

LEGAL AND DEMOCRATIC SERVICES

COUNCIL DECISION SHEET

COUNCIL - WEDNESDAY, 14 DECEMBER 2016

Please let the Committee Officer know as soon as possible if you do not agree with any action proposed in this decision sheet. These are decisions of the Council and there is an expectation that action will be taken. If for any reason it is apparent that you will not be able to act on these instructions in full or in part or that there will be a delay, please let the Committee Officer know as it may be necessary to advise Council or seek further instructions from Council.

	Item Title	Council Decision	Services Required to take action	Officer to Action
1	<u>Admission of Burgesses</u>	<u>The Council resolved:</u> Not applicable		
2	<u>Determination of Exempt Business</u>	<u>The Council resolved:</u> 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 9(a) and 9(b) so as to avoid disclosure of exempt information of the classes described in paragraphs 1, 3, 6 and 9 of Schedule 7(A) of the Act.		
3	<u>Requests for Deputations</u>	<u>The Council resolved:</u> None received		
4(a)	<u>Minute of Meeting of Aberdeen City Council of 6 October 2016 - for approval (circulated separately)</u>	<u>The Council resolved:</u> to approve the minute.		
4(b)	<u>Minute of Special Meeting of Aberdeen City Council of 24 October 2016 - for</u>	<u>The Council resolved:</u> to approve the minute.		

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	<u>approval (circulated separately)</u>			
4(c)	<u>Minute of Meeting of Urgent Business Committee of 1 November 2016 - for approval</u>	<u>The Council resolved:</u> to approve the minute.		
4(d)	<u>Minute of Meeting of Urgent Business Committee of 14 November 2016 - for approval</u>	<u>The Council resolved:</u> to approve the minute.		
5(a)	<u>Business Statement</u>	<u>The Council resolved:</u> to note the statement.		
5(b)	<u>Minutes of Meetings of the Appointment Panel of 4 October and 3 and 8 November 2016 - for approval</u>	<u>The Council resolved:</u> to approve the minutes.		
5(c)	<u>Minute of Meeting of Guildry and Mortification Funds Sub Committee of 1 September 2016 - for approval</u>	<u>The Council resolved:</u> to approve the minute.		
6(a)	<u>Finance, Policy and Resources Committee - 1 December 2016 - Memorandum of Understanding for Additional £254m Investment</u>	<u>The Council resolved:</u> (i) to approve the amended Memorandum of Understanding as circulated; and (ii) to instruct the Chief Executive to write to the First Minister to clarify whether the Scottish Government £160million		

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		<p>overspend in relation to the Aberdeen to Inverness rail line improvements, which have seen an increase in cost from £170million to £330million, will have any impact on funding for the committed £200million rail link to improve journey times between Aberdeen and the Central Belt, or any other transport projects which may come forward as part of the Aberdeen City Region Deal.</p>		
7(a)	<p><u>National Cremation Investigation - Update</u></p>	<p><u>The Council resolved:</u></p> <ul style="list-style-type: none"> (i) to note the update of actions contained within the report; (ii) to note that the Chief Executive has formally constituted the Bereavement Services Inter-Agency Working Group with formal terms of reference and assumed the chairmanship of the group; (iii) to note that a number of claims have been made against the Council and that these claims are in the hands of the Council's insurers; (iv) to note that, in light of the legal framework being due to change considerably following the work of the Infant Cremation Commission, briefing sessions have been delivered to inform elected members of the statutory duties which will be placed on the Council once the Burial and Cremation (Scotland) Act 2016 (and any regulations made thereunder) comes into force; and 		

