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To: All Members of the Council

Town House,
ABERDEEN, 9 May 2017

STATUTORY COUNCIL MEETING

The Members of the **COUNCIL** are requested to meet in Council Chamber - Town House on **WEDNESDAY, 17 MAY 2017 at 10.30am.**

FRASER BELL
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

- 1 Election of Councillors (Pages 3 - 8)
- 2 Election and Installation of the Lord Provost
- 3 Appointment of Depute Provost
- 4 Appointment of Council Leader and Depute Leader
- 5 Appointment of Members to Committees and Appointment of Conveners and Vice Conveners (to follow)
- 6 Appointment of Members to Sub Committees, Groups and Outside Bodies (to follow)
- 7 Appointment of Members to Aberdeen City Licensing Board (Pages 9 - 12)

- 8 School Placings and Exclusions Appeal Committee - Pool of Members (Pages 13 - 18)
- 9 Local Review Body (LRB) - Pool of Members (Pages 19 - 22)
- 10 Re-establishment of Local Licensing Forum (Pages 23 - 32)
- 11 Appointment of Baillies (Pages 33 - 36)
- 12 Miscellaneous Historical Council Appointments (Pages 37 - 38)
- 13 Convention of Scottish Local Authorities (COSLA) (Pages 39 - 42)

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

COMMITTEE	Council
DATE	17 th May 2017
REPORT TITLE	Election of Councillors
REPORT NUMBER	OCE/17/007
LEAD OFFICER	Chief Executive
REPORT AUTHOR	Head of Service, Office of Chief Executive

1. PURPOSE OF REPORT

- 1.1 The report brings before the Council the results of the Local Government Election for Aberdeen City held on 4th May 2017.

2. RECOMMENDATION

- 2.1 That the Council resolves to note the report.

3. BACKGROUND/MAIN ISSUES

- 3.1 Attached as Appendix 1 is a statement from the Returning Officer giving notice of the successful candidates at the election held on 4th May 2017.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications arising from the subject matter of this report.

5. LEGAL IMPLICATIONS

- 5.1 There are no direct legal implications arising from the subject matter of this report.

6. MANAGEMENT OF RISK

- 6.1 There are no direct risk implications arising from the recommendations of this report.

7. IMPACT SECTION

- 7.1 The successful election candidates listed on the attached statement will now oversee the delivery of Aberdeen's Local Outcome Improvement Plan and the Council's Strategic Business Plan.

8. BACKGROUND PAPERS

- 8.1 None

9. APPENDIX

- 9.1 Appendix 1 – Notice of Successful Candidates in the Aberdeen City Council Local Government Election, 4th May 2017.

10. REPORT AUTHOR DETAILS

- 10.1 Ciaran Monaghan
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**Aberdeen City Council
Local Government Election – 4th May 2017**

I, Angela Scott, as Returning Officer for the Aberdeen City Council give notice that the successful candidates in this election are as follows:-

Ward	Candidate and Description	Stage at which elected	Number of valid votes	Number of votes rejected as void
Dyce/Bucksburn/ Danestone	Barney Crockett – Aberdeen Labour making it happen	6	6,608	145
	Neil MacGregor – Scottish National Party (SNP)	1		
	Avril MacKenzie – Scottish Conservative and Unionist	1		
	Gill Samarai – Scottish National Party (SNP)	6		
Bridge of Don	Alison Alphonse – Scottish National Party (SNP)	1	7,236	114
	Brett Hunt – Scottish Conservative and Unionist	1		
	John Reynolds – Independent	7		
	Sandy Stuart – Scottish National Party (SNP)	9		
Kingswells/ Sheddocksley/ Summerhill	David Cameron – Scottish National Party (SNP)	5	5,043	85
	Steve Delaney – Scottish Liberal Democrat Focus Team	1		
	John Wheeler – Scottish Conservative and Unionist	7		
Northfield/Mastrick North	Jackie Dunbar – Scottish National Party (SNP)	1	4,382	180

Ward	Candidate and Description	Stage at which elected	Number of valid votes	Number of votes rejected as void
	Gordon Graham – Aberdeen Labour making it happen	8		
	Ciarán McRae – Scottish National Party (SNP)	6		
Hilton/Woodside Stockethill	Neil Copland – Scottish National Party (SNP)	1	4,537	137
	Lesley Dunbar – Aberdeen Labour making it happen	6		
	Freddie John – Scottish Conservative and Unionist	8		
Tillydrone/Seaton/Old Aberdeen	Ross Grant – Aberdeen Labour making it happen	1	3,217	133
	Alexander McLellan – Scottish National Party (SNP)	1		
	Jim Noble – Scottish National Party (SNP)	9		
Midsocket/Rosemount	Bill Cormie – Scottish National Party (SNP)	1	4,755	80
	Jenny Laing – Aberdeen Labour making it happen	7		
	Tom Mason – Scottish Conservative and Unionist	1		
George Street/Harbour	Dell Henrickson – Scottish National Party (SNP)	1	3,622	103
	Ryan Houghton – Scottish Conservative and Unionist	9		
	Michael Hutchison – Scottish National Party (SNP)	5		

Ward	Candidate and Description	Stage at which elected	Number of valid votes	Number of votes rejected as void
	Sandra Macdonald – Aberdeen Labour making it happen	7		
Lower Deeside	Philip Bell – Scottish Conservative and Unionist	1	6,811	52
	Marie Boulton – Independent	6		
	M. Taqueer Malik – Aberdeen Labour making it happen	8		
Hazlehead/ Queens Cross/ Countesswells	John Cooke – Scottish National Party (SNP)	5	7,508	131
	Martin Greig – Scottish Liberal Democrats	1		
	Claire Imrie – Scottish Conservative and Unionist	5		
	Jennifer Stewart – Scottish Liberal Democrats	1		
Airyhall/Broomhill/ Garthdee	Douglas Lumsden – Scottish Conservative and Unionist	1	6,116	54
	Gordon Townson – Scottish National Party (SNP)	2		
	Ian Yuill – Scottish Liberal Democrats	1		
Torry/Ferryhill	Yvonne Allan – Aberdeen Labour making it happen	7	5,598	144
	Christian Allard – Scottish National Party (SNP)	9		
	Alan Donnelly – Scottish Conservative and Unionist	1		
	Catriona MacKenzie – Scottish National Party (SNP)	9		

