

ABERDEEN CITY COUNCIL

Town House,  
ABERDEEN, 4 March 2019

MINUTE OF MEETING OF ABERDEEN CITY COUNCIL

Sederunt:

Lord Provost Barney Crockett, Chairperson;

and

COUNCILLORS

GILLIAN AL-SAMARAI  
YVONNE ALLAN  
CHRISTIAN ALLARD  
ALISON ALPHONSE  
PHILIP BELL  
MARIE BOULTON  
DAVID CAMERON  
JOHN COOKE  
NEIL COPLAND  
WILLIAM CORMIE  
STEVEN DELANEY  
ALAN DONNELLY  
JACQUELINE DUNBAR  
LESLEY DUNBAR  
SARAH DUNCAN  
STEPHEN FLYNN  
GORDON GRAHAM  
ROSS GRANT  
MARTIN GREIG  
DELL HENRICKSON  
RYAN HOUGHTON  
BRETT HUNT  
MICHAEL HUTCHISON

CLAIRE IMRIE  
FREDDIE JOHN  
JENNIFER LAING  
DOUGLAS LUMSDEN  
SANDRA MACDONALD  
NEIL MacGREGOR  
AVRIL MacKENZIE  
CATRIONA MACKENZIE  
ALEXANDER McLELLAN  
CIARÁN McRAE  
M. TAUQEER MALIK  
THOMAS MASON MSP  
ALEXANDER NICOLL  
JAMES NOBLE  
JOHN REYNOLDS  
PHILIP SELLAR  
JENNIFER STEWART  
SANDY STUART  
GORDON TOWNSON  
JOHN WHEELER  
and  
IAN YUILL

Lord Provost Barney Crockett, in the Chair

The agenda and reports associated with this minute can be found [here](#):-

**Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.**

Council Meeting, Monday, 4 March 2019

## **ANNOUNCEMENT**

1. Councillor Delaney paid tribute to former Councillor Richard Robertson who had recently passed away. Councillor Delaney advised that former Councillor Robertson served as a Councillor from 2007 until 2012, prior to which he enjoyed a career with the fire service, as well as serving in various voluntary roles. Councillor Delaney highlighted that former Councillor Robertson would be remembered as a bit of a character.

### **The Council resolved:-**

to concur with the remarks of Councillor Delaney.

## **ADMISSION OF BURGESSES**

2. The persons undermentioned 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:-

Peter J W Adam, Managing Director, Aberdeen  
Gail Mair, Executive Business Support - Local Government, Aberdeen  
Alexander Mess, Engineer, Aberdeen  
Neil Michael Powers, Aircraft Electrical Engineer, Aberdeen  
Fredrick Arthur Wilkinson, Musician, Aberdeen

## **DETERMINATION OF EXEMPT BUSINESS**

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

11(a) Joint Energy from Waste Project Contract Award - Appendices B, D, F and G

### **The Council resolved:-**

in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude the press and public from the meeting during consideration of item 11(a) (Appendices B, D, F and G) so as to avoid disclosure of exempt information of the classes described in paragraphs 6, 8 and 9 of Schedule 7A of the Act.

## **DECLARATIONS OF INTEREST**

4. Councillor Mason MSP declared a general interest by virtue of his position as a Member of the Scottish Parliament for North East Scotland.

Council Meeting, Monday, 4 March 2019

### **MINUTE OF MEETING OF ABERDEEN CITY COUNCIL OF 17 DECEMBER 2018**

5. The Council had before it the minute of meeting of Aberdeen City Council of 17 December 2018.

**The Council resolved:-**  
to approve the minute.

### **MINUTE OF MEETING OF URGENT BUSINESS COMMITTEE OF 21 DECEMBER 2018**

6. The Council had before it the minute of meeting of the Urgent Business Committee of 21 December 2018.

**The Council resolved:-**  
to approve the minute.

### **BUSINESS PLANNER**

7. The Council had before it the business planner as prepared by the Chief Officer - Governance.

**The Council resolved:-**  
to note the business planner.

### **SCHEME OF GOVERNANCE REVIEW - GOV/19/189**

8. With reference to Article 20 of the minute of its meeting of 5 March 2018, the Council had before it a report by the Chief Officer - Governance which considered the operation of the Scheme of Governance one year after approval and made recommendations for improvement.

**The report recommended:-**  
that the Council -

- (a) approve Appendix A, the introduction to the Scheme of Governance;
- (b) approve Appendix B, the revised Committee Terms of Reference, with effect from 6 March 2019;
- (c) approve the disestablishment of the Strategic Transformation Committee;
- (d) approve Appendix C, the revised Powers Delegated to Officers, with effect from 6 March 2019, and note that changes to Appendix 2 thereto will require the approval of Scottish Ministers;
- (e) approve Appendix D, the revised Standing Orders for Council, Committee and Sub Committee Meetings, with effect from 6 March 2019;
- (f) approve Appendix E, the revised Financial Regulations, with effect from 6 March 2019;
- (g) approve Appendix F, the revised Procurement Regulations, with effect from 6 March 2019;

## Council Meeting, Monday, 4 March 2019

- (h) approve Appendix G, the revised Member - Officer Relations Protocol, with effect from 6 March 2019;
- (i) note the progress in the development of Civic Leadership;
- (j) note the progress in the development of an Urban Governance model;
- (k) instruct the Chief Officer - Governance to report to Council on a further review of the Scheme of Governance in March 2020;
- (l) authorise the Chief Officer - Governance, following consultation with the Business Manager, to amend the Committee Terms of Reference as necessary to take account of the decision on the Council Delivery Plan at the Budget meeting on 5 March 2019;
- (m) appoint a member to the vacant position of Depute Provost and agree any changes to the list of Senior Councillor Allowances; and
- (n) consider the invitation to appoint a member to the Board of Community Food Initiatives North East (CFINE).

