

**ABERDEENSHIRE COUNCIL****WOODHILL HOUSE, ABERDEEN, 24 SEPTEMBER, 2015**

**Present:** Councillors W A Agnew, D R Aitchison, Amanda J Allan, Anne M Allan, P J Argyle, P W Bellarby, A A Bews, G Blackett, A S Buchan, C C Buchan, G W Carr, R A Cassie, E H Chapman, R J Christie, G J Clark, K L Clark, L Clark, R Cowling, J B Cox, A J C Cullinane, I Davidson, J B Dick, A C Duncan, A Evison, K A Farquhar, M A Findlater, M A Ford, A Gardiner, J N Gifford, A S Grant, A Hendry, F C P Hood, W Howatson, M F Ingleby, J Ingram, P K Johnston, M C Kitts-Hayes, J J Latham, S M Lonchay, C R McKail, F McRae, T Malone, R J Merson, I J Mollison, C H Nelson, A K Norrie, P Oddie, G L Owen, H Partridge, L Pirie, S W Pratt, E A Robertson, M J Roy, W A C Shand, N J Smith, S W Smith, D Stewart, B H Stuart, I S Tait, R G Thomson, B A Topping, H W Vernal, I M Walker, M Watt and J Webster.

**Apology:** Councillor I W Gray.

**Officers:** Chief Executive, Director of Business Services, Director of Communities, Director of Education and Children's Services, Director of Infrastructure Services, Head of Finance, Head of Legal and Governance.

**CHAIR**

Councillor H W Vernal, Provost of the Council, presided.

**1. DECLARATION OF MEMBERS' INTERESTS**

The Provost asked members if they had any interests to declare in terms of the Councillors' Code of Conduct. Interests were expressed as follows:-

Item 5 Councillor Argyle as a member of the Cairngorms National Park Authority.  
Councillor Kitts-Hayes as a member of the North Sea Commission.

Item 16 Councillor Cox as having contributed to the content of the response.

The councillors did not consider the interests to be substantial and would take part in the debate and decision on the item.

**2. RESOLUTIONS****A. PUBLIC SECTOR EQUALITY DUTY**

In making decisions on the following items of business, the Council **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.

## B. EXEMPT INFORMATION

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 Item 17 below so as to avoid disclosure of exempt information of the class described in paragraph 8 of Part 1 of Schedule 7A of the Act.

### 3. MINUTES

The following Minutes of Meetings were considered and, in regard to delegated matters, were **approved** as correct records, and in relation to non-delegated matters the recommendations were **approved**.

- (1) Aberdeenshire Council on 18 June, 2015.
- (2) Formartine Area Committee on 19 May, 2015.
- (3) Kincardine and Mearns Area Committee on 19 May, 2015.
- (4) Banff and Buchan Area Committee on 26 May, 2015.
- (5) Marr Area Committee on 26 May, 2015.
- (6) Education, Learning and Leisure Committee on 28 May, 2015.
- (7) Local Review Body on 29 May, 2015.
- (8) Buchan Area Committee on 2 June, 2015.
- (9) Garioch Area Committee on 2 June, 2015.
- (10) Social Work and Housing Committee on 4 June, 2015.
- (11) Aberdeenshire Council on 8 June, 2015
- (12) Formartine Area Committee on 9 June, 2015.
- (13) Kincardine and Mearns Area Committee on 9 June, 2015.
- (14) Policy and Resources Committee on 11 June, 2015.
- (15) Banff and Buchan Area Committee on 16 June, 2015.
- (16) Marr Area Committee on 16 June, 2015.
- (17) Buchan Area Committee on 23 June, 2015.
- (18) Garioch Area Committee on 23 June, 2015.
- (19) Infrastructure Services Committee on 25 June, 2015.
- (20) Local Review Body on 26 June, 2015.
- (21) Formartine Area Committee on 30 June, 2015.

(22) Kincardine and Mearns Area Committee on 30 June, 2015.

