

ABERDEEN CITY COUNCIL

Town House,
ABERDEEN, 25th June, 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
JOHN CORALL
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
RICHARD ROBERTSON
JENNIFER STEWART
JOHN STEWART
KEVIN STEWART
WENDY STUART
KIRSTY WEST
JILLIAN WISELY
WILLIAM YOUNG
and
IAN YUILL

Lord Provost Peter Stephen, in the Chair

Council Meeting, 25th June, 2008

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 Admission in the Guild Burgess Book:-

Ronald Duncan, Retired Film Producer, Aberdeen;
Gavin Fraser, Studio Manager, Aberdeen;
Kenneth McEwen, Company Director, Aberdeen;
Dr Richard Perren, Retired University Lecturer, Aberdeen; and
Trevor Runcie, Managing Director, Aberdeen

ANNOUNCEMENTS

2. (A) The Lord Provost advised that Aberdeen Citizens Advice Bureau had received accreditation from Communities Scotland as the only Bureau in Scotland able to give Type 3 advice in respect of homelessness issues.

(B) The Lord Provost congratulated pupils of Cordyce School who had participated in a national competition run by Shell on green power and finished in fifth place in the whole of Scotland.

(C) The Lord Provost referred to Councillor Wisely's plea at the special Council meeting of 16th June 2008 for members to avoid making personal attacks in the chamber, and reiterated his request for members to respect one another.

(D) The Lord Provost advised that the Aberdeen City and Shire DVD had been launched that morning at the Belmont Cinema; commended its quality and the message it contained; and urged members to promote the city by referring to the DVD. Following a request from Councillor Ironside, the Head of Corporate Communications undertook to arrange for a link to the DVD to be added to the Burgesses' website to enable them to promote it more extensively.

The Council resolved:-

to concur with the remarks of the Lord Provost.

MINUTE OF SPECIAL MEETING OF ABERDEEN CITY COUNCIL OF 20th APRIL 2008

3. The Council had before it the minute of the special meeting of Aberdeen City Council of 20th April 2008.

The Council resolved:-

to approve the minute.

Council Meeting, 25th June, 2008

MINUTE OF MEETING OF ABERDEEN CITY COUNCIL OF 30th APRIL 2008

4. The Council had before it the minute of meeting of Aberdeen City Council of 30th April 2008.

The Council resolved:-
to approve the minute.

MINUTE OF MEETING OF ABERDEEN CITY COUNCIL OF 21st MAY 2008

5. The Council had before it the minute of meeting of Aberdeen City Council of 21st May 2008.

The Council resolved:-
to approve the minute.

PAMPHLET OF MINUTES

6. The Council had before it a pamphlet of standing committee minutes from 22nd April to 12th May 2008.

The Council resolved:-

- (i) to amend the minute of meeting of the Resources Management Committee of 22nd April 2008 (Articles 7 and 52) to reflect that Councillor Jaffrey had declared a personal interest and not as a member of the Board of Governors of Glencairn; and
- (ii) otherwise to note the minutes.

MINUTE OF MEETING OF URGENT BUSINESS COMMITTEE OF 12th MAY 2008

7. The Council had before it the minute of meeting of the Urgent Business Committee of 12th May 2008.

The Council resolved:-
to approve the minute.

Council Meeting, 25th June, 2008

POLICY AND STRATEGY (EDUCATION) COMMITTEE - 10th JUNE 2008 - SCHOOL ESTATE STRATEGY - UPDATE ON INFORMAL CONSULTATION ON MEDIUM TERM OPTIONS

8. With reference to Article 5 of the minute of meeting of the Policy and Strategy (Education) Committee of 10th June 2008, which had been referred to the Council for consideration by four members of that Committee, the Council had before it (1) a joint report by the Head of Planning and Policy for Services to Children and Young People and the Heads of Culture and Learning, Neighbourhood Services (North and Central Areas) which recommended that the Committee note the progress on the undernoted medium term options and that officers submit a report to the Policy and Strategy (Education) Committee on 2nd September 2008:-

Area North - Medium term options (for implementation within five years)

1. Consider the replacement of Bucksburn and Newhills Schools with a new school to be developed when funding is identified;
2. Consider the joining of Middleton Park School and Glashieburn School, creating a new school on the most appropriate site; and
3. Consider the closure of Stoneywood Primary and rezoning and relocation of pupils to Dyce School or other neighbouring schools.

Area Central - Medium term options (for implementation within five years)

4. Consider the closure of Kittybrewster School and the relocation of pupils to other schools in the area through rezoning;

and (2) the resolution of the Committee, that the recommendations be approved.

Councillor Dean moved, seconded by Councillor Kirsty West:-

That the decision of the Policy and Strategy (Education) Committee be approved.

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

That decisions on the medium term options be frozen until spring 2009.

On a division, there voted:-

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

For the amendment (14) - Councillors Adam, Allan, Boulton, Collie, Cooney, Crockett, Donnelly, Farquharson, Graham, Hunter, Ironside, Laing, Milne and Young.

Absent from the division (1) - Councillor Wisely.

The Council resolved:-

to adopt the motion.

Council Meeting, 25th June, 2008

CHIEF EXECUTIVE'S PROGRESS REPORT

9. With reference to Article 8 of the minute of its meeting of 21st May 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 May 2008.

The Council resolved:-

to note the information detailed in the report.

APPOINTMENT OF ASSESSORS TO THE DEAN OF GUILD

10. The Council had before it a report by the Head of Service, Office of Chief Executive, which presented the recommendation of the Dean of Guild and his Assessors for the filling of two vacancies for Assessors to the Dean of Guild for the period from appointment to the date of the 2009 Annual Meeting of Burgesses.

The report explained that as a result of the recent resignations of James Barrack and Alex Cocker as Assessors to the Dean of Guild, the Dean and his Assessors wanted to appoint two Burgesses to the post of Assessor. Under the terms of the regulations governing the procedure for the filling of such vacancies, the Dean of Guild and his Assessors had to make a recommendation to the Council. The Burgesses appointed, if agreed by the Council, served only until the next Annual Meeting of the Burgesses, when the normal process of selection, involving all of the Burgesses, would take place.

The report recommended:-

that the Council agree the appointment of Colin David Campbell and Graham John Shanks as Assessors to the Dean of Guild for the period from 25th June 2008 to the date of the 2009 Annual Meeting of Burgesses as recommended by the Dean of Guild and his Assessors.

The Council resolved:-

to approve the recommendation.

BAILLIE JOHN PORTER AWARD

11. The Council had before it a report by the Chief Executive which proposed the establishment of an educational award in the form of a trophy to be awarded annually in memory of late Councillor and Baillie John Porter in recognition of his many years service on Grampian Regional Council and Aberdeen City Council and the manner in which he discharged this responsibility.

Council Meeting, 25th June, 2008

The report (a) stated that Baillie John Porter died suddenly on 23rd May 2007, and had spent 29 years in local government; (b) explained that a number of staff had expressed to the Chief Executive their view that something should be done which would be a fitting commemoration of John Porter's contribution to public life and public services over many years; (c) proposed that the Council create an annual award to be known as the Baillie John Porter Award and that the award be for the school community which achieved the greatest improvement to pupil attainment over a three year rolling period; (d) noted that in the first instance the award would be for primary schools but if resources permitted this could be extended to secondary schools as well; (e) highlighted that the award would acknowledge not only the work of the pupils, their families and the teachers but also other school staff and other public sector and voluntary sector staff who impacted on the quality of life and learning in the catchment area of the school; (f) advised that a sponsor had been identified who was happy to provide a suitable trophy or similar; and (g) anticipated that the award would be handled through the annual Children's Services Awards process.

The report recommended:-

that the Council agree to the creation of the Baillie John Porter Award.

The Council resolved:-

to approve the recommendation.

COUNCIL DIARY 2009

12. The Council had before it a report by the Head of Democratic Services which appended the proposed Council diary for 2009.

The Council resolved:-

- (i) to agree that meetings of the Policy and Strategy (Education) Committee be held at 10.00am with immediate effect, and that meetings of the Policy and Strategy Committee continue to be held at 2.00pm on the same day;
- (ii) to agree that meetings of the Continuous Improvement Committee be held on the second week of the cycle, with Resources Management Committee on the fourth week;
- (iii) to note that the European Election would be held on 4th June 2009, and would be added to the diary;
- (iv) to note that meetings of the Leadership Board and the Scrutiny Panel would be added to the diary where possible; and
- (v) otherwise to approve the Council diary for 2009.

Council Meeting, 25th June, 2008

LICENSING BOARD/OBJECTIONS BY ABERDEEN CITY COUNCIL

13. With reference to Article 18 of the minute of its meeting of 13th February 2008, the Council had before it a report by the Head of Democratic Services which examined the feasibility of having a representative present at Licensing Board meetings to speak on behalf of Aberdeen City Council in relation to objections submitted by the Council to licensing applications.

The report advised (a) that in terms of the current legislation the Council had the right to object to certain types of application submitted for consideration by the Aberdeen City Licensing Board; (b) that to enable a decision to be reached as to whether the Council should object to any particular application the Council established the Special Licensing Objections Committee (SLOC); (c) that in the event of the SLOC deciding that an objection should be made, a further decision had to be made as to whether the objection should be supported by a person representing the Council at the relevant meeting of the Licensing Board; (d) that the SLOC had requested such representation on only one previous occasion, when arrangements were made for the Council to be represented by a private solicitor, since the Council's legal team were also legal advisers to the Board, at a cost of £100 although the Council had never been invoiced for that appearance; (e) that the Council had no budget to cover appearances on its behalf at meetings of the Board; (f) that the Council had recently delegated power to officers to lodge applications or to make representations on the Council's behalf to applications for licences and the renewal and variation of licences submitted to the Aberdeen City Licensing Board and the Council's Licensing Committee in cases where the Council was permitted by statute to object to such applications, and that this could be done without the need for recourse to the SLOC; (g) that it was also possible for an elected member who had a concern about a particular application to raise the matter with the appropriate officer and to discuss whether an objection should be lodged, if the officer thought fit, they would then be able to lodge an objection on the Council's behalf and then appear before the Board and speak to the objection; (h) that there could be instances where an elected member wanted the Council to lodge an objection to an application on grounds which could not be supported by an officer, in such cases the SLOC would require to meet to consider that request and if it was of a mind to accede to the request, representation would require to be arranged privately; and (i) that in view of this fact it was recommended that a small budget of £500 per annum be set aside to cover such eventualities.

The report recommended:-

that the Council agree to set up a budget of £500 to cover external legal representation at Licensing Board meetings to speak to objections by Aberdeen City Council but only if and when required.

