

ABERDEEN CITY COUNCIL

Town House,  
ABERDEEN, 24 August 2022

MINUTE OF MEETING OF ABERDEEN CITY COUNCIL

Sederunt:

Lord Provost David Cameron, Chairperson;  
Depute Provost Steve Delaney; and

COUNCILLORS

GILLIAN AL-SAMARAI  
NURUL HOQUE ALI  
CHRISTIAN ALLARD  
ALISON ALPHONSE  
KATE BLAKE  
JENNIFER BONSELL  
MARIE BOULTON  
DESMOND BOUSE  
RICHARD BROOKS  
HAZEL CAMERON  
DONNA CLARK  
JOHN COOKE  
NEIL COPLAND  
WILLIAM CORMIE  
BARNEY CROCKETT  
DEREK DAVIDSON  
LEE FAIRFULL  
EMMA FARQUHAR  
GORDON GRAHAM  
ROSS GRANT  
MARTIN GREIG  
DELL HENRICKSON

RYAN HOUGHTON  
MICHAEL HUTCHISON  
MICHAEL KUSZNIR  
SANDRA MACDONALD  
NEIL MacGREGOR  
AVRIL MacKENZIE  
ALEXANDER McLELLAN  
KEN McLEOD  
CIARÁN McRAE  
M. TAUQEER MALIK  
DUNCAN MASSEY  
JESSICA MENNIE  
ALEX NICOLL  
MIRANDA RADLEY  
JENNIFER STEWART  
KAIRIN VAN SWEEDEN  
LYNN THOMSON  
DEENA TISSERA  
SIMON WATSON  
and  
IAN YUILL

Lord Provost David Cameron, 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.

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## **ANNOUNCEMENTS**

1. (A) The Lord Provost highlighted that today was Ukrainian Independence Day and that the Ukraine Flag was flying outside Marischal College, with Marischal College to be lit in Ukrainian colours at night. He added that at 6.00pm some Ukrainians would be singing at St Nicholas Street before moving to Marischal College, and that they would be very appreciative of support.

(B) The Lord Provost highlighted the participation and success of Aberdeen athletes in the Commonwealth Games which had recently been held in Birmingham and noted in particular the success of Neil Fachie who won his 6<sup>th</sup> gold medal in para cycling and Toni Shaw who won a bronze medal in para swimming.

(C) The Lord Provost advised that this was due to be the last Council meeting for Rob Polkinghorne, Chief Operating Officer, before he left Aberdeen City Council to join Southend-on-Sea City Council as Chief Executive. The Lord Provost thanked Mr Polkinghorne for his service and wished him all the best. Councillors Nicoll, Yuill, Houghton, Macdonald, Stewart and Boulton echoed the comments of the Lord Provost and paid their own tributes to Mr Polkinghorne.

## **DETERMINATION OF EXEMPT BUSINESS**

2. The Council 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:-

11.1 North East of Scotland Green Freeport - Update

11.2 Committee Structure and Scheme of Governance - Appendix 12

### **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 items 11.1 and 11.2 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 AND TRANSPARENCY STATEMENTS**

3. Councillor Hutchison advised that he had a connection in relation to agenda item 9.5 (City Centre and Beach Masterplan) by reason of owning and living in a property within the George Street Masterplan footprint, however having applied the objective test he did not consider that he had an interest and would not be withdrawing from the meeting.

Councillor Brooks declared an interest in relation to agenda item 10.3 (Notice of Motion by Councillor Tissera) as a Trustee and Chair of TLC foodbank and advised that he would withdraw from the meeting for that item.

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Councillor Cooke advised that he had a connection in relation to agenda items 9.5 and 10.4 (Notice of Motion by Councillor Tissera) by virtue of being an observer to the Board of Sport Aberdeen, however having applied the objective test he did not consider that he had an interest and would not be withdrawing from the meeting.

Councillor Watson advised that he had a connection in relation to agenda item 11.1 (North East of Scotland Green Freeport - Update) by virtue of being a member of Aberdeen Trades Union Council, however having applied the objective test he did not consider that he had an interest and would not be withdrawing from the meeting.

**MINUTE OF MEETING OF ABERDEEN CITY COUNCIL OF 29 JUNE 2022**

4. The Council had before it the minute of meeting of Aberdeen City Council of 29 June 2022.

**The Council resolved:-**

to approve the minute subject to noting that the reference to the Gordon Highlanders Museum Board on page 23 should be the Gordon Highlanders Museum Advisory Group.

**MINUTE OF ADJOURNED MEETING OF ABERDEEN CITY COUNCIL OF 13 JULY 2022**

5. The Council had before it the minute of the adjourned meeting of Aberdeen City Council of 13 July 2022.

**The Council resolved:-**

to approve the minute.

**MINUTE OF SPECIAL MEETING OF ABERDEEN CITY COUNCIL OF 13 JULY 2022**

6. The Council had before it the minute of the special meeting of Aberdeen City Council of 13 July 2022.

**The Council resolved:-**

to approve the minute.