The Council agreed to determine the report at this juncture, with the exception of recommendations (m) and (n) which would be considered separately.

Councillor Lumsden moved, seconded by Councillor Boulton:-

That the Council approve the recommendations contained within the report subject to the following amendments:-

- (1) Committee Terms of Reference - Capital Programme Committee. Reinstate at Remit 1.1 the following amended wording:  
"scrutinise the progress and delivery of capital projects against the approved business cases for supporting new capital investments onto the Capital Programme";
- (2) Powers Delegated to Officers: Chief Officer - Integrated Children's and Family Services, delete the following:  
"7. To determine the dates of local school holidays following consultation with other appropriate local authorities and parents.";
- (3) to establish a Working Group consisting of the Chief Officer - Corporate Landlord, 6 Headteachers and 4 members of the Education Operational Delivery Committee (2 Administration, 1 Opposition and 1 lay member) to contribute to the development of the School Estate Strategy; and
- (4) to request the Chief Officer - Governance to organise meetings of the Governance Reference Group as required.

Councillor Flynn moved as an amendment, seconded by Councillor Yuill:-

That the Council -

- (1) approve Appendix A (introduction);
- (2) reappoint the Governance Reference Group to advise the Chief Officer - Governance on the preparation of a revised committee structure and all Scheme of Governance documents;
- (3) instruct the Chief Officer - Governance to report to the next meeting of Council on 24 June 2019 with recommendations for a revised committee structure, to include an Education Committee which would include:- (a) powers deriving from those currently held by the Strategic Commissioning Committee and Operational Delivery Committee; and (b) a proposal to appoint a pupil representative to the committee, to be selected by Aberdeen Pupil Voice; and on this basis to instruct the Chief Officer -

Council Meeting, Monday, 4 March 2019

- Governance when identifying dates/times for meetings of the new structure, to consult Group Leaders on the date/time of the Education Committee to ensure that the meetings proposed facilitate the attendance of the Pupil Voice representative at no detriment to their schooling;
- (4) instruct the Chief Officer - Governance to include in the report at (3) above proposals to (a) reinstate the ability of individuals and organisations to apply to be heard as a deputation at any committee which considers a relevant report, including where they have participated in a consultative process; (b) reinstate the right of members to submit written questions to Council on the basis of the previous procedure; (c) reinstate public question time at Council and committee meetings based on previous practice; and (d) allow members to refer planning applications to the Planning Development Management Committee which would otherwise be delegated to officers to determine;
  - (5) otherwise approve Appendix B (Committee Terms of Reference) subject to:-
    - (a) a workplan being submitted to the first meeting of the Capital Programme Committee in the financial year detailing which capital projects will be assessed in each cycle; and
    - (b) the monitoring report proposed to be submitted to the City Growth and Resources Committee on the Transformation Fund being a standalone report;
  - (6) approve Appendix C (Powers Delegated to Officers) subject to:-
    - (a) no change to General Delegation 34 on participation requests;
    - (b) no change to General Delegation 37 on operational and strategic consultations;
    - (c) deletion of power 7 at Chief Officer - Integrated Children's and Family Services regarding determining the dates of local school holidays;
    - (d) deletion of the proposed additional power at Chief Officer - Finance 17 on setting fees outwith the budget process;
    - (e) deletion of the proposed additional power at Chief Officer - Finance 18 on approving funds from the Transformation Fund for all requests over delegated thresholds, and to require these to be determined by the City Growth and Resources Committee;
    - (f) no change to Chief Officer - Organisational Development power 9 on non-material amendments to HR policies;
    - (g) deletion of the proposed additional power at Chief Officer - Corporate Landlord 9 on the naming of Council facilities;
    - (h) no change to the power at Chief Officer - Corporate Landlord 19 regarding new leases of 21 years and over being submitted to the relevant committee for approval;
    - (i) deletion of the existing power at Chief Officer - Corporate Landlord 34 on the sale of Council houses and its replacement by the proposed change to purchase at no greater than market value;
    - (j) no change to Chief Officer - Governance power 1 regarding consultation with officers to amend the Scheme of Governance documentation; and
    - (k) no change to Appendix 2, definition 1, on timeous objections by Community Councils;

## Council Meeting, Monday, 4 March 2019

- (7) approve Appendix D (Standing Orders) subject to (a) the determination of the competency of a Notice of Motion for the purposes of placing it on the agenda reverting to the Chief Officer - Governance within Standing Order 12.7; and (b) the amendment of Standing Order 28.14 to allow a member to make minor alterations to their motion or amendment with the consent of their seconder rather than the Convener;
- (8) approve Appendix E (Financial Regulations) subject to any amendment necessitated by the changes proposed above;
- (9) approve Appendix F (Procurement Regulations) subject to any changes necessitated by the changes proposed above;
- (10) approve Appendix G (Member - Officer Relations Protocol);
- (11) note the progress in the development of Civic Leadership;
- (12) note the progress in the development of an Urban Governance model;
- (13) instruct the Chief Officer - Governance to report to the next available Council meeting on options which would allow the Council to more widely consult and involve citizens, businesses and other organisations in Aberdeen during the preparation of future revenue, capital, housing and Common Good budgets;
- (14) does not approve recommendation (I) within the report relating to decisions on the Council Delivery Plan; and
- (15) establish a Working Group consisting of the Chief Officer - Corporate Landlord, 6 Headteachers and 6 members of the Education Operational Delivery Committee (3 Administration, 2 Opposition and 1 lay member) to contribute to the development of the School Estate Strategy.