The Council resolved:-

to approve the recommendation.

Council Meeting, 25th June, 2008

APPOINTMENT OF LEAD COUNCILLOR FOR REGENERATION

14. The Committee had before it a report by the Head of Democratic Services which sought the appointment a replacement Lead Councillor for Regeneration following Councillor Kevin Stewart's intimation that he wanted to step down from the role.

The report reminded members that at the Statutory Council meeting on 16th May 2007 the Council appointed the following Lead Councillors:-

Key Responsibility	Lead Councillor
Education	Councillor Kirsty West
Health and Care	Councillor Gordon Leslie
Housing	Councillor Aileen Malone
Transport and Environment	Councillor Ron Clark
Regeneration	Councillor Kevin Stewart (in the interim)
Sport and Culture	Councillor Jennifer Stewart

The Council had agreed that the above Lead Councillors would be salaried at £20,000 per annum, unless they were already receiving a higher salary as a Convener.

The report stated that on 12th June 2008 Councillor Kevin Stewart contacted the Head of Democratic Services and the City Chamberlain to advise that he wanted to step down from his role as Lead Councillor for Regeneration.

The report recommended:-

that the Council -

- (a) note that Councillor Kevin Stewart had intimated that he wanted to step down from his role as Lead Councillor for Regeneration; and
- (b) appoint a replacement Lead Councillor for Regeneration.

Councillor Dean moved, seconded by Councillor Kevin Stewart:-

That Councillor Dunbar be appointed as Lead Councillor for Regeneration.

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

That Councillor Graham be appointed as Lead Councillor for Regeneration.

On a division, there voted:-

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

For the amendment (12) - Councillors Adam, Allan, Boulton, Collie, Cooney, Crockett, Donnelly, Graham, Hunter, Ironside, Laing and Young.

Council Meeting, 25th June, 2008

Declined to vote (2) - Councillors Farquharson and Milne.

Absent from the division (1) - Councillor Wisely.

The Council resolved:-
to adopt the motion.

ELECTORAL BOUNDARIES WORKING GROUP

15. The Council was advised that Councillor Boulton had resigned from the Electoral Boundaries Working Group, and was requested to appoint a replacement member.

The Council resolved:-
to not fill the vacancy until such time that another independent member was elected to the Council.

DECLARATION OF INTEREST

Councillor Fletcher declared a pecuniary interest in the subject matter of the following item by virtue of his position as Vice President of COSLA. Councillor Fletcher considered that the nature of his interest did not require him to leave the meeting.

THE NATIONAL CONCORDAT

16. Reference was made to Article 40 of the minute of its meeting of 9th April 2008, when Councillor Graham asked when the Council would be given details of the Concordat including the benefits that it would bring to the Council which had not previously been enjoyed. The Council now had before the desired report by the Head of Performance Management and Quality Assurance.

The report (a) advised that the Concordat was signed in November 2007 by Ministers and Leaders of COSLA; (b) explained that its opening sentence stated that "this concordat sets out the terms of a new relationship between the Scottish Government and local government, based on mutual respect and partnership"; (c) highlighted that within the detail of the Concordat there were a number of central issues:-

1. Total level of funding from 2008 to 2011
2. Retention of efficiency savings
3. Flexibility in areas of spend
4. Single Outcome Agreements (SOAs)

Council Meeting, 25th June, 2008

5. Micro-management and Crerar
6. Commitment to structural stability
7. Specific policy commitments;

(d) explored each of the above issues in greater detail which provided an analysis of the impact they would have on Aberdeen and Aberdeen City Council; and (e) appended the Concordat itself as well as related appendices on the national performance framework and specific grant and funding incorporated into the 2008/09 settlement.

The report recommended:-

that the Council note the terms of the Concordat and the analysis of its impact on Aberdeen and Aberdeen City Council.

The Council resolved:-

to approve the recommendation.

COMMUNITY PLAN UPDATE 2008 AND SINGLE OUTCOME AGREEMENT (SOA)

17. The Council had before it a report by the Head of Performance Management and Quality Assurance which presented the proposed SOA for Aberdeen City for 2008 - 2011 in the context of the Community Plan for Aberdeen.

The report (a) explained that the Concordat established between the Scottish Government and local authorities in November 2007 stated the intention to put SOAs in place for all 32 Council areas; (b) advised that officers had been preparing a draft SOA in consultation with partner organisations since February 2008, and that an early draft had been approved by The Aberdeen City Alliance and the Continuous Improvement Committee in March 2008 and submitted to the Scottish Government, and had gained favourable feedback; (c) stated that further refinement of the document had been ongoing to take on board the feedback from the Scottish Government, as well as the Improvement Service, in consultation with partners; (d) explained the purpose of SOAs, in that the Scottish Government wanted to take a partnership approach to delivering improved outcomes, which was based on 15 national outcomes for local authorities and partners to set out how they would contribute to achieving those outcomes; (e) highlighted that other aspects of the partnership approach included the “unringfencing” of funding streams to allow more local decision making and a reduction in the existing scrutiny burden on local authorities, which was in line with the conclusions of the Crerar review published in 2007; (f) listed specific requirements of SOAs which had been contained within the guidance; (g) detailed the process that had been followed since receipt of the guidance in February 2008, which had been co-ordinated by the Head of Performance Management and Quality Assurance with a large number of colleagues both within the Council and with partner organisations; (h) noted that the outcomes and measures that had been used for the draft had been selected from existing approved strategies and plans, such as the Council’s policy statement

Council Meeting, 25th June, 2008

“Vibrant Dynamic & Forward Looking” and the existing Community Plan; (i) stated that it became very clear very early in the process of preparing the SOA that the expectation from the Scottish Government was that a strategic analysis of the priorities of the Council area be included within the document to establish the context within which outcomes, measures and targets had been selected; (j) advised that Aberdeen had already committed to reviewing its Community Plan over the time period that had been set for the preparation of the SOA, and it was considered natural, therefore, that the work to update the Community Plan and prepare the SOA should become inter linked; and (k) appended the Community Plan Update 2008, which set out the community engagement process which had been undertaken in the completion of its review, and the SOA 2008 - 2011.

There was circulated correspondence that had been received from the Scottish Government providing further feedback on the SOA, as well as an amended page 52 of the SOA, which contained additional information submitted by Grampian Police that had been omitted in error.

The report recommended:-

that the Council -

- (a) give consideration to the Community Plan Update 2008 and the SOA 2008 - 2011 as circulated and any proposed amendments made by The Aberdeen City Alliance at its meeting on 19th June 2008;
- (b) agree the Community Plan Update 2008 and SOA as presented, or make such amendments as were considered appropriate; and
- (c) agree that the Leader and Deputy Leader of the Council and Councillor John Stewart, in his role as Chair of The Aberdeen City Alliance, submit the SOA to the Scottish Government for consideration.

The Council resolved:-

- (i) to approve the recommendations; and
- (ii) to thank all Community Planning Partners for their participation in the process.

VIBRANT, DYNAMIC & FORWARD LOOKING

18. With reference to Article 8 of the minute of its meeting of 27th June 2007, the Council had before it a report by the Head of Performance Management and Quality Assurance which advised members of the steps that had been taken to implement and monitor the Council’s agreed Policy Statement “Vibrant, Dynamic & Forward Looking”.

The report reminded members that the Council at its meeting on 27th June 2007 had agreed a new Policy Statement “Vibrant, Dynamic & Forward Looking”, which contained 95 commitments covering:-

- Education
- The Economy

Council Meeting, 25th June, 2008

- Culture, Arts and Sport
- Health and Care
- Transport
- The Environment
- Community Safety, Policing and Fire and Rescue Services
- Housing
- An Efficient Council and Fair Funding

The report explained that officers had been engaged in progressing the implementation of each of the commitments, which were embedded within Service Plans, and work was continuing to complete Team Plans which would also embed the Vibrant, Dynamic & Forward Looking commitments into work programmes.

The report went on to demonstrate how the implementation of the Policy Statement was being monitored, with measurable performance indicators having been identified for each commitment, where possible, to reflect both actions taken and the effect of those actions. Each of the commitments and the associated performance measures had also been uploaded onto the Council's new electronic performance management system "Covalent", which meant that performance reports could be run at any time to view progress with any or all of the Policy Statement. The report stated that a copy of the full 167 page report generated from Covalent would be emailed to all elected members, with hard copies available in the members' lounge or on request.

The report then provided a summary of progress with the 22 key commitments, with the most up-to-date position set out as at June 2008.

The report recommended:-

that the Council -

- (a) note the arrangements for monitoring "Vibrant, Dynamic & Forward Looking"; and
- (b) consider the updates provided on the 22 key commitments.

The Council resolved:-

to approve the recommendations.

ABERDEEN LOCAL PLAN - ADOPTION

19. The Council had before it a report by the Head of Planning and Infrastructure which sought formal adoption of the Aberdeen Local Plan.

The report advised that the Aberdeen Local Plan had gone through an extensive statutory procedure from publication of the Finalised Aberdeen Local Plan in August 2004 through the Public Local Inquiry, which had been held throughout most of 2006, to proposed modifications and the publication of the notice of

Council Meeting, 25th June, 2008

intention to adopt in May 2008. The report explained that at that last stage all objectors had been notified and the Plan was sent to Scottish Ministers for consideration.

The report updated that Scottish Ministers had now considered the Aberdeen Local Plan. Ministers had noted the large number of representations which had been made to them objecting to the allocation of site OP124 Loirsbank Road but were satisfied that the objections did not raise new issues that had not been considered at the Local Plan Inquiry. Ministers had therefore written to confirm that they did not intend to issue a direction to call in the Plan and the Council could proceed to adopt the Plan.

The report emphasised that this was an important step forward for development planning in the city and would ensure that the Council had up-to-date Local Plan coverage for the first time since 1996. The Aberdeen Local Plan would provide the planning policy framework for decisions on planning applications and guide the development industry to appropriate sites for housing, industrial, retail and other development.

The report concluded that if the Council formally adopted the Plan this would be advertised and would trigger a six week window when legal challenges would be possible. This would be monitored and any challenge to the Plan would be reported to the Council at the earliest opportunity.

The report recommended:-

that the Council formally adopt the Aberdeen Local Plan.

Councillor Malone moved as a procedural motion, seconded by Councillor Milne:-

That the Council agree to suspend Standing Order 22 to allow for the reconsideration of the decision of the Policy and Strategy Committee of 29th April 2008, to advertise a notice of intention to adopt the Local Plan, which included a site for ten houses at Loirsbank, subject to a flood risk assessment.