**COUNCIL FINANCIAL PERFORMANCE - QUARTER 1, 2022/23 - RES/22/152 - REFERRED BY CITY GROWTH AND RESOURCES COMMITTEE OF 3 AUGUST 2022**

7. With reference to Article 7 of the minute of meeting of the City Growth and Resources Committee of 3 August 2022, the Council had before it a report by the Director of Resources which provided details of the financial position of the Council as at Quarter 1 (30 June 2022) and the full year forecast position for the financial position,

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which had been referred to the Council by five members of the committee in terms of Standing Order 34.1.

**The report recommended:-**

that the City Growth and Resources Committee -

- (a) note the positive cash position that has been achieved for the General Fund and HRA to the end of Quarter 1 as detailed in Appendix 1;
- (b) note the Common Good financial performance to the end of Quarter 1 as detailed in Appendix 3, specifically the £2m reduction in cash balances due to investment volatility;
- (c) note that the General Fund full year forecast position, as detailed in Appendix 2, is expected to show a balanced position overall for 2022/23, based on the assumption that the Scottish Government will fund any increase to the current pay offer made by Cosla and through the other mitigations contained within the report, including the use of one-off funding streams;
- (d) note the initial information provided in the report about the fire at Altens East Waste and Recycling Centre and instruct the Chief Officer - Operations and Protective Services to report back to the next meeting of the Committee with details of the contractual, financial, and operational implications, including assurance about how the council has mitigated financial exposure;
- (e) note that the HRA full year forecast position, as detailed in Appendix 2, is on target to achieve the approved budget, making a contribution to HRA reserves for 2022/23;
- (f) note that the Council relies on the Integration Joint Board (IJB) achieving a balanced budget, and that it retains reserves in the event of unplanned additional costs arising during the year;
- (g) note that the forecast for General Fund capital expenditure is that there will be lower spend than had been budgeted in 2022/23, and for Housing, capital expenditure will be in line with 11% slippage on the programme, as described in Appendix 2;
- (h) note that officers have completed the work required to reprofile the capital programmes, following instruction by the Committee on 21 June 2022 (Appendix 5), and that this has led to the following recommendations:-
  - (h1) note that almost all capital projects can be paused, delayed or ultimately cancelled though there would be implications related to such decisions;
  - (h2) note that for reprofiling purposes there are projects/programmes within the approved Capital Programmes which have been excluded;
  - (h3) note the legal status of the contracts involved in delivery of the projects as this to an extent dictates the level of flexibility that the Council has in terms of reprofiling, pausing or cancelling projects;
  - (h4) note the General Fund Capital funded projects/programmes recommended for reprofiling are shown in Appendix 5 - Table 1, which shows the current budget profile;
  - (h5) instruct the Chief Officer - Finance to remove the Early Learning & Childcare - St Josephs and Garthdee Link Road projects from the General Fund Capital Programme;
  - (h6) approve the reprofiled General Fund Capital funded projects/programmes as shown in Appendix 5 - Table 2. Noting the use of the existing contingency in the programme;

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- (h7) in light of the best value consideration referred to in the report, instruct the Chief Officer - Capital to retender the 3-stream Tillydrone Primary School project, and report back to the next appropriate City Growth and Resources Committee;
- (h8) in light of the best value consideration referred to in the report, instruct Chief Officer - Capital to pause the four Housing Capital Council-led new build projects as recommended in Appendix 5, to evaluate the actions to be taken, assess best value and where appropriate retender work packages. The outcome of this exercise will be reported to the next appropriate meeting of City Growth and Resource Committee; and
- (h9) approve the inclusion of additional budgets to the Housing Capital Programme for improvements to void properties, in support of displaced Ukrainians, subject to funding being confirmed by the Scottish Government.

**The City Growth and Resources Committee had resolved to:-**

- (1) approve the recommendations contained within the report with the exception of recommendation (h9);
- (2) agree to instruct the Chief Officer - Corporate Landlord to enter in discussions with the Scottish Government to acquire the land at Wellington Road (per the plan circulated) and to report back the outcome of those discussions at the next City Growth and Resources Committee;
- (3) agree to instruct the Director of Resources to bring back an Outline Business Case for Queen Street to a future City Growth and Resources Committee meeting, which includes design proposals for an Urban Park which includes an option that incorporates the demolition of the former Police Scotland building; and
- (4) agree that Aberdeen City has gone above and beyond and should be proud to have welcomed more than 1,000 Ukrainian citizens to the city since the outbreak of the War in Ukraine. Approve the inclusion of additional budgets to the Housing Capital Programme for improvements to void properties, in support of displaced Ukrainians, subject to funding being confirmed by the Scottish Government. In light of the longer term proposals to accommodate these citizens, instruct the Chief Officer - Early Empowerment & Community Empowerment to prepare a report on the wider supply of critical services and opportunity for Ukrainian citizens to ensure that sufficient supply is available and Ukrainian citizens have access to good quality living and access to opportunity.

