

## LEGAL AND DEMOCRATIC SERVICES

### COUNCIL DECISION SHEET

### COUNCIL - WEDNESDAY, 21 JUNE 2017

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	<b><u>Admission of Burgesses</u></b>	Not applicable		
2	<b><u>No urgent business at this stage</u></b>	No urgent business		
3	<b><u>Members are requested to determine that the exempt business be considered with the press and public excluded</u></b>	<b><u>The Council resolved:</u></b> 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 11.1, 11.2 and 11.3 so as to avoid disclosure of exempt information of the classes described in paragraphs 1, 3, 6, 8 and 9 of Schedule 7(A) of the Act.		
4	<b><u>Declarations of Interest</u></b>	<b><u>The Council resolved:</u></b> to note that Councillors Boulton, Duncan and Imrie had declared interests in item 11.1 (Aberdeen International Youth Festival - Governance Review) by virtue of their position as Council appointed members of the Aberdeen International Youth Festival Trust,		

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		however they would remain in the meeting for consideration of the item.		
5	<b><u>No requests at this stage</u></b>	No requests for deputation		
6(a)	<b><u>Minute of Meeting of Aberdeen City Council of 22 February 2017 - for approval</u></b>	<b><u>The Council resolved:</u></b> to approve the minute.		
6(b)	<b><u>Minute of Meeting of Aberdeen City Council of 15 March 2017 - for approval</u></b>	<b><u>The Council resolved:</u></b> to approve the minute.		
6(c)	<b><u>Minute of Meeting of Aberdeen City Council of 17 May 2017 - for approval</u></b>	<b><u>The Council resolved:</u></b> (i) in relation to Article 8 (page 67 of the document pack), to note that Councillor Sandy Stuart had been present and voted in the division, however his vote had not registered hence why it was recorded that he had been absent from the division; and (ii) to approve the minute.		
7	<b><u>No referrals at this stage</u></b>	No referrals		
8(a)	<b><u>Business Statement</u></b>	<b><u>The Council resolved:</u></b> (i) in relation to item 4 (OP85 - King Street/Beach Esplanade), to transfer the item back to the Finance, Policy	Communities, Housing and Infrastructure	John Quinn/ Louisa Ratana-Arporn

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		<p>and Resources Committee Business Statement with a due date of 30 November 2017;</p> <p>(ii) in relation to item 7 (Shaping Aberdeen Housing LLP 5 Year Business Plan), to instruct the Interim Director of Communities, Housing and Infrastructure to submit a report to the next Council meeting;</p> <p>(iii) in relation to item 15 (Welfare Reform), to instruct the Interim Director of Communities, Housing and Infrastructure to submit a report to the next Council meeting; and</p> <p>(iv) to otherwise note the business statement.</p>	<p>Corporate Governance</p> <p>Communities, Housing and Infrastructure</p> <p>Communities, Housing and Infrastructure</p>	<p>Mark Masson (business statement)</p> <p>Bernadette Marjoram/ Paul Genoe</p> <p>Bernadette Marjoram/ Derek McGowan</p>
8(b)	<b><u>Motions List</u></b>	<b><u>The Council resolved:</u></b> to note the motions list.		
8(c)	<b><u>Tracker</u></b>	<b><u>The Council resolved:</u></b> (i) to note that a report on the Scheme of Governance would be submitted to the Council meeting in October rather than December; and (ii) to note the tracker.	Corporate Governance	Fraser Bell
9(a)	<b><u>Exercise of Delegated Powers - Kingsmead Nursing Home - OCE/17/013</u></b>	<b><u>The Council resolved:</u></b> (i) to note the actions taken to secure the safe provision of services at Kingsmead Nursing Home; and (ii) to acknowledge the hard work and commitment of staff within the Council, Aberdeen City Health and Social Care	Office of Chief Executive	Martin Murchie