On a division, there voted:-

For the procedural motion (5) - Councillors Boulton, Cormack, Farquharson, Malone and Milne.

Against the procedural motion (26) - Lord Provost Stephen; Depute Provost John West; and Councillors Cassie, Clark, Corall, Cormie, Dean, Donnelly, Dunbar, Fletcher, Greig, Jaffrey, Kiddie, Leslie, McCaig, McDonald, May, Noble, Penny, Robertson, Jennifer Stewart, John Stewart, Kevin Stewart, Wendy Stuart, Kirsty West and Yuill.

Declined to vote (10) - Councillors Adam, Allan, Collie, Cooney, Crockett, Graham, Hunter, Ironside, Laing and Young

Council Meeting, 25th June, 2008

Absent from the division (1) - Councillor Wisely.

The Council resolved:-

- (i) to approve the recommendation; and
- (ii) to thank the Head of Planning and Infrastructure, Gale Beattie and Richard Bush for their enormous amount of hard work in getting the Local Plan formally adopted.

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 decision of the Council could be referred to the Scottish Government at the earliest opportunity.

DECLARATIONS OF INTERESTS

Councillor Kevin Stewart declared interests in relation to the following item by virtue of his position as Chair of NESTRANS, and also to the extent that he was a resident of the Middlefield area; one of the local members for the Northfield ward area of Aberdeen; and through his employment at the SNP Scottish Parliamentary office on Great Northern Road.

Councillors Boulton, Clark and Dean declared interests by virtue of their membership of NESTRANS. Depute Provost John West and Councillor Yuill declared interests as substitute members of NESTRANS.

Councillors McCaig and McDonald declared interests by virtue of their employment at the SNP office on Great Northern Road.

Councillor Dunbar declared an interest as a resident of the Middlefield area.

Councillor Donnelly declared an interest as a frequent user of the Haudagain junction.

Councillor Fletcher declared an interest as one of the local members for the area adjoining the junction.

Council Meeting, 25th June, 2008

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.

HAUDAGAIN JUNCTION IMPROVEMENT

20. The Council had before it a report by the Head of Planning and Infrastructure which advised of the outcomes from the Haudagain Junction Improvement STAG (Strategic Transport Appraisal Guidance) study and of the officers' views on the optimum solution that could be commended to the Scottish Government for consideration.

The report advised that the Haudagain STAG Part 2 process had now been completed. The Policy and Strategy Committee of 4th March 2008 (Article 9 of the minute of that meeting refers) had acknowledged the outcomes of the option testing without the Third Don Crossing and agreed that in order to meet the objectives at this key junction, a Third Don Crossing was an integral part of the solution. The public and stakeholder consultation on the three options had been completed on 30th May 2008. These options being:-

Option 5 - the retention of the existing roundabout at Haudagain and a new dual carriageway link road connecting North Anderson Drive (the southern arm of the roundabout) with Auchmill Road (the western arm).

Option 11 - alteration of the existing roundabout at Haudagain to form a signalised junction and the rail bridge on Mugiemooss Road would be widened and a realigned dual carriageway constructed on Mugiemooss Road to the roundabout on the south side of Persley Bridge. A new dual carriageway link road was proposed to connect North Anderson Drive (the southern arm of the roundabout) with Auchmill Road (the western arm).

Option 12 - larger relocated roundabout at Haudagain. A new rail bridge would require to be constructed and Mugiemooss Road realigned and made dual carriageway to the Persley Bridge/Mugiemooss roundabout.

The report gave a summary of the STAG Part 2 process, highlighting the scheme objectives and the options appraisal. The report then advised that officers had considered the outcomes of the STAG report and in comparing the appraisals of each of the options, and particularly considering how they met the scheme objectives, and had concluded that option 5, the dual carriageway link road between Auchmill Road and North Anderson Drive, was the option which should be taken forward for the following reasons:-

- Option 5 provided the greatest benefits over the 15 year assessment period (benefit to cost ratio)
- Option 5 was significantly the cheapest option

Council Meeting, 25th June, 2008

- Option 5 was significantly easier to construct reducing traffic delay during the construction period
- During the 15 year assessment period options 5 and 12 provided greater user benefits than option 11 (cost savings due to reduced journey time delays and vehicle operating costs)
- Traffic assessment suggested that if option 5 was chosen, in the longer term option 11 might be required but that the economics did not support spending additional money at this time until the benefits of the additional investment could be realised
- Option 5 contributed significantly more to objective 5 (regeneration aims) than option 12 (although option 11 was similar in this respect)

The report advised that the NESTRANS Board was due to consider the outcomes of the Haudagain STAG at its meeting on 18th June 2008, and that the decision would be referred to the Council for consideration.

The report recommended:-

that the Council -

- (a) note the outcomes of the Haudagain Junction Improvement STAG report;
- (b) agree option 5 as the optimum option solution in meeting the previously agreed scheme objectives;
- (c) instruct Planning and Infrastructure Services to commend the City Council's agreed optimum option to the Scottish Government for consideration and implementation at the earliest opportunity, urging an early decision to enable the Council sufficient time to plan and sensitively manage tenant relocation, should options 5 or 11 be agreed for implementation;
- (d) acknowledge the implications of option 5 for the Middlefield regeneration area (or option 11 should this be agreed by the Council and/or the Scottish Government) and instruct the appropriate officers to consider the implications of prioritising the affected Middlefield area and common sense linkages with the emerging delivery programme for the Middlefield regeneration area as part of their forthcoming report to members on the delivery aspects of all the city's regeneration areas;
- (e) consider the principle of ring fencing any capital receipts within the Middlefield regeneration area accruing from the Haudagain junction improvements and the realisation of any future development associated with the triangle of land created by a link road, for contributing to the delivery of the regeneration proposals;
- (f) instruct Planning and Infrastructure Services to ensure that, should option 5 be agreed by the Scottish Government, that option 11 is reviewed at the appropriate time in the future, as this may provide further benefits beyond the 15 years after opening; and
- (g) acknowledge the importance of communication with all those affected by the approved option and instruct the appropriate officers to develop a communications strategy for the local community and affected individuals.

There was circulated an extract of the minute of meeting of the NESTRANS Board of 18th June 2008, wherein NESTRANS had considered a report on the Haudagain

Council Meeting, 25th June, 2008

Junction Improvement and had agreed to refer to the Council that option 5 be promoted.

Councillor Kevin Stewart moved, seconded by Councillor Clark:-
That the Council approve the recommendations in the report.

Councillor Laing moved as an amendment, seconded by Councillor Hunter:-
That the Council (a) note the outcomes of the Haudagain Junction Improvement STAG report; (b) agree option 12 as the optimum solution in meeting the previously agreed scheme objectives; and (c) instruct Planning and Infrastructure Services to commend the City Council's agreed optimum option to the Scottish Government for consideration and implementation at the earliest opportunity.

On a division, there voted:-

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

For the amendment (11) - Councillors Adam, Allan, Collie, Cooney, Crockett, Donnelly, Graham, Hunter, Ironside, Laing and Young.

Declined to vote (1) - Councillor Boulton.

Absent from the division (1) - Councillor Wisely.

The Council resolved:-
to adopt the motion.

DECLARATIONS OF INTERESTS

Councillor Jaffrey declared an interest in relation to the following item by virtue of her position as the Council's representative on Aberdeen Citizens Advice Bureau Management Committee.

Councillor Kiddie declared an interest by virtue of his position as the Council's representative for Aberdeen Cyrenians.

Councillor Leslie also declared an interest in relation to Aberdeen Cyrenians, and declared further interests as the Council's representative with Aberdeen Foyer and by virtue of his position as joint Chairperson of the Voluntary Sector Liaison Group.

Council Meeting, 25th June, 2008

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.

COMMISSIONING OF HOMELESSNESS AND RESETTLEMENT SERVICES

21. The Council had before it a report by the Head of Planning and Policy for Services to Adults which set out steps to take forward the Aberdeen Homelessness Strategy through the commissioning of services for people affected by homelessness, and outlined the commissioning principles and procurement process.

The report (a) set out the Council's statutory duties towards people affected by homelessness; (b) discussed homelessness in Aberdeen in the context of the Aberdeen Homelessness Strategy and related legislation, highlighting various statistics and trends; (c) explained that pursuant to the Homelessness Strategy services had been commissioned in response to individual points in the Strategy's action plans, however a fundamental review of services had not been carried out since 2002/03, which had led to suggestions that the services provided or commissioned might no longer be relevant to the current situation in the city; (d) advised that a strategy review day had been held in March 2008, which had resulted in proposed themes being devised with an emphasis on (1) accommodation; (2) public policy; and (3) interventions; (e) considered that having reviewed the themes in the Homelessness Strategy it was opportune to review the funding arrangements, which were no longer ring-fenced as part of the Concordat; (f) anticipated that in taking forward the Homelessness Strategy, the development of a Commissioning Plan would mean that:-

- homelessness resources would be more clearly linked to strategic outcomes, with greater emphasis on prevention and sustainability of accommodation
- service specifications would reflect the contribution that commissioned services made to strategic outcomes rather than detailed descriptions of the services themselves
- contracts would be subject to competitive tendering and would be for a maximum of three years
- all contracts for existing services would end, and new services would be commissioned in line with the Homelessness Strategy objectives and new service specifications
- continuity for service users would be a major consideration in planning the transition to new services
- all services would be commissioned within two years of the approval of the plan
- organisations would be able to bid for all or part of the contracts;

(g) stated that a timetable would be devised for the commissioning of services, and that all services would be commissioned within two years of the approval of the

Council Meeting, 25th June, 2008

plan; (h) advised that focus groups would be held over the summer to discuss the key themes, and that consultation would be undertaken with the Homelessness Strategy Advisory Group prior to a further report being submitted to the Policy and Strategy Committee on 7th October 2008; and (i) appended a list of some of the current contracts relating to tackling and preventing homelessness.

The report recommended:-

that the Council -

- (a) adopt the principle of a commissioning plan for homelessness and resettlement services as set out in the report;
- (b) give its views on the open commissioning of non-statutory services currently provided by the Council, where no deficit funding was provided, for example:
 - Young Single Persons' Housing Project
 - Furnishing of Tenancies
 - Advice and Resettlement Support
 - Tenancy Support
 - Supporting People Services
 - Social Work Homelessness Services
 - Provision of Temporary Accommodation; and
- (c) approve the proposals for monitoring the development and implementation of the commissioning plan.

DECLARATION OF INTEREST

At this juncture Councillor Yuill declared an interest in relation to his employment, and considered it necessary to withdraw from the meeting during the Council's deliberations.

The Council resolved:-

to approve the recommendations.