Ward	Candidate and Description	Stage at which elected	Number of valid votes	Number of votes rejected as void
Kincorth/Nigg/Cove	Sarah Duncan – Aberdeen Labour making it happen	8	5,176	120
	Stephen Flynn – Scottish National Party (SNP)	1		
	Alex Nicoll – Scottish National Party (SNP)	4		
	Philip Sellar – Scottish Conservative and Unionist	1		

Dated at Aberdeen, this Seventeenth Day of May, Two Thousand and Seventeen.

Angela Scott
Returning Officer

COMMITTEE	Statutory Council
DATE	17 May 2017
REPORT TITLE	Appointment of Members to Aberdeen City Licensing Board
REPORT NUMBER	CG/17/054
DIRECTOR/HOS	Fraser Bell
REPORT AUTHOR	Arlene Dunbar

1. PURPOSE OF REPORT

To advise elected members of the Council's statutory duty to establish the Aberdeen City Licensing Board and to elect the appropriate number of Members to the Board.

2. RECOMMENDATION(S)

It is recommended that the Council:

- (i) determine the number of Members to be elected to the Licensing Board;
and
- (ii) elect Members to the Licensing Board.

3. BACKGROUND/MAIN ISSUES

3.1. Membership

The Licensing (Scotland) Act 2005 (hereafter referred to as the 2005 Act), and the Gambling Act 2005 require that a Licensing Board be established in each Local Authority area.

The 2005 Act provides that the Council must, at their first meeting after each ordinary election of the council, hold an election of Members to the Licensing Board. Such Members must be Councillors.

The Board should consist of such number, being not fewer than 5 and not more than 10, of elected Members as may be determined by the Council.

A quorum for a meeting of a Licensing Board is one half of the number of Members, but in any case not fewer than 3.

The Board currently has 9 Members. This number reduces the likelihood of the Convener having to use a casting vote on applications.

3.2 Disqualification from Membership

The 2005 Act provides that a Councillor is disqualified from election as, and from being, a Member of the Licensing Board if the Councillor is –

- (a) a premises licence holder;
- (b) an employee of a premises licence holder and works as such in a licensed premises;
- (c) whether alone or in partnership with another person, engaged in the business of producing or selling alcohol;
- (d) a director or other officer of a company so engaged; or
- (e) an employee of any person so engaged and works as such in that business.

3.3 Tenure of Office

A Member of a Licensing Board:

- a) holds office as such during the period:
 - (i) beginning on the day after the Member's election; and
 - (ii) ending on the day on which the next election of Members of the Board is held;
- b) is eligible for re-election as a Member;
- c) may, at any time, resign by giving notice to the Clerk of the Board; and
- d) ceases to hold office:
 - (i) on ceasing to be a Councillor; or
 - (ii) on becoming disqualified from being a Member of the Licensing Board.

3.4 Training

By statute, each Licensing Board Member must, within 3 months of being elected or re-elected, undertake training and produce to the Clerk to the Board their Scottish Licensing Board Members' Certificate (SCLBM) within 4 months and cannot take part in any Board proceedings until they have done so.

Should a Member fail to successfully complete the training and produce their training certificate within the 4 month period, the Member ceases to hold office as a Member of the Board.

Officers have set aside Monday 22 May 2017 as the date on which Board Members will undertake the statutory training.

A training provider has agreed to provide the training and exam at the Town House on that date. This was on the basis that current Members were satisfied by the service provided by this training provider previously.

3.5. Frequency of Meetings

The Board meets on an eight week cycle. Additional meetings of the Board may be called by the Convener in certain circumstances.

4. FINANCIAL IMPLICATIONS

The cost of the training will be met from the Licensing budget. The approximate cost of the training is £1,400.

5. LEGAL IMPLICATIONS

The Council has a statutory duty to establish and elect Members to the Licensing Board. Failure to establish the Board would mean that the Council would not be compliant with the requirements of the Licensing (Scotland) Act 2005.

6. MANAGEMENT OF RISK

The Council has a statutory duty to establish and elect members to the Licensing Board. Failure to establish the Board would mean that the Council would not be compliant with the requirements of the Licensing (Scotland) Act 2005.

7. IMPACT SECTION

Economy

Failure to establish a Licensing Board would have a negative impact on the licensed trade and the night time economy as there would be no statutory body in Aberdeen City for the determination of liquor and gambling applications.

People

An Equality and Human Rights Impact Assessment was not necessary as the report has no impact in terms of the public sector equality duty or people with protected characteristics.

Place

No impact on place.

Technology

No impact on technology.

8. BACKGROUND PAPERS

None

9. APPENDICES (if applicable)

None.

10. REPORT AUTHOR DETAILS

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COMMITTEE	Council
DATE	17 May 2017
REPORT NUMBER	CG/17/048
DIRECTOR/HOS	Fraser Bell, Head of Legal & Democratic Services
TITLE OF REPORT	School Placings and Exclusions Appeal Committee - Pool of Members
REPORT AUTHOR	Allison Swanson

1. PURPOSE OF REPORT:-

This report seeks approval of the process for the appointment of a pool of Councillors and external members from which individuals will be drawn to form the membership of the School Placings and Exclusions Appeal Committee as required by section 28D(1) of the Education (Scotland) Act 1980 as amended.