**At this juncture, having just joined the meeting, Councillor Grant advised that he had a connection in relation to the item as his children went to Riverbank Primary School and his wife was on the Parent Council, however having applied the objective test he did not consider that he had an interest and would not be withdrawing from the meeting.**

Councillor McLellan moved, seconded by Councillor Bouse:-

That the Council approve the decision of the City Growth and Resources Committee.

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Councillor Houghton moved, seconded by Councillor Farquhar:-

That the Council -

- (1) notes that the Capital Plan in Appendix 2 before reprofiling commits the Council to spending £360,390,000;
- (2) notes that reprofiling commits the Council to spending £355,390,000 and that the net position for both before and after reprofiling is the same at £305,052,000;
- (3) therefore, agrees that while reprofiling provides limited benefit this benefit is outweighed by the unnecessary delays to various projects including the new school at Tillydrone;
- (4) agrees to continue with the Capital spend as agreed at the budget in March 2022 on the basis that the net spend of £305,052,000 after reprofiling remains the same;
- (5) notes the recommendations contained in the Medium Term Financial Strategy at 2.7 and 2.9 and agrees that given council is considering the reprofiling of the Capital Plan over a 5 year period Council should immediately commit to instructing the Chief Officer - Capital to bring forward to the City Growth and Resources Committee (or equivalent) in December 2022 an outline business case for an upgrade to Bucksburn Academy and for a new secondary school for Hazlehead Academy;
- (6) notes the positive cash position that has been achieved for the General Fund and HRA to the end of Quarter 1 as detailed in Appendix 1, noting the healthy position of our Usable Reserves at £108.2 Million and Net Asset Value of £1.4 billion, notes income from Council Tax is forecast to be £1m above budget;
- (7) agrees to continue to progress the development of an Early Learning and childcare setting at St Joseph's RC School funded from the General Fund Capital Programme as agreed by Council on 10 March 2022;
- (8) agrees that Tillydrone was promised a new state of the art school by Council administrations from 2007 onwards and that it would be a retrograde step for this administration to go back on that promise;
- (9) agrees the previous Administration made a commitment to secure the building of 2,000 Council homes and invested £250 million for that purpose;
- (10) notes at the Council budget in March 2022 it was reported "The Council has entered Construction Services Agreements with contractors for Kincorth delivering 212 units, Craighill delivering 99 units, and Tillydrone delivering 70 units, work has commenced on all sites with site Referral to Council set up and enabling works being undertaken.";
- (11) agrees therefore that social housing is required in Aberdeen and that regeneration areas like Kincorth and Torry deserve Council houses being built in their communities and as such instructs the Chief Officer - Capital to bring a report to the next City Growth and Resources Committee detailing a timeline of substantive decisions and actions to provide assurance around concerns raised by the Convener of City Growth and Resources in terms of contract awards regarding these 4 sites and how he intends to fulfil the Council's previously agreed commitment to build Council homes on the 4 Council led sites; and
- (12) agrees the inclusion of additional budgets to the Housing Capital Programme for improvements to void properties, in support of displaced Ukrainians, subject to funding being confirmed by the Scottish Government.

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Councillor Macdonald moved a second amendment, seconded by Councillor Blake:-

That the Council -

- (1) with the exception of recommendation 2.7, agrees recommendations 2.1 to 2.8.4 in the report and sincerely thanks officers across the council for managing the Council's finances and commends them for doing so while working within the context of numerous unprecedented volatile factors;
- (2) replaces 2.7 with - notes that the forecast for General Fund capital expenditure is that there will be lower spend than had been budgeted in 2022/23, and for Housing, capital expenditure will be in line with 11% slippage on the programme, as described in Appendix 2 and instructs the Chief Officer - Corporate Landlord to report on the introduction of a cyclical maintenance plan to ensure that the council is maximising the use of its housing capital budget and report back to the next appropriate committee;
- (3) notes the positive cash position that has been achieved for the General Fund and HRA to the end of Quarter 1 as detailed in Appendix 1, noting the healthy position of our Usable Reserves at £108.2 Million and Net Asset Value of £1.4 billion, notes income from Council Tax is forecast to be £1m above budget;
- (4) notes that the Operations budget net expenditure for the year is above budget mainly because the Council had not received the specific Early Learning Childcare expansion grant from the Scottish Government, and notes that payment has now been made;
- (5) 2.8.5 - notes that the approved 2022/23 budget set in March 2022 made a cost neutral provision for the Garthdee Link Road proposals to be brought forward and reported back with an outline business case which was to be reported back by the Chief Officer - Capital. Agrees to retain this project and this instruction within the General Fund Capital Programme;
- (6) notes the previous administration budget agreed to spend £100 million for the building of 4 Schools, in Tillydrone, Torry, Countesswells and Milltimber;
- (7) notes that despite the failure of the current Administration to bring forward a School Estate plan to the last Education Operational Delivery Committee, the report highlights that the current school roll forecasts are suggesting that the current primary education provision in Tillydrone is sufficient;
- (8) notes public comments issued by Council Co-Leader Ian Yuill at the opening of Milltimber Primary School when he said, *"Education is key to Aberdeen City Council and to our city. And the best possible education needs the best possible buildings which are fit for purpose and allow teachers to teach and young people to learn."*
- (9) notes that the approved 2022/23 budget set in March 2022 made provision of £500,000 in 2022/23 for Early Learning and Childcare provision at St Joseph's RC school and a further £2.5 million to be provided in 2023/24 and 2024/25 and for a business case to be produced on this project. Agrees to retain this project within the General Fund Capital Programme and this to be funded from the Capital Programme contingency budget;
- (10) replaces 2.8.7 with - notes that by agreeing to officer recommendations to retender the 3-stream Tillydrone Primary School project will delay progressing with work to complete the project and delay the opening of the new school until at least August 2024. Notes that such a delay will