GENDER EQUALITY SCHEME ANNUAL REPORT 2008

22. The Council had before it a report by the Head of Community Planning and Regeneration which presented the annual report which provided progress on the Council's first Gender Equality Scheme (2007-2010).

The report (a) advised that the Council had a statutory duty to publish an annual progress report on its Gender Equality Scheme by 29th June 2008; (b) highlighted that since the publication of the Gender Equality Scheme on 29th June 2007 the context for delivering the objectives within the scheme had changed, particularly in

Council Meeting, 25th June, 2008

view of the preparation of the Council's Single Outcome Agreement, as required by the Scottish Government; (c) stated that the Equalities Action Network was changing its remit and membership to reflect the new responsibilities within community planning, and in particular would monitor the delivery of equality through the Single Outcome Agreement; (d) highlighted that the Gender Equality Scheme had been praised by the Social Work Inspection Agency during its recent inspection of the Council's social work services; (e) cautioned that guidance from the recently formed Equality and Human Rights Commission stated that the Commission would be looking for schemes which were outcome focused not process focused; (f) listed the factors which the Equality and Human Rights Commission would be looking for evidence of in relation to the Gender Equality Scheme; and (g) appended the progress which had been reported to date on the first year of the Gender Equality Scheme 2007-2010 in relation to:-

- The gender pay gap and occupational segregation
- Employment
- Violence against women and men
- Education
- Increased access to services
- Increased participation in society by women and men

The report recommended:-

that the Council -

- (a) note the progress reports from services on the Gender Equality Scheme Annual Report; and
- (b) instruct the Head of Community Planning and Regeneration to issue a timely reminder to Heads of Service to avoid delay in implementing the recommendations of the Policy and Strategy Committee of 4th March 2008 on:
 - Contributing to a timetabled plan for rolling out a programme of Equality and Human Rights Assessments (EHRIAs) across the Council aligned to the review date of policies, plans and strategies.
 - Nominating one officer within each service who was trained and competent in EHRIAs who would oversee the programme of EHRIAs for that service.
 - Ensuring that EHRIAs were completed and accompany committee reports, and that completed EHRIAs were logged with Community Planning and Regeneration.
 - Working with the relevant Equalities Action Network members and others to ensure equalities actions were integrated within service and specific Neighbourhood Community Action Plans.

The Council resolved:-

to approve the recommendations.

Council Meeting, 25th June, 2008

LEAPING LEOPARDS CITY-WIDE CRECHE SERVICES - INTRODUCTION OF CHARGING POLICY AT SPORT CENTRE CRECHE PROVISIONS

23. The Council had before it a report by the Head of Culture and Learning, Neighbourhood Services (Central Area) which provided an outline of service development proposals to generate income and sought approval for the introduction of a charging policy to raise revenue to sustain, develop and expand the crèche facilities based in sports centres in line with the established and previously approved policy for Leaping Leopards core service provision.

The report (a) detailed the core provision of the Leaping Leopards crèche service, which was delivered in three way different ways:- the core service during the day from Monday to Friday; a mobile crèche service available to hire; and party venue hire outwith core hours; (b) explained that crèche provision was provided in all of the Council's designated sports centres as a free benefit to sports centre customers, however there were issues which needed to be resolved, such as spare capacity and legislative quality assurance requirements; (c) advised that to ensure continuing and future compliance with the new legislative registration requirements of the Care Commission and the Scottish Social Services Council and improve operational efficiency, that the management of the crèche service provision located at the Beach Leisure Centre, the Alex Collie Centre, the Jesmond Centre, the Peterculter Centre and Kincorth Centre had been transferred to the management of the established Leaping Leopards city-wide crèche service; (d) anticipated that the introduction of the Leaping Leopards pricing policy would facilitate future development and would ensure the continued viability of the provision; (e) discussed the phased approach to charging which would be adopted, with fees for non sports users to be introduced as soon as possible and fees for sports users to be introduced from 1st August 2008, which would be piloted for six months and would be subject to review; (f) stated that recommended changes to service provision, including changes to pricing, would be reported annually to the three Area Committees and, as appropriate, the Resources Management Committee as part of the established Leaping Leopards service reporting requirements; and (g) discussed the marketing and promotion of the new arrangements, with the primary aim of promoting engagement in sport and cultural activities through the provision of family support, although the adoption of a broader marketing policy would heighten the profile of the centres and thereby increase their visibility to new potential customers.

The report recommended:-

that the Council -

- (a) support the introduction of a phased charging policy for selected Sport Centre Crèche facilities to be developed in line with previously approved Leaping Leopards core service provision;
- (b) agree to the further development of crèche service provision in sports facilities in keeping with the revised legislative quality assurance requirements laid down by the Care Commission and the Scottish Social Services Council;

Council Meeting, 25th June, 2008

- (c) support the improved service cost effectiveness achieved through the transfer of the separately managed existing service provision to the unified line management of Leaping Leopards and the resulting ability to reinvest income to ensure the maintenance of quality assured provision; and
- (d) instruct officers that reports concerning crèche provision in sports centres be incorporated into the previously approved annual committee reporting procedure on Leaping Leopards city-wide crèche service.

The Council resolved:-

to approve the recommendations.

THE APPOINTMENT OF A COMPANY TO SECURE SPONSORSHIP FOR THE COUNCIL

24. The Council had before it a report by the Head of Corporate Communications which sought approval to allow the provision of delegated powers for the Corporate Directors of Resources Management and Continuous Improvement, following a tender procedure, to appoint a company to secure sponsorship for the Council.

The report advised (a) that the Council required to commission a marketing agency to source and generate income through the sponsorship of roundabouts, gateways, buildings and other Council facilities; (b) that an income generation target of £100,000 had been set for the first year of the programme, and that it was intended that the target would increase for each of the five years of the proposed contract; (c) that the tender documentation for identifying the most appropriate agency to conduct the work had been prepared for issue to all interested parties, with a closing date for submission of tender documents of 18th July 2008; (d) of the criteria the tenders would be evaluated against; (e) that the number of tenders received would determine the evaluation period however this should not exceed two weeks after receipt; and (f) that the Council had to be in a position to award the contract to the successful bidder as soon as possible thereafter in order to ensure maximum opportunities for income generation for the first financial period of the contract, which would be built on and extended thereafter.

The Council resolved:-

to delegate powers to enable the Corporate Directors for Resources Management and Continuous Improvement, in consultation with the Conveners of the Resources Management and Policy and Strategy Committees, to award the contract for a specialist marketing agency to source and generate sponsorship income for a period of five years with the option to extend for a further year.

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 a report by the City Chamberlain on the Council's Draft Annual Accounts for the financial year 2007/08 and a copy of the Draft Annual Accounts be considered as matters of urgency to enable the Council to consider the Draft Annual Accounts by the statutory deadline of 30th June 2008.

DRAFT ANNUAL ACCOUNTS 2007/08

25. The Council had before it (1) a report by the City Chamberlain which explained the background to the preparation of the Council's Draft Annual Accounts for the financial year 2007/08; and (2) a copy of the Draft Annual Accounts.

The report explained that the Council was required by statute to annually present a set of Draft Annual Accounts to Audit Scotland by 30th June 2008, and that elected members should receive a copy of these accounts by that due date.

The report explained that the General Fund Revenue Account had increased in value by £4.966m and this had been created as a result of two significant factors (1) an operational deficit of £11.325m; and (2) a total transfer of fund from the Capital Fund of £16.291m. The report outlined that for comparative purposes, it should be noted that the revised budget had included within it the use of balances amounting to £2.065m, therefore the operational deficit when compared to budget was £9.260m.

The report explained that the operational deficit reflected an improvement of £5.306m when compared to the estimated position, previously reported to the Resources Management Committee. The report explained that the movement since the April monitoring report was due to reduced costs associated with the delivery of social work services, a lower than anticipated provision to meet the costs of implementation of Equal Pay and Modernisation, additional funding being received through the Non-Domestic Rates funding stream and a reduction in the estimated cost of repairs and maintenance costs.

The report explained that overall in analysing the final unaudited position compared to budget, significant elements that made up the movement had, to a large extent, been identified and explained throughout the year within the regular monitoring reports to the Resources Management Committee.

The report explained that improving the 2007/08 projected out-turn position, but having a neutral effect on the use of balances in the future, were sums that the Council had or had made a commitment to earmark from the General Fund balance, where an underspend had occurred. The report outlined that this had a particular significance for the operation of schools, where they operated the

Council Meeting, 25th June, 2008

scheme of Devolved Education Management (DEM), as well as other areas where underspending resulted in a carry forward commitment such as ward budgets, staff development and training, pension costs and some previously approved schemes which were at the end of their implementation but for which there remained a small financial commitment.

The report also provided information in relation to the Housing Revenue Account, Capital Expenditure, and the Common Good.

The report concluded that the out-turn for the Common Good was better than had been budgeted and forecast. The Housing Revenue Account draft out-turn was broadly in line with budget, although there were two areas which would be subject to further review, these being provision for bad debts and repairs and maintenance costs. Total capital expenditure in 2007/08 was £87.3m, of which £33.9m had been spent on the Housing Revenue Account programme, and £53.378m on the Non-Housing programme.

The report recommended:-

that the Council -

- (a) note the draft accounts, which would be submitted to Audit Scotland by 30th June 2008;
- (b) note that the audited accounts would be presented to the Continuous Improvement Committee, along with the external auditor's report to members, and would come back to a Council meeting thereafter;
- (c) note the actual position and the better than projected out-turn on the General Fund;
- (d) note the position on the Housing Revenue Account;
- (e) approve the actions undertaken in relation to the transfer to and from the General Fund, Capital Fund and Housing Revenue Account;
- (f) note the capital expenditure levels for the year and the means by which this was funded;
- (g) note the improved position in the Common Good;
- (h) note that under Internal Trading Account requirements all of the services classified as significant trading operations, with the exception of Building Maintenance, had achieved a cumulative surplus on an aggregate rolling basis over the three year period from 1st April 2005. As a result Building Maintenance had failed to achieve the legislative requirement to break even on an aggregate basis over a three year rolling period;
- (i) note and approve, as detailed in the report, the earmarked sums and commitments and the consequential uncommitted working balances remaining, for the General Fund, Housing Revenue Account and Common Good, based on the outline commitments;
- (j) note that in accordance with the strategy agreed by the Resources Management Committee at its meeting of 14th September 2006 (Article 6 of the minute refers) on how best to utilise the capital income from the sale of assets to facilitate the restoration of revenue balances, there was an improved reserves and balances position at the year end. Further contributions from the Capital, and other funds, would be required during

Council Meeting, 25th June, 2008

- 2008/09 in order to move further towards the achievement, and maintenance, of an uncommitted balance of between 2.5% and 3% of the annual revenue budget; and
- (k) note that a fuller analysis of financial out-turn against budget would be presented to the Budget Monitoring Board and the Resources Management Committee.

