

ABERDEEN CITY COUNCIL

Town House,
ABERDEEN, 15 March 2017

MINUTES OF MEETING OF ABERDEEN CITY COUNCIL

Sederunt:

Lord Provost George Adam, Chairperson;
Depute Provost John Reynolds; and

COUNCILLORS

YVONNE ALLAN
MARIE BOULTON
DAVID CAMERON
SCOTT CARLE
NEIL COONEY
NEIL COPLAND
JOHN CORALL
WILLIAM CORMIE
BARNEY CROCKETT
STEVEN DELANEY
GRAHAM DICKSON
ALAN DONNELLY
JACQUELINE DUNBAR
LESLEY DUNBAR
ANDREW FINLAYSON
STEPHEN FLYNN
GORDON GRAHAM
ROSS GRANT
MARTIN GREIG
MICHAEL HUTCHISON

LEONARD IRONSIDE, CBE
MURIEL JAFFREY
JENNIFER LAING
GRAEME LAWRENCE
NEIL MacGREGOR
M. TAUQEER MALIK
AILEEN MALONE
RAMSAY MILNE
JEAN MORRISON, MBE
NATHAN MORRISON
ALEXANDER NICOLL
JAMES NOBLE
GILLIAN SAMARAI
JENNIFER STEWART
SANDY STUART
ANGELA TAYLOR
GORDON TOWNSON
WILLIAM YOUNG
and
IAN YUILL

Lord Provost George Adam, in the Chair;

The agenda and reports associated with this minute can be found at:-

<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=122&MId=4324&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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AGENDA

1. The Lord Provost advised that the following items had been withdrawn from the agenda:-

- 7(i) Governance Review - Guildry Trust Deed - referred by Guildry and Mortification Funds Sub Committee of 1 March 2017
- 7(n) Site OP40, Prime Four Business Park, Kingswells (161429)

The Council resolved:-
to note the details.

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:-

Muhammed Tauqeer Malik, Businessman and Councillor, Aberdeen
Roderick John Matheson, Mechanical Engineer/Project Manager, Aberdeen
William Ross, TV, Ariel and Satellite Installer, Aberdeen

(B) The person undermentioned was admitted into the presence of the Council and passed as a Burgess of Guild by right their father's status as a Free Burgess:-

Neil Stockan Corall, Designer, Aberdeen

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

Barney Crockett, Shoemakers, Aberdeen
George McLeod, Wrights & Coopers, Aberdeen
Garry R Murray, Wrights & Coopers, Aberdeen
Mike Rennie, Wrights & Coopers, 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) Shaping Aberdeen Housing LLP 5 Year Business Plan
- 9(b) Complaints Review Committee - 26 and 31 January 2017
- 9(c) City Centre Masterplan Project EN10: Union Terrace Gardens - Outline Design, Business Case, Development Costs and Procurement Strategy - Appendices B and F

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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), 9(b) and 9(c) so as to avoid disclosure of exempt information of the classes described in paragraphs 1, 3, 6, 8, 9 and 10 of Schedule 7(A) of the Act.

MINUTE OF MEETING OF ABERDEEN CITY COUNCIL OF 14 DECEMBER 2016

4. The Council had before it the minute of meeting of Aberdeen City Council of 14 December 2016.

The Council resolved:-

to approve the minute.

MINUTE OF MEETING OF URGENT BUSINESS COMMITTEE OF 31 JANUARY 2017

5. The Council had before it the minute of meeting of the Urgent Business Committee of 31 January 2017.

The Council resolved:-

to approve the minute.

BUSINESS STATEMENT

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

The Council resolved:-

to note the statement.

ABERDEEN CITY INTEGRATION JOINT BOARD (IJB) - OCE/17/005

7. With reference to Article 17 of the minute of its meeting of 14 December 2016, the Council had before it a report by the Chief Executive which provided details of the arrangements put in place for governance of the IJB.

The report recommended:-

that the Council note the content of the report.

At this juncture, Councillor Laing paid tribute to Councillor Ironside who was due to stand down at the election in May having served as a Councillor for 35 years, firstly at Grampian Regional Council before Aberdeen City Council. Councillor Laing highlighted that Councillor Ironside had been Council Leader from 1999 until 2003, and had been awarded a CBE in 2003 for services to local government and the community.

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Councillor Laing concluded that naming the new facility built to replace the old Rosehill Day Centre the Len Ironside Centre was a fitting tribute to the work Councillor Ironside had done during his time as an elected member, particularly in relation to health and social care.

The Council resolved:-

- (i) to note the content of the report; and
- (ii) to agree to call the new facility built to replace the old Rosehill Day Centre the Len Ironside Centre.

STANDARDS COMMISSION FOR SCOTLAND - WRITTEN DECISION - OCE/17/003

8. The Council had before it a report by the Chief Executive which presented the written decision by the Standards Commission for Scotland following a hearing held on 24 January 2017.

The report recommended:-

that the Council -

- (a) consider the content of the written decision and note the sanction imposed by the Standards Commission for Scotland; and
- (b) further note the importance of ensuring that members were not seen to be determining quasi judicial and regulatory matters prior to the meeting at which the matter was to be considered.

