

ABERDEEN CITY COUNCIL

Town House,
ABERDEEN, 9th April, 2008

MINUTE OF MEETING OF ABERDEEN CITY COUNCIL

S e d e r u n t :

Lord Provost Peter Stephen, Chairperson;
Depute Provost John West; and

COUNCILLORS

GEORGE ADAM
YVONNE ALLAN
MARIE BOULTON
SCOTT CASSIE
RONALD CLARK
NORMAN COLLIE
NEIL COONEY
IRENE CORMACK
WILLIAM CORMIE
BARNEY CROCKETT
KATHARINE DEAN
ALAN DONNELLY
JACQUELINE DUNBAR
JAMES FARQUHARSON
NEIL FLETCHER
GORDON GRAHAM
MARTIN GREIG
JAMES HUNTER
LEONARD IRONSIDE
MURIEL JAFFREY

JAMES KIDDIE
JENNIFER LAING
GORDON LESLIE
CALLUM McCAIG
MARK McDONALD
AILEEN MALONE
ANDREW MAY
ALAN MILNE
JAMES NOBLE
GEORGE PENNY
JOHN REYNOLDS
RICHARD ROBERTSON
JENNIFER STEWART
JOHN STEWART
KEVIN STEWART
WENDY STUART
KIRSTY WEST
JILLIAN WISELY
and
IAN YUILL

Lord Provost Peter Stephen, in the Chair

BURGESSES

1. The persons aforementioned were admitted into the presence of the Council and passed as Burgesses of Guild in respect of their respective Acts of Admissions in the Guild Burgess Book:-

SANDRA BURNETT, Depute Head Teacher, Aberdeen

JACQUELINE CRAW, Company Director, Aberdeen

KATHLEEN ANN SINCLAIR, Project Manager (Retired), Aberdeen

PROFESSOR RITA MARCELLA, Dean of Faculty/Professor, Aberdeen

SHERIFF PRINCIPAL DOUGLAS JAMES RISK, Sheriff Principal (Retired), Aberdeen; and

STUART ROBISON, Local Government Officer (Retired), Aberdeen

ANNOUNCEMENTS

2. The Lord Provost advised that in January, 2008, the Council had made two submissions to the Municipal Journal Local Government Achievement Awards, these being (1) the Council's iKiosks (Torry Project) in the Customer Service Achievement category; and (2) the Council's Craft Workers Agreement in the Pay and Workforce Achievement of the Year category. The Craft Workers Agreement submission had been judged as "commended" and the Lord Provost particularly thanked key officers involved in this achievement.

The Chief Executive advised that the Council had been awarded a Certificate of Architectural Merit from Ferryhill Heritage Council in respect of the Victorian cast iron railings along Riverside Drive which had been upgraded using funding from the City Growth Fund.

The Council resolved:-

to acknowledge the work undertaken by officers in both of these achievements.

ORDER OF AGENDA – EXEMPT INFORMATION

3. In terms of Standing Order 9(1), the Lord Provost sought the agreement of the Council to modify the order of the agenda, so that the items listed as falling within the categories of exempt information be those next considered at the meeting.

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The Council resolved:-

to agree to this request, and accordingly that the press and public be asked to leave the meeting whilst these items were considered.

EXEMPT INFORMATION

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 the following items of business so as to avoid disclosure of exempt information of the class described in the following paragraphs of Schedule 7(A) to the Act:- Article 4 (paragraph 6); Article 5 (paragraph 1); and Article 6 (paragraphs 6 and 9).

MARISCHAL COLLEGE ADVISORY AND MONITORING BOARD - MINUTE OF MEETING OF 20TH MARCH, 2008

4. The Council had before it the minute of meeting of the Marischal College Advisory and Monitoring Board of 20th March, 2008, and was requested to approve the recommendation at 3(vi) "that the Project Manager for the Data Centre be delegated authority to commit to small works orders to allow structural opening up of the site to inform design development and to enable a higher level of cost certainty relative to overall project delivery".

The Council resolved:-

- (i) to approve the recommendation; and
- (ii) in other respects to note the minute.

DECLARATIONS OF INTERESTS

Councillors Kiddie, Noble, Kevin Stewart and Yuill each declared an interest in the subject matter of the following item by virtue of their membership of UNISON, but considered that these interests were not of the nature which precluded their participation in the meeting.

EQUAL PAY AND MODERNISATION

5. The Council received a verbal update by the Corporate Director for Resources Management on progress with implementing the Council's Equal Pay and Modernisation proposals approved at its special meeting on 7th January, 2008.

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The Corporate Director provided details on (1) the distribution of letters to Council staff regarding the outcome of job evaluation at the end of January, 2008; (2) the appeals process and notification of "intentions to appeal" received by the Head of Human Resources to date; (3) the position of the ballot results declared by GMB and UNITE, it being noted that UNISON had requested further time to consult with its members before undertaking a ballot; and (4) the intention to call an early meeting of the Equal Pay and Modernisation Steering Group to discuss the position of the three trades unions once known, and to update the Steering Group on subsequent negotiations.

The Council resolved:-
to note the verbal report.

MATTER OF URGENCY

Lord Provost Stephen intimated that he had directed in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, that the following item be considered as a matter of urgency as an early decision from the Council was required to inform a meeting of the Board of Aberdeen Exhibition and Conference Centre later in the week.

DECLARATIONS OF INTERESTS

Councillors Cassie, Dean, Fletcher, Ironside, Malone, Milne, Jennifer Stewart and Kevin Stewart declared an interest in the subject matter of the following item by virtue of their membership as representatives of the Council on the Board of Aberdeen Exhibition and Conference Centre and withdrew from the meeting for the duration of the item.

ABERDEEN EXHIBITION AND CONFERENCE CENTRE - LEASE VARIATION

6. Reference was made to (1) Article 23 of the minute of meeting of the Resources Management Committee of 7th February, 2007, at which time officers had been instructed to commence negotiations with the legal agents acting on behalf of Aberdeen Exhibition and Conference Centre Limited (AECC Ltd) in response to a request for revisions to the existing lease of part of the site of the AECC to accommodate the development on site of a new hotel and associated valet parking; (2) Article 9(ii) of the minute of meeting of the Planning Committee of 17th August, 2006, at which time conditional planning permission had been given for the development of a 192 bedroom four-star hotel, subsequent to which detailed planning permission had been approved under delegated powers on 19th October, 2007; and (3) Article 18 of the minute of its meeting of 21st November, 2007, at

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which time the Council had agreed to the renunciation of part of the existing ground lease to AECC Ltd, and also to the proposed terms and conditions for the resultant lease and sub-lease of that part of the AECC site to facilitate a proposed hotel development.

The Council now had before it a report by the City Solicitor providing an update on progress made with negotiations with AECC Ltd since 21st November, 2007, this being that variations not reflected in the commercial deal reported at that time had now been requested. The detail of these variations were outlined in full in the report. The report assessed the implications of these proposed variations for the Council from the perspectives of landlord/tenant and as 100% owners of the AECC Ltd, and also from the wider economic development perspective.

The report recommended:-

that the Council -

- (a) note the proposed changes to the original commercial transaction, as detailed in the report;
- (b) approve the renunciation of part of the existing ground lease to the AECC Ltd, and also the proposed terms and conditions for the resultant lease and sub-lease of that part of the AECC site to facilitate a proposed hotel development;
- (c) instruct the Head of Resources Development and Delivery to negotiate the rental to be paid by AECC Ltd in respect of the lease of the hotel site to ensure fulfilment of the requisite statutory criteria and to reflect the commercial nature of the deal, and to report back to Committee on the outcome; and
- (d) instruct the City Solicitor to conclude all required legal formalities on terms required to protect the Council's conditions.

In view of the very late circulation of the report, the Council requested and agreed to a ten-minute adjournment in terms of Standing Order 17(1), before proceeding to consider the recommendations.

The Council resolved:-

to approve the recommendations.

Before proceeding, the Lord Provost requested that the press and public be re-admitted to the meeting, which was no longer in private session.

ORDER OF AGENDA - NOTICES OF MOTION

7. In terms of Standing Order 9(1), the Lord Provost sought the agreement of the Council to modify the order of the agenda, so that Motions were the items next considered at the meeting.

The Council resolved:-
to agree to this request.