The Council resolved:-

to approve the recommendations.

DECLARATIONS OF INTERESTS

Councillor Kiddie declared interests in the subject matter of the following item by virtue of his membership of UNISON and as a former member of Aberdeen Trades Union Council. Councillor Kevin Stewart declared an interest by virtue of his membership of UNISON. Councillor Noble declared an interest as a member of T&G Unite. None of the Councillors considered that their interests were of the nature which precluded their participation in the meeting.

APPLICATION FOR FINANCIAL ASSISTANCE

26. The Council had before it a report by the City Chamberlain which considered an application for financial assistance which had been received from Aberdeen Trades Union Council.

The report (a) listed the general criteria which applied in the consideration of applications for financial assistance from the small grants budget; (b) highlighted that applications from individuals or groups seeking assistance towards costs of excursions outwith the city were to be declined, however exceptions had been made in the past by the Resources Management Committee; and (c) advised that a request had been received from Aberdeen Trades Union Council, correspondence in respect of which was appended to the report, for financial assistance from the Council towards the cost of transport, which worked out at £1,000 for the hire of three buses, to go on a rally that had been organised to lobby the Scottish Parliament on 12th June 2008.

The report recommended:-

that the Council consider the application and determine -

- (a) whether it wanted to provide financial assistance towards transport costs; and
- (b) if so the level of support.

Council Meeting, 25th June, 2008

Councillor Kevin Stewart moved, seconded by Councillor Dean:-

That the Council decline to provide financial assistance towards the transport costs.

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

That the Council provide £1,000 towards the transport costs.

On a division, there voted:-

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

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

Absent from the division (5) - Councillors Boulton, Cassie, Ironside, Wisely and Yuill.

The Council resolved:-

to adopt the motion.

DECLARATIONS OF INTERESTS

Councillor Kevin Stewart declared an interest in the subject matter of the following item by virtue of his position as Chair of NESTRANS. Councillors Clark and Dean declared interests as members of NESTRANS. Depute Provost John West declared an interest as a substitute member of NESTRANS. None of the Councillors considered that their interests were of the nature which precluded their participation in the meeting.

PROTECTION OF LANDING SLOTS AT HEATHROW AIRPORT FOR SERVICES FROM OTHER UK AIRPORTS

27. The Council had before it a report by the Chief Executive which advised of the need to be seen to support NESTRANS in using the consultation on the third runway proposal at Heathrow to ensure that Aberdeen flights continued to have access to sufficient landing slots to support global travel on which the local economy was so dependent.

Council Meeting, 25th June, 2008

The report (a) advised that the Council had been requested by NESTRANS to support their approaches to the Secretary of State for Transport in relation to maintaining the level of landing slots at Heathrow for Aberdeen flights, which was part of a consultation which had been initiated in relation to the third runway proposed at Heathrow; (b) appended correspondence from the Chair of NESTRANS, Councillor Kevin Stewart, to both the Council and the Secretary of State for Transport, which emphasised the importance to the local economy of maintaining the level of landing slots at Heathrow for Aberdeen flights; and (c) underlined that access to Heathrow airport was fundamental to the success of the economy in the North East of Scotland due to the global nature of its key sectors, for example energy, education, technology, life sciences and food.

The report recommended:-

that the Council -

- (a) agree to support the NESTRANS position; and
- (b) instruct the Chief Executive to convey this position to the Secretary of State for Transport.

The Council resolved:-

to approve the recommendations.

EUROPEAN CITIES AGAINST DRUGS

28. The Council had before it a report by the Chief Executive which proposed that the Council join the European Cities Against Drugs (ECAD) group due to the potential benefits in terms of assistance in dealing with the city's substance misuse problem, which was one of the Council's highest priorities.

The report (a) advised that the ECAD group was based in Stockholm and that a large number of European cities had taken up membership, although there were few in the UK; (b) explained that the Chief Executive had met with staff of ECAD whilst he was in Stockholm on other business, and that they felt they could contribute significantly to the work which was being undertaken in Aberdeen and offered to visit the city, if the Council was to join, and run workshops for elected members, Council staff and staff of other public sector and voluntary service organisations; (c) stated that the ECAD group was strong on avoidance and rehabilitation to get people off substances, and that Stockholm, and Sweden in general, had achieved notable success in this; (d) noted that the annual cost of membership for a city of Aberdeen's size was 6,000 Euros (approximately £4,750), and that costs to attend meetings would be on top of this however these would be optional; (e) proposed that the Council join ECAD for a limited period of three years and assess the benefits at the end of that period; and (f) appended further information on ECAD, its principles and members.

The report recommended:-

that the Council take up membership of ECAD.

The Council resolved:-

to approve the recommendation.

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 negotiated agreement on voluntary redundancy packages was at risk if the Tied Tenancy Policy was not amended.

TIED TENANCY POLICY

29. The Council had before it a report by the Head of Planning and Policy for Services to Adults which sought agreement to amend the policy for the re-housing of Council employees who were tied tenants to include those Sheltered Housing Wardens who were leaving the employment of the Council through voluntary redundancy or early retirement, and to further amend the policy to include all Council employees leaving on grounds of voluntary redundancy or early retirement.

The report explained that the Council had an agreed policy on re-housing tied tenants, which was appended to the report, which was contained within the Council's Scheme for the Allocation of Council houses and which was subject to periodic review. A tied tenant was an employee who was required to occupy specific accommodation in order to fulfil the duties of their post, for example a janitor, caretaker or warden.

The report advised that the current policy on granting priority for re-housing related specifically to employees who retired from employment with the Council on the grounds of age or ill-health or who were being redeployed on the grounds of efficiency and therefore no longer required to occupy their tied tenancy.

It had therefore been recognised that taking into account any future re-housing requirements of those employees should be seen as a natural conclusion to the decision to release staff through voluntary redundancy or early retirement and as such the employee should be considered under the current Tied Tenancy Policy.

The report explained the employees in this particular case had been employed as Sheltered Housing Wardens but their circumstances did not qualify them for offers of re-housing under the current Tied Tenancy Policy as they were not retiring on the grounds of age, ill health or being redeployed.

Council Meeting, 25th June, 2008

The report recommended:-

that the Council agree that all employees occupying Council owned tied accommodation, who were to be offered voluntary redundancy or early retirement be offered re-housing on the basis of the Tied Tenancy Policy as contained within the Scheme of Allocation.

The Council resolved:-

- (i) to approve the recommendation; and
- (ii) to recognise the changes to the job description for Sheltered Housing Wardens and to agree that each request would be considered on a case by case basis.

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 it was in response to an instruction to report by the Continuous Improvement Committee.

PROGRESS REPORT ON REMOVAL AND REPLACEMENT OF THE CLIENT/CONTRACTOR BUDGET SPLIT IN GROUNDS MAINTENANCE SERVICES

30. With reference to Article 22 of the minute of meeting of the Continuous Improvement Committee of 6th May 2008, the Council had before it a report by the Head of Shelter and Environment, Neighbourhood Services (South Area) which discussed the feasibility of market testing grounds maintenance services.

The report (a) made reference to the recent Audit of Best Value and Community Planning, the report from which had made a number of statements in regard to competitiveness, particularly that the Council had made limited progress in testing the competitiveness of its services; (b) highlighted that grounds maintenance services had not been exposed to competitive tender since 1994; (c) detailed the circumstances around quotations for grounds maintenance at the Chris Anderson Stadium, which due to an initial misunderstanding on the Council's part led to its quote being almost twice as much as what the University of Aberdeen had quoted, although this was then rectified and a more accurate quote was produced; (d) explained the workings of the Compulsory Competitive Tendering (CCT) system, which the Council was working towards replacing; (e) advised that an all service group was working on the replacement of the CCT system with an actual cost based system which could be disaggregated to the three Neighbourhood Service Areas, and enable effective benchmarking across its range of functions, with other local authorities and the private sector; (f) stated that the target for the replacement

Council Meeting, 25th June, 2008

of the CCT system was the end of June 2008; (g) highlighted that that there were three main issues which needed to be considered before benchmarking and/or market testing could take place, namely (1) policy; (2) resources; and (3) scoping; (h) expanded upon each of the aforementioned three issues; and (i) made the following conclusions:-

- Meaningful and comparable information was a prerequisite for benchmarking and/or market testing
- At present work was being done to provide meaningful and comparable information to enable benchmarking and market testing to be started in the next three to six months
- The aforesaid work was also designed to provide the new and already approved Neighbourhood Service Area based structures to be implemented at the end of September 2008, using disaggregated and actual cost based budgets which would be much easier for managers to monitor effectively
- An immediate start on market testing would require the project group to stop the aforesaid budget disaggregation/reaggregation work to enable concentration on preparation of an up-to-date tender specification for a contract and selection of a functional and geographic aspect of Environmental Services for that work. This would seriously delay the disaggregation/reaggregation of budgets which was needed to enable them to come into line with the soon to be implemented and already approved disaggregated/reaggregated Neighbourhood Service Area Environmental Service structures

The Council resolved:-

to instruct the project group, which was implementing the disaggregation/reaggregation of grounds maintenance, parks and countryside and roads to:-

- (i) conclude the removal of the client/contractor split by the end of June 2008;
- (ii) use the actual cost data, and consequent information gathered, to begin benchmarking and market testing, and that this commence with the maintenance of sports grounds and playing fields of environmental services as soon as the client/contractor split was removed by the end of June 2008; and
- (iii) report back to the Resources Management Committee at its meeting on 26th August 2008, with an update on progress made.

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 Council had instructed that an update report be submitted to this meeting.

Council Meeting, 25th June, 2008

FINDINGS AND RECOMMENDATIONS OF THE ACCOUNTS COMMISSION FOR SCOTLAND

31. With reference to Article 3 of the minute of its meeting of 16th June 2008, the Council had before it a report by the Head of Service, Office of Chief Executive, which provided an update on the actions being taken to address the findings and recommendations of the Accounts Commission for Scotland on *Aberdeen City Council: Reports by the Controller of Audit on the Audit of Best Value and Community Planning and on the Property Sales Investigation*.

The report (a) set out each of the Accounts Commission's eight recommendations; (b) listed the decisions in respect of each which had been made by the Council at its special meeting on 16th June 2008; and (c) provided an update on the current position and outlined the decision which was requested of the Council in respect of each as follows:-

Recommendation 1

Action should begin immediately to recruit a new and experienced Chief Executive. The interview panel should include representation from all political groups on the Council and should have external advisers.