2. RECOMMENDATION(S)

It is recommended that the Council:

- (1) appoint all Elected Members on the Education and Children's Services Committee, plus two Members per political group and up to two Independent Members to the School Placings and Exclusions Appeal Committee¹;
- (2) delegate authority to the Senior Democratic Services Manager to (i) reappoint all existing external members set out in Appendix A to this report; and (ii) appoint individuals who fall into the following categories, subject to a training session being attended and a clear PVG check being returned:
 - a. parents of children of school age;
 - b. people who in the opinion of the authority have experience in education; or
 - c. people who in the opinion of the authority are acquainted with the educational conditions in the area of the authority;
- (3) agree that former members of former School Boards/Parent Councils; former teachers; and Members of the Council who have demitted office meet the criteria as set out in the Education (Scotland) Act 1980 for external members of the School Placings and Exclusions Appeal Committee and may be appointed by the Senior Democratic Services Manager accordingly; and

¹ Please note that Members appointed who have not previously undertaken the training are required to attend a training session on 18 May 2017 at 2pm. Therefore Elected Member appointments are required to be confirmed in advance of this date - appeal hearings will commence from week commencing 22 May 2017.

- (4) to appoint the Senior Democratic Services Manager, or his/her nominee, as the Clerk to the School Placings and Exclusions Appeal Committee.

3. BACKGROUND/MAIN ISSUES

- 3.1 The Council is required to establish a School Placings and Exclusions Appeal Committee in terms of the Education (Scotland) Act 1980, as amended, to hear appeals against the refusal of parental requests to place children in particular schools and against the decisions of the Education Authority to exclude pupils from the schools which they attend.
- 3.2 The statutory requirement contained in Schedule A1 of the Education (Scotland) Act 1980 is for an Appeals Committee to be drawn from a pool of individuals from the following categories:
- (a) members of the authority or of the education committee of the authority; and
 - (b) persons who are not members of the authority or of the education committee of the authority but are -
 - 1. parents of children of school age;
 - 2. persons who in the opinion of the authority have experience in education; or
 - 3. persons who in the opinion of the authority are acquainted with the educational conditions in the area of the authority.
- 3.3 Each Committee must comprise three, five or seven members from the above categories. Councillors cannot outnumber lay members by more than one and no member of a Council's Education Committee may chair a meeting.
- 3.4 To meet the requirement of the Act and to ensure a sufficient pool of members is available, it is recommended that Council appoint all Elected Members of the Education and Children's Services Committee, as well as two Members from each political group (where applicable) to be members of the Committee. All members appointed to the Committee who have not previously undertaken the training are required to attend the Committee's training session being held on 18 May 2017 at 2pm. Elected Member appointments are therefore required to be confirmed in advance of this date. Appeal hearings will commence from week beginning 22 May 2017 and will continue throughout June.
- 3.5 With regards to the appointment of external members of the Committee, falling under category (b) above (section 3.2), it is recommended that the Senior Democratic Services Manager be granted delegated authority to:
- (i) reappoint all existing external members; and
 - (ii) appoint individuals who fall into one of the aforementioned three categories subject to a training session being attended and a clear PVG check being returned.
- 3.6 A list of existing external members is contained at Appendix A. These members have been vital to the process and have become experienced in their role and it is important that their services be retained. In making new external appointments, it is recommended that Council agree that ex-members of former School Boards/Parent Councils; ex-teachers; and Members of the Council who have demitted office meet the criteria as set out in the Education (Scotland) Act 1980.

- 3.7 The majority of appeals are submitted by parents who have not been successful in their requests to have their children placed in particular schools. These appeals begin to be submitted in early May and hearings can continue throughout until the end of July. It is not unusual for the Committee to meet four or five times a week during this period, and occasionally twice a day. Given the frequency of meetings during this period it is important to have a pool large enough to consider all appeals within 28 days of receipt of the appeal as required by statute. The number of appeals submitted varies; last year, 92 appeals were received and 19 meetings held.
- 3.8 Statute requires that appeals be dealt with within 28 days of the date of receipt and accordingly the majority of appeals will continue to be disposed of during June. Statute also requires that the Council be able to hold two meetings concurrently, if necessary, but so far this has not been required.

4. FINANCIAL IMPLICATIONS

- 4.1 No significant additional costs although external members are entitled to claim travel allowances. Training costs are met from existing budgets for training of members and staff.
- 4.2 Each member requires to undertake a PVG Scheme check. Each application to the PVG Scheme costs £59 for new members and £18 if they are existing members staying within the same group. Checks for all members will be processed by HR in line with the procedure for dealing with PVG checks for Elected Members.

5. LEGAL IMPLICATIONS

- 5.1 The Council has a statutory obligation to establish a School Placings and Exclusions Appeal Committee in terms of the Education (Scotland) Act 1980 as amended, to hear appeals against the refusal of parental requests to place children in particular schools and against the decisions of the Education Authority to exclude pupils from the schools which they attend. If the Council fails to establish a Committee, it will be in breach of a statutory duty.

6. MANAGEMENT OF RISK

- 6.1 Acceptance of the above recommendations is not considered to pose any risk to the Council and will ensure that the Council meets its statutory obligations. If the Council fails to appoint a School Placings and Exclusions Appeal Committee, it will be in breach of a statutory duty.

7. IMPACT SECTION

- 7.1 The establishment of a pool of members to constitute the School Placings and Exclusions Appeal Committee contributes to the Smarter Governance strand of Aberdeen – the Smarter City, particularly around the Council ensuring that applicants have a right of appeal and this is considered by an independent Committee as required by statute.
- 7.2 As well as being a statutory requirement, the School Placings and Exclusions Appeal Committee increases the number of citizens volunteering.

Economy

- 7.3 There will be no impact on economy arising from the recommendations.

People

- 7.4 The report may be of interest to the public as it establishes an independent Committee to consider placing and exclusion appeals in accordance with statute.
- 7.5 An Equality and Human Rights Impact Assessment is not required as the proposal does not disproportionately impact on persons with protected characteristics compared to persons without such characteristics.

Place

- 7.6 Acceptance of the recommendations will ensure that the Council meets its statutory obligations.

Technology

- 7.7 There will be no impact on technology arising from the recommendations.