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- subsequently delay the improvement works at Riverbank Primary to make possible the relocation of St Peters RC school which is currently Category C "Poor" in its current location;
- (11) new 2.8.8 - having given due regard to the requirements for the Council to obtain best value as highlighted within the report, note that a full retender does not guarantee that costs will come back lower than the quote provided through the procurement framework mechanism. Notes the unknown risk, due to factors highlighted within the report, that quotes may be returned higher than the quote provided through the procurement framework mechanism and agrees therefore to proceed with the project at the reprofiled cost of £36.187million and progresses work in accordance with the original timescales;
  - (12) in light of criticisms by parent communities in recent months, agrees that the council arrange public engagement sessions with both the Riverbank and St Peters RC school communities to brief them on the significant implications of decisions taken from this report, to provide them with an opportunity to ask questions and discuss their concerns as a matter of urgency;
  - (13) new 2.8.9 - notes that the Administration in 2017-2022 completed or had under construction a total of 3,613 council or affordable homes and calls upon the Council and all political groups to reaffirm the Council's commitment to complete both all remaining developer-led and council-led housing developments to ensure the Council provides the best places to live for the people of Aberdeen;
  - (14) in light of the best value consideration referred to in the report, instructs Chief Officer - Capital to pause the four Housing Capital Council-led new build projects as recommended in Appendix 5, to evaluate the actions to be taken, assess best value and where appropriate retender work packages. The outcome of this exercise will, as far as possible, be reported to the September 2022 meeting of City Growth and Resource Committee;
  - (15) new 2.8.10 - agrees that Aberdeen City has gone above and beyond and should be proud to have welcomed more than 1,000 Ukrainian citizens to the city since the outbreak of the War in Ukraine. Approves the inclusion of additional budgets to the Housing Capital Programme for improvements to void properties, in support of displaced Ukrainians, subject to funding being confirmed by the Scottish Government. In light of the longer term proposals to accommodate these citizens, instructs the Chief Officer - Early Empowerment and Community Empowerment to prepare a report on the wider supply of critical services and opportunity for Ukrainian citizens to ensure that sufficient supply is available and Ukrainian citizens have access to good quality living and access to opportunity; and
  - (16) new 2.8.11 - notes that the Council submitted cost estimates (for P6/7 expansion) to the Scottish Government in October 2021 and that no response has yet been provided despite nearly 10 months passing. Agrees that in that time, it is reasonable to assume that the £11million requested in order to deliver the Scottish Government pledge may not now be sufficient to expand the school catering and dining facilities and equipment and therefore agrees to instruct the Chief Officer - Capital to re-appraise these costs and instructs the Chief Officer - Finance to submit this re-appraisal to



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the Scottish Government and seek clarity on when funding might be provided to deliver these improvements.