On a division, there voted:-

For the motion (23) - Lord Provost; and Councillors Allan, Bell, Boulton, Lesley Dunbar, Duncan, Donnelly, Graham, Grant, Houghton, Hunt, Imrie, John, Laing, Lumsden, Macdonald, Avril MacKenzie, Malik, Mason MSP, Reynolds, Sellar, Jennifer Stewart and Wheeler.

For the amendment (22) - Councillors Al-Samarai, Allard, Alphonse, Cameron, Cooke, Copland, Cormie, Delaney, Jackie Dunbar, Flynn, Greig, Henrickson, Hutchison, MacGregor, Catriona Mackenzie, McLellan, McRae, Nicoll, Noble, Sandy Stuart, Townson and Yuill.

**The Council resolved:-**  
to adopt the motion.

Councillor Lumsden moved, seconded by Councillor Boulton:-

That the Council -

- (1) appoint Councillor Jennifer Stewart as Depute Provost and approve the changes to the list of Senior Councillor Allowances in Appendix H as appended to this minute; and
- (2) appoint Councillor Lesley Dunbar as a member to the Board of CFINE and make the following changes to other appointments:-
  - appoint Councillor Bell to the Integration Joint Board in place of Councillor Imrie;

Council Meeting, Monday, 4 March 2019

- appoint Councillor Avril MacKenzie to the Board of Aberdeen Performing Arts in place of Councillor Imrie;
- appoint Councillor Lesley Dunbar to the Integration Joint Board in place of Councillor Laing; and
- appoint Councillor Bell to the Disability Equity Partnership in place of Councillor Jennifer Stewart.

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

That the Council -

- (1) make no appointment to the post of Depute Provost at this time; and
- (2) appoint Councillor Lesley Dunbar as a member to the Board of CFINE.

Councillor Yuill moved as a further amendment, seconded by Councillor Greig:-

That the Council appoint Councillor Delaney as Depute Provost.

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

On a division, there voted:-

For the amendment by Councillor Flynn (19) - Councillors Al-Samarai, Allard, Alphonse, Cameron, Cooke, Copland, Cormie, Jackie Dunbar, Flynn, Henrickson, Hutchison, MacGregor, Catriona Mackenzie, McLellan, McRae, Nicoll, Noble, Sandy Stuart and Townson.

For the amendment by Councillor Yuill (3) - Councillors Delaney, Greig and Yuill.

Declined to vote (23) - Lord Provost; and Councillors Allan, Bell, Boulton, Lesley Dunbar, Duncan, Donnelly, Graham, Grant, Houghton, Hunt, Imrie, John, Laing, Lumsden, Macdonald, Avril MacKenzie, Malik, Mason MSP, Reynolds, Sellar, Jennifer Stewart and Wheeler.

The Council then divided between the motion and the amendment by Councillor Flynn.

On a division, there voted:-

For the motion (23) - Lord Provost; and Councillors Allan, Bell, Boulton, Lesley Dunbar, Duncan, Donnelly, Graham, Grant, Houghton, Hunt, Imrie, John, Laing, Lumsden, Macdonald, Avril MacKenzie, Malik, Mason MSP, Reynolds, Sellar, Jennifer Stewart and Wheeler.

For the amendment by Councillor Flynn (19) - Councillors Al-Samarai, Allard, Alphonse, Cameron, Cooke, Copland, Cormie, Jackie Dunbar, Flynn, Henrickson, Hutchison, MacGregor, Catriona Mackenzie, McLellan, McRae, Nicoll, Noble, Sandy Stuart and Townson.

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

**The Council further resolved:-**  
to adopt the motion.

Council Meeting, Monday, 4 March 2019

## **TREASURY MANAGEMENT POLICY AND STRATEGY - RES/19/195**

9. The Council had before it a report by the Director of Resources which outlined the Treasury Management Policy and Strategy for 2019/20 to 2021/22 for approval.

### **The report recommended:-**

that the Council -

- (a) consider and approve the Council's Treasury Management Policy Statement for 2019/20 to 2021/22 as detailed at Appendix 1;
- (b) consider and approve the Council's Borrowing Strategy for 2019/20 to 2021/22 as detailed at Appendix 2;
- (c) consider and approve the Council's Investment Strategy for 2019/20 to 2021/22 as detailed at Appendix 3; and
- (d) approve the Council's Counterparty list as detailed at Appendix 4.

### **The Council resolved:-**

to approve the recommendations.

## **MEMBERS TRAVEL POLICY - RES/19/204**

10. The Council had before it a report by the Director of Resources which sought approval of the Members Travel Policy.

### **The report recommended:-**

that the Council -

- (a) approve the Members Travel Policy in Appendix 1 to the report; and
- (b) approve that the policy be implemented from 1 April 2019.