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		Partnership and Bon Accord Care in relation to the above.		
9(b)	<b><u>Aberdeen City Integration Joint Board - OCE/17/013</u></b>	<b><u>The Council resolved:</u></b> to note the content of the report.	Office of Chief Executive	Martin Murchie
9(c)	<b><u>Governance Review: Integration of Health and Social Care - Delegation of Powers and Procurement - CG/17/075</u></b>	<b><u>The Council resolved:</u></b> (i) to approve the appointment of the Chief Officer of the Integration Joint Board, in terms of section 64 of the Local Government (Scotland) Act 1973 ("the 1973 Act"), as an officer of the Council for the purposes of exercising the powers as set out in the Aberdeen City Council Delegated Powers 2017; (ii) to approve the amendment of the Council's Scheme of Delegated Powers set out in Appendix A to the report; and (iii) to approve the amendment of the Aberdeen City Council Procurement Regulations as set out in Appendix B.	Corporate Governance	Jess Anderson/ Alison Watson
9(d)	<b><u>Appointments to Outside Bodies, Amendments to Committee Places and Council Diary - CG/17/078</u></b>	<b><u>The Council resolved:</u></b> (i) to defer approving the draft policy on the appointment of elected members to outside bodies as set out at Appendix 1 to the report in order for the Head of Legal and Democratic Services to bring a report to the next Council meeting on the feasibility and cost of the Council indemnifying Councillors on all outside bodies within Appendix 1	Corporate Governance	Fraser Bell/ Alan Thomson/ Roderick MacBeath/ Martyn Orchard

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		<p>as well as undertaking an assessment of those outside bodies identified in the report where no insurance cover is currently provided by the Council to ensure Councillors are fully aware of the risks associated with joining an outside body;</p> <p>(ii) to appoint elected members on the following basis to the following outside bodies and agree that a meeting of Group Leaders be held within the next 14 days to agree the allocation of the appointments to all other outside bodies identified in Appendix 3, on the basis that these would be submitted as soon as possible thereafter to an Urgent Business Committee for approval:-</p> <ul style="list-style-type: none"> <li>• Aberdeen Bulawayo Trust - 4 Administration and 3 Opposition</li> <li>• Aberdeen Endowments Trust - 2 Administration and 1 Opposition</li> <li>• Aberdeen Heat and Power - 1 Administration and 1 Opposition</li> <li>• Aberdeen Inspired/Aberdeen Business Improvement District Board - Leader of the Council</li> <li>• Aberdeen Sports Village - 1 Administration and 1 Opposition</li> <li>• Champions Board - 1 Administration and 1 Opposition</li> <li>• Fairer Aberdeen Fund Board - 3 Administration and 1 Opposition</li> <li>• Grampian Valuation Joint Board</li> </ul>		

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		<ul style="list-style-type: none"> <li>- 3 Administration and 3 Opposition</li> <li>• Sport Aberdeen - 2 Administration and 1 Opposition</li> <li>• University of Aberdeen - University Board - Leader of the Council</li> <li>• Veterans Champion - 1 Administration</li> <li>• World Energy Cities Partnership - Lord Provost</li> <li>• Aberdeen Performing Arts - 3 Administration and 1 Opposition</li> <li>• Garthdee Alpine Sports - 3 Administration and 2 Opposition</li> <li>• Opportunity North East - 1 director (Leader of the Council)</li> <li>• Aberdeen Renewable Energy Group - 1 director and 1 reserve;</li> </ul> <p>(iii) to instruct the Head of Legal and Democratic Services to provide a report to the next Council meeting providing full responses received from each of the outside bodies listed in Appendix 4 to allow members the opportunity to determine membership or otherwise;</p> <p>(iv) to instruct the Head of Legal and Democratic Services to ensure that the necessary formalities are addressed with respect to the resignations and nominations of elected members to the outside bodies listed in Appendices 3 and 4;</p>		

