

ABERDEEN CITY COUNCIL

Town House,
ABERDEEN, 21st May, 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
SCOTT CASSIE
RONALD CLARK
NORMAN COLLIE
NEIL COONEY
JOHN CORALL
WILLIAM CORMIE
KATHARINE DEAN
JAMES DONNELLY
JACQUELINE DUNBAR
JAMES FARQUHARSON
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
KIRSTY WEST
JILLIAN WISELY
and
WILLIAM YOUNG

Lord Provost Peter Stephen, in the Chair

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ANNOUNCEMENTS

1. (A) The Lord Provost made reference to his recent visit to Houston on Council business for the Offshore Technology Conference, highlighted how well he had been treated and made welcome at a Council meeting there, and emphasised that this had reminded him of his request upon taking office one year ago for there to be greater respect in the Council Chamber, which he considered was especially pertinent in light of the recent Accounts Commission hearing.

(B) The Lord Provost congratulated Hazlehead Academy Under 13 boys football team for winning the Scottish Cup by beating Auchinleck Academy 1-0 at Stenhousemuir.

(C) The Lord Provost wished Depute Provost John West well in his participation in the Edinburgh marathon on the forthcoming weekend.

(D) Councillor Collie spoke on behalf of the local members for Tillydrone, Old Aberdeen and Seaton in expressing his appreciation to the emergency services for dealing with the recent fire at Balgownie Court, and also to the following Council officers for their assistance:- Wendy Carle, Graham Williamson, Audrey Watt, Carol Duncan, Thomas Forbes, Neil Kerr and Alistair Angus.

The Council resolved:-

to concur with the remarks of the Lord Provost and Councillor Collie.

ORDER OF AGENDA

2. The Lord Provost sought the agreement of the Council to modify the order of the agenda, so that the report regarding the Chief Executive's application for early retirement be considered as the very last item of business with the press and public excluded.

The Council resolved:-

to agree to the request.

MINUTE OF SPECIAL MEETING OF ABERDEEN CITY COUNCIL OF 9th APRIL 2008

3. The Council had before it the minute of the special meeting of Aberdeen City Council of 9th April 2008.

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The Council resolved:-

to approve the minute.

MINUTE OF MEETING OF ABERDEEN CITY COUNCIL OF 9th APRIL 2008

4. The Council had before it the minute of meeting of Aberdeen City Council of 9th April 2008.

The Council resolved:-

- (i) to amend the minute to incorporate Councillor Young's questions to the Chief Executive and the answers that were provided as set out in Appendix A to this minute;
- (ii) to note that the Head of Democratic Services would arrange for a link to be added next to the Council minute on the Council website which would provide the answers to the remainder of Councillor Young's questions which had not been answered at the meeting due to his absence;
- (iii) to amend the minute to reflect that Council Noble had declared an interest in relation to his membership of Unite, and not UNISON, in regard to Article 5 of the minute; and
- (iv) otherwise to approve the minute.

PAMPHLET OF MINUTES

5. The Council had before it a pamphlet of standing committee minutes from 4th March 2008 to 17th April 2008.

The Council resolved:-

to note the minutes.

MINUTE OF MEETING OF THE ABERDEEN CITY ALLIANCE OF 13th MARCH 2008

6. The Council had before it for information the minute of meeting of The Aberdeen City Alliance of 13th March 2008.

The Council resolved:-

to note the minute.

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DECLARATION OF INTEREST

Councillor Noble declared an interest in the subject matter of the following item by virtue of his employment by Aberdeen Harbour Board and left the meeting prior to the Council's deliberations.

MINUTE OF MEETING OF GILDTRY AND MORTIFICATION FUNDS BOARD OF 17th APRIL 2008

7. The Council had before it the minute of meeting of the Guildry and Mortification Funds Board of 17th April 2008, and was requested to approve the following recommendations from the Board:-

- (1) to grant a long-term lease at fair market value to the Harbour Board for the ground below the Girdleness Lighthouse identified in the report for the purpose of erecting a radar antenna;
- (2) to authorise officers of the Council to enter into negotiations with the Harbour Board over the parcel of land next to Greyhope Road also identified in the report; and
- (3) to authorise officers of the Council to refer any concluded negotiations to the next meeting of the Board for decision.