Councillor Boulton moved a third amendment, seconded by Councillor Stewart:-

That the Council -

1. agree recommendations a to h4 with the exception of g;
2. note that by agreeing to officer recommendations to retender the 3 stream Tillydrone Primary School project will delay progressing with work to complete the project and delay the opening of the new school until at least August 2024. Note that such delay will subsequently delay the improvement works at Riverbank Primary to make possible the relocation of St Peters RC school which is currently category C "Poor" in its current location;
3. having given due regard to the requirement for the Council to obtain best value as highlighted within the report, note that a full retender does not guarantee that costs will come back lower than the quote provided through the procurement framework mechanism. Notes the unknown risk, due to factors highlighted within the report, that quotes may be returned higher than the quote provided through the procurement framework mechanism and agrees therefore to proceed with the project at the reprofiled cost of £36.187m and progresses work in accordance with the original timescales;
4. note that the council submitted cost estimates (for P6/7 expansion) to the Scottish Government in October 2021 and that no response has yet been provided despite nearly 10 months passing. Agrees that in that time, it is reasonable to assume that the £11million requested in order to deliver the Scottish Government pledge may not now be sufficient to expand the school catering and dining facilities and equipment and therefore agrees to instruct the Chief Officer - Capital, to re-appraise these costs and instruct the Chief Officer Finance to submit this re-appraisal to the Scottish Government and seek clarity on when funding might be provided to deliver these improvements;
5. instruct Chief Officer Finance and Chief Officer Education to approach the Scottish Government to explore the opportunity for additional funding to allow for the delivery of the expansion at St Josephs. Note that a stag appraisal option does include a possible link road at Garthdee;
6. agree that Aberdeen City has gone above and beyond and should be proud to have welcomed more than 1,000 Ukrainian citizens. Approve the inclusion of additional budgets to the Housing Capital Programme for improvements to void properties, in support of displaced Ukrainians, subject to funding being confirmed by the Scottish Government. In light of the longer term proposals to accommodate these citizens, instruct the Chief Officer - Early Intervention & Community Empowerment to prepare a report on the wider supply of critical services and opportunity for Ukrainians citizens to ensure that sufficient supply is available and Ukrainian citizens have access to good quality living and access to opportunity;
7. agree to instruct the Director of Resources to bring back an outline Business Case for Queens Street which includes a cultural quarter, the demolition of the former Police Station and report back to Full Council;
8. agree to complete all remaining developer led council/social housing; and

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9. in light of the best value consideration referred to in the report, instruct Chief Officer - Capital to pause the four housing capital council-led new build projects as recommended in appendix 5, to evaluate the actions to be taken, assess best value and where appropriate retender work packages or for the remaining work as one. The outcome of this exercise will, as far as possible, be reported to the September 2022 meeting of City Growth and Resources Committee.

Councillor Houghton advised that he was willing to incorporate part (5) of Councillor Macdonald's amendment and part (5) of Councillor Boulton's amendment within his amendment.

There being a motion and three amendments, the Council first divided between the amendment by Councillor Macdonald and the amendment by Councillor Boulton.

On a division, there voted:-

For the amendment by Councillor Macdonald (11) - Councillors Ali, Blake, Bonsell, Crockett, Graham, Grant, Macdonald, Malik, Thomson, Tissera and Watson.

For the amendment by Councillor Boulton (1) - Councillor Boulton.

Declined to vote (32) - Lord Provost; Depute Provost; and Councillors Al-Samarai, Allard, Alphonse, Bouse, Brooks, Hazel Cameron, Clark, Cooke, Copland, Cormie, Davidson, Fairfull, Farquhar, Greig, Henrickson, Houghton, Hutchison, Kuszniir, MacGregor, MacKenzie, McLellan, McLeod, McRae, Massey, Mennie, Nicoll, Radley, Stewart, Van Sweeden and Yuill.

The Council then divided between the amendment by Councillor Houghton and the amendment by Councillor Macdonald.

On a division, there voted:-

For the amendment by Councillor Houghton (8) - Councillors Brooks, Farquhar, Houghton, Kuszniir, MacKenzie, McLeod, Massey and Stewart.

For the amendment by Councillor Macdonald (11) - Councillors Ali, Blake, Bonsell, Crockett, Graham, Grant, Macdonald, Malik, Thomson, Tissera and Watson.

Declined to vote (25) - Lord Provost; Depute Provost; and Councillors Al-Samarai, Allard, Alphonse, Boulton, Bouse, Hazel Cameron, Clark, Cooke, Copland, Cormie, Davidson, Fairfull, Greig, Henrickson, Hutchison, MacGregor, McLellan, McRae, Mennie, Nicoll, Radley, Van Sweeden and Yuill.

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

On a division, there voted:-

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For the motion (24) - Lord Provost; Depute Provost; and Councillors Al-Samarai, Allard, Alphonse, Bouse, Hazel Cameron, Clark, Cooke, Copland, Cormie, Davidson, Fairfull, Greig, Henrickson, Hutchison, MacGregor, McLellan, McRae, Mennie, Nicoll, Radley, Van Sweeden and Yuill.

For the amendment by Councillor Macdonald (19) - Councillors Ali, Blake, Bonsell, Brooks, Crockett, Farquhar, Graham, Grant, Houghton, Kuszniir, Macdonald, MacKenzie, McLeod, Malik, Massey, Stewart, Thomson, Tissera and Watson.

Declined to vote (1) - Councillor Boulton.

**The Council resolved:-**

- (i) to adopt the motion; and
- (ii) to note that the Director of Resources would provide an update to members on the latest position with St Peter's Roman Catholic Primary School based on the decision to re-tender for the remaining works for Riverbank Primary School.