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		(v) to instruct the Chief Executive to continue to monitor the completion of the remaining actions to be undertaken by the Council as detailed within the report and to note that future update reports will be submitted to the Communities, Housing and Infrastructure Committee.		
7(b)	<u>Governance Review - Interim Revisions to Standing Orders and Scheme of Delegation</u>	<p><u>The Council resolved:</u></p> <p>(i) to amend Standing Order 44 (Signing of Deeds) by adding to those officers so authorised, the holders of the posts of Team Leader in Legal Services who are solicitors; Head of Commercial and Procurement Services and Team Leader, Legal Team, Commercial and Procurement Services; and</p> <p>(ii) to amend the Scheme of Delegation by authorising the Chief Executive:-</p> <p>(1) to take any action on behalf of the Council which s/he considers necessary in the event of an emergency - with emergency defined in accordance with that detailed in the Civil Contingencies Act 2004 - on the basis that any such action shall be reported to the next meeting of the Council or relevant committee or sub-committee as an item on the agenda; and</p> <p>(2) to implement the provisions of the Civil Contingencies Act 2004 and the Civil Contingencies Act 2004 (Contingency Planning (Scotland))</p>		

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		Regulations 2005).		
7(c)	<u>Education and Children's Services Committee - External Appointments (Church of Scotland, Teacher and Parent Representatives)</u>	<u>The Council resolved:</u> to approve the following external member appointments to the Education and Children's Services Committee - <ul style="list-style-type: none"> • Reverend Hutton Steel as the Church of Scotland representative • Ms Pamela Scott as the second teacher representative • Mrs Louise Bruce as the primary school and ASN provision parent representative 		
7(d)	<u>Bond Financing Strategy - Implications for the Council</u>	<u>The Council resolved:</u> (i) to note that the Bonds are admitted to trading on the London Stock Exchange; (ii) to note that the Council must act in a manner capable of maintaining its credit rating; (iii) to note that the Council must comply with the Market Abuse Regulations, the Disclosure and Transparency Rules, the Listing Rules and the continuing obligations set out in the London Stock Exchange Admission and Disclosure Standards; (iv) to instruct the Head of Finance to review the Council's financial management systems, processes and routines taking into account the requirements and expectations of holding and maintaining a suitable credit rating and being an Issuer of Bonds and to report back to the		

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		<p>Finance, Policy and Resources Committee and Audit, Risk and Scrutiny Committee as required;</p> <p>(v) to instruct the Head of Legal and Democratic Services to ensure that any proposals arising from the Governance Review are aligned to the requirements and expectations of holding and maintaining a suitable credit rating and being an Issuer of Bonds;</p> <p>(vi) to instruct the Head of Legal and Democratic Services to develop and maintain the Insider List(s) on behalf of the Council and to concurrently instruct officers to provide training to elected members as to their responsibilities whilst on the Insider List(s); and</p> <p>(vii) to instruct the Depute Chief Executive (Director of Corporate Governance) to develop proposals for a Fiscal Policy Panel as described in section 5.9.1 of the report and to report back to the Finance, Policy and Resources Committee or full Council.</p>		
7(e)	<u>Leaving the European Union</u>	<p><u>The Council resolved:</u></p> <p>(i) to note the detail of the report;</p> <p>(ii) to instruct officers to review the Regional Economic Strategy and consider what adjustment, if any, is required to the Strategy in light of the emerging economic implications highlighted in the report. Any adjustments to focus on mitigation of potential harm and exploitation of</p>		

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		<p>potential opportunities;</p> <p>(iii) to note that officers are reviewing the Council's approach:-</p> <ul style="list-style-type: none"> • to overseas trade development in light of the potential change to our trade relations; and • to external funding in light of changes to EU funding; <p>(iv) to note the Scottish Government's projection that the decision to leave the EU could reduce Scottish tax revenues by between £1.7billion and £3.7billion by 2030, resulting in a budget reduction to the Scottish Government of between 6% and 13%, and to instruct the Head of Finance to keep Council briefed as the financial picture becomes clearer; and</p> <p>(v) to instruct the Chief Executive to write to the Secretary of State for Scotland, the Secretary of State for Exiting the EU, and the relevant Cabinet Secretary for the Scottish Government with a copy of the report, which outlines the negative impact which either a 'soft' or 'hard' Brexit will have on the economies of Aberdeen, Scotland and the UK.</p>		
7(f)	<u>Aberdeen City Integration Joint Board</u>	<u>The Council resolved:</u> to note the content of the report.		
7(g)	<u>Community Planning Update</u>	<u>The Council resolved:</u> to note the report.		