The Council resolved:-

- (i) to approve the recommendations as outlined above; and
- (ii) otherwise to note the minute.

CHIEF EXECUTIVE'S PROGRESS REPORT

8. With reference to Article 30 of the minute of meeting of the Council of 9th April 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 April 2008.

The Council resolved:-

- (i) to congratulate the Council on being awarded the Royal Society of Prevention of Accidents (ROSPA) Gold award; and
- (ii) to note the information detailed in the report.

DECLARATIONS OF INTERESTS

Councillors Donnelly, Hunter, Laing and Young each declared an interest in the subject matter of the following item of business by virtue of their appointment by the Council to the Board of Oakbank School

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Trust, but considered that these interests were not of the nature which precluded their participation in the meeting.

OAKBANK SCHOOL BOARD - APPOINTMENT OF REPLACEMENT MEMBERS

9. The Council had before it correspondence from the Clerk to the Board of Oakbank School Trust which requested the Council to appoint replacement members following the resignations of Councillors Leslie, McDonald, Malone and Kirsty West on 28th April 2008.

The Council then received legal advice from the City Solicitor in regard to the present status of Oakbank School and its Board, with particular emphasis on the need for further information in regard to its financial affairs.

The Council resolved:-

- (i) to defer the matter meantime; and
- (ii) to instruct the City Solicitor to write to the Board of Oakbank School Trust's legal advisers seeking clarification on the status of the School and the Board, and their finances, prior to considering appointing replacement members.

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 the launch of the North East Climate Change Partnership had taken place earlier in the day.

NORTH EAST SCOTLAND CLIMATE CHANGE PARTNERSHIP DECLARATION

10. The Council had before it a report by the Head of Economic and Environmental Sustainability which recommended formalising the North East Scotland Climate Change Partnership to support current and future initiatives.

The report (a) advised that the North East Scotland Climate Change Partnership was a voluntary partnership which had been formed in acknowledgement of the effects of climate change, both now and in the future, on the economy, environment and quality of life in the North East of Scotland, and the responsibility for the global implications of climate change; (b) stated that the purpose of the partnership was to work together to assist the North East to address the implications of climate change; (c) appended the North East Scotland Climate Change Partnership

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Declaration and remit for approval; (d) explained the composition of the partnership, and that the Chair and Secretariat were held by Aberdeenshire Council; (e) emphasised that if Aberdeen City Council wanted to consider taking up the Chair in the future there was adequate secretariat support within Economic and Environmental Sustainability to allow this within current budgets; and (f) underlined that active participation as a partnership member would support the Council's commitment to addressing climate change and carbon management, as well as other local and national commitments.

The report recommended:-

that the Council -

- (a) approve and adopt the North East Scotland Climate Change Partnership Declaration and remit;
- (b) appoint an appropriate Councillor to represent the Council's interests on this group with officer support from Economic and Environmental Sustainability; and
- (c) homologate the attendance and signing of this declaration by Councillor Clark at the All Energy '08 Conference at the Aberdeen Exhibition and Conference Centre earlier this day.

The Council resolved:-

- (i) that Councillor Clark be appointed to represent the Council's interests on the North East Scotland Climate Change Partnership; and
- (ii) otherwise to approve the recommendations.

DECLARATIONS OF INTERESTS

Councillor Kevin Stewart declared an interest in the subject matter of some of the following questions by virtue of his employment by Brian Adam MSP and Maureen Watt MSP. Councillor McCaig also declared an interest by virtue of his employment by Maureen Watt MSP.

Councillor Dean declared an interest as a representative of the Council to the Board of NHS Grampian. Councillor Leslie declared an interest in relation to Albyn House.

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.

QUESTIONS

11. The Council had before it for consideration the following questions, of which due notice had been given in terms of Standing Order 20(2):-

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Councillor McCaig

QUESTION -
To the Chief Executive

- (1) "What provisions are made by Council officials to enable political groups to discuss the viability, financial or otherwise, of proposals that they may wish to bring before full Council or committee meetings?"

