

ABERDEEN CITY COUNCIL

Town House,
ABERDEEN, 29 June 2016

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	MURIEL JAFFREY
DAVID CAMERON	JENNIFER LAING
SCOTT CARLE	GRAEME LAWRENCE
NEIL COONEY	NEIL MacGREGOR
NEIL COPLAND	M. TAUQEER MALIK
JOHN CORALL	RAMSAY MILNE
WILLIAM CORMIE	JEAN MORRISON, MBE
BARNEY CROCKETT	NATHAN MORRISON
STEVEN DELANEY	ALEXANDER NICOLL
ALAN DONNELLY	JAMES NOBLE
JACQUELINE DUNBAR	GILLIAN SAMARAI
LESLEY DUNBAR	JENNIFER STEWART
ANDREW FINLAYSON	SANDY STUART
STEPHEN FLYNN	ANGELA TAYLOR
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=3911&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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ANNOUNCEMENT

1. The Lord Provost advised that emergency motions had been received and that these would be dealt with at the appropriate point on the agenda. The Lord Provost further advised that the Chief Executive would be making a statement and that this would be considered before the minute of the previous meeting.

ADMISSION OF BURGESSES

2. (A) The persons undermentioned were admitted into the presence of the Council and passed as Burgesses of Guild in respect of their respective Acts of Admission in the Guild Burgess Book:-

Sam Shek Kwai Ng, Retired Restaurant Owner, Aberdeen
Gail Watt, General Secretary, Aberdeen

(B) The person undermentioned was admitted into the presence of the Council and passed as a Burgess of the Burgh of Aberdeen of his own craft only:-

Alan Leith, Baker, Aberdeen

DETERMINATION OF EXEMPT BUSINESS

3. 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:-

- 9(a) Chief Officer Posts
- 9(b) Bay of Nigg Harbour Proposals - Option to Lease
- 9(c) Music Hall Redevelopment

The Council resolved:-

in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, to exclude the press and public from the meeting during consideration of items 9(a) to 9(c) so as to avoid disclosure of exempt information of the classes described in paragraphs 1, 4, 6 and 9 of Schedule 7(A) of the Act.

NATIONAL CREMATION INVESTIGATION

4. The Council received the following statement by the Chief Executive:-

“Thank you Lord Provost.

Members will be aware that Dame Elish Angiolini published her report on the National Cremation Investigation on Monday this week. I felt that it was important to give an immediate public response to the report on behalf of the Council and therefore on Monday afternoon I attended a media conference and spoke at the Audit, Risk and

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Scrutiny Committee. A Council helpline was put in place on Monday to offer support to families affected by the issues raised in the Investigation report.

Members will appreciate that having only received the report on Monday I have not as yet had the opportunity to consider its content fully. It is critical that I do that now and that I report back fully to Council. When I spoke to the Audit, Risk and Scrutiny Committee I indicated that I would submit my report to the Communities, Housing and Infrastructure Committee as the relevant service committee for the Crematorium. On reflection, I now believe that it would be more appropriate to bring a report to Full Council and to do this immediately after the recess.

I fully understand the shock and upset felt by families affected by past practices at the Crematorium and the public wish to be assured that people are held to account for those past practices.

On receiving in June 2014 the anonymous allegation relating to the joint cremation of babies and adults, I immediately shared the letter with Lord Bonomy, Chair of the Infant Cremation Commission, as the allegation cast doubt on the reliability of the evidence provided by the Council to the Commission.

Service management immediately undertook a full internal investigation which resulted in the dismissal of the Crematorium Manager and no action being taken against a further two members of staff.

I had indicated on receipt of the anonymous allegation that I would instigate my own investigation bearing in mind that at the time I was not formally in post as the Council's Chief Executive. By the time I had taken up post in July 2014, Dame Elish's National Cremation Investigation was underway and it was agreed that it would take on the investigation of the allegations made in relation to practices at Aberdeen Crematorium.

