

ABERDEENSHIRE COUNCIL**VACATION COMMITTEE****WOODHILL HOUSE, ABERDEEN, 31 JULY, 2014**

Present: Councillors N J Smith (Chair), D R Aitchison, C C Buchan (substitute for Councillor Cox), R J Christie, R Cowling, K A Farquhar, J N Gifford, P K Johnston, C R McKail, R J Merson, A K Norrie, G L Owen, W A C Shand and B A Topping.

Apology: Councillor J B Cox.

Officers: Director of Business Services, Director of Communities, Director of Education and Children's Services, Head of Transportation, Head of Protective Services and Waste Management, Legal Services Manager (Governance) and Corporate Finance Manager.

ANNOUNCEMENTS

Prior to consideration of the business of the meeting, the Deputy Provost welcomed two recently appointed Heads of Service in Education and Children's Services, Vincent Docherty, Head of Secondary and Additional Support Needs, and Craig Clement, Head of Resources and Performance, who were attending the Committee as observers.

DECLARATION OF MEMBERS' INTERESTS

The Deputy Provost asked members if they had any interests to declare in terms of the Councillors' Code of Conduct.

Councillor Topping declared an interest in Item 3 as the Council's representative on Fraserburgh Harbour Commission. He considered this interest to be such that he would not take part in any discussion or vote on this item, and would leave the room during its discussion.

Deputy Provost N J Smith declared an interest in Item 6 as his daughter was the manager of a playgroup in Maud. He did not consider the interest to be substantial and would take part in the debate and decision on the item.

PUBLIC SECTOR EQUALITY DUTY

In making decisions on the following items of business, the Committee **agreed**, in terms of Section 149 of the Equality Act, 2010:-

- (1) to have due regard to the need to:-
 - (a) eliminate discrimination, harassment and victimisation;
 - (b) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
 - (c) foster good relations between those who share a protected characteristic and persons who do not share it.
- (2) where an Equality Impact Assessment was provided, to consider its contents and take those into account when reaching their decision.

1. RESOLUTION

The Committee **agreed**, in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act, 1973, to exclude the public from the meeting during consideration of the items specified below so as to avoid disclosure of exempt information of the classes described in the undernoted paragraphs of Part 1 of Schedule 7A of the Act.

Item No	Paragraph No of Schedule 7A
3	6
4	9 and 10
5	8, 9 and 10
6	6 and 12
7	4, 6 and 12

2. ABERDEEN WESTERN PERIPHERAL ROUTE/BALMEDIETIPPERTY GOVERNANCE AND APPROVALS PROCESS

With reference to the Minute of Meeting of the Infrastructure Services Committee of 26 January, 2012 (Item 14, Page 1305), there had been circulated a report dated 3 July, 2014, by the Director of Infrastructure Services referring to the project governance and management arrangements which applied to the Aberdeen Western Peripheral Route/Balmedie-Tipperty (AWPR/B-T) Project. The report stated that it had been agreed to delegate approval of the Independent Project Assurance Model ("IPAM") Key Stage Reviews 1 to 3 inclusive to the Chief Executive, or his nominated representative, on the AWPR/B-T Project Board, and recommended that the same delegation be made in respect of Independent Project Assurance Model (IPAM 4) Key Stage Review to ensure the efficient delivery of the Project Board governance responsibilities and continuity of scrutiny by the Chief Executive.

The Committee **agreed** to delegate to the Chief Executive, or his nominated representative, the decision-making power in respect of Independent Project Assurance Model (IPAM 4) Key Stage Review for the Aberdeen Western Peripheral Route/Balmedie-Tipperty (AWPR/B-T) Project.

3. FRASERBURGH POWER CABLE PROJECT

With reference to the Minute of Meeting of the Policy and Resources Committee of 12 June, 2014 (Item 7), there had been circulated a report dated 8 July, 2014, by the Director of Infrastructure Services providing an update on the Fraserburgh Power Cable Project which originally had been considered for funding from the 6 Key Areas initiative. The report stated that the project had not progressed and that a revised quotation had been received which would require the Council to increase its contribution. Furthermore the Fraserburgh Harbour Commission had requested a loan of up to £2,000,000 to cover cashflow requirements arising from any funding gap. It was noted that officers had continued to consider the most appropriate way to address the situation since the report had been published, as a result of which an amended wording of recommendation 1.3 was tabled at the meeting.

The Committee **agreed**:-

- (1) to re-affirm its commitment to the Power Cable Project,
- (2) to authorise the release of £250,000 from reserves as the Council's contribution to the capital costs of the project, and

- (3) in principle to the Council providing cashflow financing to Fraserburgh Harbour Commission, in the form of loans of up to a combined total of £2,000,000, at an appropriate rate of interest, to be repaid within 3 months, the interest element of such loans to be funded from the Economic Development budget, subject to the Head of Finance and Head of Legal and Governance being satisfied that the necessary governance and financial safeguards were in place, and to delegate authority to those Heads of Service in consultation with the Chair and Vice Chair of the Policy and Resources Committee and leader of the main opposition group to release such payments.