ANSWER (by the Chief Executive) -

In terms of the Councillors' Code of Conduct issued by the Standards Commission for Scotland, all members must be treated in a fair and even-handed manner. Employees serve the Council as a whole, not any particular political groups, combinations of groups or individual member, and employees may be properly called upon to assist the deliberations of political groups and to help individual members in their different roles.

The Council complies with this requirement and officers are available to discuss any matter falling within the functions of their Service with any Councillor. In formal terms, Standing Orders require members to submit the proposed terms of motions to Corporate Directors. Less formally, members can approach officers directly for information, assistance and advice at any time.

The Council resolved:-
to note the details.

Councillor Young

QUESTIONS -
To the Convener of the Policy and Strategy Committee

- (1) "That the Convener converse with the administration's education spokesperson and advise what progress if any do they jointly envisage towards meeting the SNP minority-led Executive's manifesto commitment for class sizes in 2008/09?"
- (2) "That the Convener converse with the administration's education spokesperson to advise what advice they would give to parents who have found that their children cannot obtain the subjects of their choice in secondary schools next academic year?"
- (3) "That the Convener converse with the administration's education spokesperson to see if she agrees or otherwise that there will be a big fall in S5/6 attainment and would she put this fall down to the cuts in provision?"
- (4) "That the Convener converse with the administration's education spokesperson and advise, other than the 3Rs Project delivered by money from the previous Labour/Liberal Scottish Executive what plans does the

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administration have for building new schools in the city, and how do they intend to pay for them?"

- (5) "That the Convener converse with the administration's education spokesperson to see if she agrees or otherwise that there is a serious low morale within our city schools which is evident by half our secondary schools who are members of the EIS passing a vote of no confidence in her leadership, the schools strategy programme and in the direction that this administration is taking?"
- (6) "That the Convener converse with the administration's education spokesperson and ask in relation to the UN Convention on the Rights of Children what steps do the administration she leads take to ensure that Articles 3 and 12 of the Convention were adhered to in relation to the mergers/closures of the city's schools?"
- (7) "How the administration she leads proposes to fill the obligations signed by Councillor Neil Fletcher to COSLA stating that this Council will deliver year-on-year progress of reducing class sizes?"

ANSWERS (by Councillor Dean) -

- (1) The service will continue with the investment in 8 primary teachers targeted at areas of regeneration to reduce class sizes until the end of the current school session in June and is currently considering its strategy for the school session 2008/09 in the light of the Government's manifesto commitment.
- (2) We will ensure that parents have had full discussion with school staff to explore all options available within the school. Additional options could include subjects available through collaborative working with other schools and Aberdeen College.
- (3) Neither of us agree, this is pure speculation. The situation will be closely monitored to ensure that it is not the case.
- (4) Any new builds would result from the on-going review of the school estate and, more specifically, secondary education provision, catholic schools and specialised additional support needs provision. Funding would be considered by a combination of the capital receipts from disposal of surplus buildings and use of prudential code borrowing.
- (5) These votes of no confidence were passed by EIS branches and not the schools themselves. I have every confidence in plans to raise morale right across the Council.
- (6) Schools were given the opportunity to work with pupils to consider the proposals and submit responses. In Neighbourhood Services (Central Area) children's views were received from Donbank and Causewayend. Most schools worked with pupils and the results were on display, for example, in the school entrance and in some Council offices. Copies of what was received are available if required. The view was taken that it was for the school staff to engage the pupils and headteachers had been advised of this.

Paragraph 1 of Article 3 of the Convention on the Rights of the Child states that "in all actions concerning children, whether undertaken by public or

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private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration." The Article makes no specific mention of education authorities. "Institutions, services and facilities responsible for the care or protection of children" (paragraph 3) are to conform to established standards, especially in relation to safety and supervision. The UN convention seems to view the welfare principle enshrined in Article 3 as relevant only to "care" settings.

Article 3 is therefore not entirely relevant to the school closure programme but as the strategy is focused on spending the education budget on children's learning and not buildings which are no longer fit for purpose in providing the best education possible, I think it can clearly be argued that the best interests of the children in Aberdeen has been a primary consideration in the development of the school estates strategy.