**Councillor Grant expressed his dissent at the foregoing decision in accordance with Standing Order 32.8.**

**At this juncture, the Lord Provost proposed the agenda item 9.6 would be taken as the first item of general business after the Council Business Planner, followed by items 9.1 and 9.2 which would be considered together, and this was agreed.**

**COUNCIL BUSINESS PLANNER**

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

**The Council resolved:-**

to note the business planner.

**BUFFER ZONES - COM/22/167**

9. With reference to Article 1 of the minute of its special meeting of 13 July 2022, the Council had before it a report by the Interim Chief Officer - Governance which provided an update on progress in liaising with the Scottish Government and COSLA in exploring options to establish protest free buffer zones including but not limited to potentially implementing a local byelaw.

**The report recommended:-**

that the Council -

- (a) note the national activities underway in relation to the matter of establishing protest-free buffer zones, in particular:-
  - the legal opinion referred to in the COSLA briefing note at Background Paper 10.1;

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- that there was a technical 'mini-summit' to discuss the potential use of byelaws being held on 29 August, referred to in detail at paragraph 3.6 of the report; and
- (b) instruct the Interim Chief Officer - Governance to continue to liaise with the Scottish Government and COSLA and report back to the meeting of Full Council on 14 December 2022 with an update on latest developments including:-
- evidence contained in the independent research commissioned by the Scottish Government relating to protests/vigils to gather more robust and objective evidence on the impact of protests/vigils on patients and others if available; and
  - evidence from NHS Grampian, Police Scotland and Back-off Scotland as to the number of protests taking place in Aberdeen.

**The Council resolved:-**

to approve the recommendations.

**MEDIUM TERM FINANCIAL STRATEGY FOR THE COUNCIL'S GENERAL FUND 2022- RES/22/172; AND COUNCIL TARGET OPERATING MODEL (TOM) 1.2 - CUS/22/171**

10. (A) The Council had before it a report by the Director of Resources which presented a Medium Term Financial Strategy (MTFS) which pulled together all known factors affecting the financial position and financial sustainability of the organisation over the medium term.

**The report recommended:-**

that the Council -

- (a) welcome the publication by the Scottish Government of its Resource Spending Review through to 2026/2027 on 31 May 2022 and notes that this indicates a flat cash settlement for Local Government for the next 3 years, followed by a 1% increase in 2026/27;
- (b) approve the Medium Term Financial Strategy for the General Fund, 2022;
- (c) note that the report on TOM1.2 is also on the agenda today, which describes the approach the Council intends to take through transformation and multi-agency working to contribute towards closing the gap between income and expenditure forecast;
- (d) welcome the alignment of the MTFS and TOM1.2, together these documents represent the fiscal framework for Aberdeen;
- (e) note that the publication of the National Care Service (Scotland) Bill and associated Financial Memorandum indicates that the first year of operation will be 2025/26, within the term of the MTFS, and this has the potential to remove c.25% of financial resources from the Council;
- (f) note the reported impact that inflation and supply chain volatility is having on our current financial year [Council Financial Performance Quarter 1, 2022/23: RES/22/152] and that the impact is anticipated to continue to have an effect on the future funding gap;
- (g) note that the commitments contained within the Partnership Agreement, adopted on 18 May 2022, remain uncostered for future years and are being worked on to

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- support the update of the MTFS when the budget is set for 2023/24 in March 2023;
- (h) note the reprofiled capital programme, which was referred from City Growth and Resources Committee on 3 August 2022 [RES/22/152] to Council today, is the basis for capital financing costs and debt levels referred to in the MTFS;
  - (i) note the 2023/24 Budget will be discussed and set by the Council in March 2023 reflecting the commitments within the Partnership Agreement; and
  - (j) note the ongoing development of the data presented in relation to the Council's Financial Resilience Framework and the insight this provides of the underlying strength of the Council finances that support the continued operation of services through the uncertain and volatile environment. The data identifies indicators to watch, and these should be carefully considered when setting future budgets. The Chief Officer - Finance will continue to develop the Framework.
- (B) The Council had before it a report by the Director of Customer Services which proposed the next iteration of the Council's Target Operating Model (TOM) 1.2 to support the necessary scale of transformation that would contribute to the level of savings required over the next 5 years, as outlined in the MTFS.

**The report recommended:-**

that the Council -

- (a) agree the TOM 1.2 for 2022-27, attached to the report as Appendix A, to support the necessary scale of transformation to deliver the level of savings required over the next 5 years, as outlined in the MTFS;
- (b) note that the level of investment required to enable the release of savings would be identified as part of the Council Budget process, as outlined in the MTFS;
- (c) note the whole system change projects being taken forward with partners via the Multi-Agency Transformation Management Group (MATMG) and instruct the Chief Executive to seek further delivery opportunities of statutory services through a Statutory Function Review, reporting back to Council at its meeting on 14 December 2022; and
- (d) instruct the Chief Executive to report back to the next Full Council with the recommended interim structure resulting from the recent resignation of the Chief Operating Officer taking into consideration the longer term needs to support the changes from the 21/22 and 22/23 Programme of Government.

