

ABERDEEN CITY COUNCIL

Town House,
ABERDEEN, 24th March, 2010

MINUTE OF MEETING OF ABERDEEN CITY COUNCIL

S e d e r u n t :

Lord Provost Peter Stephen, Chairperson;
Depute Provost Jacqueline Dunbar; and

COUNCILLORS

GEORGE ADAM
YVONNE ALLAN
MARIE BOULTON
SCOTT CASSIE
RONALD CLARK
NORMAN COLLIE
NEIL COONEY
JOHN CORALL
IRENE CORMACK
WILLIAM CORMIE
BARNEY CROCKETT
KATHARINE DEAN
ALAN DONNELLY
JAMES FARQUHARSON
NEIL FLETCHER
GORDON GRAHAM
MARTIN GREIG
JAMES HUNTER
LEONARD IRONSIDE
MURIEL JAFFREY
JAMES KIDDIE

JENNIFER LAING
GORDON LESLIE
CALLUM McCAIG
MARK McDONALD
AILEEN MALONE
ANDREW MAY
ALAN MILNE
JAMES NOBLE
GEORGE PENNY
JOHN REYNOLDS
RICHARD ROBERTSON
JENNIFER STEWART
JOHN STEWART
KEVIN STEWART
WENDY STUART
JOHN WEST
KIRSTY WEST
JILLIAN WISELY
WILLIAM YOUNG
and
IAN YUILL

Lord Provost Peter Stephen, in the Chair

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1 ADMISSION OF BURGESSES

(A) The persons aforementioned were admitted into the presence of the Council and passed as Burgesses of the Burgh of Aberdeen of their own craft only:-

Adam Byrne, Weaver, Aberdeen
Andrew Robert Gordon, Flesher, Aberdeen
Rennie Rushton, Electrical Engineer, Aberdeen
George Cole Henderson, Weaver, Aberdeen

(B) The persons aforementioned 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:-

David James Knight, Consultant Orthopaedic Surgeon, Aberdeen
Reverend Scott Rennie, Minister of Religion, Aberdeen
Councillor John David Stewart, Councillor, Aberdeen.

2 ANNOUNCEMENTS

(A) The Lord Provost advised that four pupils from Harlaw Academy had won the title Best School Team in Scotland at the National Schools Bridge competition in Edinburgh, where they had beaten teams from all over Scotland by a handsome margin. Two other pupils from Harlaw Academy had also been successful as part of the Best Mixed Team at the same competition.

(B) Councillor Malone advised that the Aberdeen Sheltered Housing Network had been awarded a TPAS (Tenant Participation Advisory Service) accreditation award for best practice in tenant participation. Councillor Malone explained that this group, which was established as a staff initiative, was the first in Scotland to be given such an award and thanked the officers and the tenants who had been involved.

(C) Councillor Wisely highlighted that Transition Extreme had won a Gold Award at the COSLA Excellence Awards in the Community Planning and Local Democracy category and thanked all those who had been involved in such an outstanding success.

(D) The Lord Provost explained that Planning and Sustainable Development had received two awards at the recent Scottish Awards for Quality in Planning - the first

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award was a commendation for Development Planning for the process and format of the new Structure Plan, and the second was a Designing Places Award for Rebecca Oakes, Planning Trainee, as part of a team involved in preparing and presenting a masterplan as part of a Scottish Government initiative.

The Council resolved:-

to concur with the remarks of the Lord Provost and Councillors Malone and Wisely.

3 MINUTE OF MEETING OF ABERDEEN CITY COUNCIL OF 10TH FEBRUARY 2010

The Council had before it the minute of meeting of Aberdeen City Council of 10th February 2010.

The Council resolved:-

to approve the minute subject to amending Article 13 on page 2250 to reflect that Councillor Graham's motion had been ruled incompetent by the Lord Provost, rather than a decision of the Council as a whole.