**Pages 324/325, Appendix A, Item C, Reference No: APP/2014/3671, Planning Permission in Principle For Formation of Business Land (Classes 4, 5 and 6) and Associated Access, Drainage and Landscaping at Site Adjacent To A92/A957 Junction, East Newtonleys, Stonehaven** - The Council **noted** that the Kincardine and Mearns Area Committee at its meeting on 22 September, 2015, had amended the wording of the motion, amendment and decision paragraphs in the minute by removing three references to Full Planning Permission and replacing them with Planning Permission in Principle.

(23) Scrutiny and Audit Committee on 2 July, 2015.

(24) Appeals Committee on 7 July, 2015.

(25) Banff and Buchan Area Committee on 21 July, 2015.

(26) Buchan Area Committee on 28 July, 2015.

(27) Formartine Area Committee on 28 July, 2015.

(28) Banff and Buchan Area Committee on 18 August, 2015.

(29) Marr Area Committee on 18 August, 2015.

(30) Infrastructure Services Committee on 20 August, 2015.

(31) Aberdeenshire Council on 27 August, 2015.

(32) Education, Learning and Leisure Committee on 27 August, 2015.

### **3A. NOTICE OF MOTION TAKEN AS A MATTER OF URGENCY**

The Provost indicated that he had directed in terms of section 50B(4)(b) of the Local Government (Scotland) Act 1973, that the following notice of motion be dealt with as a matter of urgency in view of the need for early action.

From Councillor Evison:-

“That Aberdeenshire will contribute to the vision of a Scotland where refugees are able to build a new life from the day they arrive and to realise their full potential with the support of mainstream services; where they become active members of our communities, with strong social relationships.

That Aberdeenshire welcomes the co-ordination role being taken by COSLA with regard to financial support and integration issues.

That the Chief Executive will indicate to the Scottish Government and UK Government, through COSLA, as a matter of priority, the scale of support that Aberdeenshire can offer in the short-term, middle-term, and longer-term, acknowledging that both the Scottish Government and the UK Government have made a commitment to settle refugees within a year.”

Councillor Evison spoke to her motion and was seconded by Councillor Gifford.

The Council unanimously **agreed**:-

- (1) to approve the motion, and
- (2) that a report be submitted to the Council as soon as practicable on how the Council would deal with the settlement of refugees in practice and the resource implications.

#### **4. NOMINATION TO OUTSIDE BODY - ABERDEEN UNIVERSITY COURT**

With reference to the Minute of Meeting of 18 June, 2015 (Item 14, Page 22), a report dated 13 August, 2015, by the Director of Business Services had been circulated requesting the Council to consider whether it wished to make any change to its nomination to Aberdeen University Court.

The Council **agreed**:-

- (1) to nominate Councillor C R McKail, and
- (2) to request Councillor McKail to provide feedback from his attendance at the University Court to Full Council.

#### **5. REFERRALS FROM INFRASTRUCTURE SERVICES COMMITTEE - (A) NOMINATIONS TO OUTSIDE BODIES/PARTNERSHIPS AND (B) APPOINTMENT TO INFRASTRUCTURE SERVICES SUB-COMMITTEES AND WORKING GROUPS AND INTER-AUTHORITY WORKING GROUPS**

With reference to the Minute of Meeting of the Infrastructure Services Committee of 20 August, 2015 (Item 13, Page 401 and Item 14, Page 402), a report dated 26 August, 2015, by the Director of Business Services had been circulated requesting the Council to consider whether to make any changes to nominations to outside bodies and partnerships made by the Infrastructure Services Committee and appointments to Infrastructure Services Sub-Committees and Working Groups and Inter-Authority Working Groups.

The Council **agreed** to nominate members to Infrastructure Services Committee outside bodies and partnerships and make appointments to Infrastructure Services Sub-Committees and Working Groups and Inter-Authority Working Groups as follows:-

##### Aberdeenshire Renewable Energy Group (AREG) -

Councillor Argyle, seconded by Councillor K L Clark, moved that a report be submitted to the Infrastructure Services Committee examining the value of AREG to the Council before deciding on whether to make a nomination.