Article 12 of the Convention provides that States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child. I am obviously not in a position to know the practical detail of whether and how the Education Authority sought the views of children affected by the proposals but I do note in paragraph 2.2.3 of the School Estates Strategy report that "public meetings were held at each school to listen to the views and concerns of parents, pupils and wider stakeholders."

- (7) The Concordat was on behalf of Scottish local government in general. There is no commitment on this Council to reduce class sizes year on year.

The Council resolved:-
to note the details.

To the Convener of the Resources Management Committee

- (1) "If before the meeting to ratify school closures/mergers on 30th April 2008 a meeting/conversation took place between any official, Councillor or any representative of the Council with any developer or interested parties in respect of the proposed excess of properties within the schools estate?"
- (2) "If he agrees with Brian Adam MSP and Maureen Watt MSP that the designated place scheme at Albyn House should be funded by the Council?"
- (3) "What advice if any has the administration taken from Council officers and/or the Scottish Executive on the proposed third Don crossing?"
- (4) "If he agrees or otherwise with Maureen Watt MSP that Aberdeenshire Council and Moray Council should contribute to Aberdeen city's leisure facilities?"
- (5) "If he agrees or otherwise with John Swinney MSP who wrote to an Aberdeen City Council taxpayer saying that the reason Aberdeen gets much less than Glasgow by means of a settlement grant from the Scottish Executive is because Glasgow's needs are much greater than Aberdeen's?"

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- (6) "If he agrees or otherwise with John Swinney MSP who wrote to a Council taxpayer and stated that the overall funding package given to Aberdeen should be more than sufficient to ensure that the Council was able not only to maintain existing services but also increase the vital services it provides for the people of Aberdeen?"
- (7) "If he has ever visited Camphill School whilst Depute Leader of the Council to see the excellent facilities that they offer for children in need and if he has not visited Camphill will he visit it and when and if he does visit Camphill can he give this Council an assurance that he will look at the facilities they have on offer and ensure that if Camphill School can take children in need from the city they will be given an opportunity to do so?"
- (8) "To better advise the public why £3.86m has been cut from the sports budget, why £7.83m is being cut from the learning budget, why £6.16m is being cut from the social work children's services, why £5.31m has been cut from the social work adults budget and why £3.46m has been cut from the shelter and environment budget this year, with these budgets showing cuts of £30,504,000 in the year 2010/11 how this administration can justify spending £80.4m on Marischal College of which £34m is being projected to be spent in 2010/11?"
- (9) "If he can advise a constituent within Aberdeen who owns a residential property valued in excess of £350,000 but contributes nothing to HM Treasury by means of income tax by virtue of living abroad what his liability of Council Tax is and how much does he currently pay?"

ANSWERS (by Councillor Kevin Stewart) -

- (1) As no report has been submitted to the Resources Management Committee on the future of any school properties potentially declared surplus following the Council's approval on 30th April 2008 of the school estate strategy report, no meetings/conversations have, to the knowledge of the Head of Resources Development and Delivery, taken place between any officer and any developer or interested parties. Advice and information relating to potential future site disposal valuations was sought from the Council's external valuation term contractor. I have no knowledge of whether or not any meetings/conversations took place that involved Councillors.
- (2) They cannot recall saying this - they both agree that the designated place scheme at Albyn House should be funded by NHS Grampian and Grampian Police.
- (3) As a third Don Crossing is not a trunk road issue neither the Administration nor Council officers have either sought or received any advice from the Scottish Government. The current and previous Administrations have received advice on a number of occasions from Council officers on this proposal via the following Committee reports:

Reports advising on route options:

16/4/03 - full Council

25/6/03 - full Council

11/11/03 - full Council

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27/1/04 - former Environment and Infrastructure Committee, referred to
3/3/04 full Council
30/6/04 - full Council

Report advising on choice of bridge style and inclusion of cycle measures:
6/9/05 - former Environment and Infrastructure Committee, referred to
26/10/05 full Council

Report advising on land and planning application:
26/10/05 - full Council

Report advising on options for Bedford Road:
5/9/06 - former Environment and Infrastructure Committee

