

URGENT BUSINESS COMMITTEE

ABERDEEN, 11 July 2013 - Minute of Meeting of the URGENT BUSINESS COMMITTEE. Present:- Councillor Crockett, Convener; and Councillors Cormie (substituting for Councillor Dickson for item 6 only), Cooney, Dickson, Jackie Dunbar, Forsyth, Laing, May, Jean Morrison (substituting for Councillor Boulton), Noble, Jennifer Stewart (substituting for Councillor Yuill), Taylor, Townson (substituting for Councillor McCaig) and Young.

The agenda and reports associated with this minute can be found at:-

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=334&MId=3113&Ver=4>

DETERMINATION OF URGENT BUSINESS

1. In terms of Standing Order 28(3)(vi), and in accordance with Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, the Committee was informed that it had to determine (1) that the items on the agenda were of an urgent nature; and (2) that the Committee required to consider the items and take decisions thereon.

Councillor Jackie Dunbar moved as a procedural motion, seconded by Councillor May:-

That the report on the Local Authority Trading Company was not of an urgent nature, and should be considered at a later meeting of the Urgent Business Committee in light of its late circulation.

On a division, there voted:- for the procedural motion (6) - Councillors Dickson, Jackie Dunbar, May, Noble, Jennifer Stewart and Townson; against the procedural motion (7) - Convener; and Councillors Cooney, Forsyth, Laing, Jean Morrison, Taylor and Young.

The Committee resolved:-

- (i) to reject the procedural motion and thereby agree that the item was of an urgent nature and required to be considered this day, and a decision taken thereon; and
- (ii) to agree that the remaining items were of an urgent nature and required to be considered this day, and decisions taken thereon.

DETERMINATION OF EXEMPT BUSINESS

2. The Committee was requested to determine that the following items of business which contained exempt information as described in Schedule 7(A) of the Local Government (Scotland) Act 1973, be taken in private:-

- Sport Aberdeen - Report by Director of Education, Culture and Sport
- Implementation of Local Authority Trading Company - Report by Director of Social Care and Wellbeing

The Committee 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

aforementioned items of business (Articles 6 and 7 of this minute refer) so as to avoid disclosure of exempt information of the class described in paragraph 6 of Schedule 7(A) of the Act.

RECRUITMENT AND RETENTION INCENTIVE PAYMENTS FOR TEACHERS - ECS/13/050

3. The Committee had before it a report by the Director of Education, Culture and Sport which proposed offering successful candidates for hard to fill teaching posts, who were new to the city, a financial incentive of an additional payment on taking up the post, followed by a further payment at the end of an agreed period of service.

The report recommended:-

that the Committee approve the use of recruitment and retention incentive payments for hard to fill teaching posts at the discretion of the Director of Education, Culture and Sport.

The Convener moved, seconded by Councillor Forsyth:-

That the Committee approve the recommendation contained within the report.

Councillor Dickson moved as an amendment, seconded by Councillor Townson:-

That the Committee -

- (a) recognise that teacher pay was set via national pay bargaining between COSLA, teacher unions and the Scottish Government;
- (b) accept that recruitment incentive payments was a significant shift in teaching hiring policy; and
- (c) recognise the role that the unions, teacher representatives and parents play on the Education, Culture and Sport Committee and refer the proposal to the next meeting of the Education, Culture and Sport Committee, calling for a report:-
 - 1) following consultation with COSLA;
 - 2) following consultation with the appropriate teaching unions;
 - 3) following consultation with the Scottish Government;
 - 4) further analysing how the Council can demonstrate "difficult to recruit posts" to avoid equal pay challenges; and
 - 5) further analysing the risks of any industrial action from existing post holders across the Council by consulting with all unions.

On a division, there voted:- for the motion (8) - Convener; and Councillors Cooney, Forsyth, Laing, Jean Morrison, Jennifer Stewart, Taylor and Young; for the amendment (5) - Councillors Dickson, Jackie Dunbar, May, Noble and Townson.

The Committee resolved:-

to adopt the motion.

DELEGATION OF POWERS TO AUTHORISE OFFICERS UNDER THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - CG/13/082

4. The Committee had before it a report by the Director of Corporate Governance which sought delegated powers for the Head of Legal and Democratic Services and the Head of Asset Management and Operations to authorise officers under the Civic Government (Scotland) Act 1982.

The report recommended:-

that the Committee -

- (a) delegate power to the Head of Legal and Democratic Services and the Head of Asset Management and Operations to authorise officers as required in respect of the rights of entry and inspection contained in Section 5 of Part I of the Civic Government (Scotland) Act 1982; and
- (b) delegate power to the Head of Legal and Democratic Services and the Head of Asset Management and Operations to authorise officers as required in respect of inspection and testing of vehicles as contained in Section 11 of Part I of the Civic Government (Scotland) Act 1982.

The Committee resolved:-

to approve the recommendations.

ENERGY CITIES CHALLENGE CUP

5. The Committee had before it a report by the Director of Education, Culture and Sport which presented an application from Aberdeen Football Club towards costs to deliver an Energy Cities Challenge Cup in the city on 4 September 2013.