The Council resolved:-

- (i) to note the content of the written decision and the sanction imposed by the Standards Commission for Scotland; and
- (ii) to approve recommendation (b).

COUNCILLORS' CODE OF CONDUCT - CONSULTATION ON PROVISIONS OF CONFLICTS OF INTEREST

9. The Council had before it a report by the Interim Director of Corporate Governance which presented a response to the consultation undertaken by the Scottish Government on possible amendments to the provisions on conflicts of interest in the Councillors' Code of Conduct.

The report recommended:-

that the Council approve the response appended to the report, to be submitted by 20 March 2017.

The Council resolved:-

to approve the response appended to the report, to be submitted by 20 March 2017, subject to the inclusion of a reference to the Standards Commission being allowed to amend the list of devolved public bodies to which an exclusion applied.

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COUNCIL DIARY - RESCHEDULING OF STATUTORY MEETING - CG/17/031

10. The Council had before it a report by the Interim Director of Corporate Governance which proposed that the statutory Council meeting be postponed by one week to 17 May 2017 and that the Council diary be adjusted to accommodate other meetings affected by the change.

The report recommended:-

that the Council agree to reschedule the statutory meeting to 17 May 2017 and approve the amended calendar for May/June 2017 as appended to the report.

The Council resolved:-

to approve the recommendation.

GOVERNANCE REVIEW - LOCAL CODE OF CORPORATE GOVERNANCE AND ACTION PLAN - CG/17/021

11. The Council had before it a report by the Interim Director of Corporate Governance which presented the revised Local Code of Corporate Governance which set out how the Council would provide annual assurance against CIPFA's principles of good governance to the Audit, Risk and Scrutiny Committee, and which advised that an action plan was in place to secure improvements in the Council's governance.

The report recommended:-

that the Council -

- (a) approve the revised Local Code of Corporate Governance against which the Council would measure itself in Annual Governance Statements from 2016/17 onwards (Appendix A);
- (b) note the progress being made towards improving the Council's governance framework, that the workstreams within the action plan responded to CIPFA's interim assessment, and that these would be reported to the relevant committees as they were progressed (Appendix B); and
- (c) aspire towards the CIPFA Mark of Excellence in governance over the next 12 to 18 months.

The Council resolved:-

to approve the recommendations.

GOVERNANCE REVIEW - MEMBER-OFFICER RELATIONS PROTOCOL - CG/17/022

12. The Council had before it a report by the Interim Director of Corporate Governance which presented a Member-Officer Relations Protocol which aimed to promote a shared set of values to be demonstrated through shared behaviours.

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The report recommended:-

that the Council approve and adopt the Member-Officer Relations Protocol appended to the report and agree that it be used as a tool during the training of members following the May 2017 elections.

The Council resolved:-

to approve the recommendation.

COUNCIL GOVERNANCE - STANDING ORDERS - CG/17/017

13. The Council had before it a report by the Interim Director of Corporate Governance which presented a revised set of Standing Orders for approval.

The report recommended:-

that the Council -

- (a) approve the new Standing Orders appended to the report, to come into force on 30 April 2017;
- (b) subject to the recommendations below, revoke the existing Standing Orders (as updated on 14 December 2016) with effect from 30 April 2017;
- (c) note that the new Standing Orders did not contain provisions equivalent to the existing Standing Orders 28 (Committees of the Council), 37 (General Delegations to Committees), 38 (Exclusion from Delegations) and 39 (Expenditure on Hospitality), and to agree that these would remain in force until such time as alternative Committee Orders of Reference were presented and the Council Travel Policy was amended;
- (d) agree that the existing Committee Orders of Reference remain in force for the time being, with alternative proposals to be brought to Council in due course; and
- (e) agree that "Part III - Officers of the Council" (with the exception of Standing Order 45 - Report by Chief Officers) of the existing Standing Orders also remain in force for the time being, with alternative proposals to be brought to Council in due course.

The Council resolved:-

- (i) to approve the recommendations subject to the addition of "and" after Standing Order 14.2.1; and
- (ii) to agree that the Governance Reference Group consider the method of voting at Council meetings in the context of transparency.

EDUCATION AND CHILDREN'S SERVICES COMMITTEE - EXTERNAL APPOINTMENT (ROMAN CATHOLIC CHURCH REPRESENTATIVE) - CG/17/037

14. The Council had before it a report by the Interim Director of Corporate Governance which presented details of a nomination from the Roman Catholic Diocese of Aberdeen for a new Roman Catholic Church representative on the Education and Children's Services Committee following the resignation of Mrs Wischik.

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The report recommended:-

that the Council approve the appointment of Mr John Murray as the Roman Catholic Church external member on the Education and Children's Services Committee.

The Council resolved:-

to approve the recommendation.

ABERDEEN INTERNATIONAL YOUTH FESTIVAL (AIYF) GOVERNANCE REVIEW - ECS/17/013

15. The Council had before it a report by the Director of Education and Children's Services which provided an update on the current position regarding the proposal to dissolve the existing AIYF and incorporate it within Castlegate Arts Limited, and the arrangements for AIYF should it not be incorporated.