8. BACKGROUND PAPERS

- 8.1 Section 28 of the Education (Scotland) Act 1980.

9. APPENDICES (if applicable)

- 9.1 Appendix A - List of existing external members

10. REPORT AUTHOR DETAILS

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HEAD OF SERVICE DETAILS

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APPENDIX A

EXTERNAL MEMBERS FOR SCHOOL PLACINGS AND EXCLUSIONS APPEALS

1. Mrs Diana Buchan
2. Mrs Janice Esson
3. Mr Alasdair Stevenson
4. Mr William Harrison
5. Mrs Anna Bokedal
6. Ms Abeer Eladany
7. Mr Tony Rafferty
8. Mrs Elizabeth Stratton
9. Mrs Helena Ziegler
10. Mrs Donna Clark
11. Mrs Julie Anderson

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COMMITTEE	Statutory Council Meeting
DATE	17 May 2017
REPORT TITLE	Local Review Body (LRB) - Pool of Members
REPORT NUMBER	CG/17/052
DIRECTOR/HOS	Fraser Bell - Head of Legal and Democratic Services
REPORT AUTHOR	Lynsey McBain

1. PURPOSE OF REPORT:-

This report seeks the Council's approval to appoint all Councillors to form membership of the Local Review Body (LRB).

2. RECOMMENDATION(S)

The Council is recommended:-

- (i) to appoint all Councillors to be members of the statutory Local Review Body pool; and
- (ii) to note that all members will be provided with the appropriate training

3. BACKGROUND/MAIN ISSUES

- 3.1 The Council is required to establish a Local Review Body in terms of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 3.2 Where an application in the category of local developments has been dealt with under the Scheme of Delegation to officers (powers given to Senior officers to make decisions), the applicant can request the LRB to review the case. The legislation requires review cases to be conducted by a committee of the planning authority or such other Members of the Council who are eligible to participate and will comprise at least 3 members of the authority. It is proposed that for future meetings of the LRB, where possible, the panel will have 5 members hearing each review. However the quorum will remain at 3 members in terms of the 2013 regulations.
- 3.3 Members participating in review cases will receive appropriate training in planning issues and in how to conduct the LRB. Training sessions for

members to the LRB have been organised. Dates will be circulated to members in due course. Members are not permitted to sit on a LRB unless they have completed the necessary training.

- 3.4 Councillors will not be allowed to sit on the LRB if the case to be determined is within that Councillor's ward in accordance with agreement at Planning Committee on 8 March 2009.
- 3.5 The Council, in its previous term, had 17 members who formed the pool for the LRB. It is now proposed that **all** Councillors be trained in order to sit on a LRB.
- 3.6 In 2016, there were 17 meetings of the Local Review Body considering a total of 42 cases. There has been an increase in the amount of cases coming to the LRB and as a result it would be beneficial to have as many Councillors trained to sit on the LRB as possible.

4. FINANCIAL IMPLICATIONS

There are no direct financial implications arising from the recommendations of this report.

5. LEGAL IMPLICATIONS

The Council has a statutory duty to appoint members to the Local Review Body.

6. MANAGEMENT OF RISK

Acceptance of the above recommendations is not considered to pose any risk to the Council and will ensure that the Council meets its statutory obligations. If the Council fails to appoint members to the Local Review Body it will be in breach of a statutory duty.

7. IMPACT SECTION

The establishment of a pool of members to constitute the Local Review Body contributes to the Smarter Governance strand of Aberdeen – the Smarter City, particularly around the Council ensuring that applicants have a right of appeal and this is considered by an independent Review Panel as required by statute.

Economy

- 7.1 There will be no impact on economy arising from the recommendations.

People

7.2 An Equality and Human Rights Impact Assessment is not required as the proposal does not disproportionately impact on persons with protected characteristics compared to persons without such characteristics.

Place

7.3 Acceptance of the recommendations will ensure that the Council meets its statutory obligations.

Technology

7.4 There will be no impact on technology arising from the recommendations

8. BACKGROUND PAPERS

None.

9. APPENDICES (if applicable)

None.

10. REPORT AUTHOR DETAILS

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COMMITTEE	Statutory Council
DATE	17 May 2017
REPORT NUMBER	CG/17/051
DIRECTOR/HOS	Fraser Bell, Head of Legal and Democratic Services
TITLE OF REPORT	Re-establishment of Local Licensing Forum
REPORT AUTHOR	Iain Robertson

1. PURPOSE OF REPORT:-

To advise elected members on the Council's statutory duty to re-establish the Aberdeen City Local Licensing Forum and to present a list of persons who have been nominated to serve on the Forum for the duration of the next Council term.

2. RECOMMENDATION(S)

It is recommended that Council

- a) Re-establish the Local Licensing Forum as per its statutory duty and re-appoint the nominated members listed in **Appendix A** as per item 5(4) of the Forum's Constitution attached as **Appendix B**; and
- b) Determines whether Council wishes to appoint representatives to the Forum and, if so, to make such appointments.

3. BACKGROUND/MAIN ISSUES

- 3.1 Under the Licensing (Scotland) Act 2005 (hereafter referred to as the Act), each Council is required to establish a Local Licensing Forum for their area. At its Statutory Meeting on 16 May 2012, Council re-established the Forum and it has continued to operate since that time.
- 3.2 By law the Forum must meet at least 4 times a year and hold a Joint Licensing Meeting with the Licensing Board each year. Currently the Aberdeen Local Licensing Forum meets every 8-10 weeks and meets with the Licensing Board annually. Responsibility for chairing the Joint Licensing Meeting alternates between the Convener of the Licensing Board and Forum. Its next meeting has been scheduled for 6 June 2017 and is due to be chaired by the Convener of the Licensing Board.