4. PROVISION OF MAINTENANCE WORKS FOR TRAFFIC CONTROL SYSTEMS

There had been circulated a report dated 15 July, 2014, by the Director of Infrastructure Services requesting the Committee to authorise acceptance of a tender for the provision of traffic control system maintenance in Aberdeenshire. The report stated that the maintenance of traffic signal equipment in Aberdeenshire was presently managed and administered on the Council's behalf by Aberdeen City Council through a contract covering Moray as well as Aberdeen City and Aberdeenshire. Aberdeen City Council had again, on behalf of the three authorities, invited contractors to submit tenders for a new contract for traffic system maintenance, which would run for three years, would be in the names of all three Councils and would include an optional extension of up to a further two years.

The Committee **agreed** to authorise acceptance of the tender submitted by Siemens which included the provision of traffic control system maintenance in Aberdeenshire.

5. AUTHORITY TO AWARD A CONTRACT FOR PROVISION OF HAULAGE AND TO A MATERIALS RECOVERY FACILITY (MRF) FOR PROCESSING OF CO-MINGLED DRY RECYCLABLES FOR A PERIOD OF SIX MONTHS

There had been circulated a report dated 28 July, 2014, by the Director of Infrastructure Services advising that the Council's current contract for the haulage and treatment of recyclable material had been in place pending the launch of the Scotland Excel Framework for the Treatment of Recyclable and Residual Waste. The contract was due to expire on 31 August, 2014, and due to a delay in the award of the Scotland Excel Framework for the Treatment of Recyclable and Residual Waste, there was a need to find an urgent interim solution to ensure service continuity. The report explained the current position and sought authority for officers to explore two options and award an interim short term contract on the basis of the option which would represent best value to the Council.

The Committee **agreed** to delegate authority to the Head of Finance and the Head of Legal and Governance:-

- (1) to award contracts -
- (a) to a supplier from the Scotland Excel Framework to process dry recyclables at a Materials Recovery Facility (MRF), and
 - (b) to a supplier to provide haulage to the MRF(s) following issue of an Invitation to Quote through Public Contracts Scotland (using the emergency procedures detailed at paragraph 5.3.34 of the Council's Financial Regulations) at an estimated cost of £310,000,

both contracts to run concurrently for a period of 6 months from 1 September, 2014, to 28 February, 2015,

OR

- (2) to award a contract to Viridor at a cost of £300,000 for both haulage and processing of dry recyclables for a 6 month period from 1 September, 2014, to 28 February, 2015, being a provider selected using the Invitation to Quote process.

The option adopted to be determined following analysis of the practical, financial, legal and best value implications.

6. PAYMENTS TO EARLY LEARNING AND CHILDCARE PARTNER PROVIDERS

With reference to the Minute of Meeting of the Education, Learning and Leisure Committee of 29 May, 2014 (Item 7, Page 1897), there had been circulated a report dated 30 June, 2014, by the Director of Education and Children's Services requesting the Committee to approve the award of Service Level Agreements and payments to partner providers to ensure delivery of early learning and childcare to eligible pre-school children. The report stated that the current Service Level Agreements between the Council and partner providers expired at the end of the summer session and new ones were required for the new academic year starting in August 2014.

The Committee **agreed**:-

- (1) to approve the award of Service Level Agreements to partner providers for the academic year 2014/15 without issuing a formal tender document as required by Financial Regulation 5.3.15 for the reasons detailed in paragraph 2.5 of the report,
- (2) to approve payments to partner providers, as listed in Appendix 2 of the report, at the hourly rate per child of £3.80 and at an estimated total cost of £3,600,000 for the provision of early learning and childcare places for eligible children up to school age during the academic year 2014/15,
- (3) to note that additional providers might apply for partner provider status during the course of the year and, if accepted, they would also be paid at the same hourly rate per child,
- (4) to note that the Service Level Agreements with these partner providers would expire in August 2015, and that provision would be re-commissioned during the intervening year in line with the changing requirements of the Children and Young People Act, and
- (5) to approve a budget virement of £2,737,000 to the Nursery Education Budget as discussed in paragraph 3.5 of the report.

7. FUNDING AND SUPPORT TO KINELLAR HALL, BLACKBURN

There had been circulated a report dated 3 July, 2014, by the Director of Education and Children's Services setting out proposed arrangements for funding and support to Kinellar Community Association in respect of their management of Kinellar Hall, Blackburn. The report explained the reasons why the Community Association required assistance and proposed that officers take on responsibility for monitoring and supporting the Community Association's progress towards sustainability.

The Committee **agreed**:-

- (1) that the Education Capital Grant of £50,000 provided to Kinellar Community Association in 2005 be re-designated as being part of the proceeds of the sale of Leys Hall,

- (2) to vire £50,000 from the reserve fund held for Kinellar Hall to the Education and Children's Service budget as a reimbursement,
- (3) that the Council could award a revenue grant of £50,000 to Kinellar Community Association from the Education an Children's Service revenue budget, and
- (4) to the support and monitoring of the financial management of Kinellar Hall by Aberdeenshire Council officers.