The report recommended:-

that the Council -

- (a) note the content of the report, in particular that the proposal to incorporate AIYF within Castlegate Arts Limited was no longer a viable option;
- (b) request that the Trustees of AIYF investigate the options laid out in section 5.7 of the report, providing an achievable project plan which considered the future governance of the organisation and the delivery model of AIYF; and
- (c) request that the Trustees of AIYF submit the project plan to the Council meeting on 21 June 2017 to ensure that all funding provided by the Council was appropriately spent.

The Council resolved:-

to approve the recommendations.

REGISTRATION SERVICE - NEW SERVICES - CG/17/030

16. The Council had before it a report by the Interim Director of Corporate Governance which recommended the provision of new services by the Registration team and the approval of related fees.

The report recommended:-

that the Council -

- (a) approve the introduction of baby naming and renewal of vows services by the Registration team; and
- (b) approve the associated fee levels.

The Council resolved:-

to approve the recommendations.

FORMATION OF JOINT COMMITTEE FOR ROADS COLLABORATION - CHI/17/002

17. The Council had before it a report by the Interim Director of Communities, Housing and Infrastructure which highlighted the progress that had been made in the Collaboration Project and the move to a Joint Committee in order to assist in the management of shared tasks in an open and transparent arrangement.

The report recommended:-

that the Council -

- (a) agree to join in the establishment of a Joint Committee in terms of Section 56 and 57 of the Local Government (Scotland) Act 1973 with Aberdeenshire Council, Angus Council, Argyll and Bute Council, Comhairle nan Eilean Siar, The Highland Council, The Moray Council, and the Orkney Islands Council to be known as The Northern Roads Collaboration Joint Committee;
- (b) empower the Joint Committee by delegating to it the necessary functions to deliver the collaboration programme as outlined in Appendix A of the report;
- (c) amend the constitutional documents (including any Scheme of Delegation or equivalent) to give effect to the establishment of the Joint Committee including the delegation of powers to it as set out in Part 1 of the Schedule in Appendix A; and in doing so had incorporated the wording set out in Part 1 of the Schedule into its constitutional documents in identical form. Member Councils acknowledged that this was necessary to ensure consistency in the delegation of powers by each Member Council to the Joint Committee;
- (d) approve the Joint Committee adopting standing orders based on the terms of the inter-authority agreement to be adopted by the Joint Committee at its first meeting ("the Standing Orders") subject to review and approval by the Head of Legal and Democratic Services following consultation with the Head of Public Infrastructure and Environment and the Convener of the Communities, Housing and Infrastructure Committee, which may be reviewed and amended from time to time. The Standing Orders shall govern proceedings at meetings of the Joint Committee and any sub-committees;
- (e) agree that the Communities, Housing and Infrastructure Committee appoint two named members from the Council and appoint two named substitutes to the Joint Committee;
- (f) amend the Communities, Housing and Infrastructure Committee Terms of Reference to permit that Committee to receive, and make decisions on, recommendations from the Northern Roads Collaboration Joint Committee in respect of any document, agreement or other matter, as set out in Appendix B;
- (g) authorise the Head of Legal and Democratic Services to agree the governance and administrative arrangements for the Joint Committee, following consultation to enter into an inter-authority agreement with the other member Councils following consultation with the Head of Public Infrastructure and Environment and the Convener of the Communities, Housing and Infrastructure Committee (draft copy at Appendix A);
- (h) note that decisions on whether a Council participated in roads collaboration projects would be reserved to the Councils and not delegated to the proposed Joint Committee; and
- (i) agree that Aberdeenshire Council take the role of Lead Authority for year 1 of the Joint Committee.

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The Council resolved:-

to approve the recommendations.

PROPOSED SUPPLEMENTARY GUIDANCE TO ACCOMPANY ABERDEEN LOCAL DEVELOPMENT PLAN 2017 - CHI/17/015

18. With reference to Article 22 of the minute of its meeting of 14 December 2016, the Council had before it a report by the Interim Director of Communities, Housing and Infrastructure which provided an update following public consultation on proposed Supplementary Guidance on a selection of planning policy matters, development sites and masterplan zones, and sought approval to send the documents to Scottish Ministers for formal ratification to become adopted Supplementary Guidance to accompany the Aberdeen Local Development Plan 2017.

The report recommended:-

that the Council -

- (a) note the representations received on the Proposed Supplementary Guidance documents, and approve officers' responses to those representations (where relevant) (Appendices 2 and 3);
- (b) where documents had been revised, approve the revised Proposed Supplementary Guidance documents as Interim Planning Advice from 16 March 2017;
- (c) agree that the Loirston Development Framework would not go forward as Supplementary Guidance at this time, but would instead be reported back to members at a later date for further consultation and approval; and
- (d) instruct officers to send a copy of all approved Supplementary Guidance documents to the Scottish Ministers for formal ratification to become adopted Supplementary Guidance to accompany the Aberdeen Local Development Plan 2017.

The Council resolved:-

to approve the recommendations.

LOCALITY PLANS - CHI/17/056

19. The Council had before it a report by the Interim Director of Communities, Housing and Infrastructure which presented the draft Locality Plans 2017-27 for Torry; Middlefield, Mastrick, Cummings Park, Northfield, Heathryfold; and Seaton, Tillydrone and Woodside.

The report recommended:-

that the Council endorse the current draft Locality Plans as living documents which would continue to be shaped and developed in partnership with communities.