### **The Council resolved:-**

to approve the recommendations.

## **THE 'FINAL STRAW' - CAMPAIGN TO BAN PLASTIC DRINKING STRAWS IN SCOTLAND - OPE/19/184**

11. With reference to Article 7 of the minute of its meeting of 10 September 2018, the Council had before it a report by the Chief Operating Officer which provided an update on the results of the consultation which had taken place with the Disability Equity Partnership (DEP) and other consultees, and which advised that a procedure for ensuring people with disabilities can access a fully flexible plastic drinking straw would not be required, as there were now fully flexible Polylactic Acid (PLA) drinking straws available on the market.

### **The report recommended:-**

that the Council -

- (a) note the consultation undertaken with DEP and other suggested consultees and the responses received;



Council Meeting, Monday, 4 March 2019

- (b) instruct Chief Officers to request that all ALEOs who currently purchase fully flexible drinking straws, purchase the identified PLA alternative with immediate effect;
- (c) instruct the Head of Commercial and Procurement Services to amend the disposables suppliers purchase catalogues under their control, to remove fully flexible plastic drinking straws;
- (d) instruct Chief Officers to install simple "Drinking straws available if required" signs at all points of sale where liquids are available for purchase; the design and placement of these signs will be subject to further consultation with the DEP; and
- (e) instruct Chief Officers to undertake consultation with the DEP, prior to the removal of any other single use plastic item, where the removal of that item may be discriminatory to persons with disabilities.

**The Council resolved:-**

to approve the recommendations.

**BP BIG SCREENS 2019 - RELAXATION OF DRINKING IN PUBLIC PLACES BYELAW - PLA/19/198**

12. The Council had before it a report by the Chief Officer - City Growth which sought permission to approach the Scottish Government to confirm the suspension of the operation of the Aberdeen City Council (Drinking in Public Places) Byelaws 2019 within the boundaries of Duthie Park for BP Big Screens on 2 July 2019.

**The report recommended:-**

that the Council -

- (a) instruct the Chief Officer - Governance, following confirmation from the Chief Officer - City Growth that the event's budget has been approved, to carry out the necessary advertising of the proposed suspension; and
- (b) instruct the Chief Officer - Governance to request confirmation from the Scottish Government that the Aberdeen City Council (Drinking in Public Places) Byelaws 2009 be suspended within the boundaries of Duthie Park on Tuesday 2 July 2019 from 1700 - 2300 hours.

**The Council resolved:-**

to approve the recommendations.

**JOINT ENERGY FROM WASTE PROJECT CONTRACT AWARD - RES/19/197**

13. The Council had before it a report by the Director of Resources which advised of the outcome of the OJEU procurement exercise for the proposed Energy from Waste Facility at East Tullos in respect of the NESS Energy Project, and sought authority to proceed to contract award with the preferred bidder, enter into the associated Stage 3 Inter Authority Agreement (IAA3) with Aberdeenshire Council and Moray Council and matters ancillary thereto, and provided an update on the Torry Heat Network.

Council Meeting, Monday, 4 March 2019

**The report recommended:-**

that the Council -

- (a) approve the award of the Ness Energy Project Residual Waste Treatment contract (the "Project Agreement") for the implementation of the Project with the preferred bidder in terms of the draft Project Agreement issued to the bidder immediately prior to submission of final tenders together with such minor amendments as the Project Board may agree (1) are necessary to contractualise the preferred bidder's method statements; (2) or are otherwise acceptable to the Project Board and are permitted under procurement law;
- (b) delegate authority to its representative on the Project Board to approve or reject the recommendations put to the Project Board associated with recommendations (a) and (c) subject to the execution of the Inter-Authority Agreement by Aberdeenshire Council, Moray Council and Aberdeen City Council as per recommendation (f) below;
- (c) approve that pursuant to section 56 of the Local Government etc. (Scotland) Act 1973, the Council shall discharge the functions of Aberdeenshire Council and Moray Council as a Waste Disposal Authority (WDA) within the meaning of the Environmental Protection Act 1990 in so far as they relate to the Project and the Facility and in accordance with the Project Agreement and the Inter Authority Agreement;
- (d) note that the Council's share of the expected capital investment related to the Project Agreement as stated in the Principles of the Stage 3 Inter Authority Agreement ("IAA3 Principles") included at Appendix D can be met from the budget for NHCP810K - Energy from Waste (EfW) Construction & Torry Heat Network within the Non-Housing Capital programme, and approve the total estimated capital expenditure being the sum identified as the investment subtotal for Aberdeen City in Appendix G;
- (e) note the EfW Cost Model included in Appendix G and instruct the Chief Officer - Finance to incorporate the impact of the operating cost and the revenue share sub-totals into the Council's future revenue budget planning;
- (f) delegate authority to its representative on the Project Board to approve the terms of an Inter-Authority Agreement based on the IAA3 Principles included at Appendix D;
- (g) appoint for the Works Period, the Chief Officer - Capital as the Council's representative on the Project Board; and in his absence, appoint the Director of Resources, or such other officer as the Director of Resources may nominate from time to time, to act as the Council's alternate representative on the Project Board during the Works Period;
- (h) appoint for the Services Period, the Chief Officer - Operations and Protective Services as the Council's representative on the Project Board; and in his absence, appoint the Chief Operating Officer, or such other officer as the Chief Operating Officer may nominate from time to time, to act as the Council's alternate representative on the Project Board during the Services Period;
- (i) delegate authority to the officer from time to time acting in the capacity of the Council's representative or alternate representative on the Project Board, to take decisions, issue the instructions, and undertake the functions stated in the column headed "Project Board" in Annex 1 (Governance Matrix) of the IAA3 Principles included at Appendix D of the report;
- (j) delegate authority to the Chief Officer - Capital for the duration of the Works Period, to take the decisions, issue the instructions, and undertake the functions