Regrettably Dame Elish has found the allegation to be true and that unethical and abhorrent practices had taken place over many years at Aberdeen Crematorium. I said on Monday and I say again today that I fully concur with Dame Elish's description of the past practices and I once again apologise wholeheartedly on behalf of the Council for the distress such practices have caused.

As I have already said, I received the report on Monday. Yesterday, I formally instructed the Head of Legal and the Head of Human Resources to review the report fully and to advise me what further action I require to take. I will fully review the report myself and consider the advice I receive from the two Heads of Service before bringing my own report to Council in August.

In addition I understand that the Crown Office has indicated that it has Dame Elish's report under consideration and I can confirm that the Council will fully co-operate with the Crown Office should it be required.

In the meantime, and in recognition of the need there is to provide public reassurance in the Crematorium as it now operates, I have invited Robert Swanson, Inspector of

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Crematoria Scotland to undertake an inspection of Aberdeen Crematorium. This he will do in the next few days and I will of course bring his findings to Council in August.

As we did with the recommendations made by Lord Bonomy, the Council fully accepts the recommendations made by Dame Elish. Many of her recommendations are for Chief Executives to address and I am committed to doing so personally on behalf of the Council.

I hope what I have set out to members today provides you with the reassurance the Council requires that the findings of this important investigation are being fully and urgently addressed so that a report can be brought to Council in order that members can fully scrutinise the actions of its officers.

Having said all this, I feel deeply and I'm sure all in the Chamber do so too, that in addressing all these matters we must never forget the impact there has been on the families affected by the past practices at the Crematorium.

I can only imagine how awful it must be to lose a child; it is truly terrible to now think that the Council has added in any way to the impact of that loss.

Sadly, I can't undo what has happened in the past. What I can do is make sure that nothing like it happens again at the Crematorium."

There followed an opportunity for questions from members and the Chief Executive responded accordingly.

The Council resolved:-

to note that the Chief Executive would submit a report to the Council meeting on 17 August 2016.

MINUTE OF MEETING OF ABERDEEN CITY COUNCIL OF 11 MAY 2016

5. The Council had before it the minute of meeting of Aberdeen City Council of 11 May 2016.

The Council resolved:-

to approve the minute.

BUSINESS STATEMENT

6. The Council had before it a statement of Council business.

The Council resolved:-

- (i) to note that an update would be provided at the next meeting on item 12 - Broadford Works; and
- (ii) to otherwise note the statement.

MOTIONS LIST

7. The Council had before it a list of outstanding motions.

The Council resolved:-

to note the motions list.

DECLARATION OF INTERESTS

Councillor Delaney declared an interest in the following item of business by virtue of a family member being a service user at Hazlehead swimming pool and would therefore be negatively affected by its proposed closure. 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.

Councillors Donnelly and Lawrence declared interests by virtue of their position as Council appointed Directors to the Board of Sport Aberdeen but chose to remain in the meeting as Sport Aberdeen was a body being a company established wholly or mainly for the purpose of providing services to the local authority, and which had entered into a contractual arrangement with the local authority for the supply of goods and/or services to the local authority, as set out in paragraph 5.18(2)(d)(i) and (ii) of the Councillors' Code of Conduct.

JOINT MOTION BY COUNCILLORS GREIG AND JENNIFER STEWART - KINCORTH AND HAZLEHEAD SWIMMING POOLS

8. With reference to Article 6 of the minute of meeting of the Finance, Policy and Resources Committee of 7 June 2016, which had been referred to it for consideration by nine members of the Committee in terms of Standing Order 36(3), the Council had before it the minute extract from the meeting which detailed the decision of the Committee as follows:-

- (i) to note the position adopted by the Liberal Democrats at the Council budget meeting in February 2016 to reduce funding to Sport Aberdeen by £250,000;
- (ii) to note the decision taken by the SNP/Liberal Democrats administration in 2010 to outsource sport in Aberdeen to Sport Aberdeen;
- (iii) to agree that Sport Aberdeen had reserves of around £2million, which would allow Sport Aberdeen to keep both Kincorth and Hazlehead swimming pools open until the new South of the City School was open, and until any assessment Sport Aberdeen intended to take in relation to the future viability of Hazlehead swimming pool; and
- (iv) to agree that the Council having passed control over sport to Sport Aberdeen it was for Sport Aberdeen to determine how it ran its business.