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		<p>(v) to instruct the Head of Legal and Democratic Services to keep the proposed policy and the outside bodies register under review to ensure that the levels of support the Council provides to those outside bodies through an elected member appointment is consistent with any policy agreed by Council;</p> <p>(vi) to approve the changes to the compositions of the various committees as set out in paragraph 3.6.1 of the report excluding the Aberdeen City Region Deal Joint Committee;</p> <p>(vii) to instruct the Head of Legal and Democratic Services to report to the Urgent Business Committee referred to at (ii) above on amending Standing Orders so that it shall be within the discretion of the Convener of a Committee or Sub Committee to cancel, advance or postpone an ordinary meeting if in his/her opinion there is a good reason for doing so; and</p> <p>(viii) to note the various appointments approved under delegated authority since the Statutory Council meeting, contained within Appendix 5, and approve any outstanding appointments.</p>		

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9(e)	<b><u>Final Update on the Improvement Plan Following the 2013 Community Planning Audit - CHI/17/110</u></b>	<b><u>The Council resolved:</u></b> to approve the final update report on the 2013 Community Planning Audit Improvement Plan.	Office of Chief Executive  Communities, Housing and Infrastructure	Angela Scott  Michelle Cochlan
9(f)	<b><u>Fairer Aberdeen Fund 6 Month Progress Report 2016-17 - CHI/17/111</u></b>	<b><u>The Council resolved:</u></b> (i) to note the six month progress report for 2016/17 at Appendix 1; (ii) to note the information at Appendix 2 listing the initiatives being funded in 2017/18; (iii) to note the information at Appendix 3 relating to the Participatory Budgeting event carried out by the Fairer Aberdeen Board in October 2016; (iv) to agree that the Fairer Aberdeen annual report be submitted to the Council meeting for consideration, with the six month progress report issued as a Service Update in future; and (v) to request the Interim Director of Communities, Housing and Infrastructure to review the performance indicators contained within Appendix 2 where performance was currently reported on a six monthly basis against a yearly target, with a view to performance and the target being on a like for like basis.	Communities, Housing and Infrastructure	Bernadette Marjoram/ Susan Thoms
9(g)	<b><u>Site OP40, Prime Four Business Park, Kingswells (161429) - Major</u></b>	WITHDRAWN		



	Item Title	Council Decision	Services Required to take action	Officer to Action
	<p><u>development mixed use commercial (up to 30,000m<sup>2</sup>) including retail (class 1), food and drink (class 3), other ancillary uses (such as offices) and associated landscaping, infrastructure and access works</u></p> <p><b>WITHDRAWN</b></p>			
9(h)	<p><b><u>Proposed Planning Obligations Supplementary Guidance - CHI/17/155</u></b></p>	<p><b><u>The Council resolved:</u></b></p> <p>(i) to agree the modifications to the Planning Obligations Supplementary Guidance required by Scottish Ministers in their letter of 14 May 2017, as at Appendix 1 to the report, and set out in the Planning Obligations Supplementary Guidance, as at Appendix 2 to the report; and</p> <p>(ii) to note that charges for Stopping Up Orders/Traffic Regulation Orders and the preparation of Legal Agreements would continue to be reasonably and fairly applied.</p>	Communities, Housing and Infrastructure	David Dunne
9(i)	<p><b><u>Bus Service Options</u></b></p>	<p><b><u>The Council resolved:</u></b></p> <p>(a) to instruct the Interim Director of Communities, Housing and Infrastructure to report to the Communities, Housing and Infrastructure Committee in August 2017 with a proposal for a revised Quality Partnership for public transport;</p> <p>(b) to instruct the Interim Director of Communities, Housing and</p>	<p>Communities, Housing and Infrastructure</p> <p>Corporate Governance</p> <p>Corporate Governance</p>	<p>Bernadette Marjoram/ Chris Cormack</p> <p>Emma Parr (business statement)</p> <p>Mark Masson (business</p>