The report recommended:-

that the Committee -

- (a) acknowledge receipt of the request from Aberdeen Football Club to support the delivery of the Aberdeen v Viking FK (Stavanger) match and associated activities which would take place in the city during Offshore Europe 2013; and
- (b) agree that £25,000 of financial assistance be provided from the Common Good Fund.

The Committee resolved:-

to approve the recommendations.

In accordance with the decision recorded under Article 2 of this minute, the following items were considered with the press and public excluded.

DECLARATION OF INTEREST

Councillor Dickson declared an interest in the following item of business by virtue of his position as a Council appointed Director to the Board of Sport Aberdeen and left the meeting; Councillor Cormie joined the meeting as his substitute.

SPORT ABERDEEN - ECS/13/049

6. The Committee had before it a report by the Director of Education, Culture and Sport which highlighted a number of issues in regard to Sport Aberdeen, its business plan and performance reporting.

The report recommended:-

that the Committee -

- (a) note that Sport Aberdeen did not produce an acceptable business plan for 2013/14 within the revised deadline set by the Culture and Sport Sub Committee, and that officers had continued to liaise with senior management from Sport Aberdeen to support them to complete a satisfactory business plan and budget;
- (b) instruct internal audit to undertake an immediate comprehensive audit of Sport Aberdeen covering:- governance, scrutiny processes, financial systems and processes, adherence to the funding and services agreement, staffing arrangements and any other appropriate audit areas;
- (c) authorise the Head of Communities, Culture and Sport to request that Sport Aberdeen submit satisfactory monthly performance reports within the prescribed timescales;
- (d) authorise officers to process forthwith the Council's budgeted grant payment to Sport Aberdeen for the quarter July to September 2013;
- (e) instruct officers to report back to an appropriate committee on the outcome of the audit and performance reports; and
- (f) instruct officers to request that Sport Aberdeen include a section on its reserves policy and its strategy in relation to pensions liability and reserves within its next version of the business plan.

The Committee resolved:-

to approve the recommendations subject to the report within (e) above being submitted to the Education, Culture and Sport Committee in the first instance and the Audit and Risk Committee thereafter.

At this juncture, Councillor Dickson rejoined the meeting in place of Councillor Cormie.

IMPLEMENTATION OF LOCAL AUTHORITY TRADING COMPANY

7. The Committee had before it a report by the Director of Social Care and Wellbeing which outlined progress in the implementation of the Local Authority Trading Company.

The report recommended:-

that the Committee note the progress with implementation of the Local Authority Trading Company and -

- (a) the arrangements for TUPE of staff;
- (b) the appointments made to the company;
- (c) consider options for remuneration of the Chair of the Board and Non-Executive Directors and, if agreed, the preferred option to be put in place;

- (d) consider and agree the proposal for the establishment of the Shareholder Scrutiny Group;
- (e) note that further work is to be undertaken to agree the reporting arrangements to the Audit and Risk Committee; and
- (f) approve the commissioning of the services of an Interim Managing Director to complete urgent tasks and in order to do so, invoke Standing Order 1(6)(a) of the Council's Standing Orders relating to contracts and procurement, and agree to set aside the requirement to undertake a competitive tender exercise as per Standing Order 4 EU Procurement.

DECLARATION OF INTEREST

At this juncture, Councillor Jean Morrison declared an interest by virtue of her position as a Council appointed Director to the Board of Aberdeen Heat and Power Limited but chose to remain in the meeting as Aberdeen Heat and Power Limited was a body being a company established wholly or mainly for the purpose of providing services to the local authority, and which has entered into a contractual arrangement with the local authority for the supply of goods and/or services to the local authority, as set out in paragraph 5.18(2)(d)(i) and (ii) of the Councillors' Code of Conduct.

The Convener moved, seconded by Councillor Forsyth:-

That the Committee approve the recommendations contained within the report, with a fixed daily rate to be paid as required in relation to recommendation (c), and that the remit of the Shareholder Scrutiny Group be submitted to Council on 21 August 2013 for approval.

Councillor Noble moved as an amendment, seconded by Councillor Jackie Dunbar:-

That the Committee note the progress with implementation of the Local Authority Trading Company and -

- (a) the arrangements for TUPE of staff;
- (b) the appointments made to the company;
- (c) agree the proposal for the establishment of the Shareholder Scrutiny Group in conjunction with the proposals taken at the Audit and Risk Committee on 16 April 2013 in order to work up a suitable remit and report back to Council on 21 August 2013; and
- (d) note that further work is to be undertaken to agree the reporting arrangements to the Audit and Risk Committee.

On a division, there voted:- for the motion (7) - Convener; and Councillors Cooney, Forsyth, Laing, Jean Morrison, Taylor and Young; for the amendment (6) - Councillors Dickson, Jackie Dunbar, May, Noble, Jennifer Stewart and Townson.

The Committee resolved:-

to adopt the motion.

- BARNEY CROCKETT, Convener.