATED POWERS - CIVIC LICENSING - CG/15/124

9. The Council had before it a report by the Interim Director of Corporate Governance which proposed an amendment to the Scheme of Delegated Powers to enable civic licensing applications to be dealt with more expediently.

The report recommended:-

that the Council approve the amendment to page 13 of the Scheme of Delegated Powers as appended to the report.

The Council resolved:-

to approve the recommendation.

ACCOUNTS COMMISSION STATUTORY REPORT - OCE/15/038

10. The Council had before it a report by the Chief Executive which provided an update on the Accounts Commission Statutory Report following the meeting between Group Leaders and representatives of the Accounts Commission on 28 August 2015.

The report recommended:-

that the Council 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.

The Council resolved:-

to approve the recommendation.

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STATUTORY PERFORMANCE INDICATORS 2014/15 - CG/15/104

11. The Council had before it a report by the Interim Director of Corporate Governance which presented the outturn performance for the Statutory Performance Indicators (SPIs) for the 2014/15 reporting year.

The report recommended -

that the Council -

- (a) note the outturn performance and analysis of the 2014/15 SPIs;
- (b) 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; and
- (c) agree that the SPI outturn performance for 2014/15 be published as part of the Council's Public Performance Reporting arrangements.

The Council resolved:-

- (i) to approve the recommendations;
- (ii) 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;
- (iii) to request officers to investigate why the Council had failed to meet the target for the new indicator - percentage of Council expenditure with local suppliers, and to advise members accordingly; and
- (iv) to request officers to provide members with the supporting information referred to in the report in terms of the unprecedented turnover of staff in the Application Support Team which had significantly slowed down the validation process for planning applications.

TREASURY MANAGEMENT POLICY AND STRATEGY - CG/15/107

12. With reference to Article 10 of the minute of meeting of the Finance, Policy and Resources Committee of 15 September 2015, the Council had before it, by way of remit, a report by the Interim Director of Corporate Governance which sought approval for a proposed revision to the Council's Counterparty list, the list of financial institutions with which it could undertake short term investments.

The Finance, Policy and Resources Committee recommended:-

that the Council approve the revised Counterparty list as appended to the report.

The Council resolved:-

to approve the recommendation.

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DECLARATION OF INTEREST

Councillor Grant declared an interest in the following item of business by virtue of his employment by Aberdeen Inspired. Councillor Grant considered that the nature of his interest required him to leave the meeting and took no part in the Council's deliberations thereon.

RELAXATION OF DRINKING IN PUBLIC BYELAW FOR ABERDEEN CHRISTMAS VILLAGE 2015 - OCE/15/039

13. With reference to Article 29 of the minute of meeting of the Finance, Policy and Resources Committee of 15 September 2015, the Council had before it a report by the Chief Executive which sought permission to approach the Scottish Government to confirm the suspension of the Aberdeen City Council Drinking in Public Places Byelaw 2009, to permit the responsible consumption of alcohol within the boundaries of Union Terrace for the Aberdeen Christmas Village.

The report recommended:-

that the Council -

- (a) instruct the Head of Legal and Democratic Services to carry out the necessary advertising of the proposed suspension; and
- (b) 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.

The Council resolved:-

- (i) to approve the recommendations; and
- (ii) to request that all members be provided with a copy of the letter to be sent to the Scottish Government as part of recommendation (b) above.

BON ACCORD CARE ANNUAL REPORT 2015

14. The Council had before it the annual report for Bon Accord Care for the operating period 1 August 2014 to 31 July 2015.

Members asked a number of questions of Ms Sandra Ross, Managing Director of Bon Accord Care, as well as of Council officers.

The Council resolved:-

to approve the Bon Accord Care annual report for its interest.

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INTERIM DIRECTOR OF CORPORATE GOVERNANCE

15. The Council had before it a report by the Chief Executive which sought approval for the appointment of an Interim Director of Corporate Governance.

The report recommended:-

that the Council -

- (a) approve that the Chief Executive make all necessary arrangements to engage the services of an Interim Director of Corporate Governance;
- (b) agree that the Chief Executive report to committee during spring 2016 on the work of the Interim Director; and
- (c) agree that the Chief Executive report to Council during autumn 2016 on options for the recruitment to the permanent post of Director of Corporate Governance.

The Council resolved:-

to approve the recommendations.

MOTION BY COUNCILLOR YUILL

16. The Council had before it the following notice of motion by Councillor Yuill:-

“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 what the potential sources of funding for such a project might be.”

The Council resolved:-

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.

MOTION BY COUNCILLOR YUILL

17. The Council had before it the following notice of motion by Councillor Yuill:-

“That this Council:

- (1) Notes the impact the branches of mature trees growing on Council property can have on neighbouring properties.
- (2) Notes that the Council accepts no responsibility for pruning such overhanging branches even when they are causing a loss of amenity to others.
- (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.”