Report advising on land issues:
21/11/06 - Resources Management Committee

In addition to the above which are reports explicit to the Third Don Crossing project, there have also been other references to this project via the development of the Local Transport Strategy (LTS), agreed unanimously at Policy and Strategy Committee in March, the emerging structure plan, and the routine reports to Policy and Strategy Committee on Strategic Transportation Projects. These routine reports are a regular update on major transportation projects including the Haudagain Roundabout, for which a Third Don crossing has been agreed as an integral part of the solution to congestion and delay problems at this key junction, and the Access From The North Study, recently agreed by members of the Resources Management and Policy and Strategy Committees to be undertaken to explore how we can 'lock in the benefits' of a third Don Crossing - as stated in the approved LTS.

- (4) Yes, they should contribute towards regional facilities.
- (5) I have not seen the letter so cannot comment.
- (6) I have not seen the letter so cannot comment.
- (7) I have not visited but have asked Dr. Geider if I can visit during the summer recess. It is not up to me where to place children, this is a matter for officers of the Council using their professional judgement.
- (8) To achieve a balanced budget a range of options were identified for consideration by members on 14th February 2008. The proposals approved by Council reflected cost reductions and income generation across a range of services to achieve a balanced budget within the funding available.

Based on the preparation of 3 year budgets the flow through of the approved proposals to 2010/11 equates to £30.504 million. In effect net additional savings of £3 to £4 million and would support a balanced budget in 2010/11 based on the underlying assumptions built into the forecast expenditure e.g. inflationary uplifts allowed for pay awards etc. These will be subject to review and reported to the Budget Monitoring Board.

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Councillor Young notes the projected capital spend of £34 million for Marischal College in the 2010/2011 financial year and counterpoints this to the projected savings against a number of revenue spend service items. The £34 million is being financed from Prudential Code Borrowing which is statutorily only capable of being expended on defined capital projects the like of Marischal College. Councils are not permitted to borrow to fund revenue expenditure and therefore this budget cannot be transferred into revenue spend.

Further, as stated, it is borrowing upon which the revenue capital financing charges are budgeted Council expenditure. Ultimately any capital financing charges will be mitigated by efficiency savings related to estate rationalisation and running costs.

- (9) Property worth £350,000. Band H: Council Tax £3,219.84 (including water and sewerage services), Council Tax £2,460.78, Water and Sewerage Charges £759.06.

The value is assumed to be the value as at 1st April 1991 when Valuation Bands were determined. If value is now the Band in which the property is placed it would be factored as at 1st April 1991 and may be in a different Valuation Band. This is the function of the Assessor of the Grampian Valuation Joint Board.

There is not a simple answer to this question as it deals with the concept of "sole or main residence" which is critical in the determination of any Council Tax liability, especially when more than one property is involved.

Each case must be determined on its own merits and factors that would be taken into account include: security of tenure, lifestyle, family circumstances, reasons for absence and intention to return. Factors of duration of absence are not necessarily deciding factors in determining a person's sole or main residence. Likewise, whether a person pays 'tax' to the UK Government does not necessarily mean that the individual's sole or main residence is not within the UK.

From the question it is not possible to determine whether in this situation the person is single, or has a family which resides here.

1. Assuming that the individual has their main or sole residence abroad but the property here is furnished and unoccupied the property would be classified as a second home and 90% of Council Tax would be payable.

2. If the property was deemed to be the individual's main or sole residence and their absence was due to the nature of their employment (i.e. could be working abroad for 3 months at a time) and their wife and family reside in the dwelling 100% Council Tax would be payable.

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3. If the individual was single and it was deemed that their sole or main residence was the property (as above) then 75% of the Council Tax is payable.

4. If the individual was single but was deemed to have their main or sole residence abroad but the property here is furnished and unoccupied the property would be classified as a second home and 90% of Council Tax would be payable.

It must also be recognised that in terms of Council Tax on second homes 40% of the charge is allocated to funds to be used for the building of affordable homes.

There are, of course, other variables that could affect the above general scenarios. As mentioned each case requires to be determined on its own merits.

In the case of second homes the person will pay 90% of the Council Tax and 100% of the water and sewerage charges.

The Council resolved:-
to note the details.