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Councillor Greig moved, seconded by Councillor Jennifer Stewart:-

That the Council -

- (1) express concern at the manner in which Sport Aberdeen had decided to close Hazlehead and Kincorth swimming pools, both of which were much valued community amenities, without any public consultation;
- (2) request Sport Aberdeen - an ALEO - to keep these swimming pools open, carry out a full public consultation on their future and publish the results of that consultation before making any final decision on the future use of Hazlehead and Kincorth swimming pools;
- (3) provide funding of £275,000 from reserves in 2016/17 to Sport Aberdeen to fund the continued operation of Kincorth and Hazlehead swimming pools in 2016/17; and
- (4) agree that future years' funding should be considered as part of the budget setting process to allow an assessment of the South of the City school which included a swimming pool facility.

Councillor Young moved as an amendment, seconded by Councillor Allan:-

That the Council -

- (1) note that Sport Aberdeen is a company owned by its shareholders (Aberdeen City Council) who appoint/approve directors with responsibility for day-to-day management of the company;
- (2) note that (1) above conforms to the decision taken by the SNP/Liberal Democrat Administration in 2010 when they opted to outsource sport in Aberdeen to Sport Aberdeen;
- (3) express complete confidence in the independence of the Board of Sport Aberdeen to make decisions as it sees fit without political interference to maximise Sport Aberdeen's strategic aims as determined by its shareholders (Aberdeen City Council);
- (4) note the decision taken by the SNP to propose at the Council Budget meeting in February 2016 to reduce funding to Sport Aberdeen by £405,000;
- (5) note the decision taken by the Liberal Democrats to propose at the Council Budget meeting in February 2016 to reduce funding to Sport Aberdeen by £250,000;
- (6) agree that Sport Aberdeen's Board has complete autonomy to keep both Kincorth and Hazlehead swimming pools open until the new South of the City school is built or until any assessment Sport Aberdeen intended to take in relation to the future viability of Hazlehead swimming pool;
- (7) acknowledge the public petition to retain Kincorth and Hazlehead swimming pools; and
- (8) request the Sport Aberdeen Board to reflect on its decision considering the views expressed by the public in terms of accessibility to local facilities and the benefit to health.

Councillor Flynn moved as a further amendment, seconded by Councillor Corall:-

That the Council -

- (1) express concern at the manner in which Sport Aberdeen had decided to close Hazlehead and Kincorth swimming pools, both of which were much valued community amenities, without any public consultation;

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- (2) provide £98,864 to Sport Aberdeen from, in the first instance, any underspend incurred in 2016/17 and should this not be available, that contingencies be utilised, for the purpose of keeping Kincorth swimming pool open for the year 2016/17, and request that Council officers identify possible funding streams that may be available to provide funding to Sport Aberdeen for the purpose of keeping Kincorth swimming pool open until the completion of the new South of the City Academy; and
- (3) provide £131,050 to Sport Aberdeen from, in the first instance, any underspend incurred in 2016/17 and should this not be available, that contingencies be utilised, for the purpose of keeping Hazlehead swimming pool open for the year 2016/17, and request Sport Aberdeen in partnership with Aberdeen City Council, undertake a full assessment into the viability of Hazlehead pool as well as a full public consultation; and that both are published prior to any final decision by Sport Aberdeen on future use.

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

On a division, there voted:-

For the amendment by Councillor Young (21) - 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 and Young.