MOTIONS

8. Councillor Wisely, pursuant to notice, moved:-

“That the Continuous Improvement Committee, in light of growing representation from constituents about difficulties encountered with accessing Council services, review this situation and clarify and quantify the number of services where this concern may arise”.

The Council remitted the subject matter of the motion to Continuous Improvement Committee.

9. Councillor Wisely, pursuant to notice, moved:-

“That the Head of Performance Management and Quality Assurance undertake a full review of the festive refuse collection arrangements in place for 2007 and report its findings for improvement to the Continuous Improvement Committee. That meantime the call centre staff are told of this review and that workforce managers are consulted and informed of the conclusions”.

The Council remitted the subject matter of the motion to the Continuous Improvement Committee.

10. Councillor Cormie, pursuant to notice, moved:-

“That the Policy and Strategy Committee review the management rules for parks and outdoor areas to require all dogs to be kept on a lead in Victoria Park, Westburn Park, Duthie Park, Union Terrace Gardens, Johnstone Gardens and parts of Hazlehead Park and Seaton Park”.

The Council remitted the subject matter of the motion to the Policy and Strategy Committee.

11. Councillor McDonald, pursuant to notice, moved:-

“Aberdeen City Council rejects the upcoming North East post office consultation process as entirely unjust due to the fact that, to save a post office, a different one must be put forward for closure in its place. Furthermore, Council calls on Post Office Limited to withdraw these proposals and for the UK Government to support the post office network by restoring services which have previously been withdrawn, in order to create and sustain a vibrant post office network across the North East”.

The Council remitted the subject matter of the motion to the Policy and Strategy Committee.

12. Councillor Farquharson, pursuant to notice, moved:-

“The Council is requested to approve amendments to Standing Order 47 in respect of the appointment of officers. The changes are minor in format but are intended to aid the decision making process and democratic involvement of members in the short list part of the recruitment process”.

The Council remitted the subject matter of the motion to the Continuous Improvement Committee.

13. Councillor Farquharson, pursuant to notice, moved:-

“That this Council withdraws its pay proposals in respect of Equal Pay and Single Status as a result of the rejection of these proposals by the trades union membership, and reverts to a position reflecting the ‘status quo’. Such a course of action will reflect a changing environment relating to equal pay settlements as well as the Council’s apparent inability to pay the increased annual labour cost of £10 million that has led to the massive cutting of essential services for the people of Aberdeen”.

The Council remitted the subject matter of the motion to the Resources Management Committee.

14. Councillor Farquharson, pursuant to notice, moved:-

“That this Council critically re-examines the current feasibility of all planned or proposed major capital projects, including Marischal College, Community Football Stadium and 50 metre Olympic swimming pool in the light of the

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recent downgrading of the Council's financial position and the drastic cutbacks in many essential services in our city".

The Council remitted the subject matter of the motion to the Resources Management Committee.

15. Councillor Collie, pursuant to notice, moved:-

"This Council supports, encourages and contributes by putting in place efficient measures which ensure that the people of Aberdeen benefit from the Olympic and Commonwealth Games, by ensuring that sporting facilities such as ice rinks and swimming pools within Aberdeen provide direct benefit to up and coming aspiring competitors as well as the city's Council Tax payers".

The Council remitted the subject matter of the motion to the Policy and Strategy Committee.

16. In the absence of Councillor Young and in accordance with the terms of Standing Order 21(4), the motion notified in the undernoted terms was deferred to the meeting of the Council on 21st May, 2008:-

"This Council uses the money from the Common Good fund to keep open the Ice Rink and the Bon-Accord Baths".

17. Councillor Ironside, pursuant to notice, moved:-

"That this Council welcomes the comments by Kittybrewster School former pupil Denis Law in support of the campaign against the closure of schools; further welcomes his support for the campaign to save Bon-Accord Baths in Aberdeen; agrees with Denis Law that the administration of Aberdeen City Council should listen to the views of local people; and calls on Aberdeen City Council to abandon its closure plans for schools, Bon-Accord Baths, and many other vital services and facilities in the city".

The Council remitted the subject matter of the motion to the Resources Management Committee.

- 18.** Councillor Cooney, pursuant to notice, moved:-

“That this Council calls for an urgent report on the implications for all schools of the £2.5 million cut in DEM and the implementation of 95% staffing”.

The Council remitted the subject matter of the motion to the Policy and Strategy (Education) Committee.

- 19.** Councillor Crockett, pursuant to notice, moved:-

“That this Council recognises the unique role of Glencraft and its predecessors in Aberdeen’s history of providing support to our blind and disabled citizens. The Council recognises the impressive work done to transform production and to put in place a viable business plan. The Council recognises its responsibility to maintain support at current levels for the coming year to ensure that the viability of the business plan can be demonstrated”.

The Council remitted the subject matter of the motion to the Resources Management Committee.

- 20.** Councillor Jennifer Stewart, pursuant to notice, moved:-

“That this Council consults with homeowners in the terraced dwellings in Hazlehead Road, Hazlehead Gardens, Hazlehead Terrace, Hazlehead Crescent, Hazlehead Place and Provost Graham Avenue to find out if they wish to purchase appropriate proportions of the adjacent Council-owned land as individual garden areas, and that this Council then produces a report with recommendations to give homeowners the opportunity to purchase individual plots of land”.

The Council remitted the subject matter of the motion to the Policy and Strategy Committee.

REQUESTS FOR DEPUTATIONS

- 21.** The Council had before it, in accordance Standing Order 10(1), the following requests for deputations:-

- (1) Aberdeen Cyrenians in relation to the motion by Councillor Ironside (as detailed at Article 17 of this minute);
- (2) Glencraft in relation to the motion by Councillor Crockett (as detailed at Article 19 of this minute); and

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- (3) Friends of Doonie's in relation to the report entitled "Doonie's Farm" (as detailed at Article 22 of this minute).

The Council also had before it, outwith the timescales prescribed in Standing Order 10(1), a request from Aberdeen Ice Users Group in relation to the motion by Councillor Young (as detailed at Article 16 of this minute).

The Lord Provost proposed that requests (1) and (2) be declined as there had been no previous occasion on which the Council had agreed to hear a deputation on a motion, and he was of the view that the Council should not deviate from this practice. The Lord Provost also proposed that request (4) be declined as its submission did not comply with the timescales prescribed in Standing Order 10(1) and as such would require a suspension of Standing Orders to enable it to be heard. The Lord Provost proposed that request (3) be agreed to, and that the deputation be heard by the Council as the next agenda item.

The Council heard the Head of Democratic Services concur with the remarks of the Lord Provost, and to advise that it was not practice for deputations on motions to be heard. Furthermore, the motions in question had now been referred to the Resources Management Committee under Standing Order 21(5) and were no longer items on the current agenda. It would therefore be for the Resources Management Committee to decide whether or not to hear the deputations at its meeting on 22nd April, 2008. The Head of Democratic Services advised in response to questions from members that requests (1) and (2) could be referred directly to the Resources Management Committee, along with the motions to which they related, and that the deputations concerned had been advised in communications with officers in advance of the meeting that this was a course of action likely to be taken by the Council today.

The Council resolved:-

- (i) to decline the requests for deputations at (1), (2) and (4) in accordance with the advice of the Head of Democratic Services;
- (ii) to agree to hear the deputation at (3); and
- (iii) that the deputation be heard next, prior to consideration of the related report on Doonie's Farm.

DEPUTATION - DOONIE'S FARM

22. In terms of Standing Order 10, the Council was addressed by Mr Raymond Davidson and Mr John Sleight from the Friends of Doonie's campaign.

Mr. Davidson outlined a new enhanced vision for the Doonie's Farm facility, encompassing a play barn, restaurant, shop and other amenities, and providing an educational and cultural experience for children of all ages, as well as an accessible facility for visitors with disabilities. He indicated the wish of the campaign that the facility become self-sustaining, and that in this pursuit a Board of

seven members was to be ratified later that day. Mr. Davidson referred to the support for the campaign from the business community, which had in varying degrees intimated its intention to provide financial and in-kind support. Mr. Davidson advised that work had commenced on a business plan for the venture, and sought flexibility from the Council to enable this to be fully developed such that the 60-day period in which a business plan was to be completed be kept under constant review.

Mr. Sleight referred to his communications with the Federation of City Farms which had told of similar experiences elsewhere and expressed optimism that, within six months, charitable status for the venture could be secured and Council funding for the facility replaced with funding from other sources.