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		<p>Infrastructure to report to the Finance, Policy and Resources Committee in September 2017 with options for dealing with gaps in the public transport network, where a need has been identified and for a decision to be made;</p> <p>(c) to instruct the Interim Director of Communities, Housing and Infrastructure to arrange for an appropriate procurement exercise to be carried out so as to seek a provider for an enhanced public bus service to Kingswells to extend the current service, to 6.00am and 11.00pm daily, Monday through Friday as soon as possible. Subject to timing requirements for the said procurement, this enhancement would be for the remainder of the financial year 2017/18 in recognition of the exceptional circumstances impacting on those residents living in Kingswells. This will be on the understanding that the maximum cost of such enhanced public bus service will be £25,000 and will be funded from contingencies and that all relevant legal provisions are complied with, including with reference to state aid; and</p> <p>(d) to instruct the Interim Director of Communities, Housing and Infrastructure to write to the Minister for Transport and the Islands, Humza Yousaf MSP, seeking clarity on the timescales for both the consultation</p>		statement)

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		<p>with Aberdeen City Council regarding the Transport Bill and the publishing of the draft bill, and to report back to Council at the next available opportunity.</p>		
9(j)	<p><b><u>Air Quality Low Emission Zones - CHI/17/141</u></b></p>	<p><b><u>The Council resolved:</u></b></p> <ul style="list-style-type: none"> <li>(i) to instruct the Interim Director of Communities, Housing and Infrastructure to carry out a Low Emission Feasibility Study in accordance with the methodology detailed in Technical Guidance and prescribed timescales;</li> <li>(ii) to instruct officers to inform the Council of the study outcomes and recommendations at prescribed stages of the assessment process as detailed in the Technical Guidance;</li> <li>(iii) to note the 'Next Steps' section explaining the Feasibility Study process and role of partner organisations;</li> <li>(iv) to instruct the Interim Director of Communities, Housing and Infrastructure to bring a report back to Council detailing the outcome of the feasibility study with a view to members determining whether Aberdeen City Council should volunteer itself as an early adopter.</li> </ul>	<p>Communities, Housing and Infrastructure</p>	<p>Bernadette Marjoram/ Aileen Brodie</p>

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9(k)	<b><u>Equalities Outcomes and Mainstreaming Report - CHI/17/054</u></b>	<p><b><u>The Council resolved:</u></b></p> <p>(i) to approve the new and revised Equality Outcomes for 2017-21 proposed within the 'Equality Outcomes and Mainstreaming Progress Report' which was approved at Full Council on 15 March 2017, as detailed in Appendix 1;</p> <p>(ii) to approve the easy read version of the Council's Equality Outcomes (Appendix 3); and</p> <p>(iii) to instruct the Head of Human Resources and Customer Service to report back to Council in further detail in connection with Appendix 2 and the number of employees with a disability subject to the disciplinary process, particularly with regard to frequency, possible patterns and appropriate training.</p>	<p>Communities, Housing and Infrastructure</p> <p>Corporate Governance</p>	<p>Sandra Howard</p> <p>Ewan Sutherland/ Keith Tennant</p>
10(a)	<p><b><u>Councillor Cooke</u></b></p> <p>1. Council notes that the Gordon Highlanders Museum is the only five star rated visitor attraction in the city, and is important in attracting visitors to Aberdeen; and that it also represents an important educational resource. Council also notes the close and long-standing connections between Aberdeen and this historic regiment.</p> <p>2. Council further notes that the</p>	<p><b><u>The Council resolved:</u></b></p> <p>to approve the terms of the motion.</p>	<p>Corporate Governance</p>	<p>Steve Whyte</p> <p>Mark Masson (motions list)</p>

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	<p>museum is facing a funding crisis due to a drop in income from its commercial activities, resulting from the recent downturn in the local economy; and has launched an appeal to raise £300,000 over a three year period; but expects to be able to return to being self-funding thereafter.</p> <p>3. Council therefore instructs officers to investigate what financial support can be provided by the council to the museum to help ensure the survival and future success of this superb facility, given its economic, educational and cultural importance; and to report back with recommendations to the Finance, Policy and Resources Committee.</p>			
10(b)	<p><b><u>Councillor Greig</u></b></p> <p>That this Council:</p> <ol style="list-style-type: none"> <li>1. Believes that the best way to promote peace and harmony in the world is to build cultural, academic and economic bridges.</li> <li>2. Rejects any attempts to drive individuals, families and legitimate businesses away from Aberdeen on grounds of race, religion or country of origin and condemns any organisation that pursues such a</li> </ol>	<p><b><u>The Council resolved:</u></b> to approve a joint amendment by Councillors Laing and Flynn in the following terms:-</p> <p>That this Council -</p> <ol style="list-style-type: none"> <li>(1) condemns unequivocally racism, xenophobia and hate crimes and believes that these have no place in this, or any other country;</li> <li>(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, gender,</li> </ol>		