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7(h)	<u>Fairer Aberdeen Fund Annual Report 2015-16</u>	<p><u>The Council resolved:</u></p> <ul style="list-style-type: none"> (i) to note the Fairer Aberdeen Fund annual report for 2015/16; (ii) to note that the Fairer Aberdeen Board has carried out a Participatory Budgeting exercise in the Froghall, Powis and Sunnybank area during 2016/17; and (iii) to recognise the work of the community representatives on the Fairer Aberdeen Board and the relevant staff. 		
7(i)	<u>Adoption of Aberdeen Local Development Plan 2017</u>	<p><u>The Council resolved:</u></p> <ul style="list-style-type: none"> (i) to note the Examination Report on the Aberdeen Local Development Plan; (ii) to approve the modifications made to the Plan, as set out in Appendix 1 to the report, and any minor drafting changes; (iii) to notify the Scottish Ministers of the Council's intention to adopt the Aberdeen Local Development Plan as modified; (iv) to adopt the Aberdeen Local Development Plan with effect from 17 January 2017 unless directed otherwise by Scottish Ministers and undertake the statutory procedures set out in Appendix 5 to the report; (v) to deeply regret that the Town and Country Planning (Grounds for Declining to Follow Recommendations) (Scotland) Regulations 2009 obliges this Council to accept the Reporter's recommendations for modifications, 		

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		<p>regardless of the views of local communities or this Council;</p> <p>(vi) in particular, to note with disappointment the Reporter's recommended modifications to include 60 homes and 1,225m² of employment at Milltimber South and the identification of the former BT yard at Froghall Terrace as an opportunity site for student accommodation; and</p> <p>(vii) to instruct the Chief Executive to write to the Scottish Government requesting that when sites are minded to be added to the Local Development Plan by the Scottish Government Reporter neighbour notification is carried out and response considered prior to any modification of future plans.</p>		
7(j)	<p><u>Proposed Supplementary Guidance and Non-Statutory Planning Guidance to Accompany Aberdeen Local Development Plan 2017</u></p> <p>The documents relating to Appendices 1 and 3 to the report have been made available to members separately - in electronic format via the shared drive, and in hard copy to each of the groups and in the Members' Library.</p>	<p><u>The Council resolved:</u></p> <p>(i) to note the representations previously received on Proposed Supplementary Guidance documents on planning policy matters and approve officers' responses to representations where relevant;</p> <p>(ii) to approve the Proposed Supplementary Guidance documents (Appendix 1 - planning policy and site specific) and instruct officers to consult on these documents for six weeks;</p> <p>(iii) to instruct officers to report the results of the public consultation, and any proposed revisions to the Proposed Supplementary Guidance to a subsequent Council meeting;</p>		

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		<p>(iv) to adopt the Proposed Supplementary Guidance documents as Interim Planning Advice from the adoption date of the new Aberdeen Local Development Plan (expected to be 17 January 2017) so as to ensure no gap in planning policy provision;</p> <p>(v) to adopt the following documents as non-statutory planning guidance from the adoption date of the new Aberdeen Local Development Plan (expected to be 17 January 2017):</p> <ul style="list-style-type: none"> - Aberdeen Harbour, Balgownie Centre, Bridge of Don; Broadford Works; Denburn Valley; Fire Station Site; North Anderson Drive; Hillhead Campus; Pinewood/Hazledene; River Don Corridor Framework; Robert Gordon University City Centre; Aberdeen Masterplanning Process and Design Review Panel; and <p>(vi) to instruct officers to make any minor technical drafting updates which may be required to other non-statutory planning guidance in order to ensure all planning policy documents are up-to-date and consistent with the Aberdeen Local Development Plan 2017.</p>		
7(k)	<u>Berryden Corridor Improvements Scheme, Compulsory Purchase Order</u>	<p><u>The Council resolved:</u></p> <p>(i) to note the content of the report;</p> <p>(ii) to approve progression of the scheme on the basis of the plan in Appendix A to the report;</p>		