There followed an opportunity for questions from the Council, in response to which Mr. Davidson clarified (1) that the 60 day time frame was being fully utilised to prepare a short-term business plan, although it was envisaged that it would take six months to give this full effect; and (2) that the campaign had been supported by the Royal National Agricultural Society.

The Council resolved:-

to thank the deputation for their contribution.

MATTER OF URGENCY

Lord Provost Stephen intimated that he had directed in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973 that the following item be considered as a matter of urgency so that early consideration could be given to the future of Doonie's Farm, particularly in light of the response of public support for its continuation.

DOONIE'S FARM - PROVISION ON FINANCIALLY SUSTAINABLE BASIS

23. With reference to the minute of its meeting of 14th February, 2008, the Council had before it a report by the Head of Shelter and Environment (South) seeking approval to allow Doonie's Farm to remain open to the public until the end of May, 2008, around a month before the agreed closure date of the end of June, 2008, to provide staff with time to finalise preparations for complete closure of the farm and to enable organisations external to the Council to put in place sufficient funds until a comprehensive business plan could be submitted to the Council for approval and up to the point at which the farm became self-sustaining financially. The report emphasised that approval of this course of action was dependent on the aforesaid organisations being able to fund the monthly running costs of the farm,

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approximately £8,000, up until the point at which it became financially self-sustaining.

The report provided information on the facilities provided at Doonie's Farm, and on the Council's financial position as it currently related to the facility. The annual budget was £168,000 and, with the farm expected to raise £49,000 from income in a full year, this resulted in a net cost to the Council of £119,000 per annum resulting in the decision to close Doonie's Farm by the end of June, 2008 as part of the budget setting process for 2008/09. This would result in a saving of £100,000 in 2008/09 as it had not been possible to close the farm on 1st April, 2008 due to the requirement to make arrangements to sell the animals and look after them until the end of June. This was, and remained, the Council's position, unless external organisations could put in place by the end of June, 2008 the necessary funds to run the farm up to and including the point at which it became self-financing. The report provided additional information in respect of admission charges, livestock sales and grants and subsidies to the farm.

The report advised that, following the decision to close the Farm there had been a high level of support for its continuation and improved operation, both from members of the public and the business community. At a meeting of officers, members and business leaders on 13th March, 2008, the Council had been asked to look again at the decision to close the farm, in response to which all present had been made aware of the need for funding from sources external to the Council to enable the continuation of the farm, and of the need for this funding to be in place by no later than the end of June, 2008 to cover the period up to and including the point at which the facility became self-financing.

The report went on to explain (1) that the current level of funding for the farm covered only the operational costs and did not allow for the degree of development which it was felt would significantly increase income to the facility; (2) the requirement for both revenue funding to facilitate the running of the farm whilst a business plan was prepared and until the facility was self-financing, and for a capital investment of around £100,000 to allow a steel portal frame livestock building to be installed to accommodate livestock pens, utilities, a classroom for school groups, and an interpretation and refreshment area for visitors; and (3) the perceived benefits of such a building, these being to increase visitor numbers and therefore income, to promote the Farm as an educational facility, to increase income from livestock sales, to improve animal welfare, and to improve staff working conditions and safety.

The report estimated that a capital investment at this level could increase income from admission charges from £7,000 to £35,000 per annum, and from livestock sales from £32,000 to £60,000 per annum, reducing the budget shortfall to £63,000 after one year. This could diminish further in future years depending on the yearly rise in visitor numbers.

The report recommended:-
that the Council -

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- (a) agree that Doonie's Farm remain open to the public until the end of May, 2008 during the lead-in period to its complete closure at the end of June, 2008, pending the submission, by no later than the end of June, 2008, and by organisations external to the Council who wish to see the farm continue to operate, of a business plan which was acceptable to the City Solicitor and the City Chamberlain;
- (b) agree that this be dependent upon the aforesaid external organisations putting in place, by no later than the end of June, 2008, the necessary funds to run the farm on a monthly basis up to and including the time when it became self-financing;
- (c) that, in view of the high degree of public support for the continued operation of the farm, officers be authorised to double the current admission charges which had been at a low level for many years with effect from 14th April, 2008; and
- (d) instruct officers to continue with preparatory work to ensure that the Council would be in a position to make the agreed £100,000 saving in the year 2008/09 in the event that the funds necessary to run the farm on a monthly basis until it became self-financing were not put in place by the aforesaid external organisations by the end of June, 2008.

The Lord Provost, having been notified of a forthcoming amendment by Councillor Cooney in the terms undernoted, ruled that it was not competent:-

“to extend the stay of execution at Doonies until the end of July to allow time to get the Finance and put a robust business plan in place”.

The Council resolved:-

- (i) that Doonie's Farm remain open to the public up until the end of June, 2008 provided the costs of this one month extension were met in full by sources external to the Council; and
- (ii) in other respects to approve the recommendations.

MINUTE OF SPECIAL MEETING OF ABERDEEN CITY COUNCIL OF 7th JANUARY, 2008

24. The Council had before it the minute of the special meeting of Aberdeen City Council of 7th January, 2008.

The Council resolved:-

to approve the minute.

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MINUTE OF MEETING OF ABERDEEN CITY COUNCIL OF 13th FEBRUARY, 2008

25. The Council had before it the minute of meeting of Aberdeen City Council of 13th February, 2008.

The Council resolved:-
to approve the minute.

MINUTE OF MEETING OF ABERDEEN CITY COUNCIL OF 14th FEBRUARY, 2008

26. The Council had before it the minute of meeting of Aberdeen City Council of 14th February, 2008.

The Council resolved:-

- (i) to amend the minute on pages 404 and 431 to reflect that Councillor Noble had declared an interest by virtue of his membership of UNITE (T&G) and not UNISON; and
- (ii) in other respects to approve the minute.

PAMPHLET OF MINUTES

27. The Council had before it two pamphlets of Standing Committee minutes (1) from 8th January to 8th February, 2008; and (2) from 19th February to 6th March, 2008.

The Council resolved:-
to note the minutes.

THE ABERDEEN CITY ALLIANCE - MINUTE OF MEETING OF 24TH JANUARY, 2008

28. The Council had before it, for its information, the minute of meeting of the Aberdeen City Alliance of 24th January, 2008.

The Council resolved:-
to note the minute.

BUDGET MONITORING BOARD - MINUTE OF MEETING OF 14TH MARCH, 2008

29. The Council had before it the minute of meeting of the Budget Monitoring Board of 14th March, 2008 and was requested to approve the recommendation at Article 2, that a remit for the Budget Monitoring Board, as outlined below, be approved:-

A. BUDGET MONITORING

- (1) To establish processes and procedures for the close monitoring of budgets approved by the Council.
- (2) To receive budget monitoring reports from each Service and to ensure close scrutiny of the management of each Service budget.
- (3) To call budget holders to account for the proper control of the budgets for which they are responsible.
- (4) To ensure action plans are in place to meet the budget savings approved by the Council and to monitor the performance thereof.

B. TRANSFORMATION STRATEGIES

- (1) To receive reports on progress in regard to budget forecasts agreed by the Council in approving Transformation Strategies.
- (2) To scrutinise performance of each Service against each budget forecast within the approved Transformation Strategy.

C. BUDGET APPROVALS

- (1) To approve expenditure from the Corporate Revenue Investment Fund, including the temporary appointment of employees required to meet savings targets or the budget forecasts within the approved Transformation Strategies.
- (2) Nothing in the remit at C(1) above would enable the Board to approve additional staffing or structure proposals which would ordinarily fall within the approved remit of the Resources Management Committee, except where the approval relates directly to budget savings approved at the Council budget meeting or Transformation Strategy budget forecasts.

The Lord Provost having been notified of a forthcoming amendment by Councillor Allan in the terms undernoted, ruled after a short adjournment that the amendment was not competent:-

“Given that the Resources Management Committee disperses the Corporate Revenue budget, that the Council require that the said Committee grant from

the Corporate Investment Budget the necessary funding to allow Glencraft to continue to operate”.

The Council resolved:-

- (i) to approve the remit of the Budget Monitoring Board, as recommended by the Board and set out above and in the said minute; and
- (ii) in other respects to note the minute.