As an amendment, Councillor Kitts-Hayes, seconded by Councillor Thomson, moved that Councillor Ford be nominated.

- |                |      |   |
|----------------|------|---|
| for the motion | (32) | Councillors Agnew, Argyle, Bellarby, A S Buchan, Carr, Chapman, K L Clark, Cowling, Cullinane, Davidson, Farquhar, Findlater, Gardiner, Gifford, Hood, Howatson, Ingleby, Latham, Malone, McKail, Mollison, Nelson, Norrie, Oddie, Owen, Robertson, Roy, N J Smith, Tait, Walker, Watt and Webster. |
|----------------|------|---|

for the amendment (33) Councillors Aitchison, A J Allan, A M Allan, Bews, Blackett, C C Buchan, Cassie, Christie, G J Clark, L Clark, Cox, Dick, Duncan, Evison, Ford, Grant, Hendry, Ingram, Johnston, Kitts-Hayes, Lonchay, McRae, Merson, Partridge, Pirie, Pratt, Shand, S W Smith, D Stewart, B H Stuart, Thomson, Topping and Vernal.

The **amendment was carried** and Councillor Ford was duly nominated to Aberdeen Renewable Energy Group.

Conference on Peripheral Maritime Regions (CPMR) - Councillor Kitts-Hayes.

North Sea Commission Thematic Groups -

Culture and Tourism Group - Councillor Walker.

Economic Development Group - Councillor B H Stuart.

Energy and Climate Change Group - Councillor Davidson.

Marine Resources Group - Councillor Kitts-Hayes.

Transport Group -

Councillor Thomson, seconded by Councillor Evison, nominated Councillor Aitchison.

Councillor Argyle, seconded by Councillor A S Buchan, nominated Councillor Argyle.

The members of the Council voted:-

for Councillor Aitchison (32) Councillors Aitchison, A J Allan, A M Allan, Bews, Blackett, C C Buchan, Cassie, Christie, G J Clark, L Clark, Cox, Dick, Duncan, Evison, Ford, Grant, Hendry, Ingram, Johnston, Kitts-Hayes, Lonchay, McRae, Merson, Partridge, Pirie, Pratt, Shand, S W Smith, B H Stuart, Thomson, Topping and Vernal.

for Councillor Argyle (32) Councillors Agnew, Argyle, Bellarby, A S Buchan, Carr, Chapman, K L Clark, Cowling, Cullinane, Davidson, Farquhar, Findlater, Gardiner, Gifford, Hood, Howatson, Ingleby, Latham, Malone, McKail, Mollison, Nelson, Norrie, Oddie, Owen, Robertson, Roy, N J Smith, Tait, Walker, Watt and Webster.

declined to vote (1) Councillor D Stewart.

There being an equality of votes, the decision was made by drawing of lots and Councillor Argyle was duly nominated to the Transport Group.

North Sea Commission - Councillors Aitchison and Kitts-Hayes.

Kommunenenes Internasjonale Miljøorganisasjon (KIMO) - Councillors Christie, McRae and Oddie.

Cairngorms National Park Authority Board -

Councillor Thomson, seconded by Councillor Kitts-Hayes, nominated Councillor Blackett.

Councillor Argyle, seconded by Councillor Gifford, nominated Councillor Latham.

The members of the Council voted:-

for Councillor Blackett	(33)	Councillors Aitchison, A J Allan, A M Allan, Bews, Blackett, C C Buchan, Cassie, Christie, G J Clark, L Clark, Cox, Dick, Duncan, Evison, Ford, Grant, Hendry, Ingram, Johnston, Kitts-Hayes, Lonchay, McRae, Merson, Partridge, Pirie, Pratt, Shand, S W Smith, D Stewart, B H Stuart, Thomson, Topping and Vernal.
for Councillor Latham	(32)	Councillors Agnew, Argyle, Bellarby, A S Buchan, Carr, Chapman, K L Clark, Cowling, Cullinane, Davidson, Farquhar, Findlater, Gardiner, Gifford, Hood, Howatson, Ingleby, Latham, Malone, McKail, Mollison, Nelson, Norrie, Oddie, Owen, Robertson, Roy, N J Smith, Tait, Walker, Watt and Webster.