The Council resolved:-

to approve the recommendation.

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BP BIG SCREEN - RELAXATION OF DRINKING IN PUBLIC PLACES BYELAW - CHI/17/045

20. The Council had before it a report by the Interim Director of Communities, Housing and Infrastructure which sought permission to approach the Scottish Government to confirm the suspension of the operation of the Aberdeen City Council Drinking in Public Places Byelaw 2009, to permit the responsible consumption of alcohol within the boundaries of the Duthie Park for BP Big Screens, Verdi's 'La Traviata' on 4 July 2017.

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 request confirmation from the Scottish Government that the Aberdeen City Council Drinking in Public Places Byelaw 2009 be suspended within the boundaries of the Duthie Park on 4 July 2017 from 1700 to 2300 hours.

The Council resolved:-

to approve the recommendations.

CITY CENTRE MASTERPLAN PROJECT EN10: UNION TERRACE GARDENS - OUTLINE DESIGN, BUSINESS CASE, DEVELOPMENT COSTS AND PROCUREMENT STRATEGY

21. The Council had before it a report by the Interim Director of Communities, Housing and Infrastructure which advised of the outline design, the transformational benefits of the proposal, business case, indicative development costs and procurement strategy for the redevelopment of Union Terrace Gardens (UTG) and sought authority to commence the procurement process for the works.

The report recommended:-

that the Council -

- (a) approve the outline design for the redevelopment of UTG (Appendices A and C);
- (b) approve the business case at this stage of the redevelopment (Appendix F);
- (c) approve the estimated capital costs for the project and the associated estimates of operational costs and revenues;
- (d) agree that the capital costs of the scheme as estimated in Appendix B be funded from the City Centre Masterplan budget as approved by the Council in February 2017;
- (e) note that the Head of Economic Development intended to submit a detailed planning application and Listed Building application to the planning authority by the end of April 2017 through the UTG design team's planning agent;
- (f) agree the procurement strategy, delivery programme and method for the works in the report, and based on this agreement, instruct the Head of Economic

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- Development following consultation with the Head of Commercial and Procurement Services to commence procurement of the works;
- (g) instruct the Head of Economic Development to submit a report to the first available Finance, Policy and Resources Committee with recommendations on the preferred contractor from the procurement exercise and the final costs of the scheme;
 - (h) delegate authority to the Head of Public Infrastructure and Environment to commence the statutory consultation for the Stopping Up Order relating to the slip between Rosemount Viaduct and Union Terrace and report back the results to the first available Communities, Housing and Infrastructure Committee; and
 - (i) note that the Head of Public Infrastructure and Environment following consultation with the Head of City Planning would progress transport options for Union Terrace and report back to the first available Communities, Housing and Infrastructure Committee on a preferred option and associated Traffic Regulation Order recommendations.

Councillor Laing moved, seconded by Councillor Boulton:-

That the Council -

- (1) approve the recommendations contained within the report;
- (2) note that the Council was already undertaking a robust review of its Capital Programme management arrangements including reporting of Capital Projects into the governance structure;
- (3) note that the City Centre Masterplan Reference Group would receive regular reporting on progress of Capital Projects; and
- (4) agree that it was not appropriate for members to get involved in operational matters in accordance with the Member-Officer Relations Protocol agreed unanimously earlier this day.

Councillor Flynn moved as an amendment, seconded by Councillor Jennifer Stewart:-

That the Council -

- (1) approve the recommendations contained within the report;
- (2) instruct officers to report back on market testing to the first available committee along with the results of the procurement exercise referred to in the key project milestones; and
- (3) establish a Project Board to include elected members.

On a division, there voted:-

For the motion (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 (20) - Councillors Cameron, Copland, Corall, Cormie, Delaney, Dickson, Jackie Dunbar, Flynn, Greig, Hutchison, Jaffrey, MacGregor, Malone, Nicoll, Noble, Samarai, Jennifer Stewart, Sandy Stuart, Townson and Yuill.

The Council resolved:-
to adopt the motion.

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BOND FINANCING STRATEGY - ECONOMIC POLICY PANEL - CHI/17/052

22. With reference to Article 15 of the minute of its meeting of 14 December 2016, the Council had before it a report by the Interim Director of Communities, Housing and Infrastructure which provided further detail on the proposals for an Economic Policy Panel.

The report recommended:-

that the Council -

- (a) approve the draft Terms of Reference for an Economic Policy Panel (Appendix 1) for its interest at this stage and delegate authority to the Head of Legal and Democratic Services to finalise the Terms of Reference;
- (b) agree that a Panel be piloted for a period of three credit rating reviews;
- (c) instruct the Chief Executive to undertake a national advertisement with a view to recruiting appropriately qualified members for the Panel, and thereafter to recommend proposed members to the first available Finance, Policy and Resources Committee for its approval;
- (d) agree that the Finance, Policy and Resources Committee shall have due regard to the reports and other work of the Panel; and
- (e) instruct the Head of Economic Development in consultation with the Head of Finance to undertake an ongoing evaluation of the pilot and report the findings back to the Finance, Policy and Resources Committee on an annual basis.

Councillor Laing moved, seconded by Councillor Young:-

That the Council approve the recommendations contained within the report.

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

That the Council take no action.