4 MINUTE OF MEETING OF ABERDEEN CITY COUNCIL OF 11TH FEBRUARY 2010

The Council had before it the minute of meeting of Aberdeen City Council of 11th February 2010.

Councillor Young moved as a procedural motion, seconded by Councillor Cooney:-

That the minute be amended to remove "where applicable" from the resolution within Article 1 on page 2258.

On a division, there voted:-

For the procedural motion (12) - Councillors Adam, Allan, Cassie, Collie, Cooney, Crockett, Donnelly, Graham, Hunter, Ironside, Laing and Young.

Against the procedural motion (27) - Lord Provost Peter Stephen; Depute Provost Dunbar; and Councillors Clark, Corall, Cormack, Cormie, Dean, Fletcher, Greig, Jaffrey,

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Kiddie, Leslie, McCaig, McDonald, Malone, May, Noble, Penny, Reynolds, Robertson, Jennifer Stewart, John Stewart, Kevin Stewart, Wendy Stuart, John West, Kirsty West and Yuill.

Declined to vote (4) - Councillors Boulton, Farquharson, Milne and Wisely.

The Council resolved:-

to reject the procedural motion and thereby approve the minute.

5 PAMPHLET OF MINUTES

The Council had before it a pamphlet of standing committee minutes from 11th January to 25th February 2010.

The Council resolved:-

to note the minutes.

DECLARATIONS OF INTERESTS

Councillors Fletcher, Milne, Reynolds, Jennifer Stewart and Kirsty West declared interests in the following item of business as members of the Board of Aberdeen Exhibition and Conference Centre. None of the members felt it necessary to leave the meeting during the Council's deliberations.

Councillors Collie and Fletcher declared interests as Directors of Aberdeen Sports Village but did not consider it necessary to leave the meeting.

6 BUSINESS STATEMENT

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 statement.

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7 MINUTE OF MEETING OF THE ABERDEEN CITY ALLIANCE OF 3RD FEBRUARY 2010

The Council had before it the minute of meeting of The Aberdeen City Alliance of 3rd February 2010.

The Council resolved:-
to note the minute.

8 MINUTES OF MEETINGS OF LOCAL REVIEW BODY

The Council had before it the minutes of meetings of the Local Review Body of 18th December 2009, 18th and 25th January 2010 and 25th February 2010.

The Council resolved:-
to approve the minutes.

9 LEADERSHIP BOARD UPDATE

The Council heard an oral report by the Chief Executive providing an update on the actions taken by the Leadership Board to address the findings and recommendations of the Accounts Commission for Scotland on *Aberdeen City Council: Reports by the Controller of Audit on the Audit of Best Value and Community Planning and on the Property Sales Investigation*.

The Chief Executive advised that the Leadership Board would no longer be meeting with the External Support Group and that the Cabinet Secretary for Finance and Sustainable Growth and the President and Chief Executive of COSLA had confirmed that the work of the External Support Group had been discharged. The Chief Executive added that the Leadership Board continued to meet in its own right.

The Council resolved:-

- (i) to note the Chief Executive's remarks; and
- (ii) to record its gratitude that the matter had reached a satisfactory conclusion.

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10 COMMITTEE STRUCTURES - SIX MONTH REVIEW- CG/10/031

With reference to Article 7 of the minute of its meeting of 24th June 2009, the Council had before it a report by the Director of Corporate Governance which reviewed the operation of the new committee structures.

The report discussed the length of the committee cycle, which had been changed from an eight week cycle to a six week cycle in June 2007. This change had presented a number of challenges, for example particular cycles had been reduced even further to avoid clashes with holiday periods and cyclical reports (such as performance reports and budget monitoring reports) and update reports had to be prepared before the previous report had been considered by committee, which meant that the opportunity to provide the most up-to-date information was limited.

The report emphasised the benefits of reverting to an eight week cycle in relation to budget monitoring, freeing up both officer and elected member time, freeing up accommodation and efficiency savings vis-à-vis reduced printing, paper and associated costs.