Councillor Yuill moved, seconded by Councillor McLellan:-

That the Council approve the recommendations contained within both reports.

Councillor Macdonald moved as an amendment, seconded by Councillor Tissera:-

That the Council -

- (1) note the publication by the Scottish Government of its Resource Spending Review through to 2026/2027 on 31 May 2022 and notes that this indicates a flat cash settlement for Local Government for the next 3 years, followed by a 1% increase in 2026/27; noting 2.4.11 of the MTFS report which states "The Accounts Commission published its latest Local Government in Scotland Overview report on 25 May 2022, which continued to highlight the long-term position that Local Government is the poor relation of other parts of the Scottish public sector, excluding the effects of Covid-19 pandemic funding "...councils' underlying cumulative funding has fallen by 4.2 per

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- cent in real terms since 2013/14. This is in contrast to an increase of 4.3 per cent in Scottish Government funding of other areas of the budget over the same period.”;
- (2) agree the Scottish Government settlement for local government will result in further cuts to public services as outlined in recommendation 2.4 and the TOM1.2 as presented on the agenda;
  - (3) approve the Medium Term Financial Strategy for the General Fund, 2022;
  - (4) note that the report on TOM1.2 is also on the agenda today, which describes the approach the Council intends to take through transformation and multi-agency working to contribute towards closing the gap between income and expenditure forecast;
  - (5) note the alignment of the MTFs and TOM1.2, together these documents represent the fiscal framework for Aberdeen;
  - (6) note that the publication of the National Care Service (Scotland) Bill and associated Financial Memorandum indicates that the first year of operation will be 2025/26, within the term of the MTFs, and this has the potential to remove 25% of financial resources from the Council; reaffirming the Council’s position agreed in March 2022 that “the National Care Service consultation that took place during 2021/22 has potential to significantly impact local services, Council duties, obligations and funding ..... and should be resisted.”;
  - (7) note the reported impact that inflation and supply chain volatility is having on our current financial year [Council Financial Performance Quarter 1, 2022/23: RES/22/152] and that the impact is anticipated to continue to have an effect on the future funding gap;
  - (8) note that the commitments contained within the Partnership Agreement, adopted on 18 May 2022, remain uncoded for future years and are being worked on to support the update of the MTFs when the budget is set for 2023/24 in March 2023;
  - (9) note the reprofiled capital programme, which was referred from City Growth and Resources Committee on 3 August 2022 [RES/22/152] to Council today, is the basis for capital financing costs and debt levels referred to in the MTFs; noting that the Administration’s Partnership Agreement at 9.3 on this agenda contains uncoded capital spend;
  - (10) note the 2023/24 Budget will be discussed and set by the Council in March 2023 reflecting the commitments within the Administration’s Partnership Agreement; noting that at the budget-setting meeting in February 2012 the then SNP/Liberal Democrat administration were unable to bring forward an agreed budget;
  - (11) note the ongoing development of the data presented in relation to the Council’s Financial Resilience Framework and the insight this provides of the underlying strength of the Council finances that support the continued operation of services through the uncertain and volatile environment. The data identifies indicators to watch, and these should be carefully considered when setting future budgets. The Chief Officer - Finance will continue to develop the Framework;
  - (12) note the Target Operating Model (TOM) 1.2 for 2022-27, attached to the report as Appendix A, to support the necessary scale of transformation to deliver the level of savings required over the next 5 years, as outlined in the Medium-Term Financial Strategy (MTFS);

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- (13) note that the level of investment required to enable the release of savings will be identified as part of the Council Budget process, as outlined in the MTFS;
- (14) note the whole system change projects being taken forward with partners via the Multi-Agency Transformation Management Group (MATMG) and instruct the Chief Executive to seek further delivery opportunities of statutory services through a Statutory Function Review, reporting back to Council at its meeting on 14 December 2022;
- (15) welcome the political commitment of all parties represented in the Council that there will be no compulsory redundancies; and
- (16) instruct the Chief Executive to carry out further engagement with staff and Trade Unions and report back to the December Council meeting with the results prior to agreeing TOM 1.2.

On a division, there voted:-

For the motion (24) - Lord Provost; Depute Provost; and Councillors Al-Samarai, Allard, Alphonse, Bouse, Hazel Cameron, Clark, Cooke, Copland, Cormie, Davidson, Fairfull, Greig, Henrickson, Hutchison, MacGregor, McLellan, McRae, Mennie, Nicoll, Radley, Van Sweeden and Yuill.

For the amendment (20) - Councillors Ali, Blake, Bonsell, Boulton, Brooks, Crockett, Farquhar, Graham, Grant, Houghton, Kuszniir, Macdonald, MacKenzie, McLeod, Malik, Massey, Stewart, Thomson, Tissera and Watson.