Council Meeting, Monday, 4 March 2019

- stated in the column headed "Lead Authority Chief Officer" in Annex 1 (Governance Matrix) of the Principles of the IAA3 included at Appendix D to the report and to sub delegate them as permitted by the Council's Powers Delegated to Officers, as time to time in force, under its Scheme of Governance;
- (k) delegate authority to the Chief Officer - Operations and Protective Services for the duration of the Services Period, to take the decisions, issue the instructions, and undertake the functions stated in the column headed "Lead Authority Chief Officer" in Annex 1 (Governance Matrix) of the IAA3 Principles included at Appendix D to the report and to sub delegate them as permitted by the Council's Powers Delegated to Officers, as time to time in force, under its Scheme of Governance;
  - (l) approve the continued role of the Joint Members Energy from Waste Engagement Group;
  - (m) delegate authority to the Chief Officer - Capital, following consultation with the Head of Commercial and Procurement Services and the Chief Officer - Governance to (a) procure the services of an external legal adviser to support the Management Team throughout the Works Period; (b) delegate authority to the Head of Commercial and Procurement Services to conclude a contract with the chosen supplier; and (c) note that the total estimated expenditure for the external legal adviser is included in recommendation (d);
  - (n) instruct the Chief Officer - Operations and Protective Services to collaborate with the relevant officer(s) in Aberdeenshire Council and Moray Council to identify a sustainable solution which will allow items that do not meet the waste acceptance protocol to be either diverted for reuse/recycling or treated in order to be accepted at the Facility;
  - (o) instruct the Chief Officer - Capital, following consultation with the Chief Officer - Finance and the Head of Commercial and Procurement Services, to negotiate and conclude Heads of Terms for the heat offtake for the Torry Heat Network with the preferred bidder for the Project Agreement and to report back to the next appropriate committee outlining the planned phased delivery of the Torry Heat Network; and
  - (p) note that a similar paper is being put to Moray Council's Full Council on 4 March 2019 and Aberdeenshire Council's Full Council on 7 March 2019 and that implementation of all the recommendations above will be subject to similar approval by Aberdeenshire Council and Moray Council.

Members asked a number of questions of officers and the Project Director, and agreed that further questions needed to be asked with the press and public excluded.

**The Council resolved:-**

to note the report meantime and agree that the matter be determined with the press and public excluded (Article 16 of this minute refers).

Council Meeting, Monday, 4 March 2019

## NOTICE OF MOTION BY COUNCILLOR YUILL

14. The Council had before it the following notice of motion by Councillor Yuill:-

“That this Council:

1. Notes the contents of the COSLA position paper “Fair Funding for Essential Services 2019/20” and in particular:
  - a) That Local Government budgets have been cut by 4% in real terms over the last five years as opposed to a 0.4% cut in the Scottish budget.
  - b) That savings can only be made on 42% of the ‘unprotected’ Local Government budget.
  - c) That this amounts to an 8% cut on these services or 20% of the unprotected budget.
2. Agrees that strong local government is essential for our communities and:
  - a) Endorses COSLA’s position paper and in particular the call for an end to ring-fencing.
  - b) Commits to continue working for a fairer funding settlement for Aberdeen City Council.”

Councillor Yuill moved, seconded by Councillor Greig:-

That the Council -

- (1) notes the contents of the COSLA position paper “Fair Funding for Essential Services 2019/20” and in particular:
  - a) that Local Government budgets have been cut by 4% in real terms over the last five years as opposed to a 0.4% cut in the Scottish budget;
  - b) that savings can only be made on 42% of the ‘unprotected’ Local Government budget;
  - c) that this amounts to an 8% cut on these services or 20% of the unprotected budget;
- (2) agrees that strong local government is essential for our communities and:
  - a) endorses COSLA’s position paper and in particular the call for an end to ring-fencing;
  - b) commits to continue working for a fairer funding settlement for Aberdeen City Council by agreeing to submit the following motion to COSLA convention at the end of March 2019:-

COSLA notes Aberdeen City Council, the 3<sup>rd</sup> biggest city in Scotland, only receives £60.199m in General Revenue Grant. Notes Aberdeen City Council generates 86% of its own revenue through Council tax and Business Rates, the highest percentage in Scotland. Seeks COSLA’s support for Aberdeen City Council to retain the extra £28m it raised in Business Rates without a reduction in the General Revenue Grant as agreed between COSLA and the Scottish Government. Seeks a full review of the distribution formula which disadvantages Aberdeen City Council massively.