Current position

The Head of Human Resources met with the Leadership Board on 16th June 2008, and received the requested input on the job description, person specification and the detailed recruitment and selection arrangements, including review of salary. The post was advertised in the media from 20th June 2008. **The Council was requested to note the current position.**

Recommendation 2

The Council should secure appropriate assistance from peers, to assist it in implementing these findings and taking forward the conclusions of the Controller of Audit's reports.

Current position

The External Support Group was due to meet with the Leadership Board for the first time on 27th June 2008. **The Council was requested to note the current position.**

Recommendation 3

We would encourage the Council to establish an all party leadership board for the specific purpose of taking ownership of its improvement plan.

Current position

The Leadership Board had agreed that **the following remit be recommended to the Council for approval:-**

To take ownership of the City Council's Improvement Plan and to drive it forward.

Council Meeting, 25th June, 2008

Recommendation 4

Immediately following the appointment of a new Chief Executive a review of the Council's organisational structure should be undertaken. There should be full engagement with employees in considering the options for this structure.

Current position

The potential staff engagement programme was the subject of discussion at the Senior Managers' Conference on 18th June 2008, and had also been on the agenda for the current series of six monthly CMT staff briefings as a means of gauging opinion as to when and how the process would be best launched and delivered. Discussion was ongoing and the matter would be taken to the Leadership Board and a report would be brought to the Urgent Business Committee. **The Council was requested to note the current position.**

Recommendation 5

The Council should appoint an independent local government finance expert to establish whether the Council's proposed savings are accurate and achievable, and closely to monitor the delivery of the savings. We also recommend that the Council's external auditor has access to all papers and minutes of the budgetary review working group and be entitled to attend all meetings.

Current position

Approaches had been made to SOLACE and CIPFA to identify advisers with suitable experience, and this would be discussed with the Leadership Board and a report would be brought to the Urgent Business Committee. The Chief Executive had contacted the Council's external auditor on the basis that the arrangements recommended by the Accounts Commission were already in place in relation to the Budget Monitoring Board, and confirmation of the position was awaited from the external auditor. **The Council was requested to note the current position.**

Recommendation 6

The Council should ensure that robust and effective governance arrangements are in place, including officers producing reports that outline policy options, members receiving all committee papers in accordance with the timescales laid down in the Local Government (Access to Information) Act and the Council's Standing Orders, and members attending appropriate training courses.

Current position

The Continuous Improvement Committee of 17th June 2008 approved a report in relation to corporate governance. The matter would be discussed by the Leadership Board and a report would be brought to the Urgent Business Committee. **The Council was requested to note the current position.**

Recommendation 7

To enhance public confidence in scrutiny, we recommend that scrutiny arrangements be chaired by a member of an opposition party.

Council Meeting, 25th June, 2008

Current position

Initial discussions had begun on the development of a remit for the Scrutiny Panel. The matter would be discussed by the Leadership Board and a report would be brought to the Urgent Business Committee. **The Council was requested to note the current position.**

Recommendation 8

All significant property transactions should be signed off by both the chief financial officer and the monitoring officer to ensure appropriate governance and accountability.

Current position

Contact would be made with the Accounts Commission to discuss the detailed requirements of any protocol to be developed. **The Council was requested to note the current position.**

The report went on to advise that in addition to the actions agreed against the Accounts Commission's recommendations, the Council on 16th June 2008 had also agreed two further items:-

Post of Chief Executive - interim arrangements

Current position

The matter was to be discussed at the meeting of the Leadership Board with the External Support Group on 27th June 2008 - a report would be brought back to the Urgent Business Committee. **The Council was requested to note the current position.**

Urgent Business Committee

Current position

Meetings of the Urgent Business Committee had been timetabled at 10.00am on each Friday from 4th July 2008 to 1st August 2008. **The Council was requested to note the current position.**

The report recommended:-

that the Council -

- (a) note the progress to date in addressing the findings and recommendations of the Accounts Commission for Scotland on *Aberdeen City Council: Reports by the Controller of Audit on the Audit of Best Value and Community Planning and on the Property Sales Investigation*;
- (b) agree the necessary next steps on each of the recommendations as detailed within the report; and
- (c) instruct the Chief Executive and other appropriate officers to proceed with the necessary actions, reporting back as required to the Leadership Board.

The Council resolved:-

to approve the recommendations.

Council Meeting, 25th June, 2008

DECLARATION OF INTEREST

Councillor Dean declared an interest during consideration of one of the questions in the following item as the Council's representative on the Board of NHS Grampian. Councillor Dean considered that her interest was not of the nature which precluded her participation in the meeting.

QUESTIONS

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

Councillor Young

QUESTIONS -

To the Convener of the Policy and Strategy Committee

- (1) "To ask the Policy and Strategy Convener to converse with the Education spokesperson and confirm if the Head Teacher of Torry Academy was offered the joint position of Head Teacher of Kincorth and Torry Academy without any consultation or involvement with the Parents Council?"
- (2) "To ask the Policy and Strategy Convener if she agrees or otherwise that the protection of our employees is of paramount importance to this Council?"
- (3) "To ask the Policy and Strategy Convener, despite writing to her on two separate occasions and receiving no reply, if she has considered my proposal to hold a cross party investigation into the findings of the recent employment tribunal involving Aberdeen City Council?"
- (4) "To ask the Policy and Strategy Convener if she would agree or otherwise that the National Health Service introduced by a Labour Government is perhaps the most significant and most important achievement in politics over the last 60 years and would she join with me in wishing the National Health Service a very happy 60th birthday on the 5th of July 2008?"
- (5) "To ask the Policy and Strategy Convener if she would join the Labour Group in congratulating Sir Moir Lockhead on his knighthood in the Queen's birthday honours?"
- (6) "To ask the Policy and Strategy Convener to confirm or otherwise that the Council she leads used the Regulation of Investigatory Powers Act 2002 on 91 occasions. To further ask who authorised these powers and confirm or otherwise if these powers have been used against any Elected Member?"

Council Meeting, 25th June, 2008

ANSWERS (by Councillor Dean) -

- (1) There is no truth in the rumour that Bob Skene was offered a job share or the management position of the two schools. Both Headteachers wrote to their Parent Councils and confirmed the position some time ago.
- (2) The dictionary definition of paramount - chief in importance, supreme, pre-eminent. While the protection of our employees is a matter of great importance, it is the delivery of services to our citizens which is of paramount importance to this Council.
- (3) Assuming I know to which case you refer the decision of the recent employment tribunal has been appealed by the City Council and as such it would be inappropriate to instigate any form of investigation at this juncture.
- (4) Lord Provost, once again, it appears that Councillor Young confuses questions with motions in this chamber. As he was informed at the last meeting, questions should solicit information - anything which requires action should be submitted as a motion.

The National Health Service was introduced following the Beveridge Report, written by William Henry Beveridge, who was the Liberal MP for Berwick upon Tweed. This report built on the work of David Lloyd George, another famous Liberal, whose National Insurance Act, passed in 1911, paved the way for the later introduction of much of our present Welfare State.

I do not feel I am in a position to judge what may or may not be the most significant achievement in politics in the last 60 years, but I am certainly happy to celebrate the 60th anniversary of such a magnificent Liberal achievement.

- (5) I have already congratulated Sir Moir and Lady Lockhead privately as I know have you Lord Provost and I am sure have many other members of this Council. If Councillor Young wishes the Council to formally congratulate Sir Moir, or indeed any of the other local people honoured in Her Majesty's Birthday Honours list, then he should submit a motion to that effect.
- (6) The Council used the Regulation of Investigatory Powers (Scotland) Act 2000 (RIPSA) on 87 occasions between the period 2003-2007, an average of 17 times per year. Authorisations for directed surveillance under RIPSA are granted by senior officers within the Council in accordance with the corporate protocol agreed by the Policy and Strategy Committee. At this time, I can confirm that no authorisations have been granted in relation to the surveillance of elected members.

The Council resolved:-
to note the details.

To the Convener of the Resources Management Committee

- (1) "To ask the Resources Management Convener if he took any legal advice before he spoke at the Accounts Commission hearings?"

Council Meeting, 25th June, 2008

- (2) “To ask the Resources Management Convener if the City Chamberlain is satisfied with the answer he gave me in relation to Marischal College regarding the value of the asset following all works being carried out (question 7 at Council on 13th February 2008)?”

ANSWERS (by Councillor Kevin Stewart) -

- (1) No.
 (2) Yes. It would be speculative to determine the projected asset value until the building is completed and the asset value would be determined at that time taking account of market values.

The Council resolved:-

to note the details.

To the Chief Executive

- (1) “To ask the Chief Executive if emails, letters, phone calls and any other form of communication from staff of this Council to Elected Members is covered by the Human Rights Act 1988 Article 8 the right of privacy?”
 (2) “To ask the Chief Executive if he has carried out an investigation following the claims by the Deputy Leader of the Council and Group Leader of the SNP Group into his assertions that officers lied to the Council?”

ANSWERS (by the Chief Executive) -

- (1) In general terms, business communication between Councillors and staff does not in itself engage the “right to privacy” inherent in Article 8 of the Human Rights Act 1998. It is more likely that decisions taken by Councillors, acting in their capacity as members of the Council, may engage that right, should that decision impact or interfere with someone’s right to privacy under that act. Further advice can be provided should there be a specific query.
 (2) I have not carried out an investigation. If the Council feel that an investigation is necessary then I would recommend:
 (a) that all aspects of evidence, submissions, and the minute of the proceedings be subject to this degree of scrutiny; and
 (b) that the Council acquires an independent resource to undertake this work so as to achieve objectivity.

The Council resolved:-

- (i) to note that the City Solicitor would respond to Councillor Young’s supplementary question in regard to question (1) outwith the meeting; and
 (ii) to note the details.

Councillor Collie

QUESTION -
To the Lord Provost

- (1) “To ask the Lord Provost if he will be endorsing fully Cove Rangers FC’s bid to join the Scottish Football League?”

ANSWER (by the Lord Provost) -

- (1) Absolutely.

The Council resolved:-
to note the details.

MOTIONS

- 33.** Councillor Graham, pursuant to notice, moved:-

“That the Council reviews its Standing Orders to ensure that when participating in Community Planning it does so in a manner which encourages equal opportunities and, in particular, the observance of the equal opportunity requirements as required by Section 59(1) of the Local Government in Scotland Act 2003.”

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

- 34.** Councillor Dunbar, pursuant to notice, moved:-

“That the Head of Joint Procurement urgently review all school transport contracts to ensure best value and to report back to the relevant Committee at an early date.”