CHIEF EXECUTIVE'S PROGRESS REPORT

30. With reference to Article 14 of the minute of meeting of the Council of 13th February, 2008, the Council had been circulated in advance of the meeting a report by the Chief Executive providing details on progress on corporate issues made throughout the Council since February, 2008.

The Council resolved:-

to note the information detailed in the report.

AUDIT OF BEST VALUE AND COMMUNITY PLANNING

31. The Council had before it a report by the Chief Executive presenting the Controller of Audit's report on Best Value and Community Planning at Aberdeen City Council, and informing the Council of the Accounts Commission's intention to hold a hearing.

The report advised that the report produced by the Controller of Audit to the Accounts Commission following the Audit of Best Value and Community Planning at Aberdeen City Council, a copy of which had been attached, would be the subject of a public hearing by the Accounts Commission. The Commission was particularly interested to hear first hand from the Council, and to gain a greater understanding of the Council's difficulties in implementing its long-held vision for the area and its plans to improve its financial position.

The report explained that arrangements for the hearing were yet to be finalised by the Accounts Commission; that once the hearing had been held, the Commission would publish its findings including recommendations to the Council and/or Scottish Ministers, and the Council would be asked to prepare an improvement plan in consultation with the Controller of Audit, outlining the action to be taken to address the issues highlighted in the report; that the report included an improvement agenda setting out a series of actions designed to support the Council in achieving its continuous improvement goals although it was acknowledged that many of these actions had already been recognised by the Council; that the three key issues highlighted within the report were (1) significant weaknesses in some of the major services delivered by the Council; and (2) the precariousness of the Council's

financial position; and (3) the capacity of the Council's leadership to engage staff with the improvement agenda; and that work was already underway to address these issues through the Transformation Programmes agreed by the Council at its meetings on 1st October, 2007 and 13th February, 2008, through the implementation of the budget decisions agreed by the Council on 14th February, 2008, and through the work being undertaken on morale and motivation and the roll-out of team planning.

The report explained that the Continuous Improvement Service had taken significant steps to improve the management of the change process by very detailed planning and delivery of the necessary changes and trade union involvement in these processes. The Service would continue to action the points raised by way of these processes until the final recommendations of the Accounts Commission has been provided, at which point a full report with a final action plan would be presented to Council for consideration and approval.

The report concluded that the new Senior Management Team had inherited significant challenges, and that it would take some time for all of these to be turned around.

The report recommended:-

that the Council note the report at this stage, and instruct the Chief Executive to bring further reports to the Council as required.

In response to questions, the Chief Executive indicated that an announcement was expected shortly from the Accounts Commission on the date and location for the hearing.

The Council resolved:-

to note the report with concern, and to instruct the Chief Executive to bring further reports to the Council as required.

CHARGES FOR SOCIAL CARE/HOUSING SUPPORT SERVICES 2008/09

32. With reference to Article 34 of the minute of meeting of the Resources Management Committee of 26th February, 2008, the Council had before it a report by the Chief Social Work Officer seeking approval to revise decisions taken by the Committee on the aforesaid date, resulting from errors contained in the report submitted and approved at that time, as these related to charges for social care and housing support services.

The report recommended:-

that the Council -

- (a) invoke Standing Order 22(1) in order to amend the decisions of the Resources Management Committee in accordance with the detail set out within the appendix to the report; and

- (b) approve the proposals in regard to charges, as shown in the further appendices attached to the report, and reproduced as an appendix to this Article, and that they be implemented in line with the appropriate dates stated therein.

The Council resolved:-

to approve the recommendations.

APPENDIX

Summary of Allowances – Effective from 7th April, 2008

Residential Services	Present Level	Proposed Level
Free Personal/Nursing Care Payments Where assessed need is:		
Personal Care (per week)	£145	£149
Nursing Care (in addition to or Instead of personal care) (per week)	£ 65	£ 67
	Present Charge	Proposed Charge
Housing Support Services	£13.60	£14.00
Sheltered Housing Warden Service – Aberdeen City Council Tenants		
Very Sheltered Housing	£29.26	£29.26
Sheltered Housing	£19.70	£19.70
Sheltered Housing Cottages	£12.80	£12.80

The charge raised for the Sheltered Housing warden service delivered by other service providers will increase in line with inflation, unless the cost of service provision is less than this

ANNUAL AND MAINSTREAM GRANTS TO THE VOLUNTARY SECTOR

33. The Council had before it a report by the Chief Social Work Officer seeking approval to award annual and mainstream grants to the voluntary sector in 2008/09, to delegate powers to the Social Work Commissioning Board to award any further funding in 2008/09 and from 2009/10 onwards, and to reinstate a sum of £100,000 to the budget for voluntary organisations, to be delivered through the Commissioning Team.

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The report explained that Commissioning Board had been delegated powers to allocate grants to voluntary organisations in 2007/08 only, and that for this reason it had made recommendations to the Budget Monitoring Board at its first meeting on 14th March, 2008. The Board, for the reason that it was acting without powers at that time, had referred consideration of the recommendations to the Council. The recommendations for the award of grants, which reflected a 2.5% increase on the grants received in 2007/08, or the amount requested if it was lower than the 2.5% uplift, were as follows:-

<u>Organisation</u>	<u>Grant</u>
Aberdeen Action on Disability	£23,500
Aberdeen Council of Voluntary Organisations	£22,837
Age Concern Advice and Counselling	£3,497
Befriend A Child	£51,392
Children in Scotland	£2,381
Dementia Services Development Group	£2,408
Quarriers	£5,808
Family Mediation Grampian	£16,232
James Tyrell Centre	£38,371
Couple Counselling Grampian	£12,201
Newhills Over 50's Fellowship	£5,930
Shopmobility Aberdeen	£24,256
Torry Resource and Advice Group	£9,523 (subject to application)
Victim Support Aberdeen	£19,776
Who Cares? Scotland (Service provided in Aberdeen)	£14,396
Cruse - Bereavement Care	£1,300
Rape and Sexual Abuse North East	£3,152
Salvation Army	£1,793
Samaritans	£4,934
<u>Total</u>	£263,687

The report noted that officers had been requested by the Commissioning Board to obtain further information on several organisations to ensure that the funding requested by them would be spent on providing and delivering direct services in Aberdeen.

The report further advised that the Council had inadvertently removed from the budget approved on 14th February, 2008 a sum of £100,000 for the provision of mainstream and annual grants to voluntary organisations, and requested that this now be reinstated.

The report recommended:-
that the Council -

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- (a) approve the recommendations of the Commissioning Board, which had been referred here by the Budget Monitoring Board, and which were set out in the table above;
- (b) agree that the Commissioning Board may agree any further funding to voluntary organisations from 9th April, 2008 in order to allocate the outstanding grant monies, and from 2009/10 onwards, through a new funding process which was designed to be inclusive, fair and transparent;
- (c) agree to reinstate £100,000 in the budget for voluntary organisations, which had been inadvertently left in the budget savings schedule agreed by the Council on 14th February, 2008; and
- (d) agree that the £100,000 would be reallocated to the budget savings to be delivered through the Commissioning Team.

Councillor Kevin Stewart moved, seconded by Councillor Leslie:-

- (1) that the recommendations of the Commissioning Board, as set out in the table above, be approved, subject to the grant specified being awarded to the Torry Resource and Advice Group;
- (2) that, in light of the further information obtained by officers, to award additional grants as follows:-
 - (i) £1,196 to Scottish Motor Neurone Society;
 - (ii) £3,000 to Scottish Spinabifida Association;
 - (iii) £20,576 to Age Concern Scotland; and
 - (iv) £8,329 to Pamis; and
- (3) in other respects to approve the recommendations.

Councillor Graham, seconded by Councillor Crockett, moved as an amendment:-

- (1) that the recommendations from the Commissioning Board, which were referred to the Council by the Budget Monitoring Board with regard to the awarding of funds as set out in the table above, be approved, along with the additional grants specified in part (2) of the motion;
- (2) that the Council agree that any further decisions regarding the awarding of funding to all remaining requests from voluntary organisations for 2008/09 and future years be taken by the Resources Management Committee or by a Sub-Committee of the Resources Management Committee;
- (3) that the Council agree to reinstate the £100,000 in the budget for voluntary organisations which had inadvertently been left in the budget savings schedule agreed by the Council in February, 2008; and
- (4) that the Council agree that due to the fact that it was an error caused by the administration, that the £100,000 comes from reserves and not through further cuts to the vulnerable and disabled.