The report appended three options for a revised calendar of meetings for the remainder of 2010. The first two options proposed an immediate change to the committee cycle, however the third option, which had been submitted by the Liberal Democrat Group during consultation on the report, envisaged the change taking place after the summer recess.

The report made reference to the operation of the Finance and Resources and Corporate Policy and Performance Committees since August 2009, commenting that the Finance and Resources Committee was the largest committee and that the Corporate Policy and Performance Committee had been progressing a number of significant policy matters.

Lastly, in relation to Standing Orders, the report suggested that the Chief Executive be authorised to approve the changes that needed to be made following the implementation of the new Head of Service structure without the need for Standing Orders to be referred back to Council for approval. At the Council meeting of 10th February 2010, the Lord Provost requested that advice be provided on what constituted a Point of Order - the report suggested that Standing Order 18(3) be expanded to clarify that a Point of Order was only a query as to whether procedures were being followed properly.

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The report recommended:-

that the Council -

- (a) agree that the committee cycle revert to being one of eight weeks rather than six, and that one of the revised calendars of meetings appended to the report be approved for the remainder of 2010, which included changing the order of committees within the cycle;
- (b) determine if the present committee structure be continued, particularly in relation to the Finance and Resources and Corporate Policy and Performance Committees, if the Budget Monitoring Board should be disbanded and if any changes needed to be made to the Orders of Reference; and
- (c) determine if it wanted to make any further changes to Standing Orders, beyond those which would be necessitated by the introduction of the new Head of Service structure and the clarification of what constitutes a Point of Order (which would require the suspension of Standing Order 22(1) as the revised Standing Orders were approved within the last six months).

Councillor John Stewart moved, seconded by Councillor Kevin Stewart:-

That the present committee structure be continued and that the Council agree that Standing Order 22(1) be suspended in delegating authority to the Chief Executive to make the changes to Standing Orders necessitated by the introduction of the new Head of Service structure.

Councillor Graham moved as an amendment, seconded by Councillor Crockett:-

That the Council agree (1) that the Corporate Policy and Performance Committee was no longer required and approve revised remits for an Audit, Risk and Performance Committee and a Corporate Policy and Resources Committee which would incorporate and encompass the work of the present Corporate Policy and Performance Committee; and (2) status quo regarding Standing Orders.

On a division, there voted:-

For the motion (32) - Lord Provost Peter Stephen; Depute Provost Dunbar; and Councillors Boulton, Clark, Corall, Cormack, Cormie, Dean, Donnelly, Farquharson, Fletcher, Greig, Jaffrey, Kiddie, Leslie, McCaig, McDonald, Malone, May, Milne, Noble, Penny, Reynolds, Robertson, Jennifer Stewart, John Stewart, Kevin Stewart, Wendy Stuart, John West, Kirsty West, Wisely and Yuill.

For the amendment (11) - Councillors Adam, Allan, Cassie, Collie, Cooney, Crockett, Graham, Hunter, Ironside, Laing and Young.

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The Council resolved:-

- (i) to adopt the motion;
- (ii) to agree that the committee cycle revert to being one of eight weeks rather than six weeks, and to approve the third calendar appended to the report subject to the dates of the Licensing Committee meetings being moved back one week and to the dates of the Appeals Committee being clarified, which meant that the change would not be effective until after the summer recess;
- (iii) to disband the Budget Monitoring Board; and
- (iv) that Council meetings continue to start at 10.30am up to and including the meeting on 6th October 2010, and that officers monitor the length of the meetings, reporting to the October meeting, with a view to returning to a 2.00pm start should business appear to be conducted within reasonable timescales.

11 CARBON MANAGEMENT PLAN 2010-2015 - EPI/10/032

The Council had before it a report by the Director of Enterprise, Planning and Infrastructure which sought approval of the Council's Carbon Management Plan (CMP) 2010-2015.