On a division, there voted:-

For the motion (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 (20) - Councillors Cameron, Copland, Corall, Cormie, Delaney, Dickson, Jackie Dunbar, Flynn, Greig, Hutchison, Jaffrey, MacGregor, Malone, Nicoll, Noble, Samarai, Jennifer Stewart, Sandy Stuart, Townson and Yuill.

The Council resolved:-

to adopt the motion.

ABERDEEN INWARD INVESTMENT PLAN - CHI/17/046

23. The Council had before it a report by the Interim Director of Communities, Housing and Infrastructure which introduced the Aberdeen Inward Investment Study and Plan and proposed a number of actions to take it forward.

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The report recommended:-

that the Council -

- (a) agree that the content, conclusions and recommendations of the Aberdeen Inward Investment Study and Plan ('the Plan', Appendix 1) would form the basis of the Council's approach to inward and institutional investment going forward;
- (b) note that this may require the reprioritisation of some budgets within the Council's Economic Development Service;
- (c) given its wider focus, agree that oversight of the Plan and its implementation would be undertaken by the Regional Economic Strategy Officer Group to ensure that efforts to improve investment performance in the city region were coherently and effectively managed; and
- (d) agree to receive annual updates on the Plan starting in May 2018.

The Council resolved:-

to approve the recommendations.

INTERNATIONAL TRADE AND PARTNERSHIP PROPOSALS - CHI/17/047

24. The Council had before it a report by the Interim Director of Communities, Housing and Infrastructure which proposed priorities for international trade and export and European partnership activities for the Council over the next two years.

The report recommended:-

that the Council -

- (a) agree the international trade and export priorities contained within the report based on the market analysis provided at Appendix 1;
- (b) agree the proposed budget allocation for international trade and export in 2017/18 and note the proposals for 2018/19, recognising that the latter would be subject to the Council's 2018/19 budget setting process;
- (c) note the update on European partnership activities;
- (d) agree the proposed budget allocations for European partnership activities in 2017/18 (Appendix 2);
- (e) authorise the Head of Economic Development to approve the necessary arrangements for international travel identified in the report; and
- (f) agree to receive bulletin reports on international trade and European partnership activities as they fall due with Council meetings.

The Council resolved:-

to approve the recommendations.

FEASIBILITY STUDY - 2,000 HOMES - CHI/17/051

25. With reference to Article 19 of the minute of meeting of the Communities, Housing and Infrastructure Committee of 1 November 2016, the Council had before it a joint report by the Interim Director of Corporate Governance and the Interim Director of

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Communities, Housing and Infrastructure which considered the feasibility of building 2,000 new homes by 2022.

The report recommended:-

that the Council -

- (a) note the content of the report;
- (b) note that increase in debt levels may impact on the Council's credit rating;
- (c) instruct the Head of Finance to discuss with Moody's the likely impact on the Council's credit rating if the Council was to raise debt levels;
- (d) instruct the Head of Legal and Democratic Services to commission a QC's opinion to ratify the use of the Council's Common Good land holdings for Council house build both in terms of the legal position and best value criteria;
- (e) instruct the Head of Land and Property Assets to carry out a Land Assembly Programme and determine the quantity of land required and the most suitable land holdings available to the Council for the purpose of Council housing; and
- (f) instruct the Head of Land and Property Assets to provide a detailed development process and methodology for delivery.

The Council resolved:-

to approve the recommendations.

EQUALITY OUTCOMES AND MAINSTREAMING REPORT - CHI/17/054

26. The Council had before it a report by the Interim Director of Communities, Housing and Infrastructure which provided an update on progress achieved at the end of year 2 of the Council's Equality Outcomes for 2015-2017 and set out new draft Equality Outcomes for 2017-21.

The report recommended:-

that the Council -

- (a) approve the draft Equality Outcomes and Mainstreaming Progress Report for 2017-21, recognising that work would continue to make the draft document ready for publication on 30 April 2017;
- (b) note the progress since publication of the Equality Outcomes and Mainstreaming report of 2015;
- (c) agree new and revised draft Equality Outcomes for 2017-21 proposed within the draft Equality Outcomes and Mainstreaming Progress Report (pages 14 to 17) and note that these were also summarised in Appendix 1 of the Equality Outcomes and Mainstreaming Progress Report;
- (d) approve Aberdeen City Council's Human Resources Employee Information for publication (Appendix 4);
- (e) approve the contributions from Education and Children's Services (Appendix 5);
- (f) note that a business case would follow to realign service budgets so that the essential work required to mainstream equality was resourced at no additional cost for the Council.

The Council resolved:-

- (i) to approve the recommendations; and

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- (ii) to instruct officers to provide all members with further information in connection with (1) the difference in the proportion of employees who identified themselves as having a disability (2.9%) (page 753), compared to the proportion of employees who were subject to the disciplinary process who identified themselves as having a disability (9.5%) (page 788); (2) the accuracy of the figures on page 812 with regard to applicants for employment with a disability in 2016 having been 12,160 with only 2.7% successful; and (3) the accuracy of the figures on page 764 with regard to the number of white-Polish applicants for employment increasing from 677 in 2015 to 1,252 in 2016.