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		<ul style="list-style-type: none"> (iii) to instruct officers to prepare a Compulsory Purchase Order (CPO) and supporting information to acquire the necessary land that cannot be secured by voluntary acquisition through a negotiated process; (iv) to instruct officers to report to a future meeting of Council to seek a resolution to make the Compulsory Purchase Order once the supporting documents are completed; (v) to instruct officers, in tandem with the CPO preparation, to continue to attempt voluntary acquisition using delegated authority as granted by Council on 17 August 2016; and (vi) to authorise the transfer of the required land from the Common Good account to the General Fund Account at current market value. 		
7(l)	<u>Shaping Aberdeen Housing LLP Business Plan Update</u>	<p><u>The Council resolved:</u></p> <ul style="list-style-type: none"> (i) to note the content of the report and the associated timescale for the production of the Shaping Aberdeen Housing LLP Business Plan; and (ii) to note that the Business Plan will be reported to the Communities, Housing and Infrastructure Committee on 24 January 2017, then to full Council immediately thereafter for ratification by the Council. 		
7(m)	<u>Signing of a Memorandum of Understanding between Aberdeen and Mokpo, South Korea</u>	<p><u>The Council resolved:</u></p> <ul style="list-style-type: none"> (i) to approve the inclusion of Mokpo, South Korea, to the planned trip by the 		

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		<p>Lord Provost and one accompanying officer to Japan in February or March 2017; and</p> <p>(ii) to instruct officers from the Economic and Development Service to report back to Council on this trip as part of the Elected Members Overseas Travel Bulletin submitted to Council.</p>		
7(n)	<u>Chief Social Work Officer's Annual Report</u>	<p><u>The Council resolved:</u></p> <p>(i) to note the content of the Annual Report at Appendix 1 to the report; and</p> <p>(ii) to thank the Chief Social Work Officer and her staff for their work during the course of the year.</p>		
8(a)	<p><u>Councillor Flynn</u></p> <p>“Council:-</p> <p>1) Instructs officers to remove, with immediate effect, section 3.16 of the Student Accommodation Technical Advice Note (TAN), which states that "Purpose built student accommodation is not required to contribute to affordable housing".</p> <p>2) Notes that Aberdeen City Council has the power to request an affordable housing component from student housing, and therefore instructs officers to seek to obtain an affordable housing component in relation to all future student accommodation applications.”</p>	<p><u>The Council resolved:</u></p> <p>(i) to note that SNP Councillors Cormie, Dickson, Jaffrey, Noble and Stuart all voted to approve the Technical Advice Note - Student Accommodation - CHI/15/214 at the Planning Development Management Committee on 16 July 2015;</p> <p>(ii) to note Aberdeen City Council has not historically nor does it currently require affordable housing from student accommodation developments;</p> <p>(iii) to note that it is not the practice of any local authority in Scotland, including Edinburgh or Glasgow to do so, and the Council is not aware of any London boroughs which seek it;</p> <p>(iv) to agree that Aberdeen City Council does not seek affordable housing for several reasons:-</p>		

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		<p>a. it is recognised across the UK that the provision of student accommodation reduces pressure on the housing market;</p> <p>b. due to the nature of student accommodation much higher densities can be achieved on these sites than would be achievable for market housing, approximately 2 to 10 times more bed-spaces;</p> <p>c. student accommodation helps to reduce pressure and demand for HMOs and temporary accommodation which are harder to regulate due to their size;</p> <p>d. not requiring affordable housing makes these developments more viable encouraging better managed and better quality schemes to come forward, this in turn helps to support our high quality tertiary education sector; and</p> <p>e. managed developments give residents and the Council a central contact point to address any issues;</p> <p>(v) to agree that it is also extremely difficult to calculate the affordable housing contribution from student accommodation and even more so from historic accommodation; a common misunderstanding is that the 25% affordable housing policy can be applied to a student accommodation development and this will calculate what “would have been achievable”,</p>		