For the amendment by Councillor Flynn (17) - Councillors Cameron, Copland, Corall, Cormie, Jackie Dunbar, Flynn, Greig, Hutchison, Jaffrey, MacGregor, Nicoll, Noble, Samarai, Jennifer Stewart, Sandy Stuart, Townson and Yuill.

Absent from the division (1) - Councillor Delaney.

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

On a division, there voted:-

For the motion (17) - Councillors Cameron, Copland, Corall, Cormie, Jackie Dunbar, Flynn, Greig, Hutchison, Jaffrey, MacGregor, Nicoll, Noble, Samarai, Jennifer Stewart, Sandy Stuart, Townson and Yuill.

For the amendment by Councillor Young (21) - 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 and Young.

Absent from the division (1) - Councillor Delaney.

The Council resolved:-

to adopt the amendment by Councillor Young.

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APPOINTMENTS - OCE/16/026

9. The Council had before it a report by the Chief Executive which detailed a number of vacancies on outside bodies following the resignation from them of Councillor Thomson MSP.

The report recommended:-

that the Council agree to appoint replacement representatives on the following bodies -

- Alcohol and Drugs Partnership
- Chris Anderson Trust
- Cowdray Hall Committee
- Robert Gordon's College Board of Governors
- Rubislaw Field Committee
- Special Licensing Objections Committee
- Strategic Development Planning Authority

The Council resolved:-

to agree that Councillor Donnelly replace Councillor Thomson MSP as a Council representative on the aforementioned outside bodies, and that Councillor Young be appointed as a substitute member of the Strategic Development Planning Authority in place of Councillor Donnelly who would now become a full member.

WEBCASTING - TRIAL SUMMARY AND PROCUREMENT OF SERVICES - OCE/16/025

10. The Council had before it a report by the Chief Executive which summarised the success of the twelve month webcasting trial and recommended that tenders be invited for the provision of a service over five years.

The report recommended:-

that the Council -

- (a) note the viewing figures for the webcasts of Council meetings over the previous twelve months;
- (b) note the decision of the Chief Executive to authorise the extension of the present contract to allow for the continuation of webcasting pending the outcome of tendering, if agreed;
- (c) invite tenders for the provision of a webcasting service for Council meetings only for five years, at an estimated annual cost of £20,000;
- (d) determine whether or not committee meetings held in the Council Chamber should be webcast at an approximate additional annual cost of £1,000; and
- (e) determine whether the webcasting system should be extended to Committee Room 2 to cover meetings held there, and if so approve an additional annual cost of £18,000, based on three cameras being used and one year of webcast archiving, and instruct a further report on tendering for a replacement audio system and on the cabling costs involved.

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The Council resolved:-

- (i) to approve recommendations (a), (b) and (c);
- (ii) to agree to the webcasting of committee meetings held in the Council Chamber at an approximate additional annual cost of £1,000; and
- (iii) to not extend the webcasting system to Committee Room 2.

TREASURY MANAGEMENT POLICY AND STRATEGY - CG/16/066

11. With reference to Article 13 of the minute of meeting of the Finance, Policy and Resources Committee of 7 June 2016, the Council had before it, by way of remit, a report by the Interim Director of Corporate Governance which provided an update on Treasury Management activities undertaken during the financial year 2015/16.

The Finance, Policy and Resources Committee recommended:-

that the Council note the Treasury Management activities undertaken in the 2015/16 financial year.

The Council resolved:-

to approve the recommendation.

COMMUNITY PLANNING ABERDEEN - DEVELOPMENT PLAN - CHI/16/115

12. The Council had before it a report by the Director of Communities, Housing and Infrastructure which provided a six monthly update on progress by Community Planning Aberdeen against key areas of improvement.

The report recommended:-

that the Council note the report.

The Council resolved:-

to approve the recommendation.