**The Council resolved:-**

- (i) to adopt the motion;
- (ii) to welcome the political commitment of all parties represented in the Council that there will be no compulsory redundancies; and
- (iii) to request that the Council's submission to the National Care Service call for evidence be circulated to all members after it had been submitted on 2 September.

**At this juncture, the Lord Provost advised that Councillor Allard's notice of motion would be considered as the next item of business.**

**NOTICE OF MOTION BY COUNCILLOR ALLARD**

11. The Council had before it a notice of motion by Councillor Allard in the following terms:-

"That the Council:-

- (1) Notes that 24<sup>th</sup> August is Independence Day in Ukraine, celebrating the day in 1991 when Ukraine was re-established as an independent nation.
- (2) Restates its unqualified support for Ukrainian independence and territorial integrity.
- (3) Restates its solidarity with the people of Ukraine.

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- (4) Continues to condemn the unprovoked and unacceptable Russian aggression against Ukraine.
- (5) Welcomes the more than 1,000 Ukrainian citizens who have moved to the city since the beginning of the war in Ukraine.
- (6) Thanks the wide range of organisations and individuals across the city who have helped to support those Ukrainian citizens, including through the £13,347 donated to the Lord Provost's Charitable Trust Ukraine Crisis Appeal.
- (7) Notes the need to provide permanent accommodation to those Ukrainian citizens, and the ongoing work being undertaken to provide that.
- (8) Instructs the Chief Officer - Early Intervention & Community Empowerment to outline the work that is ongoing to deliver support from the Council to those Ukrainian citizens, and to provide a Service Update on this matter.

Upon circulation of an addendum by Councillor Houghton (which was accepted as detailed below), Councillor Hutchison advised that he had a connection by reason of his position as an Army Reservist, however having applied the objective test he did not consider that he had an interest and would not be withdrawing from the meeting.

Councillor Nicoll advised that he also had a connection by reason of having a close family member who served in the Armed Forces, however having applied the objective test he did not consider that he had an interest and would not be withdrawing from the meeting.

**The Council resolved:-**

- (i) to approve the notice of motion;
- (ii) to thank the contribution of all UK armed forces personnel for their continued support to the armed forces and people of Ukraine since Operation Orbital in 2015 which had included but not been limited to the training and equipping of tens of thousands of Ukrainian personnel; and
- (iii) to note that the Lord Provost had instructed the lighting of Marischal College on 24 August with the colours of Ukraine to mark the occasion.

**"WORKING IN PARTNERSHIP FOR ABERDEEN" - COMMISSIONING INTENTIONS AND SERVICE STANDARDS 2022/23 - CUS/22/169**

12. With reference to Article 13 of the minute of its meeting of 18 May 2022, the Council had before it a report by the Director of Commissioning which identified areas where revisions may be required to the commissioning intentions and service standards, to ensure alignment with the policy statement - "Working in Partnership for Aberdeen".

**The report recommended:-**

that the Council -

- (a) note the review of the commissioning intentions, service standards in the context of the policy statement, "Working in Partnership for Aberdeen";
- (b) agree to the recommended amendments to 2022/23 commissioning intentions and service standards set out in Appendix A;



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- (c) instruct the Director of Commissioning to report any further amendments required in 2022/23 to existing commissioning intentions and service standards, as a result of subsequent decisions of the Council and its committees, to Council; and
- (d) note that the policy statement would be fully reflected within the Council's strategic commissioning cycle for 2023/24 onwards.

Councillor Yuill moved, seconded by Councillor Hutchison:-

That the Council approve the recommendations contained within the report.

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

That the Council -

- (1) approve recommendations (a) and (b) as contained within the report;
- (2) instruct the Director of Commissioning to report on the costs of each and all of the amendments as set out in Appendix A before agreement of any of these and set out where savings will be found to pay for these; and
- (3) note the intention that the policy statement will be fully reflected within the Council's strategic commissioning cycle for 2023/24 onwards.

On a division, there voted:-

For the motion (24) - Lord Provost; Depute Provost; and Councillors Al-Samarai, Allard, Alphonse, Bouse, Hazel Cameron, Clark, Cooke, Copland, Cormie, Davidson, Fairfull, Greig, Henrickson, Hutchison, MacGregor, McLellan, McRae, Mennie, Nicoll, Radley, Van Sweeden and Yuill.

For the amendment (20) - Councillors Ali, Blake, Bonsell, Boulton, Brooks, Crockett, Farquhar, Graham, Grant, Houghton, Kuszniir, Macdonald, MacKenzie, McLeod, Malik, Massey, Stewart, Thomson, Tissera and Watson.

**The Council resolved:-**

to adopt the motion.

**The Lord Provost, in terms of Standing Order 36.6, advised that he was adjourning the meeting and that it would resume on 25 August 2022 at 2.00pm.**

**- DAVID CAMERON, Lord Provost.**