- 3.3 The Forum must consist of between 5 and 21 members as Council may determine. A list of those nominated to serve by the Local Licensing Forum at its meeting on 5 April 2017 has been attached under **Appendix A**.
- 3.4 Members of the Forum should be representative of the five key interest areas which are:
- holders of premises licenses and personal licenses (licensees);
 - the Chief Constable for the police area in which the Forum's area is situated;
 - persons having functions relating to health, education or social work
 - young people; and
 - persons resident within the Forum's area.
- 3.5 The Forum's role is to keep under review the operation of the Act in the local authority area and to give advice and make recommendations to the Board in relation to those matters as the Forum considers appropriate, particularly in relation to the five licensing objectives prescribed by the Act. These are:
- Licensing Objective 1: Preventing Crime and Disorder;
 - Licensing Objective 2: Securing Public Safety;
 - Licensing Objective 3: Preventing Public Nuisance;
 - Licensing Objective 4: Protecting and Improving Public Health; and
 - Licensing Objective 5: Protecting Children from Harm.
- 3.6 Council has a statutory duty to establish a Local Licensing Forum. As per item 5(4) of the Forum's Constitution, Forum members shall be appointed at the first Council meeting following an election to serve for the duration of the next Council term. As per item 5(5) of the Forum's Constitution, any vacancies or changes to membership during the Council's term may be filled by the Forum on behalf of the Council.
- 3.7 As per the requirements of the Act, the Forum cannot comment on individual licenses or cases and should restrict itself to consideration of strategic matters or the development of policy at a local and national level. The Constitution of the Forum, which contains the Forum's remit has been attached under **Appendix B**.
- 3.8 Licensing Boards and local authorities are free to adopt their own individual working practices for Forums to carry out their work, provided they are consistent with the provisions of the Act.
- 3.9 Licensing Forums are independent from the Licensing Board and it is the responsibility of Council to select Forum members. This process will take into account the mandatory requirements of the Act and local representation.
- 3.10 Council is asked whether it wishes to be represented on the Forum. Whilst the relevant legislation does not prevent elected members being appointed to the Forum, any members appointed could not also be members of the Licensing Board.

- 3.11 An effective Licensing Forum should be widely recognised as being both independent and expert. To ensure independence, the Forum has developed an identity that is clearly separate from the Licensing Board or any other interest group.

4. FINANCIAL IMPLICATIONS

There are no direct financial implications arising from the recommendations of this report.

5. LEGAL IMPLICATIONS

The Council has a statutory duty to establish a Local Licensing Forum. Failure to establish a Forum would mean that the Council would not be compliant with the requirements of the Licensing (Scotland) Act 2005.

6. MANAGEMENT OF RISK

- 6.1 Failure to re-establish the Local Licensing Forum would mean that Council would not be compliant with the requirements of the Licensing Act.
- 6.2 There may be reputational and public participation risks if the Forum is not re-established as it provides a platform for a number of licensing and community stakeholders to meet, discuss issues and provide advice and support to the Licensing Board. Failure to establish a Forum may have a negative impact on the Licensing Board's capacity to exercise its functions, particularly during the ongoing review of the Statement of Licensing Policy.

7. IMPACT SECTION

Economy

No impact on economy.

People

Failure to re-establish the Forum would mean that community participation in the licensing process would be reduced. Council partners and stakeholders would also be impacted as the Forum provides a platform for them to meet and share best practice. No significant equalities issues have been identified.

Place

No impact on place.

Technology

No impact on technology.

8. BACKGROUND PAPERS

CG/12/048: Membership of Local Licensing Forum, Statutory Council Meeting, 16 May 2012.

9. APPENDICES

Appendix A – Members nominated to serve on the Aberdeen City Local Licensing Forum

Appendix B - Aberdeen City Local Licensing Forum Constitution

10. REPORT AUTHOR DETAILS

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Chief Constable for the police area in which the Forum's area is situated
Insp Kenneth McGeough, <u>Convener</u>
Persons having functions relating to health, education or social work
Heather Wilson, Aberdeen City Alcohol and Drugs Partnership
Shamini Omnes, Aberdeen City Health and Social Care Partnership
Peter Benton, Aberdeen Samaritans
Emily Queen, Aberdeen Community Safety Partnership
Miriam Smith, Education and Children's Services, Aberdeen City Council
Young People
Barbu Dragosflorin, Aberdeen City Youth Council
Persons resident within the Forum's area
Ken Eddie, Aberdeen Civic Forum
Licensing Standards Officer
Diane Sande (or Tara-Erin Gilchrist)
Community Councils
Laura MacDonald

ABERDEEN LOCAL LICENSING FORUM

CONSTITUTION

The following sets out the Constitution for the ABERDEEN LOCAL LICENSING FORUM (hereinafter referred as “the Forum”).

1. NAME

The name of the organisation shall be ABERDEEN LOCAL LICENSING FORUM.

2. AGE

In order to be eligible for membership of the forum, a person must be aged 16 years or above.

3. GEOGRAPHICAL BOUNDARY OF THE FORUM

The geographical boundary of matters that the Forum shall deal with shall coincide with the boundaries of Aberdeen City Council.

4. TERMS OF REFERENCE

The terms of reference of the Forum are as follows:-

- (i) to keep the liquor licensing system in Aberdeen under regular review and to respond to consultation exercises undertaken by the Aberdeen City Licensing Board and the Scottish Government as appropriate;
- (ii) to consider the implications of relevant local data and statistics provided by the local police force, the local Health Board and the various Aberdeen Drugs and Alcohol Groups;
- (iii) to meet the Aberdeen City Licensing Board at least once per year; and
- (iv) to give advice and make recommendations to the Aberdeen City Licensing Board in relation to any matters that the Forum considers appropriate, excepting individual licensing applications.