On a division, there voted:-

For the motion (29) - Lord Provost Stephen; Depute Provost John West; and Councillors Boulton, Cassie, Clark, Cormack, Cormie, Dean, Dunbar, Farquharson,

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Fletcher, Greig, Jaffrey, Kiddie, Leslie, McCaig, McDonald, Malone, May, Noble, Penny, Reynolds, Robertson, Jennifer Stewart, John Stewart, Kevin Stewart, Wendy Stuart, Kirsty West and Yuill.

For the amendment (9) - Councillors Adam, Allan, Collie, Cooney, Crockett, Graham, Hunter, Ironside and Laing.

Declined to vote (3) - Councillors Donnelly, Milne and Wisely.

The Council resolved:-
to adopt the motion.

REVIEW OF COMMITTEE STRUCTURE

34. The Council had before it a report by the Head of Democratic Services presenting the findings of a questionnaire issued in February, 2008 as part of the review of the Council's new committee structure which came into operation in August, 2007.

The report advised that, at the time of implementation, the Council had requested that a review of the revised committee structure be undertaken within six months from the starting point of August, 2007; that since August there had been five cycles of meetings with no fundamental difficulties being apparent; that a short questionnaire had been issued to all elected members on 8th February, 2008 yielding 14 responses, an overview of which had been considered by the Members' Services Working Group on 5th March, 2008, at which time it had been agreed that the questionnaire be re-issued to achieve a better response; that after following this instruction no further responses had been received; that a number of points had been made which may require further consideration; that the majority of respondents had agreed that a review of the committee structure should be carried out in August, 2008; and that it would therefore be beneficial to refer the matter to the Members' Services Working Group for further consideration.

The report recommended:-
that Council refer the matter to the Members' Services Working Group for further consideration.

The Council resolved:-
to approve the recommendation, however, to defer the commencement of the review by the Working Group until the Accounts Commission hearing had been concluded.

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PETERHEAD PRISON VISITING COMMITTEE - APPOINTMENT OF REPLACEMENT MEMBER

35. The Council had before it a report by the Head of Democratic Services seeking approval to appoint a replacement for Mr. Mark Simpson of the Peterhead Prison Visiting Committee.

The report outlined the rules of Prison Visiting Committees, advised as to the Council's current appointments to Peterhead Prison Visiting Committee all of which were external members, and explained that the Council was statutorily obliged to appoint a replacement member.

The report recommended:-

that the Council appoint a replacement member, who should be either an elected member or an external appointment.

The Council resolved:-

to approve the appointment of Councillor Donnelly to Peterhead Prison Visiting Committee.

DECLARATION OF INTEREST

Councillor John Stewart declared an interest in the subject matter of the following item by virtue of his appointment as the Chairperson of the Aberdeen City Alliance, but did not consider that the nature of his interest precluded him from participating in the meeting.

FAIRER SCOTLAND FUND BOARD - APPOINTMENT OF MEMBERS

36. With reference to Article 5 of the minute of meeting of the Aberdeen City Alliance of 13th March, 2008, the Council was asked to appoint three members to the Fairer Scotland Fund Board, to be derived from the Council's membership on the Aberdeen City Alliance. The Board had been established by the Alliance to manage the transition of funding to the Fairer Scotland Fund.

Councillor Dean moved, seconded by Councillor Kevin Stewart:-

That Councillors Fletcher, Noble and Kevin Stewart be appointed to the Board.

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

That Councillor Graham be appointed to the Board.

The Head of Democratic Services advised the Council that, in accordance with Standing Order 16(3) which envisaged candidates proposed in excess of the

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number of places to be appointed, a vote should be conducted with members being allocated three votes, following which the candidate with the fewest votes would fall from consideration. This would require to be undertaken by roll call due to the limitations imposed on a vote of this nature by the electronic voting system. The Council indicated that it was in agreement with this proposed course of action.

On a division between the four candidates, there voted:-

For Councillor Fletcher (29) - Lord Provost Stephen; Depute Provost John West; and Councillors Boulton, Cassie, Clark, Cormack, Cormie, Dean, Donnelly, Dunbar, Fletcher, Greig, Jaffrey, Kiddie, Leslie, McCaig, McDonald, Malone, May, Noble, Penny, Reynolds, Robertson, Jennifer Stewart, Kevin Stewart, Wendy Stuart, Kirsty West, Wisely and Yuill.

For Councillor Noble (28) - Lord Provost Stephen; Depute Provost John West; and Councillors Boulton, Cassie, Clark, Cormack, Cormie, Dean, Dunbar, Fletcher, Greig, Jaffrey, Kiddie, Leslie, McCaig, McDonald, Malone, May, Noble, Penny, Reynolds, Robertson, Jennifer Stewart, Kevin Stewart, Wendy Stuart, Kirsty West, Wisely and Yuill.

For Councillor Kevin Stewart (27) - Lord Provost Stephen; Depute Provost John West; and Councillors Cassie, Clark, Cormack, Cormie, Dean, Dunbar, Fletcher, Greig, Jaffrey, Kiddie, Leslie, McCaig, McDonald, Malone, May, Noble, Penny, Reynolds, Robertson, Jennifer Stewart, Kevin Stewart, Wendy Stuart, Kirsty West, Wisely and Yuill.

For Councillor Graham (13) - Councillors Adam, Allan, Boulton, Collie, Cooney, Crockett, Donnelly, Farquharson, Graham, Hunter, Ironside, Laing and Milne.

Declined to vote (1) - Councillor John Stewart.

The Council resolved:-

that Councillors Fletcher, Noble and Kevin Stewart be appointed to the Fairer Scotland Fund Board.

Councillors Adam, Allan, Collie, Cooney, Crockett, Graham, Hunter, Ironside and Laing requested that their dissent to the decision be recorded in terms of Standing Order 15(6).

CARRYING OF OFFENSIVE WEAPONS - MOTION BY INVERCLYDE COUNCIL

37. The Council had before it correspondence dated 3rd March, 2008 from Inverclyde Council seeking the support of the Council for the undernoted motion:-

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“That any person convicted of carrying an offensive weapon receives a minimum custodial sentence whether the weapon was used or not. The minimum sentence can be decided by the Scottish Government after consultation with the judiciary who could implement a statute (Act). That other local authorities be asked to support this motion before it is forwarded to the Scottish Government for consideration.”

The Council resolved:-

to refer the motion to the Aberdeen Community Safety Partnership to determine the Council's position on the matter.

COMMUNAL CLEANING AND SECURITY - BENCHMARKING VISITS

38. The Council had before it a request by the Corporate Director for Strategic Leadership that Councillors Malone and Kiddie be authorised to accompany officers on benchmarking visits to security controlled multi-storey blocks in other Scottish authorities, as part of a project which aimed to establish improved security within our own multi-storey blocks in order to reduce incidents of anti-social behaviour, drug taking and dealings, crime and a fear of crime, and to improve the quality of life for residents in such blocks.

Councillor Dean, seconded by Councillor Fletcher, moved:-

To approve attendance on the benchmarking visits by Councillors Malone and Kiddie on a whom failing basis; and that the visits to other Scottish authorities be undertaken by car in the interests of budget savings.

Councillor Graham, seconded by Councillor Hunter, moved as an amendment:-

That in order to ensure efficient use of the Housing Revenue Account, the Council (1) decline the request to authorise councillors to take part in benchmarking visits to Scottish councils; and (2) instruct officers to conduct desktop benchmarking exercises rather than visits to other councils.

On a division, there voted:-

For the motion (30) - Lord Provost Stephen; Depute Provost John West; and Councillors Boulton, Cassie, Clark, Cormack, Cormie, Dean, Dunbar, Farquharson, Fletcher, Greig, Jaffrey, Kiddie, Leslie, McCaig, McDonald, Malone, May, Milne, Noble, Penny, Reynolds, Robertson, Jennifer Stewart, John Stewart, Kevin Stewart, Wendy Stuart, Kirsty West and Wisely.

For the amendment (10) - Councillors Adam, Allan, Collie, Cooney, Crockett, Donnelly, Graham, Hunter, Ironside and Laing.

Absent from the division (1) - Councillor Yuill.

The Council resolved:-
to adopt the motion.