MATTER OF URGENCY

The Lord Provost intimated that he had directed in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, that the following item be considered as a matter of urgency to enable the report to be considered in accordance with the timescale stipulated by the Council.

FAIRER ABERDEEN FUND 6 MONTH PROGRESS REPORT 2015/16 - CHI/16/103

13. The Council had before it a report by the Director of Communities, Housing and Infrastructure which provided the six month progress report for the Fairer Aberdeen Fund programme in 2015/16, and the allocation of funding for 2016/17.

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The report recommended:-

that the Council -

- (a) consider and advise the Fairer Aberdeen Board of the Council's comments on the six month progress report for 2015/16 at appendix 1 to the report;
- (b) note the information at appendix 2 listing the initiatives being funded in 2016/17; and
- (c) note that the Fairer Aberdeen Board had agreed to allocate up to £20,000 to undertake a Participatory Budgeting (PB) exercise during 2016/17, with the anticipation that Scottish Government match funding would be available; and that the Board had established a PB steering group which was receiving support from PB partners, and was likely to hold a PB event in October/November.

The Council resolved:-

- (i) to note the Fairer Aberdeen Fund six month progress report for 2015/16; and
- (ii) to approve recommendations (b) and (c).

MATTER OF URGENCY

The Lord Provost intimated that he had directed in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, that the following item be considered as a matter of urgency as a decision was required by July 2016 to ensure that the project could be delivered on time.

CITY CENTRE MASTERPLAN PROJECT EN01 - BROAD STREET - CHI/16/114

14. With reference to Article 22 of the minute of its meeting of 11 May 2016, the Council had before it a joint report by the Director of Communities, Housing and Infrastructure and the City Centre Director which advised of the results of the key stakeholder and public consultation undertaken for the City Centre Masterplan Project EN01: Broad Street, and detailed the recommended next steps.

The report recommended:-

that the Council -

- (a) note the results of the key stakeholder and public consultation;
- (b) agree that the preferred option for public realm intervention for Broad Street is option 2 (buses, cycles and pedestrians only);
- (c) instruct officers to work with Muse regarding the detailed design for Broad Street and to report back to the first appropriate committee; and
- (d) instruct officers to commence the necessary legal procedures of preliminary statutory consultation for the Traffic Regulation Order as described in the report, and then progress with the public advertisement and report the results of both the preliminary statutory consultation and public consultation to the Communities, Housing and Infrastructure Committee in November 2016.

Councillor Laing moved, seconded by Councillor Boulton:-

That the Council -

- (1) approve the recommendations contained within the report;

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- (2) instruct the Director of Communities, Housing and Infrastructure to endeavour to ensure that any contract being entered into for works on Broad Street takes into account the routing of vehicles during the 2016/17 Winter Festival in January 2017 to mitigate any detrimental impact on the flow of traffic through the city; and
- (3) instruct the Director of Communities, Housing and Infrastructure to enter into early discussions with the operator of the International Market as to the location and timing of the markets in 2017 so that the likely closure of Broad Street for periods of time is taken into account to enable works to progress safely.

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

That the Council -

- (1) approve recommendations (a), (c) and (d) contained within the report; and
- (2) agree that the preferred option for public realm intervention for Broad Street is option 3 (pedestrians and cycles only).

On a division, there voted:-

For the motion (34) - Lord Provost; Depute Provost; and Councillors Allan, Boulton, Cameron, Carle, Cooney, Copland, Corall, Crockett, Donnelly, Jackie Dunbar, Lesley Dunbar, Finlayson, Flynn, Graham, Grant, Hutchison, Ironside, Jaffrey, Laing, Lawrence, MacGregor, Malik, Milne, Jean Morrison, Nathan Morrison, Nicoll, Noble, Samarai, Sandy Stuart, Taylor, Townson and Young.

For the amendment (4) - Councillors Delaney, Greig, Jennifer Stewart and Yuill.