5. MEMBERSHIP

- (1) In meeting with the undernoted terms of the Licensing (Scotland) Act 2005 (“the Act”), requiring that all Local Licensing Forums shall -
 - (i) consist of not fewer than 5 and not more than 21 members;
 - (ii) include a Licensing Standards Officer for the Council’s area;
 - (iii) in appointing members, ensure that, so far as possible, the membership of the Forum is representative of the interests of persons

or descriptions of persons who have an interest which is relevant to the Forum's general functions, including:-

- Holders of premises licences and personal licences
- The Chief Constable for the police area in which the Forum's area is situated
- Persons having functions relating to health, education and social work
- Young people
- Persons resident in the Forum's area

the Forum shall have a membership of 12, with one duly appointed representative from each of the following categories:-

Holder of Premises License

1. Representative of Licensed Trade

The Chief Constable for the Police area

2. Representative of Police Scotland

Persons having functions relating to health, education or social work

3. Scottish Fire and Rescue Service
4. Aberdeen Alcohol and Drugs Partnership
5. NHS Grampian
6. Aberdeen Samaritans
7. Community Safety Partnership
8. Education Services, Aberdeen City Council
9. Children's Services, Aberdeen City Council

Young people

10. RGU or Youth Council – *to be confirmed*

Persons resident within the Forum's area

11. Aberdeen Civic Forum

Licensing Standards Officer

12. Licensing Standards Officer

- (2) Notwithstanding the above, the Forum may invite additional representatives (co-optees) who may have an interest relevant to the Forum's general functions, to attend and participate in meetings of the Forum, but without voting rights. Such representatives will not be included for the purposes of calculating a quorum for meetings of the Forum.
- (3) Members may appoint substitutes to attend meetings of the Forum on their behalf, on the understanding that the substitute is also a duly appointed representative of one of the above 12 categories.
- (4) Members will be appointed at the first meeting of Aberdeen City Council following an election. Members will serve for the term of that Council, after which they will be eligible for re-appointment. This is without prejudice to a member's entitlement at any time to step down from the Forum.
- (5) Any vacancies or changes to membership during this term may be filled by the Forum on behalf of Aberdeen City Council. The names and addresses of applicants for membership shall be submitted in writing to

the Clerk to the Forum at least 14 days before the meeting of the Forum at which the vacancy is to be filled.

- (6) If any member of the Forum should miss three meetings consecutively, it will be open to the Forum to exclude that member on a permanent basis. This will not apply if the said member has arranged for a substitute to be present at the meetings.

6. SUB-COMMITTEES

The Forum may, as it sees necessary, appoint Sub-Committees to carry out any of its functions.

The quorum of all Sub-Committees shall be one half of the total membership, excluding co-optees.

7. MEETINGS

- (i) As laid out in the Licensing (Scotland) Act 2005, there shall be at least four meetings of the Forum per calendar year, including one meeting with the Licensing Board;
- (ii) Notice of the place, time and date of meetings of the Forum will be given to every member not later than seven days prior to the meeting; and
- (iii) Any member unable to attend in person may appoint a substitute to attend on their behalf who can express their views. The Clerk to the Forum must be given prior notification of any substitutions;
- (iv) All meetings of the Forum shall be open to members of the Press and Public.
- (v) The quorum for a meeting of the Forum shall be one-half of the number of members (but in any case not fewer than three). No decisions will be taken at any meeting unless that meeting is quorate.

8. CONDUCT OF BUSINESS

Forum members will elect a Convener, and Vice-Convener at their first meeting in each calendar year.

Meetings of the Forum are to be chaired by the Convener.

If the Office of Convener is vacant or for any other reason the Convener is unable to attend, a meeting of the Forum should be chaired by the Vice-Convener. If this is not possible, a meeting may be chaired by any other member present.

An Office Bearer may be removed from office at any of the Forum meetings or at a Special Meeting convened for this purpose at the requisition of at least half of the membership of the Forum, provided due intimation of such proposed alteration shall have been sent to each member at least seven days before such meeting.

Persons who have not been invited by the Forum to attend, and who wish to speak at a meeting of the Forum must contact the Clerk to the Forum one

clear working day (excluding Saturdays and Sundays) prior to the meeting, to state the subject on which they wish to be heard.

9. VOTING

- (i) Each member present at a meeting shall be entitled to one vote. The Convener shall have a casting vote, except in cases of appointment of a member to any particular office, in which case the decision will be by lot;
- (ii) Voting shall be by way of a show of hands, but a roll call can be requested by any member of the Forum should they feel this appropriate.

10. POWERS AND DUTIES OF THE CONVENER

It shall be the duty of the Convener to:-

- (i) preserve order, and to ensure that every member of the Forum shall have a fair hearing;
- (ii) decide all matters of order, competency and relevancy;
- (iii) decide between two or more members of the Forum wishing to speak by calling on the member who has first caught his or her eye; and
- (iv) ensure that due and sufficient opportunity is given to members of the Forum who wish to speak to express their views on the subject under discussion.

The decision of the Convener on all matters within his or her competency shall be final, and shall not be open to question or discussion.

11. AGENDAS AND MINUTES

Any items to be included in the agenda for meetings of the Forum shall first be submitted to the Clerk of the Forum no later than fourteen days prior to the date of any scheduled meeting.

No items may be otherwise included in the agenda for any meeting of the Forum, save at the discretion of the Convener on the grounds of urgency.

A Minute of each meeting will be prepared by the Clerk to the Forum, and the draft Minute circulated with the agenda for the following meeting. Agendas and Minutes will be published on the Aberdeen City Council Website.

12. ALTERATIONS TO CONSTITUTION AND POWERS TO MAKE OR AMEND RULES

The Forum shall have the power to alter the Constitution of the Forum and to make or amend rules relating to the conduct and administration of the Forum at any of its meetings, or at a Special Meeting convened for this purpose at the requisition of at least half of the members of the Forum, the proposed alteration being included on the agenda prior to such meeting.

All such alterations require to be approved by at least half of the members of the Forum present and voting. The Forum shall not be permitted to alter the Constitution if such alteration would conflict with the terms of the Act.

COMMITTEE	Statutory Council
DATE	17 May 2017
REPORT NUMBER	CG/17/050
DIRECTOR/HOS	Fraser Bell, Head of Legal & Democratic Services
TITLE OF REPORT	Appointment of Baillies
REPORT AUTHOR	Iain Robertson

1. PURPOSE OF REPORT:-

To request that members consider appointing Baillies to assist the Lord Provost in the performance of his/her duties.