MOTION BY COUNCILLORS YUILL AND TOWNSON

27. The Council had before it the following notice of motion by Councillors Yuill and Townson:-

“That this Council:

1. Notes that the community of Garthdee has seen a very considerable amount of development and loss of open space in recent years.
2. Recognises that the sale of Kaimhill Outdoor Sports Centre would result in a further loss of open space, the loss of a community facility and further development in Garthdee.
3. Agrees that at least 50% of the capital receipt received from the sale of Kaimhill Outdoor Sports Centre should be reinvested in improving community facilities in Garthdee, including the addition of a new multi-use hall and associated facilities to Inchgarth Community Centre.”

The Council resolved:-

- (i) to approve parts 1 and 2 of the motion above;
- (ii) to instruct the Interim Director of Communities, Housing and Infrastructure to bring forward to the earliest committee a review of community facilities in Garthdee including the feasibility of an addition of a new multi-use hall and associated facilities to Inchgarth Community Centre; and
- (iii) in light of the Administration’s commitment to build 2,000 houses by 2022, to instruct the Interim Director of Communities, Housing and Infrastructure to bring forward to the earliest committee a further report on the feasibility of the Council investing in Council housing on the site of the Kaimhill Outdoor Sports Centre.

MOTION BY COUNCILLOR FINLAYSON

28. The Council had before it the following notice of motion by Councillor Finlayson:-

“To instruct the Interim Director of Communities, Housing and Infrastructure to arrange for the carrying out of a feasibility study on a safe route to school for Cove pupils attending the new Lochside Academy. The Interim Director should include in the options for either a pedestrian bridge over, or a pedestrian underpass under Wellington Road dual carriageway in the vicinity of the A956 Wellington Road/Souter Head Road roundabout. Once complete the findings of

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which should be presented to the Communities, Housing and Infrastructure Committee on 8 November 2017. This can be funded through a bid to the Bus Lane Enforcement Fund.

It is essential to consider these options due to the fast moving very large volume of traffic, including HGVs, currently using Wellington Road which will substantially increase with the opening of the Aberdeen Western Peripheral Route vehicles serving the new Recycling Plant, the new Energy from Waste Plant and the new Harbour.”

The Council resolved:-

to approve the terms of the motion subject to the replacement of “Cove pupils” with “all pupils”.

MOTION BY COUNCILLOR CORALL

29. The Council had before it the following notice of motion by Councillor Corall:-

“That Council -

- (1) acknowledges that much of Aberdeen’s remaining cobbled (setted) streets have suffered from the ravages of time and that it is imperative to treasure and safeguard Aberdeen’s historic cobbled or lock blocked streets;
- (2) further acknowledges Aberdeen’s need to diversify more into leisure tourism and capitalise on our rich history and heritage that includes our streetscape;
- (3) agrees to instruct the Interim Director of Communities, Housing and Infrastructure to develop a policy that specifies:
 - a. the location of existing granite sett and lock block streets;
 - b. which ones should be maintained; and
 - c. what maintenance should be used; and
- (4) gives a commitment that any future repair work will be carried out sympathetically and appropriately.”

The Council resolved:-

to approve the terms of the motion.

MOTION BY COUNCILLOR GRANT

30. The Council had before it the following notice of motion by Councillor Grant:-

“Council notes First Aberdeen has announced the planned withdrawal of the X40 and 11 services from Kingswells with similar withdrawals having already been made right across the city. Notes that bus operators in Aberdeen appear to put profit before the needs of passengers who often rely upon buses to get to and from work.

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Agrees to instruct the Chief Executive to explore all options for Aberdeen City Council to facilitate the running of a bus service, those options to include the setting up of a company and/or working in partnership with an operator who already holds a PSV bus operator's licence, and to report back to Council in June 2017."

The Council resolved:-

to approve the terms of the motion.

MOTION BY COUNCILLOR IRNSIDE

31. The Council had before it the following notice of motion by Councillor Ironside:-

"That the Council instruct the Interim Director of Communities, Housing and Infrastructure, in consultation with the Chief Officer - Aberdeen City Health and Social Care Partnership, to investigate the possibility of co-ordinating a scheme where businesses in the city centre would make available their toilet facilities to disabled and older people with medical conditions, and to report to the Communities, Housing and Infrastructure Committee on 29 August 2017."

The Council resolved:-

to approve the terms of the motion.

MOTION BY COUNCILLOR BOULTON

32. The Council had before it the following notice of motion by Councillor Boulton:-

"To instruct the Chief Executive to liaise formally with the AWPR/B-T funding partners to provide a report to the Communities, Housing and Infrastructure Committee before the end of 2017 in respect of the capacities of the junctions associated with the AWPR/B-T within the Aberdeen City boundary. This information is essential in determining if there are sufficient capacities for existing traffic and for future development within the Aberdeen City boundary."

The Council resolved:-

to approve the terms of the motion.

MOTION BY COUNCILLOR BOULTON

33. The Council had before it the following notice of motion by Councillor Boulton:-

"Council acknowledges the value of the Deeside Way both as a core path and a wildlife corridor and instructs the Interim Director of Communities, Housing and Infrastructure to provide a report to the next Communities, Housing and Infrastructure Committee on the Council setting a policy detailing parameters for access or otherwise to construction vehicles to facilitate development."

The Council resolved:-

to approve the terms of the motion.