Absent from the division (1) - Councillor Cormie.

The Council resolved:-
to adopt the motion.

MATTER OF URGENCY

The Lord Provost intimated that he had directed in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, that the following item be considered as a matter of urgency to enable the Council to proceed with the next stage of the project at the earliest opportunity.

HEAT NETWORK TORRY - PHASE 1 - CHI/16/126

15. The Council had before it a report by the Director of Communities, Housing and Infrastructure which sought permission to proceed with the next stage of the heat network proposals in Torry.

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The report recommended:-

that the Council instruct the Director of Communities, Housing and Infrastructure to -

- develop a brief for the scope of works to procure the services of technical consultants to produce a fully costed detailed design of the Phase 1 heat network in Torry and to provide an initial assessment of how this could be further extended within the Torry area and more widely across the city;
- proceed to procure and appoint technical consultants; and
- prepare a report to a future committee meeting with the findings.

The Council resolved:-

to approve the recommendations.

MOTION BY COUNCILLOR YOUNG

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

“Council congratulates Aberdeen’s Elaine Farquharson-Black - Captain of the victorious Great Britain and Ireland Curtis Cup winning side. Acknowledges this outstanding achievement for Women’s Golf with Great Britain and Ireland beating the USA by 11½ to 8½, for only the second time in the last 10 contests.”

The Council resolved:-

- (i) to approve the terms of the motion; and
- (ii) to write to Elaine Farquharson-Black reiterating its congratulations.

EMERGENCY MOTION BY COUNCILLORS LAING AND HUTCHISON

17. The Council had before it the following emergency motion by Councillors Laing and Hutchison:-

“Council notes the decision to leave the European Union following a United Kingdom Referendum.

Council instructs the Chief Executive to provide a detailed report to the August Council meeting on the short (0-3 years), medium (3-10 years) and long term (10 years plus) implications of this decision for Aberdeen City Council, its ALEOs and its partner organisations.

In addition, Council instructs the Chief Executive to write to the Prime Minister and the First Minister seeking advice on the proposed timescales for the exit from the EU exploring with both the UK and the Scottish Governments the opportunity for Aberdeen City Council to receive financial help towards any future project that may no longer receive EU funding as a consequence of the UK’s decision to leave the European Union, and asking the UK and/or Scottish Government to act as a guarantor for any current EU funding which may now be at risk.”

The Council resolved:-

to approve the terms of the emergency motion.

EMERGENCY MOTION BY COUNCILLOR LAING

18. The Council had before it the following emergency motion by Councillor Laing:-

“Council notes the announcement by the Scottish Government indicating its intention to set up a new Scottish Benefits Agency and the letter written by the Council Leader to the First Minister on this matter.

Council agrees that Aberdeen City is best placed to host these 300 new jobs and urges the Scottish Government to confirm Aberdeen as its preferred location for this new flagship organisation that will oversee the delivery of benefits in Scotland.

Council instructs the Chief Executive to write to the Prime Minister and the First Minister outlining the benefits of locating or relocating any flagship organisation in Aberdeen, providing a copy of her letter to all members, with any replies from the Prime Minister or First Minister going to the August Council meeting for consideration.”

The Council resolved:-

to approve the terms of the emergency motion.

ANNOUNCEMENTS

19. (A) The Lord Provost advised that there were two impending retirements for senior officers of the Council.

Firstly, Donald Urquhart, Head of Communities and Housing, was due to retire after a long and distinguished career in a number of different roles in the public sector. Donald had joined Aberdeen City Council in 2010 and had been instrumental in the development of housing in the city region. The Lord Provost thanked Donald for his excellent service to the Council, and for his huge commitment to public service in general, and presented him with a gift on behalf of the Council.