2. RECOMMENDATION(S)

It is recommended that Council

a) Determines whether or not the office of Baillies should continue;

If Council determines that the office of Baillies should continue, it is further recommended that Council:

b) Appoints such number of Baillies as it deems appropriate;

c) Notes the decision of Council of 16 May, 2012 whereby it was agreed that any serving former Lord Provost would automatically become a Baillie;

d) Agrees that the allocation of robes and chains be at the discretion of the Lord Provost;

e) Agrees that the Baillies will receive no remuneration; and

f) Notes that those undertaking civic duties on behalf of the Lord Provost are entitled to claim reimbursement from the Council's Civic Head Allowance.

3. BACKGROUND/MAIN ISSUES

- 3.1 The role of Baillie was reintroduced at the meeting of Council of 25 June 2003 in order that a small number of named Councillors could deputise for the Lord Provost at civic occasions, enabling a sense of tradition to be brought to these events, and reduce the demands made on the Lord Provost.
- 3.2 At the meeting of Council of 16 May 2007, members further agreed that any serving former Lord Provost would automatically become a Baillie.
- 3.3 In 2003, four Baillies were appointed (one from each political group). In 2007, five Baillies were appointed (one from each political group, and Councillor Reynolds as a former Lord Provost). And in 2012, five Baillies were appointed (one from each political group, and Councillor Reynolds as a former Lord Provost).
- 3.4 The robes and chains which Councillors can be invited to wear on formal occasions are those of former Baillies (pre 1975). It is proposed as per the recommendations that robes and chains should continue to be allocated to Councillors by invitation by the Lord Provost on specific occasions such as graduation ceremonies, Remembrance Sunday and civic funerals.
- 3.5 In 2003, it was agreed that Baillies would not receive remuneration, and the same decision was taken by members in 2007 and 2012. However those undertaking civic duties on behalf of the Lord Provost are entitled to claim reimbursement from the Council's Civic Head Allowance.

4. FINANCIAL IMPLICATIONS

There are no direct financial implications arising from the recommendations of this report, (other than those outlined at 3.5 of this report) as it is recommended that the Baillies would not receive remuneration for their duties.

5. LEGAL IMPLICATIONS

There are no direct legal implications arising from this report.

6. MANAGEMENT OF RISK

Risks relating to reimbursements can be mitigated through compliance with the Members Allowances and Expenses Guidance.

7. IMPACT SECTION

Economy

No impact on economy.

People

The implementation of the recommendations will enable a sense of tradition to be brought to civic occasions in circumstances when the Lord Provost may not be able to attend.

Place

If Baillies are not appointed there may be a risk that if the Lord Provost cannot attend a civic event then no designated Council representative could carry out ceremonial duties on their behalf. This may have implications on the degree of prestige brought to civic events.

Technology

No impact on technology.

8. BACKGROUND PAPERS

- CG/12/044 - Report to statutory meeting of Council – 16 May 2012 (Appointment of Baillies)

9. APPENDICES

N/A

10. REPORT AUTHOR DETAILS

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COMMITTEE	Statutory Council Meeting
DATE	17 May 2017
REPORT TITLE	Miscellaneous Historical Council Appointments
REPORT NUMBER	CG/17/046
HEAD OF SERVICE	Fraser Bell
REPORT AUTHOR	Mark Masson

1. PURPOSE OF REPORT:-

The purpose of this report is to provide information on historical offices of the Council and to request that elected members make miscellaneous appointments.

2. RECOMMENDATION(S)

The Council is recommended to appoint members to the following historical offices:-

- (1) Master of Shore Works;
- (2) Master of Kirk and Bridge Works;
- (3) Master of Mortifications; and
- (4) Master of the Guild Brethren's Hospital.

3. HISTORICAL BACKGROUND/MAIN ISSUES

- 3.1 Originally officebearers of the Council were members of the Council delegated to carry out particular tasks on behalf of the community. Generally they had access to communal funds to carry out these tasks or were empowered to raise money for specific purposes, consequentially part of their responsibility was to furnish an annual account of their expenditure.
- 3.2 **The Master of Shore Works** – the officebearer upheld the harbour and its approaches and was empowered to levy a tax on cargo to pay for harbour works. His office was created in 1596 and his accounting responsibilities ceased in 1810, when the new body of Harbour Trustees took over the running of the Harbour. The office bearer remained however the Town's principal representative (after the Provost) on the Harbour Trustees and later the Harbour Commissioners.
- 3.3 **Master of Kirk and Bridge Works** – the officebearer was responsible for the upkeep of St Nicholas Kirk, for the Bridge of Don and from 1527 for the newly built Bridge of Dee.
- 3.4 **Master of Mortifications** – A Mortification was land that was given over to the Burgh of Aberdeen for charitable purposes and for the good of the Burgh. Aberdeen established the position of Master of Mortifications in 1632 following an influx of numerous donations attributed to Aberdeen's prosperity in the early 1630s. The Master of Mortifications was responsible for seeing that the land of money given over was used for its intended purpose. It is worth noting that on 22 December 1996, the

Guildry and Mortifications Funds Board (now named Guildry and Mortification Funds Committee) agreed that the Master of Mortifications be appointed as its Chairperson. This arrangement has continued to the present day.

- 3.5 **Master of Guild Brethren's Hospital** – Founded by the Town Council in 1607, using the property of the pre-Reformation Poores Hospital. The officebearer was responsible for administering its funds and the hospital, essentially an old people's home for impoverished members of the guildry with (at least to begin with) religious overtones. Increasingly the beneficiaries preferred to remain in more congenial surroundings outside the hospital, which was eventually sold in 1770. The hospital property lay within the triangle bound by Correction Wynd, St Nicholas Lane and the west side of the St Nicholas Centre. All the officebearers were responsible for keeping the accounts of their particular office until the mid-18th century, when in the interests of uniformity, it became the responsibility of the Town Clerk Depute and after 1812 of the City Chamberlain (who was also the Town Clerk Depute for most of the 19th century).