- c) notes that Aberdeen City Council raised an additional £28m in non-domestic rates within the city in 2018/19 beyond what was anticipated this time last year and that all of the additional revenue will be clawed back by the Scottish Government making a £28m cut in the general

Council Meeting, Monday, 4 March 2019

- revenue grant; and agrees that the Chief Executive make representations to the Scottish Government proposing that Aberdeen is allowed to retain this extra £28m raised in Business Rates without a reduction in the General Revenue Grant already agreed between COSLA and the Scottish Government;
- (3) notes that between 2010/11 and 2019/20, the Scottish Government budget has reduced from £33.001bn to £31.034bn - a cut of £2bn;
  - (4) welcomes the commitments made in the budget settlement for the expansion of Early Years Provision, Gaelic, the Pupil Equity Fund and Criminal Justice Social Work;
  - (5) further welcomes the additional flexibility which has been afforded to local authorities in respect of the Council Tax, as well as the proposed devolution of further powers;
  - (6) notes that the current funding formula which determines the size of the grant provided to each individual local authority is agreed by COSLA Leaders and Scottish Ministers;
  - (7) agrees that this formula does not adequately meet the needs of Aberdeen City Council;
  - (8) therefore, instructs the Chief Executive to write to the President and Chief Executive of COSLA stating this view and also confirming Aberdeen City Council's full commitment to playing a proactive role in the development of a new rules based framework for local government funding; and
  - (9) further welcomes the commitment by the Scottish Government to bring forward a three-year settlement for local government from 2020-21.

Councillor Lumsden moved as an amendment, seconded by Councillor Malik:-

That the Council -

- (1) notes the contents of the COSLA position paper "Fair Funding for Essential Services 2019/20" and in particular:
  - a) that Local Government budgets have been cut by 4% in real terms over the last five years as opposed to a 0.4% cut in the Scottish budget;
  - b) that savings can only be made on 42% of the 'unprotected' Local Government budget;
  - c) that this amounts to an 8% cut on these services or 20% of the unprotected budget;
- (2) agrees that strong local government is essential for our communities and:
  - a) endorses COSLA's position paper and in particular the call for an end to ring-fencing;
  - b) commits to continue working for a fairer funding settlement for Aberdeen City Council by agreeing to submit the following motion to COSLA convention at the end of March 2019:-

COSLA notes Aberdeen City Council, the 3<sup>rd</sup> biggest city in Scotland, only receives £60.199m in General Revenue Grant. Notes Aberdeen City Council generates 86% of its own revenue through Council tax and Business Rates, the highest percentage in Scotland. Seeks COSLA's support for Aberdeen City Council to retain the extra £28m it raised in Business Rates without a reduction in the General Revenue Grant as agreed between COSLA and the Scottish Government. Seeks a full review

Council Meeting, Monday, 4 March 2019

of the distribution formula which disadvantages Aberdeen City Council massively.

- c) notes that Aberdeen City Council raised an additional £28m in non-domestic rates within the city in 2018/19 beyond what was anticipated this time last year and that all of the additional revenue will be clawed back by the Scottish Government making a £28m cut in the general revenue grant; and agrees that the Chief Executive make representations to the Scottish Government proposing that Aberdeen is allowed to retain this extra £28m raised in Business Rates without a reduction in the General Revenue Grant already agreed between COSLA and the Scottish Government;

Councillor Flynn moved as a further amendment, seconded by Councillor Nicoll:-

That the Council -

- (1) notes that between 2010/11 and 2019/20, the Scottish Government budget has reduced from £33.001bn to £31.034bn - a cut of £2bn;
- (2) welcomes the commitments made in the budget settlement for the expansion of Early Years Provision, Gaelic, the Pupil Equity Fund and Criminal Justice Social Work;
- (3) further welcomes the additional flexibility which has been afforded to local authorities in respect of the Council Tax, as well as the proposed devolution of further powers;
- (4) notes that the current funding formula which determines the size of the grant provided to each individual local authority is agreed by COSLA Leaders and Scottish Ministers;
- (5) agrees that this formula does not adequately meet the needs of Aberdeen City Council;
- (6) therefore, instructs the Chief Executive to write to the President and Chief Executive of COSLA stating this view and also confirming Aberdeen City Council's full commitment to playing a proactive role in the development of a new rules based framework for local government funding; and
- (7) further welcomes the commitment by the Scottish Government to bring forward a three-year settlement for local government from 2020-21.

There being a motion and two amendments, the Council first divided between the amendment by Councillor Lumsden and the amendment by Councillor Flynn.

On a division, there voted:-

For the amendment by Councillor Lumsden (23) - Lord Provost; Depute Provost; and Councillors Allan, Bell, Boulton, Lesley Dunbar, Duncan, Donnelly, Graham, Grant, Houghton, Hunt, Imrie, John, Laing, Lumsden, Avril MacKenzie, Macdonald, Malik, Mason MSP, Reynolds, Sellar and Wheeler.

For the amendment by Councillor Flynn (19) - Councillors Al-Samarai, Allard, Alphonse, Cameron, Cooke, Copland, Cormie, Jackie Dunbar, Flynn, Henrickson, Hutchison, MacGregor, Catriona Mackenzie, McLellan, McRae, Nicoll, Noble, Sandy Stuart and Townson.

Council Meeting, Monday, 4 March 2019

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

The Council then divided between the motion and the amendment by Councillor Lumsden.

On a division, there voted:-

For the motion (4) - Councillors Delaney, Greig, Townson and Yuill.

For the amendment by Councillor Lumsden (23) - Lord Provost; Depute Provost; and Councillors Allan, Bell, Boulton, Lesley Dunbar, Duncan, Donnelly, Graham, Grant, Houghton, Hunt, Imrie, John, Laing, Lumsden, Avril MacKenzie, Macdonald, Malik, Mason MSP, Reynolds, Sellar and Wheeler.