MATTER OF URGENCY

Lord Provost Stephen intimated that he had directed in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, that the following item be considered as a matter of urgency as there was a requirement to respond to COSLA, and if the Council wished to accept the invitation, there was also a requirement to begin making arrangements for the event.

DECLARATIONS OF INTERESTS

Councillors Fletcher declared interests in the subject matter of the following item by virtue of (1) his appointment as Vice-President of COSLA; and (2) his appointment as a representative of the Council on, and Chairperson of, the Board of Aberdeen Exhibition and Conference Centre.

Councillors Cassie, Dean, Ironside, Malone, Milne and Jennifer Stewart also declared an interest as representatives of the Council to the Board of Aberdeen Exhibition and Conference Centre.

Having declared these interests, all members remained in the meeting during consideration of the item, having deemed that it was not necessary for them to withdraw.

COSLA CONVENTION - VISIT TO ABERDEEN

39. The Council had before it a report by the Head of Service, Office of Chief Executive, advising that the Council had been invited to host the COSLA Convention on 27th June, 2008.

The report advised that Councillor Fletcher was supportive of the proposal and had asked that approval be sought from the Council to make the necessary arrangements to accept the invitation; that holding the Convention in Aberdeen was likely to entail the hire of the Exhibition Centre at Aberdeen Exhibition and Conference Centre (AECC) for the meeting and the various pre-meetings; that it had also been the practice for the host authority to offer a dinner/reception on the evening prior to the meeting, as well as lunch on the meeting day itself; that initial discussions had been held with the management of AECC and an indicative figure

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of between £5,000 and £6,000 had been identified as the necessary budget to provide for COSLA's requirements on the day; that approval for hospitality on the evening of 26th June, 2008 would be sought from the Lord Provost Sub-Committee; that hosting the convention in Aberdeen provided an excellent opportunity to promote the city, the wider North East, and the AECC; and that there would be approximately 180 delegates, many of which would be staying in Aberdeen the night before the meeting.

The report recommended:-

that the Council -

- (a) agree to host the visit of the COSLA Convention to Aberdeen on 27th June, 2008; and
- (b) agree that the necessary arrangements now be made.

The Council resolved:-

to approve the recommendations, and to approve cross-party attendance at the event.

MATTER OF URGENCY

Lord Provost Stephen intimated that he had directed in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, that the following item be considered as a matter of urgency to enable the achievement of budget savings agreed by the Council in its budget on 14th February, 2008.

DECLARATION OF INTEREST

Councillor Cassie declared an interest in the subject matter of the following item by virtue of his membership of Kaimhill Outdoor Sports Centre Management Committee, but did not consider it necessary to withdraw from the meeting during consideration of the item.

OUTDOOR SPORTS CENTRES AND UNDER-UTILISED BOWLING GREENS - REVIEW

40. The Council had before it a report by the Head of Shelter and Environment (South) presenting the outcome of an analysis of usage of outdoor sports centres and under-used bowling greens across the city, and proposing that the facilities at Queens Links and Kincorth outdoor centres did not open for the 2008 season in order to achieve a proportion of the budget saving agreed by the Council on 14th February, 2008.

The report presented an analysis of usage of bowling greens across the city, which included expenditure, income and net costs. This also contained suggestions for alternative municipal and private provision, examined the staffing implications of a closure, and assessed the risk arising from a closure, as between low, medium and high. The analysis demonstrated that for 2007 bowling usage at Queens Links and Kincorth outdoor centres had been substantially lower than other centres, and that by agreeing that these facilities did not open for the 2008 season, a saving of £60,100 would be achieved, leaving £39,900 still to be identified.

The report recommended:-

that the Council -

- (a) agree that the bowling green facility at Queens Links and Kincorth Outdoor centres did not open for the 2008 season;
- (b) instruct officers to consider alternative uses for the facilities; and
- (c) instruct officers to continue the review, monitoring the performance of the remaining facilities in terms of cost, income and usage, with a view to identifying further efficiency savings to meet the balance of £39,900.

Councillor Jennifer Stewart, seconded by Councillor Kirsty West, moved:-

Approval of the recommendations; and (1) that while the Council would close the bowling greens with immediate effect, it would welcome contact from clubs and organisations which may be willing to take on the grounds and maintenance of the facility for a peppercorn rent, and appropriate health and safety measures taken by themselves, on the understanding that ownership of the land/facility would remain with the Council; and (2) that the Council delegate authority to the Head of Economic Environmental Sustainability, the City Solicitor and the City Chamberlain, in consultation with the Conveners of the Resources Management and Policy and Strategy Committees, to accept and arrange implementation of any proposal which they were confident was robust and sustainable.

Councillor Cooney, seconded by Councillor Collie, moved as an amendment:-

That consideration of the matter be deferred for one cycle to allow for consultation with the bowling fraternity.

Following debate, Depute Provost John West moved in terms of Standing Order 14(1) that the question now be put, whereupon the Council moved immediately to a vote, on the basis that it was a procedural motion.

On a division, there voted:-

For the motion (21) - Lord Provost Stephen; Depute Provost John West; and Councillors Cassie, Clark, Cormack, Cormie, Dean, Fletcher, Jaffrey, Kiddie, Leslie, McCaig, McDonald, Malone, May, Noble, Penny, Reynolds, Robertson, Jennifer Stewart and Wendy Stuart.

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Against the motion - (17) - Councillors Adam, Allan, Boulton, Collie, Cooney, Crockett, Donnelly, Dunbar, Farquharson, Graham, Hunter, Ironside, Laing, Milne, John Stewart, Kevin Stewart and Wisely.

Declined to vote (3) - Councillors Greig, Kirsty West and Yuill.

The Council resolved:-

to adopt the procedural motion and to proceed immediately to a division on the substantive motion as set out above.

On a division, there voted:-

For the motion (28) - Lord Provost Stephen; Depute Provost John West; and Councillors Cassie, Clark, Cormack, Cormie, Dean, Dunbar, Fletcher, Greig, Jaffrey, Kiddie, Leslie, McCaig, McDonald, Malone, May, Noble, Penny, Reynolds, Robertson, Jennifer Stewart, John Stewart, Kevin Stewart, Wendy Stewart, Kirsty West, Wisely and Yuill.

For the amendment (13) - Councillors Adam, Allan, Boulton, Collie, Cooney, Crockett, Donnelly, Farquharson, Graham, Hunter, Ironside, Laing and Milne.

The Council resolved:-

to adopt the motion.

QUESTIONS

41. In terms of Standing Order 20, Lord Provost Stephen ruled that the two undernoted questions were incompetent.

(1) Councillor McDonald –

To the Chief Executive –

“How many meetings were requested with the City Chamberlain or members of her team by the Labour group to discuss the budget prior to the Council's Budget meeting on 14th February?”

(2) Councillor Young -

To the Chief Executive –

“To ask him to consult his diary and advise me how many times a week he has spoke with the Leader of the Council over the last four year to discuss the strategy of the Council?”

Following the above ruling, the Council had before it for consideration the following Questions of which due notice had been given in terms of Standing Order 20:-

Councillor McDonald -

QUESTIONS -

To the Chief Executive –

- (1) "What are the current requirements for shop owners to maintain the cleanliness of the frontage of their shop?"
- (2) "To what extent do these requirements cover the immediate street area in front of their shop?"
- (3) "If the immediate street area is not covered by present requirements, what steps would need to be taken to make this a requirement?"