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The Council resolved:-

to refer the motion to the budget process.

MOTION BY COUNCILLOR YUILL

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

“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 report to the appropriate committee on:-

- (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.
- (2) The options for, and feasibility and implications of, switching to a non-chemical method of weed control on Council property.”

Councillor Laing moved, seconded by Councillor Boulton:-

That the motion be referred to the budget process.

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

That the motion be referred to the Communities, Housing and Infrastructure Committee.

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, Ironside, Laing, Lawrence, Malik, Milne, Jean Morrison, Nathan Morrison, Taylor, Thomson and Young.

For the amendment (19) - Councillors Cameron, Copland, Corall, Cormie, Delaney, Dickson, Jackie Dunbar, Flynn, Greig, Hutchison, Kiddie, MacGregor, Malone, Nicoll, Noble, Samarai, Sandy Stuart, Townson and Yuill.

The Council resolved:-

to adopt the motion.

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In accordance with the decision recorded under Article 2 of this minute, the following items were considered with the press and public excluded.

STRATEGIC MIXED TENURE HOUSING FOR ABERDEEN CITY: PROCUREMENT OF A DEVELOPMENT PARTNER - CHI/15/241

19. The Council had before it a report by the Director of Communities, Housing and Infrastructure which presented the result of the procurement process to appoint a development partner to assist in meeting the affordable housing objectives of the Council's Strategic Infrastructure Plan, and sought approval of various recommendations with the objective of commencing construction works on site.

The report recommended:-

that the Council -

- (a) note the outcome of the procurement evaluation process and agree to a select a preferred bidder (as detailed within appendix 1 to be circulated) for the Strategic Mixed Tenure Housing for Aberdeen City project;
- (b) agree the structure of the proposed Limited Liability Partnership (LLP) as described in the report and delegate authority to the Head of Legal and Democratic Services, in consultation with the Director of Communities, Housing and Infrastructure and the Head of Finance, to register the LLP and to conclude and sign the LLP Agreement with the preferred bidder, and to negotiate and agree any changes to the documentation which he considers to be necessary or desirable;
- (c) approve the process for LLP business planning and budget preparation as described in the report;
- (d) 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 Director of Communities, Housing and Infrastructure and the Head of Finance, to conclude and sign the Development Agreement with the LLP once the LLP had been established and to negotiate and agree any fine-tuning to the procedures, and any changes to the documentation, which he considers to be necessary or desirable;
- (e) to approve the disposal of the site at East Woodcroft, as shown on the plan at appendix 2 to the report, 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;
- (f) to approve the disposal (in phases) of the site at Summerhill, 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 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;

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- (g) 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;
- (h) to appoint three elected members as the Council's representatives on the LLP Management Board;
- (i) to give the Council's three representatives on the LLP 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 the LLP Agreement which reserve some decisions for the Council to the exclusion of the Management Board;
- (j) to approve the governance arrangements in line with the ALEO governance arrangements;
- (k) 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;
- (l) to note that a progress report would be brought back to Council within six months after the establishment of the LLP; and
- (m) to delegate authority to the Head of Legal and Democratic Services, in consultation with the Director of Communities, Housing and Infrastructure and the Head of Finance, to do anything else which is necessary or expedient in order to implement any of the above recommendations.

Following questions to officers, appendix 1 to the report was circulated which advised that Places for People Group Limited was the preferred bidder to be approved within recommendation (a) of the report.

DECLARATION OF INTEREST

At this juncture, Councillor Delaney declared an interest by virtue of his membership of the Board of the Scottish Federation of Housing Associations. Councillor Delaney considered that the nature of his interest required him to leave the meeting and took no part in the Council's deliberations thereon.

The Council resolved:-

- (i) to approve recommendations (a), (c), (e), (f), (g), (i), (j), (k) and (l) contained within the report;
- (ii) in relation to recommendation (b), 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 conclude and sign the LLP Partnership Agreement with the preferred bidder, and to negotiate and agree any changes to the documentation which he considered to be necessary or desirable;
- (iii) in relation to recommendation (d), to approve the procedures for the transfer of initial sites and option sites as described in the report and delegate authority to

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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 with the LLP once the LLP had been established and to negotiate and agree any fine-tuning to the procedures, and any changes to the documentation, which he considers to be necessary or desirable;

- (iv) in relation to recommendation (h), 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; and
- (v) to not approve recommendation (m) contained within the report.

MINUTE OF MEETING OF SOCIAL WORK COMPLAINTS REVIEW COMMITTEE OF 24 SEPTEMBER 2015

20. The Council had before it the minute of meeting of the Social Work Complaints Review Committee of 24 September 2015, and the foreword by the Chief Social Work Officer which set out the actions to be taken to respond to the recommendations.

The Council resolved:-

- (i) to approve the recommendations; and
- (ii) otherwise to note the Chief Social Work Officer's comments in the foreword.

- GEORGE ADAM, Lord Provost.