The Council agreed the terms of the motion and instructed a report to the Continuous Improvement Committee.

Council Meeting, 25th June, 2008

35. Councillor Donnelly, pursuant to notice, moved:-

“Calls on this Administration to introduce a levied ‘Trades Annual Parking Permit’ to assist the city’s plumbers, electricians and joiners etc. to carry out their work unhindered in the city’s parking zones. This would not apply to parking in no parking areas.”

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

36. Councillors Yuill and Wisely, pursuant to notice, moved:-

“That this Council agrees to support the campaign to retain Mannofield Post Office and in particular notes that:

1. Mannofield Post Office is a well used local facility that forms part of a vibrant local retail area.
2. That there is a significant number of older people in the area.
3. Public transport links to the Post Office’s identified alternative local post offices are, as the Post Office has itself admitted, very poor.
4. That walking to the Post Office’s identified alternatives, Garthdee and Seafield Post Offices, involves tackling steep hills.
5. That neither of the Post Office’s identified alternatives offers the facility to pay road tax, a service currently offered by Mannofield Post Office.

And instructs the Chief Executive to write to the Post Office in these terms.”

The Council agreed the terms of the motion.

37. Councillor Cooney, pursuant to notice, moved:-

“This Council recognise the solid foundation of the Accounts Commission findings that our two largest services lack leadership and direction and agrees that a Director of Education should be appointed as soon as possible. “

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

Council Meeting, 25th June, 2008

38. Councillor Crockett, pursuant to notice, moved:-

“This Council recognise the solid foundation of the Accounts Commission findings that our two largest services lack leadership and direction and agrees that a Director of Social Work and Housing should be appointed as soon as possible.

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

39. Councillor Hunter, pursuant to notice, moved:-

“That the City Council recognise the achievements of Michelle Thomson, an Aberdeen girl, born and bred in the Bridge of Don, Aberdeen. She has recently won the Scottish Women’s Golf Championship and was also selected for the Great Britain and Ireland team in the Curtis Cup played against the USA at St. Andrews.”

The Council agreed the terms of the motion.

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.

40. Councillor Dean, pursuant to notice, moved:-

“That this Council reaffirms its acknowledgement of the role of Cove Rangers FC as ambassadors for the city, expresses its support for their application to gain entry to the Scottish Football League, and authorises the Leader of the Council to accept the invitation issued by Cove Rangers to join their deputation at Hampden Park on 3rd July 2008.”

The Council agreed the term of the motion.

Council Meeting, 25th June, 2008

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 41 (paragraphs 6 and 9); Article 42 (paragraph 8); Article 43 (paragraph 11); Article 45 (paragraphs 6 and 9); Article 46 (paragraph 1); Article 47 (paragraph 8); Article 48 (paragraphs 6, 8 and 10); and Article 49 (paragraph 1).

ORDER OF AGENDA

The Council agreed to amend the order of its agenda to enable the consideration of the two reports relating to Aberdeen Sports Village at this juncture.

DECLARATIONS OF INTERESTS

Councillors Collie and Fletcher declared interests as Directors of Aberdeen Sports Village Trust, left the meeting and took no part in the Council's deliberations during the course of its consideration of the following two items of business.

Councillor John Stewart declared an interest in the following two items of business by virtue of his position as the Council's representative on the University of Aberdeen University Court. Councillor Stewart considered that the nature of his interest was not of the nature which precluded his participation in the meeting.

ABERDEEN SPORTS VILLAGE - SPORTS TRUST SHAREHOLDER MONITORING BOARD

41. With reference to Article 36 of the minute of meeting of the Resources Management Committee of 3rd June 2008, the Council had before it a report by the Head of Economic and Environmental Sustainability which outlined the rationale for Aberdeen Sports Village Limited appointing legal advisers; and the proposed terms of reference, membership and remit of the Sports Trust Shareholder Monitoring Board.

Council Meeting, 25th June, 2008

The report (a) reminded members of the information that had been reported to the Resources Management Committee on 3rd June 2008; (b) stated that the Resources Management Committee had instructed officers to report to the Council on the provision of legal advice and proposals for the establishment and composition of the Sports Trust Shareholder Monitoring Board; (c) advised that legal advisers, Shepherd and Wedderburn had been appointed by Aberdeen Sports Village Ltd. to provide the company with specialist taxation and legal advice to enable it to apply all appropriate VAT and taxation legislation to its structure and financial arrangements; (d) noted that for the project to date the Council had received the advice of Brodies Solicitors, and the University of Aberdeen had received the advice of McGrigors Solicitors, however as an independent company Aberdeen Sports Village Ltd. had decided that it required to take on independent legal advisers, separate from both the Council and the University; (e) discussed the proposed remit of the Sports Trust Shareholder Monitoring Board, which would have the responsibility to scrutinise, monitor and challenge Aberdeen Sports Village Ltd. to ensure best value in relation to the expenditure of public money; (f) proposed that the Sports Trust Shareholder Monitoring Board would consist of seven elected members on a 2+2+1+1+1 basis, and that those elected members who sat on the Aberdeen Sports Village Board could not be nominated due to a conflict of interests; (g) recommended that given the specialist nature of scrutiny boards that elected members be given training on all functions of a scrutiny board to build on their existing skills and experience in order that they could use these on the Sports Trust Shareholder Monitoring Board; and (h) set out the proposed terms of reference of the Sports Trust Shareholder Monitoring Board.

The report recommended:-

that the Council -

- (a) note the rationale for Aberdeen Sports Village appointing a specialist legal adviser;
- (b) agree the proposals for establishing a Sports Trust Shareholder Monitoring Board;
- (c) agree that the composition of the Sports Trust Shareholder Monitoring Board be on a 2+2+1+1+1 basis; and
- (d) agree that scrutiny board training be provided to support and maximise the skills and experience of the members of the Sports Trust Shareholder Monitoring Board.

The Council heard the City Solicitor provide legal advice in respect of recommendation (a). It was the view of the City Solicitor that issues of conflict between the company and its funders (i.e. the Council and the University) could arise, and in such circumstances independent legal advice for the company was entirely appropriate. However, in many cases the interests of the company would be entirely aligned with the interests of the company's funders. If independent advice was taken then the Council would, in essence, be paying 50% of those costs through its revenue support of the company. To ensure best value, the City Solicitor suggested that the remit of Shepherd and Wedderburn be limited to issues where there was a genuine conflict of interest between the company and its funders

Council Meeting, 25th June, 2008

or where, after consultation with its funders it was clear that independent legal advice offered best value.

The Council resolved:-

- (i) that for the Council's interest the remit of the external legal advice to Aberdeen Sports Village Ltd. should be limited to issues where there was a genuine conflict of interest between the company and its funders (i.e. the Council and the University) or where this otherwise represented best value;
- (ii) that the membership of the Sports Trust Shareholder Monitoring Board comprise Councillors Robertson, Jennifer Stewart, McCaig, Kirsty West, Young and Boulton, and one Conservative member to be advised; and
- (iii) otherwise to approve the recommendations.

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 works which were the subject of the report to be carried out during the school summer holidays in order to minimise disruption.

ABERDEEN SPORTS VILLAGE - CHANGE ORDERS

42. With reference to Article 27 of the minute of its meeting of 27th June 2007, the Council had before it a report by the Head of Economic and Environmental Sustainability which sought agreement for change orders for Aberdeen Sports Village.

The report advised that the Council had previously agreed that all change orders over £25,000 would require Committee agreement. The report then detailed requests for three change orders, each over the value of £25,000, which were in relation to (1) road widening to the access road to the rear car park of Aberdeen Sports Village to meet planning requirements at a cost of approximately £50,000; (2) connecting Aberdeen Sports Village to the Community Heat and Power (CHP) plant at Seaton at a cost of approximately £30,000 over the budget of £103,967; and (3) fire improvements to the storage areas in the football hall at a cost of approximately £70,000.

The report went on to advise that an issue had arisen with the amount of excess excavated material that the contractor had left onsite. The material had been tested and was classified as contaminated. The contractor had proposed that clean material be excavated from the northern end of the building to form the raised hockey pitch area, and then the excavated area would be back-filled with excess topsoil and capped with clean material. These works were estimated to cost

Council Meeting, 25th June, 2008

£145,000, which was the same as the provisional sum allowed in the contract for dealing with contaminated material, and if agreed would be authorised via a change order to the contractor.

The report recommended:-

that the Council -

- (a) agree that Aberdeen Sports Village Ltd. could progress the following change orders, funded through the project's contingency budget:
 - (1) Road widening to the access road to the rear car park to meet planning requirements - up to £50,000
 - (2) Connection to the Seaton CHP - up to £30,000
 - (3) Fire improvements to the storage areas in the football hall - up to £70,000; and
- (b) agree to the contractor's proposal for dealing with the excess soil on site, and authorise a change order to be issued, up to the value of the provisional sum allocated in the contract for dealing with contaminated materials.

The Council resolved:-

to approve the recommendations.

DECLARATION OF INTEREST

Councillor Yuill declared an interest in the subject matter of the following item by virtue of his membership of UNISON. Councillor Yuill considered that the nature of his interest did not require him to leave the meeting.

EQUAL PAY AND MODERNISATION - MANAGEMENT PROPOSALS

43. With reference to Article 1 of the minute of its meeting of 7th January 2008, the Council had been circulated a report by the Corporate Director for Resources Management which explained the developments since the Council had approved the Equal Pay and Modernisation package to go out to formal consultation and sought approval for aspects of the terms and conditions to be amended following subsequent negotiations with trade unions.

The report (a) brought members up to speed with the developments that had taken place since 7th January 2008, which included two trade unions, GMB and UNITE (T&G) rejecting the last package of proposals as a result of balloting their members in February 2008; (b) noted that all trade unions had recognised a willingness to enter into further negotiations; (c) emphasised that the pay and grading structure proposals within the overall package was not subject to negotiation; (d) summarised the negotiations that had taken place in relation to terms and conditions; (e) proposed a revised package of terms and conditions, and explained

Council Meeting, 25th June, 2008

the changes that had been made and the related costings; (f) discussed the possible backdating of the proposals, which in effect was withdrawn after the two trade unions had rejected the offer. However it was suggested that if the Council was of a mind to backdate it, that it no longer refer to this as a 'backdating' issue but a compensatory sum in relation to the change to a new contract, and that in this respect there were three options available:-

Option 1 - no new contract payment

Option 2 - calculating a one-off "New Contract Payment" of a value equivalent to that which could be expected to accrue if basic pay only was recognised back to 28th January 2008

Option 3 - calculating a one-off "New Contract Payment" of a value equivalent to that which could be expected to accrue if basic pay and overtime were recognised back to 1st April 2008

(g) evaluated all of the pros and cons of the aforementioned three options including the financial implications for each option; (h) discussed the next steps that would be taken if trade unions rejected the offer, highlighting that it might be appropriate for the Council to declare this package as the best and final offer the Council was prepared to make; (i) advised that if one or more trade unions rejected the offer, a report with the full options would be submitted to the next available meeting of the Council; (j) set out the costings of the revised proposals; and (k) appended the revised proposed terms and conditions.