The report emphasised that the Council was committed to tackling climate change and had been one of the first local authorities in the UK to participate in the Local Authority Carbon Management Programme with the Carbon Trust. As a result of the introduction of the CMP 2004-2008, the Council managed to achieve a CO² reduction of 31% in 2006, which surpassed the target of a 10% reduction by 2010. In order to meet the Council's continued carbon reduction obligations it had been agreed that a new CMP was required, which was aligned to the budget process.

The report appended the draft CMP for 2010-2015, which would allow the Council to continually reduce its CO² emissions in forthcoming years whilst creating tangible financial benefits. The Council now aimed to make CO² emission reductions of 23% by 2015 and 42% by 2020 and thereafter reduce emissions year on year in line with national legislation. The report advised that the revised CMP required to be signed by 31st March 2010.

The report suggested that as a mechanism to encourage alternatives to road and air travel, the Council could consider a 10% surcharge contribution towards a Carbon

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Investment Fund, which could be used to finance small carbon saving initiatives across the Council.

The report went on to explain the work of the North East Scotland Climate Change Partnership, highlighting that the Council's current elected member representative was no longer the lead member on environmental issues. Lastly, the report advised that the Carbon Trust would be celebrating the completion of the Carbon Management Programme with a special award in Edinburgh in mid-June 2010 and stated that it would be appropriate for the relevant senior officers and an elected member to attend on the Council's behalf.

The report recommended:-

that the Council -

- (a) agree to the adoption of the Carbon Management Plan 2010-2015;
- (b) agree that the carbon impact be calculated as part of all future capital bids;
- (c) agree that the carbon impact be calculated for any works under the repair and replacement budget;
- (d) agree in principle to the creation of a Carbon Investment Fund to be established to offset the effects of air and road travel locally, with a more detailed report to be submitted to committee in September 2010;
- (e) agree to the appointment of an elected member to the North East Scotland Climate Change Partnership;
- (f) agree that an elected member, along with senior officers and the CMP Project Leader, attend the Carbon Trust's Carbon Management Programme Award to be held in Edinburgh in mid-June 2010; and
- (g) instruct the Head of Asset Management and Operations to prepare an annual progress report to be presented to the Enterprise, Planning and Infrastructure Committee.

The Council resolved:-

- (i) to approve the recommendations;
- (ii) to agree that the foreword within the Carbon Management Plan be signed by the Council Leader as well as the Chief Executive; and
- (iii) to thank all officers involved in the preparation of the Carbon Management Plan.

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DECLARATIONS OF INTERESTS

Councillor Milne declared an interest in the following item of business by reason of his wife having been referred to in the report as an objector to the application in her role as an MSP. Councillor Milne considered that the nature of his interest required him to leave the meeting and took no part in the Council's deliberations.

Councillor Cormack declared an interest by virtue of being a homeowner in close proximity to the proposed development. Councillor Cormack considered that the nature of her interest required her to leave the meeting and took no part in the Council's deliberations.

12 LAND NORTH OF AIRYHALL HOUSE, CRAIGTON ROAD, ABERDEEN - ERECTION OF 54 BED NURSING HOME - P090141

Reference was made to (1) Article 3 of the minute of meeting of the Development Management Sub Committee of 1st October 2009, at which time there was under consideration a report by the Head of Planning and Infrastructure on the application (090141) lodged on behalf of the Trustees of Nazareth Care Home for planning permission to erect a nursing home and constant care flat units on a site extending to some 1.9 hectares at Craigton Road, Aberdeen, the site being situated to the north of, and forming part of the grounds of, Airyhall House, formerly in use as a local authority children's home but now extended and converted to form twenty-three retirement flats. The report before members that day advised that the application represented a departure from the Development Plan in respect of which the planning authority, in accordance with the guidance contained within Planning Advice Note 41, was required to consider the appropriateness or otherwise of a departure hearing; and (2) the minute of meeting of the Development Management Sub Committee of 20th November 2009, when said departure hearing had been conducted, in advance of which a site visit had been undertaken.