To the Lord Provost

(1) "In light of his remark concerning members asking questions if he agrees or otherwise that democracy demands that the only way to make sure people you agree with can speak and ask questions is to support the rights of people you don't agree with?"

ANSWER (by Lord Provost Stephen) -

(1) I agree that all members of this Council should be allowed to ask questions - and those members present at the recent meeting of the Members Services Working Group will be aware that the asking of formal questions on the agenda, as this Council allows, is not something afforded to members of all other Councils. I would venture to suggest that democracy demands that members do not abuse the right to ask questions and, given the number submitted on the previous agenda of the Council, my concern was that a significant amount of officers' time was taken up in preparing answers when they could have been undertaking far more productive work in providing services to the population of this city.

In this regard, I note that my concerns reflected those of the Council at its meeting of 2nd February 1999 with the then Administration, when, having a mere seven questions before it, the Council asked the Standing Orders Working Group to consider whether answers to questions may be deferred

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or not sought on the grounds of excessive cost in terms of staff time and other resources involved in the preparation of responses.

I hope that the ability of members to place questions on the agenda is one which this Council will continue - I note that the matter is to be considered at a workshop organised by the Members Services Working Group in August - and I hope that members will use this ability responsibly and acknowledge the impact of the preparation of answers upon officers.

The Council resolved:-
to note the details.

To the Chief Executive

- (1) "If officers have concluded their investigation into providing school breakfasts for every primary school child and if so when is it expected to be implemented?"

ANSWER (by the Chief Executive) -

- (1) The free breakfast service pilot will be concluded at the end of the school academic year July 2008. An evaluation report will be prepared over the summer and circulated to participating groups for approval in August 2008. A report will be submitted to Committee in October 2008 for consideration about the future implementation in the academic year 2009-2010.

The Council resolved:-
to note the details.

Councillor Graham

QUESTION -
To the Chief Executive

- (1) "In what way was the decision of the Council on the appointment to the Fairer Scotland Fund Board compliant with the principles regarding political balance set out in the Local Government and Housing Act 1989 and the Council's standing orders?"

ANSWER (by the Chief Executive) -

- (1) Standing Order 29(1) states that, in appointing Committees and Sub-Committees, the Council shall, so far as possible, give effect to the principles regarding political balance set out in the Local Government and Housing Act 1989 and which would be mandatory in the event of those provisions in the 1989 Act being brought into force.

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Section 15 of the Act provides that, in allocating seats on ordinary Committees to political groups, three principles are to be observed:- (1) not all the seats of the body are to be allocated to a particular group; (2) the majority of seats on the body are to be allocated to the group having a majority of seats on the Council; and (3) the number of seats on ordinary Committees which are allocated to each group bears the same proportion to the total number of seats on those Committees as the number of seats held by the group on the Council does to the whole membership of the Council.

The Act, if enabled, would not require that the allocation of seats on any particular Committee should follow such proportions, so long as the aggregate allocation across all the Committees was correct. The Act would also require, in the event of it being enabled, that proportionality apply to (1) any advisory committee of an authority and any sub-committee appointed by such an advisory committee, and (2) any joint board (i.e. a body corporate) of a combination of authorities, any joint committee of a combination of authorities, and any board or committee appointed by one or more authorities exercising a power conferred by local enactment, where an authority is required to fill at least three seats.

Standing Order 29(1) refers to Committees and Sub-Committees only and to apply these principles to the composition of Working Groups and outside bodies goes beyond what was envisaged by both Standing Orders and the legislation although the Council did do so in the case of many Working Groups and Boards in May 2007. In addition, when appointing representatives to outside bodies following the elections, Group Leaders met and, I understand, did endeavour to allocate places on outside bodies in a proportional manner. When making appointments to the Fairer Scotland Fund Board, the Administration took the view that it would control the allocation of places and, as the principles of political balance set out in Standing Orders refer to Committees and Sub-Committees only and those in the Act to the bodies described above in addition, there was no breach.

The Council resolved:-
to note the details.

MOTIONS

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

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

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

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

“Can the Council (Strategic Leadership) explore improving communication and advice between potential and approved adoption parents and the Council’s Fostering and Adoption Services who co-ordinate the process.”