MOTION BY LORD PROVOST GEORGE ADAM

34. The Council had before it the following notice of motion by Lord Provost George Adam, which had been signed by two thirds of the members of the Council as required by Standing Orders:-

“That this Council confer the Freedom of the City upon Denis Law CBE in recognition of his outstanding career as a world renowned footballer, his dedication to charitable endeavour, and his commitment to community sport in Aberdeen.”

DECLARATION OF INTEREST

At this juncture, Councillor Jackie Dunbar declared a personal interest in the item of business and considered that the nature of her interest required her to leave the meeting and took no part in the Council’s deliberations thereon.

The Council resolved:-

- (i) to approve the terms of the motion; and
- (ii) to instruct the Chief Executive to make the necessary arrangements, consulting the Lord Provost and Group Leaders where appropriate.

VALEDICTORY

35. The Lord Provost highlighted that this was the last Council meeting of the term and thanked all staff for serving the people of Aberdeen with such pride and dedication. He added that it had been a privilege to work alongside staff in what was a huge team effort.

The Lord Provost paid tribute to the voluntary sector in Aberdeen and emphasised that he could not begin to describe the magnitude of what went on within the city’s third sector. He commented that he had made it a priority to recognise the hard work of volunteers and he was so proud of what he had seen in Aberdeen, with so many people giving up their time, talents and often their own resources for the benefit of others which never failed to amaze him.

The Lord Provost thanked all members for their service during the past five years, particularly those members not seeking re-election, who he wished good luck. He also expressed his sincerest best wishes to Councillor Kiddie who had been suffering from ill health in recent months.

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Lastly, the Lord Provost thanked all members for giving him their support in his role of office. He concluded that it had been an enormous privilege and a huge honour to serve as Lord Provost and he would be leaving with a whole new outlook on Aberdeen and a great sense of positivity about the city's future.

Councillor Laing thanked the Lord Provost for the work he had carried out during the past five years as Lord Provost and as an elected member for eighteen years in total. Councillor Laing highlighted that so many people in the city had been overwhelmingly positive about the Lord Provost, and emphasised that he had worked tirelessly to promote Aberdeen and its citizens. She added that the Lord Provost had shown the utmost professionalism but also good humour and had chaired Council meetings very effectively despite the stresses that members occasionally brought to meetings. Councillor Laing underlined that the city had been honoured and privileged to have the Lord Provost in the role and wished him every success in his future away from the Council.

Councillor Flynn echoed Councillor Laing's comments and recalled that the Lord Provost had invited him to his office within his first week after being elected, which made him feel very welcome. He added that the Lord Provost had been a pillar of strength in the role for the Council. Councillor Flynn thanked his own members who were not seeking re-election, namely Councillors Corall, Dickson, Jaffrey and Kiddie. He also thanked Councillor Laing for her leadership as Council Leader, adding that although they disagreed on many things she had not held back when representing the city. He also extended his thanks to Councillor Crockett for his time as Council Leader and the various Conveners for their hard work during the past five years, particularly Councillors Cooney and Ironside who were not seeking re-election.

Councillor Yuill echoed the remarks of Councillors Laing and Flynn, and added his own thanks to Council staff for their professionalism and good advice. He advised that only one of his members was retiring and thanked Councillor Malone for her service. He also added his good wishes to Councillor Kiddie and was pleased to hear his health was improving. Councillor Yuill concluded by wishing all members who were not seeking re-election good luck for the future.

Councillor Boulton expressed her own thanks to the Lord Provost, particularly in respect of his work with the third and cultural sectors, highlighting the high esteem in which he was held in those fields. She also thanked Councillor Laing for her efforts as Council Leader, all members who were not seeking re-election and Council staff.

Councillor Donnelly paid tribute to the Lord Provost and wished him well in his endeavours outwith the Council. He also expressed his good wishes towards Councillor Kiddie and wished all members well for the future.

Lastly, Councillor Laing thanked members for their kind words and added that despite the robustness of politics she had enjoyed working with all members during her time as Council Leader. She paid her own tributes to those members not seeking re-election, particularly Councillors Carle, Cooney, Jean Morrison and Nathan Morrison in her own group, as well as Councillor Ironside who she had paid tribute to earlier in the meeting.

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Councillor Laing hoped that members would be able to move Aberdeen forward as much in the next five years as they had done in the past five years.

The Council resolved:-

to concur with the remarks of the various members.

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

DECLARATIONS OF INTERESTS

The Depute Provost and Councillors Flynn and Young declared interests in the following item of business by virtue of their position as Council appointed representatives on the Board of Shaping Aberdeen Housing LLP, and considered that the nature of their interests required them to leave the meeting and took no part in the Council's deliberations thereon.

Councillor Delaney also declared an interest in the following item of business and considered that the nature of his interest required him to leave the meeting and also took no part in the Council's deliberations thereon.

SHAPING ABERDEEN HOUSING LLP 5 YEAR BUSINESS PLAN - CHI/16/326

36. With reference to Article 24 of the minute of its meeting of 14 December 2016, the Council had before it a joint report by the Interim Director of Communities, Housing and Infrastructure and the Interim Director of Corporate Governance which provided an update on progress with the Shaping Aberdeen Housing LLP and sought approval of the 5 Year Business Plan and various other matters to allow the project to proceed.