The Council had before it a report by the Head of Planning and Sustainable Development which explained that the planning application required to be determined by the full Council under new legislation introduced in August 2009 as part of the Scottish Government's modernisation of the planning system. Section 14(2) of the Planning etc (Scotland) Act 2006 amended the Local Government (Scotland) Act 1973 to the effect that where a planning application had been the subject of a Pre-

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Determination Hearing under Section 38A of the 2006 Act, the planning application had to be decided by the full Council.

The report contained information regarding the location of the site, the surrounding uses and the general character of the area. The report explained that detailed planning permission was sought for the erection of a 54-bedroom nursing home, which was an amended proposal. Following the Pre-Determination Hearing, the applicant had made a number of changes to the proposal in response to issues, concerns and objections which had been raised by members of the public at the hearing and in written representations lodged with the Council. In summary, the original proposal to include eight constant care residential units alongside the nursing home had been deleted. Some changes had also been made to the size and design of the nursing home. The design and position of the access road had also been altered.

The views of the statutory consultees and the letters of objection were referred to in the report which contained an indication of the relevant policy considerations arising. The detailed evaluation of the application was then set out in relation to Scottish Planning Policy, the Aberdeen City and Shire Structure Plan, the Aberdeen Local Plan, the Aberdeen Local Development Plan Main Issues Report (October 2009) and the various objections that had been raised by the Community Council and members of the public.

The report concluded that the proposed development was significantly contrary to Green Belt policy as expressed in the Scottish Government's Scottish Planning Policy and in the Aberdeen Local Plan (Policy 28). The applicant had endeavoured to justify why the development needed to be located on the specific site but a compelling case had not been made that would warrant departing from Government policy and the Development Plan. The report further concluded that it was premature and indeed inappropriate to approve development on the application site until a full and proper review of the Green Belt boundaries and the boundaries of any potential development sites in the locality had been carried out as part of the Local Development Plan process.

The report recommended:-

that the application be refused on the following grounds:- (1) that the proposal, if approved, would be contrary to the terms of Policy 28 'Green Belt' of the Aberdeen Local Plan and the Scottish Government's Planning Policy by reason that a nursing home did not fall within the categories of acceptable development in the Green Belt, that the applicant had failed to demonstrate that there was an overriding and compelling need to locate the development on this specific site in the Green Belt and would contribute towards the coalescence of Airyhall and Cults which would be contrary to a

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key aim of the Green Belt in the current Local Plan; and (2) that the proposal, if approved, would be premature and inappropriate in advance of the review of Green Belt boundaries as part of the new Aberdeen Local Development Plan.

Councillor Dean moved, seconded by Councillor McCaig:-

That the application be refused in accordance with the recommendation contained within the report.

Councillor Cassie moved as an amendment, seconded by Councillor Donnelly:-

That the application be approved subject to appropriate conditions as recommended by planning officers, on the basis that there was a need for nursing home accommodation within the city and that the applicants had demonstrated that no other sites were available within the Aberdeen area that met their specific requirements.

On a division, there voted:-

For the motion (14) - Councillors Adam, Boulton, Cooney, Cormie, Dean, Greig, Laing, McCaig, McDonald, Malone, May, Noble, Penny and Yuill.

For the amendment (23) - Depute Provost Dunbar; and Councillors Allan, Cassie, Clark, Collie, Corall, Donnelly, Farquharson, Fletcher, Graham, Hunter, Ironside, Jaffrey, Kiddie, Leslie, Reynolds, Robertson, John Stewart, Kevin Stewart, Wendy Stuart, John West, Kirsty West and Young.

Declined to vote (1) - Lord Provost Peter Stephen.

Absent from the division (5) - Councillors Cormack, Crockett, Milne, Jennifer Stewart and Wisely.

The Council resolved:-
to adopt the amendment.

In accordance with Standing Order 15(6), Councillor McDonald requested that his dissent be recorded against the above decision.