The Council agreed to the terms of the motion, and noted that work was already underway in this regard.

DECLARATIONS OF INTERESTS

Councillor Dean declared an interest in the subject matter of the following item by virtue of her being Chairperson of Cove Rangers Football Club Supporters’ Club. Councillor Young declared an interest by virtue of his position as Director of Cove Rangers Football Club. Neither Councillor considered that these interests were of the nature which precluded their participation in the meeting.

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

“That this Council congratulates Cove Rangers Football Club in winning the Scottish Highland League for season 2007/08. That the Council notes their achievement as ambassadors for the city, and appropriate civic hospitality should be afforded to them.”

The Council agreed to delete “and appropriate civic hospitality should be afforded to them” from the motion as this was already in progress, and otherwise approved the terms of the motion.

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 15 (paragraph 1); Article 16 (paragraphs 8 and 10); and Article 17 (paragraphs 1 and 6).

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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 in order that the matter could be clarified as soon as possible following the Accounts Commission hearing.

DECLARATIONS OF INTERESTS

Councillors Clark, Farquharson, Jaffrey, Laing, Leslie, McCaig, McDonald and Jennifer Stewart each declared an interest in the subject matter of the following item by virtue of their membership of the Council's Appeals Committee, and left the meeting prior to the Council's deliberations.

EMERGENCY QUESTION

15. The Council received the undernoted question from Councillor Hunter:-

QUESTION -

To the Convener of the Resources Management Committee

"To ask the Convener of the Resources Management Committee to name these officers that he has alleged have lied to this Council following his oral submission to the Accounts Commission."

The Council then received legal advice from the City Solicitor, who emphasised that it would be inappropriate for Councillor Kevin Stewart to name individual members of staff, as investigations were ongoing both within and outwith the Council.

ANSWER (by Councillor Kevin Stewart) -

I have given my recollection of events to External Audit and would be willing to speak to the Accounts Commission Panel in private. I do not want to say anything further until investigations are concluded, and this includes the ongoing police investigation.

The Council resolved:-
to note the details.

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 in order to permit the early appointment of a contractor and maintain the overall project programme.

DECLARATION OF INTEREST

Councillor Hunter declared an interest in the subject matter of the following item by virtue of his membership of the Council's Marischal College Advisory and Monitoring Board, but did not consider that the nature of his interest required him to leave the meeting.

MARISCHAL COLLEGE - INVESTMENT DECISION

16. The Council had before it a report by the Corporate Director for Continuous Improvement which advised that integral to the delivery of the Marischal College project was the requirement to deliver an early works package for the stripping out of the building, defined demolition and façade retention (hereinafter referred to as the Enabling Works Contract) all as a precursor to the reconstruction works to form the new Council administrative headquarters.

The report advised (a) that a contract notice had been published in the Official Journal for the European Union inviting registrations of interest to partake in a restricted tender process leading to the award of a contract for the proposed Enabling Works Contract at Marischal College; (b) that five contractors had been short listed and invited to tender, and tenders were returned on 7th May 2008; (c) that the returned tenders had been issued to the Council's professional advisers for assessment in compliance with stated requirements, and the tender report was scheduled for delivery on 28th May 2008, and thereafter a report would be issued to the Council with a recommendation for appointment of one of the contractors; (d) that approval was sought, through Investment Decision Maker delegation, to effect the appointment of a contractor to ensure that the programme was maintained with a planned site start date of 7th July 2008, or thereby; (e) that the full tender report would be made available to the next scheduled meeting of the Marischal College Advisory and Monitoring Board on 18th June 2008; and (f) of the budget allocation for the contract, and that project risk transfer funds and general contingencies could robustly allow for a contract sum to be agreed to a level greater than the indicated base allowance.

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The Council resolved:-

to delegate authority to the Corporate Directors for Continuous Improvement and Resources Management, in consultation with the City Chamberlain and City Solicitor and the Conveners of the Resources Management and Policy and Strategy Committees, to take forward such action as was necessary to maintain the project programme and initiate such actions as were necessary to let the Enabling Works Contract provided the associated contract sum was affordable within the overall project cost.