Secondly, Gordon McIntosh was also due to retire in the near future. Gordon had entered local government in 1984, and carried out various roles for Grampian Regional Council. In 1996 Gordon joined Aberdeen City Council as Director of Economic Development and went on to become Director of Neighbourhood Services (Central and South Areas) before becoming Director of Enterprise, Planning and Infrastructure and latterly acting as Transitional Director. The Lord Provost highlighted that Gordon had developed relationships with some of the world's largest organisations, was known throughout the world and worked tirelessly for Aberdeen. The Lord Provost added that Gordon had been a very close support to the Council's various Lord Provosts both at

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home and abroad. The Lord Provost also presented Gordon with a gift on behalf of the Council.

(B) The Lord Provost extended his congratulations to Councillor Dickson who was due to marry his fiancée Scarlett Butler on 2 July 2016.

In accordance with the decision recorded under Article 3 of this minute, the following items were considered with the press and public excluded.

CHIEF OFFICER POSTS - OCE/16/026

20. The Council had before it a report by the Chief Executive which dealt with several matters relating to posts at chief officer level.

The Council resolved:-

to defer consideration of the report to a meeting of the Urgent Business Committee on 1 July 2016.

MATTER OF URGENCY

The Lord Provost intimated that he had directed in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, that the following item be considered as a matter of urgency to enable the transaction to be concluded at the earliest opportunity.

BAY OF NIGG HARBOUR PROPOSALS - OPTION TO LEASE - CHI/16/167

21. The Council had before it a report by the Director of Communities, Housing and Infrastructure which advised of an approach made by Aberdeen Harbour Board to enter into an Option Agreement in respect of a long term ground lease for an area of ground which was required in relation to the proposed Nigg Harbour expansion.

The report recommended:-

that the Council -

- (a) approve the proposal for the Council to enter into an Option Agreement with the Aberdeen Harbour Board in respect of the proposed ground lease; and
- (b) instruct the Head of Legal and Democratic Services to conclude the appropriate legal agreements incorporating various qualifications as are necessary to protect the Council's interest.

The Council resolved:-

to approve the recommendations.

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MATTER OF URGENCY

The Lord Provost intimated that he had directed in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, that the following item be considered as a matter of urgency to enable the request from Aberdeen Performing Arts to be considered at the earliest opportunity.

MUSIC HALL REDEVELOPMENT - CG/16/094

22. The Council had before it a report by the Interim Director of Corporate Governance which provided an update in relation to the redevelopment of the Music Hall being undertaken by Aberdeen Performing Arts, and a request from them to further consider investing in the project.

The report recommended:-

that the Council consider and approve one of the following options –

- (a) reject the request to further consider investing in the project;
- (b) increase the grant funding and/or loan facility guarantee, subject to the same conditions as those currently in place;
- (c) amend the grant funding and/or loan facility guarantee values and/or the conditions in place; or
- (d) provide a guarantee which would allow Aberdeen Performing Arts to proceed with the project whilst continuing to source other external funds.

DECLARATION OF INTERESTS

At this juncture, Councillors Boulton and Donnelly declared interests in the item of business by virtue of their position as Council appointed Directors to the Board of Aberdeen Performing Arts but chose to remain in the meeting as Aberdeen Performing Arts was a body being a company established wholly or mainly for the purpose of providing services to the local authority, and which had entered into a contractual arrangement with the local authority for the supply of goods and/or services to the local authority, as set out in paragraph 5.18(2)(d)(i) and (ii) of the Councillors' Code of Conduct.

The Council resolved:-

- (i) to confirm its commitment to the Music Hall redevelopment project;
- (ii) to provide a guarantee of up to £770,000 to Aberdeen Performing Arts, on terms to be agreed by the Head of Legal and Democratic Services and the Head of Finance, to enable Aberdeen Performing Arts to proceed with the redevelopment project; and
- (iii) to instruct the Head of Legal and Democratic Services to enter into a legally binding agreement with Aberdeen Performing Arts to ensure the Council's interests are suitably protected.

- GEORGE ADAM, Lord Provost.