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	policy.	<p>religion or social background; and</p> <p>(3) commits itself to:-</p> <p>(i) continue to work with others to tackle and prevent racism, xenophobia and hate crimes; and</p> <p>(ii) maintain Aberdeen as a welcoming and friendly international destination.</p>		
10(c)	<p><b><u>Councillors Lumsden and Laing</u></b></p> <p>Request that the Head of Legal and Democratic Services brings a report to the next Full Council meeting recommending how the role of Leader of the Council can be carried out by Co-Leaders, without there being a Deputy Leader, in a way that complies with the governance framework of the Council including any provisions in the Standing Orders.</p>	<p><b><u>The Council resolved:</u></b></p> <p>to approve the amended motion in the following terms:-</p> <p>“Request that the Head of Legal and Democratic Services brings a report to the next Full Council meeting recommending how the role of Leader of the Council can be carried out by Co-Leaders, without there being a Deputy Leader, in a way that complies with the governance framework of the Council including any provisions in the Standing Orders and adheres to the rules set out in the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007.”</p>	Corporate Governance	Fraser Bell
11(a)	<p><b><u>Aberdeen International Youth Festival Governance Review - ECS/17/037</u></b></p>	<p><b><u>The Council resolved:</u></b></p> <p>(i) to note the content of the report prepared by the Aberdeen International Youth Festival (AIYF) Artistic Director and Chief Executive Officer including the outline of a project plan appended;</p>	Education and Children’s Services	Lesley Thomson

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		<p>(ii) to request a detailed and comprehensive project and business plan by 29 September 2017 to include key objectives, strategic context for moving to a Scottish Charitable Incorporated Organisation (SCIO), market benefits, analysis of options, risks and opportunities, steps and detailed timeline for transitioning to SCIO, future funding and financial implications;</p> <p>(iii) to request a report on current festival activity, including participation targets by 29 September 2017, which would be used to assess the Council's contribution to the 2018 festival, including Council resource allocation; and</p> <p>(iv) to note the intention of AIYF to use their existing reserves to fund an external consultant(s) to undertake the review.</p>		
11(b)	<p><b><u>Aberdeen City - Residential Nursing Home Provision - HSCP/17/057</u></b></p>	<p><b>The Council resolved:</b></p> <p>(i) to agree in principle to purchase Kingsmead Nursing Home, subject to the Integration Joint Board agreeing to cover the capital financing costs and the running costs of the Nursing Home; and</p> <p>(ii) to note that further updates would be provided to the Finance, Policy and Resources Committee as the options identified in Appendix 1 progressed.</p>	<p>Aberdeen City Health and Social Care Partnership</p> <p>Corporate Governance</p>	<p>Tom Cowan/ Kay Dunn</p> <p>Mark Masson (business statement)</p>

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11(c)	<b><u>Complaints Review Committee - 21 February 2017 - CG/17/077</u></b>	<b><u>The Council resolved:</u></b> to approve the recommendations and the minute of the Social Work Complaints Review Committee meeting of 21 February 2017.	Corporate Governance	Stephanie Dunsmuir
11(d)	<b><u>Minute of Meeting of Appeals Committee of 19 April 2017 - for approval</u></b>  Confidential information in terms of Section 50A 3(b) of the Local Government (Scotland) Act 1973	<b><u>The Council resolved:</u></b> to approve the minute subject to the correction of Article 3 (page 578 of the document pack) to reflect that the Convener's <i>motion</i> failed to attract a seconder, rather than the Convener's <i>amendment</i> .	Corporate Governance	Allison Swanson

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