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 in order that the Council could plan for the recruitment of a successor to the Chief Executive as soon as possible should his application for early retirement be successful.

APPLICATION FOR EARLY RETIREMENT FROM THE CHIEF EXECUTIVE

17. The Council had been circulated in advance of the meeting a report by the Corporate Director for Resources Management regarding the Chief Executive's application for early retirement.

Following a short adjournment there were circulated detailed figures in regard to two possible options for dealing with the application, as well as correspondence from the Chief Executive.

The Council then heard various Councillors pay tribute to the Chief Executive as an extremely honourable man and express their sincere gratitude for the service he had given Aberdeen City Council during its lifetime.

Councillor Ironside moved, seconded by Councillor Cooney:-

That the Council approve the Chief Executive's application for early retirement on the basis recommended in the report.

Councillor Dean, seconded by Councillor Kevin Stewart, moved as an amendment:-

That the Council approve the Chief Executive's application for early retirement with a very slight enhancement compared to the proposal contained in the report.

Council Meeting, 21st May, 2008

On a division, there voted:-

For the motion (7) - Councillors Adam, Collie, Cooney, Hunter, Ironside, Laing and Young.

For the amendment (27) - Depute Provost John West; and Councillors Cassie, Clark, Corall, Cormie, Dean, Donnelly, Dunbar, Farquharson, Greig, Jaffrey, Kiddie, Leslie, McCaig, McDonald, Malone, May, Milne, Noble, Penny, Reynolds, Robertson, Jennifer Stewart, John Stewart, Kevin Stewart, Kirsty West and Wisely.

Declined to vote (1) - Lord Provost Stephen.

The Council resolved:-

- (i) to adopt the amendment; and
- (ii) to instruct officers to report to the next meeting of the Resources Management Committee outlining the process to recruit a new Chief Executive Officer.

In terms of Standing Order 15(6) Councillors Cooney, Hunter, Ironside and Young intimated their dissent against the foregoing decision.

- PETER STEPHEN, Lord Provost.

APPENDIX**Item 8(d) - Councillor Young**

To the Chief Executive –

- (1) “To provide a detailed account of his management’s workings before the budget of the 14th February 08 as to the impact the £27m budget cuts will have on those most affected?”

The process officers went through was a consideration by them e.g. children adults shelter and environment, sports with lead senior operational and strategic service managers to consider each budget line by line. Every proposal for budget reduction was based on an assessment of 2 elements - the level of spend relative to GAE and an impact and risk assessment of its implementation. These were used to determine the proposals presented in the budget. Officers were acutely aware of the challenges they faced in preparing these proposals given the Council’s budget position and the growth in demand led services as a result of the city’s demographics of both an ageing population and a growing number of children with complex needs in the city.

- (2) “Has he finished the probe into the reasons why so called junior officials visited schools in December and if so can he pass a copy to elected members so we can see the reasons also?”

Immediate remedial action has been taken with the staff concerned and the investigation, undertaken as part of the Council’s disciplinary procedure, is in confidence so members will be aware that I could not in these circumstances provide a copy of this information to you.

- (3) “To ask him if he agrees or otherwise that one of the failures of this Council has been the lack of transparent information given to Councillors?”

I am unaware of examples of lack of transparency in reporting to Councillors. I do not recall any examples of this being raised with me but I can reassure elected members that if there were they would be dealt with as matters of concern. Any such examples should be drawn to my attention.

- (4) “To ask him what is meant by the term a culture of non compliance with corporate systems and processes and to ask who if anybody is to blame for this culture of non compliance?”

A culture of non compliance is a situation which elected members, staff members, the public, Trades Unions and other stakeholders will recognise where Council decisions, policies, and procedures are not actioned or adhered to.

Responsibility for this would depend on what has been the cause but there are probably two main places where responsibility lies.

- **Individuals have a degree of choice in how they decide to perform their work. However, the responsibility and accountability lies with each of us to pursue the priorities as set out by Council Policy, National Policy Statute etc.**

- **The second area would lie with:**
 - (a) elected members via the monitoring role of committees;
and**

 - (b) All levels of management from front line supervisors back to the CEO.**