4. **FINANCIAL IMPLICATIONS**

There are no direct financial implications arising from the recommendations of this report.

5. **LEGAL IMPLICATIONS**

There are no direct legal implications arising from the recommendations of this report.

6. **MANAGEMENT OF RISK**

There are no risk implications arising from the recommendations of this report.

7. **IMPACT SECTION**

It has remained the custom to designate members of the Council to the four historical offices named above. There is no impact identified.

8. **BACKGROUND PAPERS**

Information sheet produced by Archives Team.

9. **REPORT AUTHOR DETAILS**

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COMMITTEE	Council
DATE	17 th May 2017
REPORT TITLE	Convention of Scottish Local Authorities (COSLA)
REPORT NUMBER	OCE/17/008
LEAD OFFICER	Chief Executive
REPORT AUTHOR	Head of Service, Office of Chief Executive

1. PURPOSE OF REPORT:-

- 1.1 The report seeks a decision from members as to whether or not the Council should re-join the Convention of Scottish Local Authorities (COSLA).

2. RECOMMENDATIONS

- 2.1 That the Council resolves:

- i. To agree whether or not to re-join COSLA, and should the decision be to re-join;
- ii. To agree the five members to take the Council's places on Convention;
- iii. To agree whether or not the Council's Convention members should nominate any member(s) of the City Council for the positions of President or Vice President of COSLA; and
- iv. To agree a Council nominee for each of the four COSLA Boards.

3. BACKGROUND/MAIN ISSUES

- 3.1 At its Budget Meeting of 6th February 2014 the Council resolved to terminate its membership of COSLA with effect from 1st April 2015, reserving the right to withdraw its notice to leave at any point during 2014/15 in view of the, at that time, impending review of the COSLA Constitution and Standing Orders.
- 3.2 The notice was not withdrawn and at its meeting of 4th March 2015, the Council considered a report by the Chief Executive (OCE/15/005) on the arrangements being put in place at that time in light of the Council no longer being a member of COSLA from 1st April 2015.
- 3.3 The Chief Executive of COSLA has now written to the Council's Chief Executive outlining a number of actions which need to be taken, should the Council wish to re-join COSLA in order that the new COSLA term begins

smoothly and that any Aberdeen City Council representatives at COSLA play their appropriate role in this.

- 3.4 Should the Council decide to re-join COSLA, COSLA seeks confirmation of the Council Leader by 19th May 2017 so that (s)he can be sent the papers for the COSLA Leaders Meeting due to take place on Friday 26th May. The COSLA Leaders meeting takes place 8 times a year.
- 3.5 COSLA holds a meeting of its Convention on Friday 30th June. The Convention consists of 133 councillors (if all 32 councils are members) and at its meeting in June it will elect COSLA's President and Vice President. The City Council has an allocation of 5 places on the Convention, and should the Council decide to re-join COSLA request confirmation of the five members of the Council's delegation by no later than 8th June 2017.
- 3.6 Under the terms of COSLA's constitution any Council delegation to the Convention must reflect the balance of that Council's party political representation. Legal and Democratic Services colleagues have confirmed that the City Council's five members would be made up of 2 SNP, 1 Scottish Conservative, 1 Aberdeen Labour and 1 to be drawn from the Scottish Liberal Democrats and the Independents. The COSLA Convention meets twice a year.
- 3.7 Only members of the COSLA Convention can make nominations for the roles of President and Vice President and nominations must be received by COSLA by 9th June 2017. Any elected member from a COSLA member Council is eligible to be nominated for the roles of President and Vice President.
- 3.8 In addition to the above COSLA has four Boards – Children and Young People; Health and Social Care; Environment and Economy; Community Wellbeing. Each member Council has one nominated elected member on each Board. Each Board meets 6 times a year.
- 3.9 At its meeting on 4th March 2015 the Council noted that Glasgow City Council, Renfrewshire Council and South Lanarkshire Council had all also served notice to leave COSLA membership on 1st April 2015. The Council agreed to join these three Councils in the Scottish Local Government Partnership. Should the Council decide to re-join COSLA, Aberdeen City Council will leave this voluntary association of councils.

4. FINANCIAL IMPLICATIONS

- 4.1 The COSLA membership levy payable by the City Council for 2017/18 would be £128,521. This sum can be met from the subscriptions budget held in the Office of Chief Executive.
- 4.2 At its meeting on 4th March 2015, the Council was informed that COSLA's position was that any Council terminating membership would be liable for a one-off payment to COSLA. The size and scope of any such payment would be the subject of negotiation. No figure has to date crystallised in relation to this and no negotiation has to date been held on the matter.

- 4.3 Should the Council agree to re-join COSLA and should COSLA seek a payment in relation to the Council's two year absence from membership the Head of Finance and the Head of Legal and Democratic Services would enter into negotiation with COSLA and a further report on this would be brought to a future meeting of the Council.

5. LEGAL IMPLICATIONS

- 5.1 Beyond the issue set out in paragraphs 4.2 and 4.3 above, there are no further legal implications in relation to the subject of this report.

6. MANAGEMENT OF RISK

- 6.1 The Council's non-membership of COSLA has been the subject of public interest over the past two years and as a result, should the Council decide to re-join COSLA further interest is likely to be generated in the short-term. The Council's decision on this report will be communicated via the Council's website and through a media release.

7. IMPACT SECTION

- 7.1 Should the Council decide to re-join COSLA, membership of the organisation and involvement with its structures will be used wherever possible to support the delivery of the Aberdeen City Local Outcome Improvement Plan and the Council's Strategic Business Plan.

8. BACKGROUND PAPERS

- 8.1 None

9. APPENDICES

- 9.1 None

10. REPORT AUTHOR DETAILS

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