ANSWERS (by the Chief Executive) -

- (1) This has been answered on the basis that the frontage is the front facade of the shop as the next question relates to the pavement. If the premises was in such a state as to constitute a statutory nuisance, e.g. smell, flies; the Council could take we could take action in the form of serving a Statutory Nuisance in terms of the Environmental Protection Act albeit most matters are resolved informally. In practice in such a bad state it would affect trade (e.g. vomit on the window panes or shop entrance) so the shopkeeper would be motivated to do something about it. There is no specific requirement under Food or H&S legislation other than a general requirement respectively to maintain a food business premise or work place in a clean condition. In reality we would only enforce this if there was a health risk presented by the state of the premises, in a food business or workplace we are more concerned by the internal conditions. In terms of Planning legislation a planning notice could be served if areas of land were in a poor condition that affects the amenity and environmental quality of the entire neighbourhood. A shop front that falls into disrepair would not fall into this category. Under Building Control Legislation (Buildings Scotland Act 2003) if the building was deemed to have a defect a Building Defects Notice could be served on the owner in order to bring the building into a reasonable state of repair having regard to its age type and location. Failure to comply with the terms of the notice the local authority can undertake the works and recover costs from the owner. With regard to empty shop fronts the matter is progressed by the City Centre Manger to encourage building owners to keep the façade in a decent state of repair and the case of vacant shops, we have re-introduced the Empty Shop Scheme, with new funding to install posters.
- (2) If the litter etc is generated by the shop's customers then we do have the power to service notice on the business (only certain types of business i.e. fast food shops) in the form of a street litter control notice. This places a duty on the shop to keep the pavement etc in front of their shop free of the litter generated as a result of their business. The difficulty here is identifying the litter (not a problem for businesses that brand their packaging e.g. some fast food outlets) and also that the customers do not tend to drop the litter immediately outside the premises in which it was bought and the notice only

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extends to 50M each side. Licence Conditions - The Licensing Committee is entitled to impose reasonable conditions to its Late Hour Catering licences. Our present condition is "*The licence holder shall ensure that an adequate number of receptacles are provided at all times for the deposit of litter by patrons of the premises, which said receptacles, are emptied regularly and that the pavements in the immediate vicinity of the above are kept clear of litter*". Breach of a condition is a criminal offence and/or could be reported to the Committee as indicating that the licence holder was not a fit and proper person to hold a licence or that the operation of the premises constituted a public nuisance or a threat to public safety. Failure to observe this could result in criminal prosecution and loss of their late hours catering licence.

- (3) For areas not covered by the above this would require legislation from the Scottish Government.

The Council resolved:-
to note the details.

Councillor McDonald

QUESTIONS -

To the Chief Executive –

- (2) "What the implications for the Council would be if the £27million savings had not been proposed at the Council's Budget meeting on February 14th?"
- (3) "What the position of the Council would be if it had failed to produce a balanced budget at the Council's Budget meeting on 14th February?"
- (4) "If he is satisfied that the Council is capable of managing its capital borrowing in line with the strictures of the Prudential Borrowing Code?"
- (5) "Whether or not he agrees with the comments made by Councillor Willie Young on February 12th on Original 106FM that opposition councillors did not have the same access to staff as the Administration and that opposition councillors did not have full access to the accounts and staff support in advance of the Council's Budget Meeting?"

ANSWERS (by the Chief Executive) -

- (2) Annually the Council is required to set a balanced budget with the funding available to it. If net savings of £27 million had not been found the Council would not have set a balanced budget which is requirement. The Council would have been failing in its statutory obligation and duty.
- (3) It is a statutory duty of all Councils to set a balanced budget and determine its Council Tax before 11th March. This is a requirement of the Local Government Finance Act 1992. The Council would have been failing in its statutory obligation and duty.
- (4) Based on the proposals approved by Council on 14th February and current circumstances I am satisfied that this is the case. This has been confirmed by the City Chamberlain.

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- (5) There is no restricted access to members of the Council to the accounts and staff with as outlined in (1) above offers made.

The Council resolved:-
to note the details.

Councillor Graham

QUESTIONS -

To the Convener of the Resources Management Committee

- (1) "How much money from the Housing Revenue Account is now being used to support services previously paid through the Non-Housing Revenue Account either partially or fully?"
(2) "What services are they supporting?"

ANSWERS (by Councillor Kevin Stewart) -

- (1) The HRA is a ring fenced account dealing with expenditure and income associated with the Council's housing stock. Only the costs of services which are legitimately chargeable to the HRA can be supported by the HRA.
(2) The HRA cannot support services previously paid by the Non-Housing Revenue Account.

The Council resolved:-
to note the details.

To the Convener of Policy and Strategy Committee

- (1) "Why has Council never been given the details or the opportunity to discuss the Concordat signed on our behalf by COSLA on 14 November 2007?"
(2) "When will Aberdeen City Council be given details of the Concordat including the benefits that the Concordat brings to Aberdeen City Council not previously enjoyed?"
(3) "Given the apparent unfair settlement given to Aberdeen City Council proclaimed by this administration, why did our representative on COSLA signed the Concordat?"

ANSWERS (by Councillor Kate Dean) -

- (1) The Concordat has been widely reported in the press, and referred to as part of the budget process. If the Council wishes an opportunity to discuss it in detail, this can be done at a future meeting of either Policy and Strategy or Council.
(2) The main benefits of the Concordat are a reduction and eventual abolition of ring-fencing, a reduction in the present inspection regime, and the

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introduction of single outcome agreements covering the work of councils and, eventually, their community planning partners.

- (3) Councillor Graham obviously confuses the Concordat, which is a statement of how councils and the Scottish Government will work together, with the local government settlement which is determined, as always, by the distribution formula which was agreed between the Government and COSLA many years ago. In any case, no representative of Aberdeen City Council signed the Concordat. Councillor Fletcher is a Vice President of COSLA, but is not an Aberdeen City Council representative on COSLA.

The Council resolved:-

to note the details.

To the Chief Executive –

- (1) “When was Aberdeen City Council given details of the Accounts Commission’s findings on the Audit of Best Value and Community Planning?”
- (2) “What Councillors knew of the details of the Accounts Commission’s findings on the Audit of Best Value and Community Planning prior to the budget of 14 February?”

ANSWERS (by the Chief Executive) -

- (1) The Commission has not yet made any findings and will not do so until after the hearing. The Commission met on the 19th March. No-one in Aberdeen City Council knew about the Commission's decision until the following day, the 20th March. The decision was communicated in the first instance to the Chief Executive, then to the CMT. All elected members were given the details of those findings at exactly the same time and in the same level of detail. Staff of the Council were notified on the 21st through a special staff briefing. The Report of the Controller of Audit at Audit Scotland, a separate body to the Accounts Commission, provided the report they gave to the Commission to the Council on the 11th March. This was send directly to the Chief Executive who briefed all elected members on the same day and in the same degree of detail and the report was made publicly available on The Zone and in our libraries.
- (2) The details of the Accounts Commission findings were not made know to anyone until the day following its meeting to consider the Audit of Best Value report on 19th March.

The Council resolved:-

to note the details.

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To the Convener of Resources Management Committee –

- (1) “Given the current problems with the distribution of Fairer Scotland Funding, will the Council guarantee that the funding will be maintained when it is not ring fenced in 2010/2011.”
- (2) “Given the current problems with the distribution of Fairer Scotland Funding, will the Council agree to set 5 year funding programmes for the continuation of whatever form the Community Regeneration Funding takes on after 2010/2011 to enable communities to plan regeneration activities?”

ANSWERS (by Councillor Kevin Stewart) -

- (1) No guarantee can be given at this stage and it will be reviewed each year to assess the spending priorities.
- (2) The position will be reviewed as part of the annual budget process. It would be expected that the continuation of projects would be based on individual assessment and their contribution to Council and community priorities and targets.

The Council resolved:-

to note the details.

To the Chief Executive –

- (1) “Why didn't the Strategy for the Transformation of Waste Management, reported to the Council on 13 February 2008, specifically identify Granitehill as the key site for allowing the implementation of the Strategy?”
- (2) “Is it normal practice for reports such as the Strategy for the Transformation of Waste Management to exclude information key to its implementation?”
- (3) “What other strategies that have been approved by this Council did not contain key information when approved?”

ANSWERS (by the Chief Executive) -

- (1) The Transformation Strategy for Waste Management Services sets out the policy direction required to deliver high recycling rates and diversion of waste from landfill. Work now starts on detailed implementation which will include options appraisals on suitable sites for the required facilities. No sites have been decided upon for waste facilities at this time. Site selection will be made in consultation with the local community and after considering a range of factors. Granitehill has not been identified as a key site and, indeed, has a number of other competing uses which may preclude its use for waste management completely.
- (2) I am not aware of any information key to the Strategy's implementation being excluded, if Councillor Graham has specific examples, I would be glad to address them individually.
- (3) We are not aware of information being knowingly withheld from the decision-making process in relation to the Strategies of the Council. If any such

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instances are known to elected members please draw these to the attention of the appropriate Corporate Director and/or the CEO who will deal with them.

The Council resolved:-

to note the details.