Declined to vote (18) - Councillors Al-Samarai, Allard, Alphonse, Cameron, Cooke, Copland, Cormie, Jackie Dunbar, Flynn, Henrickson, Hutchison, MacGregor, Catriona Mackenzie, McLellan, McRae, Nicoll, Noble and Sandy Stuart.

**The Council resolved:-**

to adopt the amendment by Councillor Lumsden.

## **NOTICE OF MOTION BY COUNCILLOR YUILL**

15. The Council had before it the following notice of motion by Councillor Yuill:-

“That this Council:-

1. Notes with concern the delays in fully opening the AWPR and in agreeing with Transport Scotland arrangements for the detrunking of the A96 and old A90 (Stonehaven Road, South Anderson Drive, Anderson Drive, North Anderson Drive, The Parkway and Ellon Road) within Aberdeen.
2. Notes with concern that the delay in agreeing arrangements for transferring the above roads to the control of the City Council may impact upon actions which the City Council and NESTRANS may wish to take on these roads and in particular:
  - a. The alteration of junction arrangements to improve traffic flow in and out of the city centre
  - b. Action to improve pedestrian safety at crossing points on these roads
  - c. Improvements to the soft landscaping of these roads
3. Notes that officers are to report to the Operational Delivery Committee meeting in March on the implications for the Council of detrunking the above roads, the implications of a delay in reaching an agreement with Transport Scotland about this detrunking and what actions the Council might take to mitigate these.
4. Instructs the Chief Executive to write to the Transport Minister and Transport Scotland highlighting the above concerns.”

Council Meeting, Monday, 4 March 2019

**The Council resolved:-**

- (i) to approve the notice of motion;
- (ii) to note with disappointment that the funding settlement for 2019/20 does not include any funding for the road maintenance and winter maintenance for the AWPR de-trunking and instruct the Chief Operating Officer to write to the Cabinet Secretary for Finance and the Constitution seeking this funding;
- (iii) to instruct the Chief Operating Officer to write to the Cabinet Secretary for Finance and the Constitution seeking assurance that funding for the road maintenance and winter maintenance for the AWPR de-trunking will be included from the 2020/21 settlement onwards;
- (iv) to instruct the Chief Operating Officer to write to the Cabinet Secretary for Transport, Infrastructure and Connectivity requesting the full level of funding to bring the AWPR de-trunked road up to an acceptable standard in terms of the average Road Condition Index of the North East trunk roads; and
- (v) to welcome the opening of the AWPR.

**In accordance with the decision recorded under Article 3 of this minute, the following item was considered with the press and public excluded.**

**CONFIDENTIAL INFORMATION**

**The press and public were excluded from the meeting for consideration of Appendices H and I within the following item which contained confidential information in terms of Section 50A(2) of the Local Government (Scotland) Act 1973.**

**JOINT ENERGY FROM WASTE PROJECT CONTRACT AWARD - EXEMPT/CONFIDENTIAL APPENDICES**

**16.** With reference to Article 13 of this minute, the Council had before it Appendices B, D, F and G to the report which contained exempt information and Appendices H and I which contained confidential information.

Members asked further questions of officers and the Project Director.

Councillor Laing moved, seconded by Councillor Bell:-

That the Council -

- (1) approve the recommendations contained within the report; and
- (2) instruct the Chief Officer - Capital to report back on a six-monthly basis with a progress report to the Capital Programme Committee, with the first report date being the meeting on 12 September 2019.

Councillor Flynn moved as an amendment, seconded by Councillor Catriona Mackenzie:-

That the Council -

- (1) note that the procurement process exercise took six months longer to complete than the original programme described;



Council Meeting, Monday, 4 March 2019

- (2) agree that the following statement, taken from Appendix F under the Key Area 'Exiting the European Union', poses a completely unacceptable level of risk given the complete uncertainty as to whether the UK will actually leave the EU, or indeed whether the UK will leave the EU with a 'deal' or not:

*"The Council will accept the risk of import duties and tariffs on goods being imported from the EU during the Works phase recognising that some plant items have an EU origin and some do not."*

- (3) therefore agree that a final decision be deferred until such point as the future trading relationship of the UK with the EU is known, however that a Special Council meeting be confirmed before the end of May 2019 to further consider this matter.

Councillor Delaney moved as a further amendment, seconded by Councillor Greig:-

That the Council -

- (1) instruct the Chief Officer - Capital, following consultation with the Chief Officer - Finance and the Head of Commercial and Procurement Services, to negotiate and conclude Heads of Terms for the heat offtake for the Torry Heat Network with the preferred bidder for the Project Agreement;
- (2) following the conclusion of (1) above, instruct the appropriate officer to finalise the business case for the Torry Heat Network at the earliest possible date;
- (3) instruct the appropriate officer to report back to a Special Council meeting with a report detailing all of the above along with this report thereby ensuring that members have all facts required to take a fully informed decision; and
- (4) agree that a final decision be taken on this matter prior to the date specified in the confidential report in order to protect the Council's interests.

There being a motion and two amendments, the Council first divided between the amendment by Councillor Flynn and the amendment by Councillor Delaney.