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		<p>this ignores the fact that affordable housing is based on unit numbers (houses or flats) not bed-spaces. Student accommodations is designed around numbers of bed-spaces either in studio flats or in a cluster format, i.e. a number of bed spaces served by central kitchen and communal facilities; and</p> <p>(vi) to agree that the removal of section 3.16 of the Student Accommodation Technical Advice Note would stifle development and regeneration throughout the city.</p>		
8(b)	<p><u>Councillors Greig and Boulton</u></p> <p>“That this Council:</p> <ol style="list-style-type: none"> 1. Condemns unequivocally racism, xenophobia and hate crimes and believes these have no place in this, or any other, country. 2. Takes pride that Aberdeen is a vibrant, diverse, tolerant and multicultural city in which everyone can contribute to the local community and economy, irrespective of race, religion or social background. 3. Believes that the best way to promote peace and harmony in the world is to build cultural, academic and economic bridges. 4. Rejects any attempts to drive individuals, families and legitimate businesses away from Aberdeen 	<p><u>The Council resolved:</u></p> <p>to approve the following joint amendment in the names of Councillors Laing and Flynn:-</p> <p>“That this Council:</p> <ol style="list-style-type: none"> 1. Condemns unequivocally racism, xenophobia and hate crimes and believes that these have no place in this, or any other, country. 2. Takes pride that Aberdeen is a vibrant diverse, tolerant and multicultural city in which everyone can contribute to the local community and economy irrespective of race, religion or social background. 3. Commits itself to:- <ol style="list-style-type: none"> (i) continue to work with others to tackle and prevent racism, xenophobia and hate crimes. (ii) maintain Aberdeen as a welcoming and friendly international destination.” 		

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	<p>on grounds of race, religion or country of origin and condemns any organisation that pursues such a policy.</p> <p>5. Commits itself to:</p> <p>(i) continue to work with others to tackle and prevent racism, xenophobia and hate crimes.</p> <p>(ii) maintain Aberdeen as a welcoming and friendly international destination.”</p>			
8(c)	<p><u>Councillor Flynn</u></p> <p>“1) Council regrets that almost 3 years ago Newlands Crescent was chosen as the name for a new street in the Charleston development in Cove, mirroring the name of a long-established street in the Broomhill area.</p> <p>2) Council notes that a system has now been put in place to prevent such duplication arising again in the future.</p> <p>3) Further notes that there are, however, numerous streets across our city which share the same name.</p> <p>4) Council acknowledges that a majority of residents of Newlands Crescent, Cove, are firmly against the name of their street being changed for a variety of reasons.</p> <p>5) Council therefore instructs officers not to proceed with a name change in relation to Newlands Crescent, Cove.”</p>	<p><u>The Council resolved:</u> to approve the terms of the motion.</p>		

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8(d)	<p><u>Councillor Hutchison</u></p> <p>“That the Council supports the Royal British Legion’s ‘Count Them In’ campaign which aims to see questions about service in our armed forces included in the 2021 Census. Notes that there is currently very limited information about where our veterans now live and what support they may need. Believes that by gathering this information through the Census it will allow for an improved understanding of this unique community and ensure that the Council, alongside others, can ensure we are fully meeting the needs of our serving personnel, veterans and their families. Instructs the Chief Executive to write to the Royal British Legion and Poppy Scotland to offer our support to their campaign.”</p>	<p><u>The Council resolved:</u> to approve the terms of the motion.</p>		
9(a)	<p><u>Social Work Complaints Review Committee - 23 November 2016</u></p>	<p><u>The Council resolved:</u></p> <p>(i) to approve the minute of the Social Work Complaints Review Committee meeting of 23 November 2016 and the recommendations contained therein; and</p> <p>(ii) to note the Director of Education and Children’s Services comments in the foreword.</p>		
9(b)	<p><u>Aberdeen Renewable Energy Group (AREG) Agreement</u></p>	<p><u>The Council resolved:</u></p> <p>(i) to note the progress on the European Offshore Wind Deployment Centre (EOWDC) development;</p> <p>(ii) to agree the proposed approach to</p>		

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		<p>accounting for the proceeds arising from the sale of AREG's shareholding in Aberdeen Offshore Windfarm Ltd (AOWL) as set out in section 5 of the report;</p> <p>(iii) to agree to the appointment of the Head of Economic Development to the board of AREG; and</p> <p>(iv) to note that Aberdeen City Council will cease providing membership services to AREG from April 2017, subject to the AREG Board confirming that a suitable alternative is in place.</p>		

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