To the Convenor of Policy and Strategy Committee –

- (1) “Given the Accounts Commission’s Audit of Best Value and Community Planning identified that much of this Council’s problems result from decisions such as the failure to build a plant to produce energy from waste and a recycling centre, will the Council rule out the building of "energy from waste" plants such as pyrolysis, gasification etc and recycling centre in Altens or any other areas in Aberdeen?”
- (2) “Given the Council’s Policy Statement opposing the disposal of waste by incineration, why is it considering sending waste to the proposed incinerator in Aberdeenshire?”

ANSWERS (by Councillor Kate Dean) -

- (1) The Council is currently developing a full waste strategy based on the recommendations of the Transformation Strategy for Waste Management Services, which deals with collection, recycling and composting matters. The Transformation Strategy recommends the development of a Materials Recycling Centre in Aberdeen and work is underway on identifying potential sites. The need for an Energy from Waste Plant will be determined through the strategy consultation process and through discussions with Aberdeenshire Council on a joint solution, however, our position remains that any such facility would be best located outside of the city where transport, visual and congestion issues will be minimised.
- (2) The Council is not considering sending waste to any specific facility at this time. A joint solution with Aberdeenshire will involve a Best Practicable Environmental Options (BPEO) appraisal, which requires us to look at all solutions to diverting waste from landfill. Any future Public Procurement resulting from this would allow bidders to propose solutions that meet our output specification; these proposals will then be considered against the BPEO and relevant policies of the Councils. It should be noted that any BPEO will be in accordance with the waste hierarchy and is likely to favour any system with energy recovery such as Combined Heat and Power or District heating above landfill and incineration without energy recovery.

The Council resolved:-

to note the details.

To the Convenor of Policy and Strategy Committee –

Council Meeting, 9th April, 2008

- (1) "When will the Council be presented with a progress report on the implementation of the administration's policies detailed in "The Liberal Democrat and SNP Programme for Aberdeen City Council 2007 – 2011?"

ANSWER (by Councillor Kate Dean) -

- (1) A progress report is currently planned to be submitted to the June meeting of Council.

The Council resolved:-
to note the details.

To the Convenor of Resources Management Committee –

- (1) "Has a best value analysis been conducted on the disaggregation of services to the three neighbourhoods to ensure that they lead to the delivery of more efficient services and do not add costs to the capital and revenue budgets?"

ANSWER (by Councillor Kevin Stewart) -

- (1) All services are required to deliver and demonstrate best value. The teams leading the transformation work on disaggregation consider this as an integral part of their work in every area.

The Council resolved:-
to note the details.

Councillor Donnelly

QUESTION -

To the Convenor of Policy and Strategy Committee –

- (1) Will this Administration make an urgent appeal to the Finance Secretary, John Swinney, for emergency funding to stave off the £27 million cuts, prior to him reviewing the block grant formula for Scotland's 32 Councils.

ANSWER (by Councillor Kate Dean) -

- (1) I have already been in contact with the Cabinet Secretary to ask for a meeting to discuss the City's financial situation, and to correct some of the misapprehensions evident in some of his recent statements.

The Council resolved:-
to note the details.

To the Convenor of Resources Management Committee –

Council Meeting, 9th April, 2008

- (1) Why will this Council not consider selling off the Linx Ice Arena to private enterprise (like other Local Authorities have) whom are now revenue generating and continuing in operation, with the condition of sale made that the City Council still hosts the 2009 European Skating Championships.

ANSWER (by Councillor Kevin Stewart) -

- (1) The Council have been in talks with a number of interested parties regarding the future of the ice rink some of whom are from the private sector.

The Council resolved:-
to note the details.

Councillors Donnelly and Cormack

QUESTION -

To the Convener of Area Committee South –

- (1) “Has any progress been made regarding previous requests from Ferryhill Community Council for consideration of residents parking within the city centre area of Ferryhill?”

ANSWER (by Councillor Kiddie) -

- (1) Ferryhill Community Council have requested "That the appropriate service reviews the controlled parking zones and resident parking permits, in the area which is bound by Union Street, Bridge Street, College Street, South College Street, Millburn Street, Ferryhill Road, Fonthill Road and Holburn Street, with a view to introducing “resident only” parking bays and ‘resident parking permit parity’ with other controlled parking zones. This is in order to encourage people to continue to live in the city centre by improving their quality of life, address city centre resident parking discrimination, and promote the Aberdeen City Council policy which is to discourage the use of the private car and encourage the use of sustainable transport by non-city-centre-residents."

In 2005, Consultants were employed by Aberdeen City Council to carry out a City-wide survey of the controlled parking within Aberdeen City with respect to whether the existing zones were operating well, additional zones were required, the type and allocation of permits within the existing zones, the cost of the permits etc. In conjunction with this, a Controlled Parking Working Group was set up, comprising Elected Members and Council officials from the Roads and Legal services, in order to consider the Consultants’ final report and report back to the Environment and Infrastructure Committee with the Working Group’s recommendations on the way forward.

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The parking survey was completed at the end of 2005 and the Working Group report submitted to the Environment and Infrastructure Committee in January 2006. This report was wide-ranging and within it was a recommendation for prioritising the additional zones that the survey highlighted as requiring controlled parking. This list was approved by the Environment and Infrastructure Committee in January 2005. Since the prioritised list was approved, there have been changes to some of the controlled parking areas. Zones already being designed when the survey was carried out have now been implemented, and these have had an impact on the surrounding areas, as would be expected.

It was due to these changes and primarily because of the pressure on the parking for residents in various streets, that an additional report was submitted to the Environment & Infrastructure Committee on 24th January 2007. This report in essence requested that the priority list be updated to reflect the changes in the commuter parking and to bring forward the areas that officers now consider to be under the greatest pressure from all-day commuter parking.

The recommendations in the report were approved by the Environment and Infrastructure Committee, and this is the current programme that the Council is progressing for implementation of all new Zones.

The area which has been identified for review by the Ferryhill Community Council and bounded by Union Street, Bridge Street, College Street, South College Street, Millburn Street, Ferryhill Road, Fonthill Road and Holburn Street, relates to part of the existing controlled parking zones B, E and H.

These Zones have been in operation for a considerable number of years and are close to the city centre where residents currently park in pay and display bays. Due to the lack of available road space for the number of properties within Zones B & E residents are only permitted to purchase 1 permit. Residents can purchase 2 permits in Zone H which is slightly further away from the City centre.

The idea to introduce "resident only" parking bays and 'resident parking permit parity' with other controlled parking zones was one of the main issues that was considered by the controlled parking review group. Officers were requested to consider "Residents Only" parking in the City Centre and at the Environment and Infrastructure Committee on 24th January 2007 officers were requested to consult with the local Members for the city centre area and report back to a future committee.

The March 2007 Environment and Infrastructure Committee approved the results of the consultation with the local Members and officers were instructed to proceed with the *trial introduction* of "Residents Only" parking bays in the City centre, but only within parking zones A, C & K. The trial had also to consider the extension of the operational hours from 6.00pm to

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8.00pm. The Committee concluded by instructing officers to commence the legal process for the changes to the Traffic Regulation Order and to fund the project from the slippage in the non-housing capital programme.

The proposed trial area of Zones A, C & K encompasses the area to the North of Union Street bounded by Rosemount Place, Skene Square, Woolmanhill, Union Terrace, Union Street, Victoria Street, Carden Place and Esslemont Avenue.

Obviously the trial for these three zones A, C & K has to have the legal process for the Traffic Regulation Order completed, funding secured for any implementation if approved and a trial period set for its review before any further zones, such as those identified by the Ferryhill Community Council can be considered. Parking within the city centre has not changed materially from when this previous work was carried out and the working group has already dealt with this issue to some extent.

It is proposed that officers will commence the legal process for the Traffic Regulation Order in summer 2008 and if approved funding in the region of £60,000 would be required to be sourced to implement such a change.

The Council resolved:-

to note the details.

The Council further resolved:-

- (i) in respect of the questions submitted by Councillor Young and notified on the agenda, that written responses would be sent to Councillor Young and copied by email to all members, with the exception of question 8(d)(2) to the Chief Executive which had been ruled incompetent; and
- (ii) to seek guidance from the Members' Services Working Group on the procedure for the submission of questions to the Council, particularly (1) the number of questions which should be allowed; (2) what cut-off time should apply; and (3) whether in view of similarities questions should be grouped on the agenda.

- **PETER STEPHEN, Lord Provost.**