The report recommended:-

that the Council -

- (a) consider the pay and grading structure as part of the package of proposals agreed on 7th January 2008, and approve that this remain unchanged;
- (b) consider the proposed revised terms and conditions of service as explained in the report. The complete proposed package, together with supplementary proposals was appended to the report;
- (c) consider the application of "New Contractual Payments" to staff in respect of the job evaluation outcomes (to both staff in pay protection and to those whose rate of pay was increasing) and determine which option, if any, should be applied to the package if approved by all three trade unions;
- (d) consider whether this was the best management offer that was available and, as such, would be the final offer made to trade unions;
- (e) instruct officers to offer the revised proposals, in accordance with the Council's considerations, to the recognised trade unions as soon as practicably possible;
- (f) instruct officers to notify all affected employees of the changes to the proposed package; and
- (g) approve the payment of compromise payments to affected staff at the earliest opportunity, once agreement on the pay and grading structure was reached with the trade unions.

Councillor Kevin Stewart moved, seconded by Councillor Fletcher:-

That the Council (1) approve the recommendations in the report; (2) agree that option 2 be approved in respect of recommendation (c); and (3) in respect of recommendation (d), agree that this was the best management

Council Meeting, 25th June, 2008

offer that was available and, as such, would be the final offer made to trade unions.

Councillor Farquharson moved as an amendment, seconded by Councillor Donnelly:-

That the Council (1) agree that option 2 be approved in respect of recommendation (c); (2) delete recommendation (g) from the recommendations in the report; and (3) otherwise approve the recommendations in the report.

Councillor Ironside moved as further amendment, seconded by Councillor Crockett:-

That the Council (1) agree that option 2 be approved in respect of recommendation (c); (2) delete recommendation (d) from the recommendations in the report; and (3) otherwise approve the recommendations in the report.

There being a motion and two amendments, the Council divided first between the two amendments.

On a division, there voted:-

For the amendment by Councillor Farquharson (4) - Councillors Boulton, Donnelly, Farquharson and Milne.

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

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

Absent from the division (1) - Councillor Wisely.

On a division between the motion and the amendment by Councillor Ironside, there voted:-

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

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

Declined to vote (1) - Councillor John Stewart

Absent from the division (1) - Councillor Wisely.

The Council resolved:-
to adopt the motion.

SUSPENSION OF STANDING ORDERS TO EXTEND LENGTH OF MEETING

44. The Council at this juncture acknowledged that the meeting would extend past the time allowed within the Council's Standing Orders (as detailed in Standing Order 17(6)).

The Council resolved:-
to suspend Standing Order 17(6) to enable the Council to conclude its business this day.

HIRING OF EXTERNAL CONTRACTOR - ESTATE AGENCY SERVICES

45. Reference was made to Article 42 of the minute of meeting of the Resources Management Committee of 3rd June 2008, wherein a report by the Head of Resources Development and Delivery regarding the hiring of an external contractor to provide estate agency services had been referred simpliciter to Council.

The report advised that the term contract of the external contractor for estate agency services had come to an end for the marketing and disposal of non-municipal scheme properties, and that in view of the technical and operational advantages of the service it was recommended that it be continued.

The report explained that of the 30 invitations to tender that had been sent out, five companies within Aberdeen had chosen to tender. Each tender had been analysed and scored on their individual merits and officers had arrived at a recommendation on the preferred tender for the Council to consider.

The report recommended:-
that the Council select Gavin Bain & Co. as its external contractor for estate agency services.

The Council resolved:-
(i) to approve the recommendation; and
(ii) to instruct a report to the Policy and Strategy Committee regarding revision of the policy.

Council Meeting, 25th June, 2008

STAFFING BUSINESS CASES

46. Reference was made to Article 45 of the minute of meeting of the Resources Management Committee of 3rd June 2008, wherein two staffing business cases had been referred to the Council for consideration. The Council now had before it the revised business cases, the details of which are outlined below.

(A) Cases Officer - North Housing Team

It was proposed that a post of Cases Officer within the Neighbourhood Services (North Area) Housing Team be established on a permanent basis, to provide the level of resource required to assist in tenants sustaining tenancies and improve service delivery. The maximum cost of the proposal in a full year, including on-costs, was £32,271.

The Council resolved:-

to approve the business case.

(B) Customer Service Development Programme

It was proposed that within the Customer Service Development Team a fixed term post of Project Executive be established on a permanent basis; that two posts of Project Executive be established on a permanent basis; and that two posts of Technical Officer be established on a permanent basis. The maximum cost of the proposals in a full year, including on-costs, was £138,922.

The Council resolved:-

to approve the business case.

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 contract could be concluded without any further delay.

REVISED CONTRACT AWARD - TEMPORARY LABOUR

47. The Council had before it a report by the Head of Procurement which sought agreement to put in place a contract for agency workers after failure to reach agreement on contractual terms and conditions with the initial preferred bidder from an open tendering exercise.

Council Meeting, 25th June, 2008

The report explained that a report had been considered by the Resources Management Committee on 4th December 2007 (Article 71 of the minute refers) which recommended awarding the contract for the provision of agency workers to a specific organisation. However, it had since proved difficult to conclude the contract and the Head of Procurement had advised the organisation concerned that the Council no longer wanted to conclude a contract with them. In anticipation of this outcome, the Council had been working closely with the second placed bidder, Manpower, and had secured agreement on terms and conditions which closely matched those which had been set out in the tender document.

The report recommended:-

that the Council agree to award the contract for the procurement of administration, ICT, technical, care, professional and trades agency workers to Manpower Recruitment for a period of one year with an option to extend for twelve months.

The Council resolved:-

to approve the recommendation.

APPROVAL OF THE PREFERRED TENDER FOR THE MULTI-SERVICE COMMUNITY FACILITY AT WOODSIDE

48. The Council had before it a report by the Head of Culture and Learning, Neighbourhood Services (Central Area) which sought approval to appoint the preferred external contractor to undertake the building works associated with the development of the multi-service community facility at Woodside incorporating a Customer Access Point.

The report explained that tenders had been issued during April and May 2008, and that four tenders had been returned the lowest of which was £1,703,197. The total amount of funding available was £1,823,000, however corporate fees for the project of £255,479 brought the total development costs for the project to £1,908,676, which created a shortfall of £135,676.

The report therefore proposed that that the Council approve the selection of the preferred tender enabling construction to commence in July/August 2008, and the allocation of the additional £135,676 from the Non Housing Capital Programme.

The report recommended:-

that the Council -

- (a) approve the selection of the preferred contractor for the work required for the Woodside development; and
- (b) approve an additional allocation of £135,676 from the Non Housing Capital Programme.

The Council resolved:-

to approve the recommendations.

Council Meeting, 25th June, 2008

ADJUSTMENTS TO THE STRATEGIC LEADERSHIP STRUCTURE

49. The Council had before it a report by the Corporate Director for Strategic Leadership which proposed structural adjustments in Strategic Leadership that would help to address the findings of the Accounts Commission and the Social Work Inspection Agency report that there was a lack of effective leadership and direction in education and social work.

The report stated that the essence of the proposal was to adjust the portfolios of three of the Strategic Heads of Service in order that they directly aligned to the three major services as follows:-

- Head of Service for Planning and Policy for Services to Children and Young People would become Head of Service for Planning and Policy for Education
- Head of Service for Planning and Policy for Services to Adults would become Head of Service for Planning and Policy for Housing
- Chief Social Work Officer would become Head of Service for Planning and Policy for Social Work (Adults and Children)

The report emphasised that this was an interim proposal pending the outcome of the wider review of the Council's structure.

The report recommended:-

that the Council approve the interim adjustments to the three portfolios.

Councillor Dean moved, seconded by Councillor Kevin Stewart:-

That the Council approve the recommendation in the report.

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

That the Council take no action.

On a division, there voted:-

For the motion (26) - Lord Provost Stephen; Depute Provost John West; and Councillors Cassie, Clark, Corall, Cormack, Cormie, Dean, Dunbar, Greig, Jaffrey, Kiddie, Leslie, McCaig, McDonald, Malone, May, Milne, Noble, Penny, Robertson, Jennifer Stewart, Kevin Stewart, Wendy Stuart, Kirsty West and Yuill.

For the amendment (15) - Councillors Adam, Allan, Boulton, Collie, Cooney, Crockett, Donnelly, Farquharson, Fletcher, Graham, Hunter, Ironside, Laing, John Stewart and Young.

Absent from the division (1) - Councillor Wisely.

The Council resolved:-

to adopt the motion.

VALEDICTORY - DOUGLAS PATERSON

50. The Lord Provost highlighted that this was the Douglas Paterson's last full Council meeting as Chief Executive prior to his retirement, and that he could not let the occasion pass without paying tribute to the excellent work he had done over his years with Aberdeen City Council.

The Lord Provost stated that he did not know quite where to start, as Douglas was a man of many parts. He continued that his work had been of the highest quality, as all elected members could pay testament to and that nothing was ever too much trouble for him. He highlighted that he was reliable and non-assuming in his approach, never taking anything for granted.

The Lord Provost added that in typical style, when awarded his CBE by the Queen, Douglas paid tribute to all his colleagues for their support. The Lord Provost concluded that it was now the Council's turn to pay tribute to Douglas - he had been a loyal and faithful servant to the local authority and would be greatly missed.

Douglas Paterson thanked the Lord Provost for his kind words, and explained that the last few months had been a very difficult time for him and his family, however he would be making every effort to stabilise the Council in the remaining period of his office. Douglas added that elected members would play a critical role in the coming months with the expected arrival of an interim Chief Executive Officer, and that the organisation as a whole needed a period of serious self reflection. He thanked all the elected members that he had worked with over the course of his 32 years' service, and added that he had enjoyed close relationships with them on political, professional and personal levels. He concluded that he would be leaving the Council with an overwhelming positive feeling thanks to the relationships he had forged with both elected members and staff, and wished the Council well in going forward.

The Council resolved:-

to concur wholeheartedly with the remarks of the Lord Provost, and to wish Douglas well in his retirement.

- **PETER STEPHEN**, Lord Provost.