On a division, there voted:-

For the amendment by Councillor Flynn (19) - Councillors Al-Samarai, Allard, Alphonse, Cameron, Cooke, Copland, Cormie, Jackie Dunbar, Flynn, Henrickson, Hutchison, MacGregor, Catriona Mackenzie, McLellan, McRae, Nicoll, Noble, Sandy Stuart and Townson.

For the amendment by Councillor Delaney (3) - Councillors Delaney, Greig and Yuill.

Declined to vote (23) - Lord Provost; Depute Provost; and Councillors Allan, Bell, Boulton, Lesley Dunbar, Duncan, Donnelly, Graham, Grant, Houghton, Hunt, Imrie, John, Laing, Lumsden, Avril MacKenzie, Macdonald, Malik, Mason MSP, Reynolds, Sellar and Wheeler.

The Council then divided between the motion and the amendment by Councillor Flynn.

Council Meeting, Monday, 4 March 2019

On a division, there voted:-

For the motion (23) - Lord Provost; Depute Provost; and Councillors Allan, Bell, Boulton, Lesley Dunbar, Duncan, Donnelly, Graham, Grant, Houghton, Hunt, Imrie, John, Laing, Lumsden, Avril MacKenzie, Macdonald, Malik, Mason MSP, Reynolds, Sellar and Wheeler.

For the amendment by Councillor Flynn (22) - Councillors Al-Samarai, Allard, Alphonse, Cameron, Cooke, Copland, Cormie, Delaney, Jackie Dunbar, Flynn, Greig, Henrickson, Hutchison, MacGregor, Catriona Mackenzie, McLellan, McRae, Nicoll, Noble, Sandy Stuart, Townson and Yuill.

**The Council resolved:-**

- (i) to adopt the motion; and
- (ii) to note that the Chief Officer - Corporate Landlord would provide members with details of the number of Council houses in Torry to have had their heating system upgraded to meet the Scottish Housing Quality Standard (SHQS) and the number of Council houses in Torry that still required their heating system to be upgraded.

**- BARNEY CROCKETT, Lord Provost.**

Council Meeting, Monday, 4 March 2019

**Appendix H - Senior Councillors**

<b>Post</b>	<b>Appointee</b>	<b>Remuneration</b>
Lord Provost	Councillor Crockett	£29,742
Council Leader and Convener of Strategic Commissioning	Councillor Laing	£39,655
<b>Depute Provost</b>	<b>Councillor Jennifer Stewart</b>	-
Vice Convener, Strategic Commissioning	Councillor John	£22,306
Convener, Operational Delivery	Councillor Wheeler	£29,742
<b>Vice Convener, Operational Delivery and Regeneration spokesperson</b>	<b>Councillor Graham</b>	<b>£22,306</b>
Vice Convener, Operational Delivery and Environmental spokesperson	Councillor Bell	£22,306
Convener, City Growth and Resources	Councillor Lumsden	£29,742
Vice Convener, City Growth and Resources	<b>Councillor Grant</b>	£22,306
Convener, Education Operational Delivery	Councillor Wheeler	-
Vice Convener, Education Operational Delivery	<b>Councillor Malik</b>	£22,306
Convener, Capital Programme and Culture Spokesperson	Councillor Boulton	£29,742
Vice Convener, Capital Programme	Councillor Lumsden	-
NHS/Social Care Integration Joint Board and Social Care	Councillor Duncan	£22,306

## Council Meeting, Monday, 4 March 2019

<b>Post</b>	<b>Appointee</b>	<b>Remuneration</b>
Spokesperson		
Convener, Public Protection	Councillor Jennifer Stewart	£29,742
Vice Convener, Public Protection	Councillor Lesley Dunbar	<b>£22,306</b>
Convener, Staff Governance	Councillor Allan	£29,742
Vice Convener, Staff Governance	Councillor Houghton	-
Mental Health Spokesperson	Councillor Imrie	-
Convener, Planning Development Management	Councillor Boulton	-
Vice Convener, Planning Development Management	Councillor Jennifer Stewart	-
Convener, Licensing Committee, <b>Economic development spokesperson</b>	Councillor Reynolds	£29,742
Vice Convener, Licensing Committee	Councillor Malik	-
Convener, Appeals Committee	Councillor Allan	-
Convener, Audit, Risk and Scrutiny	Councillor Flynn	£29,742
Vice Convener, Audit, Risk and Scrutiny	Councillor Yuill	£22,306
Convener, Urgent Business Committee	Councillor Laing	-
Vice Convener, Urgent Business Committee	Councillor Lumsden	-
Convener, Pensions Committee	Councillor Malik	-

## Council Meeting, Monday, 4 March 2019

<b>Post</b>	<b>Appointee</b>	<b>Remuneration</b>
Vice Convener, Pensions Committee	Councillor Reynolds	-
Convener, Aberdeen City Region Deal	Councillor Laing	-
Convener, Licensing Board	<b>Councillor Boulton</b>	-
Business Manager	Councillor Houghton	£29,742
Housing <b>and Transport Spokesperson</b>	Councillor Macdonald	-
Depute Business Manager	Councillor Malik	-
<b>Senior Councillor Totals</b>	<b>17*</b>	<b>£416,384**</b>
<b>Maximum allowed</b>	<b>19</b>	<b>£443,985**</b>

\* Lord Provost not included as separate provision exists for the Lord Provost as Civic Head in terms of the Regulations

\*\* Lord Provost and Council Leader not included as separate provision exists for these roles in terms of the Regulations