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13 THE ABERDEEN CITY ALLIANCE (TACA) - CONSTITUTION AND STANDING ORDERS - CG/10060

The Council had before it a report by the Director of Corporate Governance which presented TACA's constitution and standing orders.

The report appended the constitution and standing orders which had been approved at TACA's meeting of 3rd February 2010; it had also been agreed that the documents be remitted to the various partners for consultation. This gave the Council the opportunity to comment on any aspect of the governance arrangements which would require to be reconsidered in light of the Council's priorities, new management structure and new committee structure.

The report recommended:-

that the Council -

- (a) consider the constitution and standing orders for TACA appended to the report;
- (b) comment on and propose any amendments to the constitution and standing orders from the Council's perspective as a partner; and
- (c) request the elected members on TACA to present the Council's comments to the TACA Executive on 26th April 2010.

The Council resolved:-

- (i) to make no comment on the constitution and standing orders at this stage, allowing them sufficient time to bed in before considering the matter at a later date;
- (ii) to request that any reports and minutes of meetings on the matter be submitted to the Corporate Policy and Performance Committee for consideration; and
- (iii) otherwise, to note the report.

14 MEMBERSHIP OF THE ABERDEEN AIRPORT CONSULTATIVE COMMITTEE

With reference to Article 12 of the minute of its meeting of 18th November 2009, the Council had before it correspondence from the Aberdeen Airport Consultative Committee which confirmed that the Committee had agreed to the Council's request to increase its number of places from three to four members.

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The correspondence did however express concern at the low levels of attendance by the Council's current representatives, of whom Councillor Clark was the most frequent attendee. It was emphasised that the constitution allowed for the appointment of substitutes and the correspondence encouraged the Council's representatives to send substitutes to meetings they were unable to attend themselves.

The Council resolved:-

- (i) to appoint Councillor Crockett as the Council's fourth representative on the Aberdeen Airport Consultative Committee; and
- (ii) otherwise, to note the correspondence.

15 CITY CHAMBERLAIN - TRIBUTE

The Lord Provost noted that this would be the final meeting of Council attended by Susan Cooper, City Chamberlain, paid tribute to her hard and dedicated work for the Council over the years and wished her well in the future.

The Council resolved:-

to concur with the Lord Provost's comments.

16 QUESTION

The Council had before it the undernoted question, of which due notice had been given in terms of Standing Order 20(2), which had been placed on the agenda as Councillor McCaig had indicated that he was unhappy with the response.

Councillor McCaig

QUESTION -

To the Convener of Audit and Risk

"To ask the Convener of Audit and Risk if he believes there is a significant risk to the Council of confidential reports being leaked to the press and what actions he feels Group Leaders should take with regards to members of their group commenting in public about reports containing commercially sensitive information?"

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ANSWER (by Councillor Crockett) -

The term “confidential” has a specific meaning under the Local Government (Scotland) Act 1973 as amended by the Local Government Access to Information Act 1985. I am unaware of this Council - from May 2007 onwards - ever having a confidential report in front of it.

All Councillors have signed a statement agreeing to abide by the Code of Conduct and I would expect them to adhere to it accordingly. I would not expect any member to discuss or pass on exempt information in public. My advice to Group Leaders would be that they remind their members of their obligations under the Code of Conduct; however, if any specific action is required, then that is a matter for each individual Group in accordance with its own procedures.

In accordance with Standing Order 20(4), the Lord Provost ruled that the question had been answered satisfactorily.

The Council resolved:-
to note the details.

17 MOTION

Councillor Boulton, pursuant to notice, moved:-

“Council agrees that Aberdon House should be utilised for homeless single parents with one child given the accommodation constraints which would enable early engagement with parents by social services in developing their parenting and life skills prior to the family living alone.”

The Council resolved:-
to refer the motion to the Housing and Environment Committee.
- **PETER STEPHEN, Lord Provost**.