The report recommended:-

that the Council -

- (a) note the following:-
 - (1) progress to date;
 - (2) the Shaping Aberdeen Housing LLP Board approval of the 5 Year Business Plan on 13 January 2017;
 - (3) for the purposes of VAT, that the Council would opt not to tax sites sold to Shaping Aberdeen Housing LLP, subject to the Council's ability to make this decision and subject to the approval of the Head of Finance. The 30 year financial model and the 5 Year Business Plan reflected this VAT position on land transactions; and
 - (4) the process for approval of the Shaping Aberdeen Housing LLP's Business Plan:-
 - Shaping Aberdeen Housing LLP Board approval on 13 January 2017
 - Places for People Homes Limited Board approval by 15 March 2017

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- Full Council approval on 15 March 2017; and
- (b) approve the following:-
- (1) the Shaping Aberdeen Housing LLP's 5 Year Business Plan (Appendix 1) which was derived from the 30 year financial model;
 - (2) the loan facility of up to the value of £18million from the Council to the LLP providing an investment opportunity to the Council subject to final terms and conditions being agreed by the Head of Finance in conjunction with the Head of Legal and Democratic Services and the Interim Director of Communities, Housing and Infrastructure;
 - (3) the extension of the £3million capital budget for meeting the initial development costs prior to sites being transferred from the Council to the LLP noting the provisions for recovery of these costs through top-slicing capital receipts from projected land sales as previously agreed at the meeting of the Council on 20 August 2014;
 - (4) staff resources to support the programme as follows:-
 - the conversion of three posts of the Housing Programme Team (Housing Programme Manager, Senior Land and Development Manager and Administrative Assistant) to permanent posts; and
 - the deletion of one fixed term post of the Housing Programme Team (Consents Negotiator) noting that this post was vacated in January 2016;
 - (5) funding the staff resources would be met by top-slicing capital receipts arising from land sales to Shaping Aberdeen Housing LLP;
 - (6) that delegated authority be given to the Interim Director of Communities, Housing and Infrastructure to purify on the final land value receipt for the site at East Woodcroft taking cognisance of changes in market conditions and noting the recommendation agreed at the meeting of the Council on 8 October 2015; and
 - (7) that delegated authority be given to the Interim Director of Communities, Housing and Infrastructure to purify on the final land value receipt for the site at Summerhill taking cognisance of changes in final construction programme, final construction and abnormal costs and developer contributions and noting the recommendation agreed at the meeting of the Council on 8 October 2015. The net land value requires to be purified as described above.

The Council resolved:-

- (i) to approve the recommendations;
- (ii) to instruct the Chief Executive to negotiate with Places for People on the delivery of 1,000 affordable homes and report back to the next Council meeting on the mechanism by which this could be achieved; and
- (iii) to agree that a media release be issued immediately following the decision, giving details of the Council's decision on the Shaping Aberdeen Housing LLP 5 Year Business Plan.

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COMPLAINTS REVIEW COMMITTEE - 26 JANUARY AND 31 JANUARY 2017 - CG/17/029

37. The Council had before it a report by the Interim Director of Corporate Governance which presented the minutes and recommendations from the Social Work Complaints Review Committee meetings of 26 and 31 January 2017.

The report recommended:-

that the Council approve the recommendations and the minutes of the Social Work Complaints Review Committee meetings of 26 and 31 January 2017.

The Council resolved:-

to approve the recommendation.

CITY CENTRE MASTERPLAN PROJECT EN10: UNION TERRACE GARDENS - OUTLINE DESIGN, BUSINESS CASE, DEVELOPMENT COSTS AND PROCUREMENT STRATEGY - APPENDICES B AND F

38. With reference to Article 21 of this minute, the Council had before it Appendices B (Estimated Capital Costs) and F (Business Case) to the report by the Interim Director of Communities, Housing and Infrastructure.

The Council resolved:-

to refer to the decision at Article 21 of this minute.

The press and public were excluded from the meeting for consideration of the following item which dealt with confidential information in terms of Section 50A 3(b) of the Local Government (Scotland) Act 1973.

CORPORATE GOVERNANCE SERVICE - INTERIM MANAGEMENT ARRANGEMENTS AND THE IMPLICATIONS OF 'IR35' - OCE/17/006

39. With reference to Article 14 of the minute of meeting of the Finance, Policy and Resources Committee of 9 March 2017, the Council had before it a report by the Chief Executive which responded to the terms of an emergency motion regarding use of agency personnel and demonstrated how this would be achieved at chief officer level. The report also addressed the implications of the taxation rules 'IR35' and advised of proposed interim management arrangements within Corporate Governance in the lead up to re-structure.

The report recommended:-

that the Council -

- (a) note the proposal to reduce reliance on agency expenditure associated with interim cover at chief officer level;
- (b) note the proposed short-term management arrangement within the Corporate Governance Directorate;

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- (c) note the potential implications of IR35; and
- (d) delegate authority to the Chief Executive to extend the contracts of the three individuals currently covering chief officer roles appropriate to the circumstances pertaining to each post and for a maximum period of six months.

The Council resolved:-

to approve the recommendations.

- GEORGE ADAM, Lord Provost.