Councillor Blackett was duly nominated to the Cairngorms National Park Authority Board.

North East Local Plan District (NE LPD) Steering Group -

Councillor Thomson, seconded by Councillor Evison, nominated Councillor B H Stuart.

Councillor Gifford, seconded by Councillor K L Clark, nominated Councillor Argyle.

The members of the Council voted:-

for Councillor B H Stuart	(33)	Councillors Aitchison, A J Allan, A M Allan, Bews, Blackett, C C Buchan, Cassie, Christie, G J Clark, L Clark, Cox, Dick, Duncan, Evison, Ford, Grant, Hendry, Ingram, Johnston, Kitts-Hayes, Lonchay, McRae, Merson, Partridge, Pirie, Pratt, Shand, S W Smith, D Stewart, B H Stuart, Thomson, Topping and Vernal.
for Councillor Argyle	(32)	Councillors Agnew, Argyle, Bellarby, A S Buchan, Carr, Chapman, K L Clark, Cowling, Cullinane, Davidson, Farquhar, Findlater, Gardiner, Gifford, Hood, Howatson, Ingleby, Latham, Malone, McKail, Mollison, Nelson, Norrie, Oddie, Owen, Robertson, Roy, N J Smith, Tait, Walker, Watt and Webster.

Councillor B H Stuart was duly nominated to the North East Local Plan District (NE LPD) Steering Group.

Tay Estuary and Montrose Basin Local Plan District (TEAMB LPD) Working Group - Councillors Carr, G J Clark, Evison and Howatson.

Aberdeenshire Environmental Forum - Councillors Davidson and Vernal.

East of Scotland European Consortium (ESEC) -

Councillor Thomson, seconded by Councillor Evison, nominated Councillor Blackett as the substantive member.

Councillor Argyle, seconded by Councillor A S Buchan, nominated Councillor Davidson as the substantive member.

The members of the Council voted:-

for Councillor Blackett	(33)	Councillors Aitchison, A J Allan, A M Allan, Bews, Blackett, C C Buchan, Cassie, Christie, G J Clark, L Clark, Cox, Dick, Duncan, Evison, Ford, Grant, Hendry, Ingram, Johnston, Kitts-Hayes, Lonchay, McRae, Merson, Partridge, Pirie, Pratt, Shand, S W Smith, D Stewart, B H Stuart, Thomson, Topping and Vernal.
for Councillor Davidson	(32)	Councillors Agnew, Argyle, Bellarby, A S Buchan, Carr, Chapman, K L Clark, Cowling, Cullinane, Davidson, Farquhar, Findlater, Gardiner, Gifford, Hood, Howatson, Ingleby, Latham, Malone, McKail, Mollison, Nelson, Norrie, Oddie, Owen, Robertson, Roy, N J Smith, Tait, Walker, Watt and Webster.

Councillor Blackett was duly nominated as the substantive member on the East of Scotland Consortium.

Thereafter, Councillor Davidson was duly nominated as the substitute member on the East of Scotland Consortium.

North East Scotland Preservation Trust - Councillors Chapman and Shand.

Moray Firth Partnership Management Group -

Councillor Thomson, seconded by Councillor Evison, nominated Councillor Partridge.

Councillor Argyle, seconded by Councillor A S Buchan, nominated Councillor Roy.

The members of the Council voted:-

for Councillor Partridge	(33)	Councillors Aitchison, A J Allan, A M Allan, Bews, Blackett, C C Buchan, Cassie, Christie, G J Clark, L Clark, Cox, Dick, Duncan, Evison, Ford, Grant, Hendry, Ingram, Johnston, Kitts-Hayes, Lonchay, McRae, Merson, Partridge, Pirie, Pratt, Shand, S W Smith, D Stewart, B H Stuart, Thomson, Topping and Vernal.
for Councillor Roy	(32)	Councillors Agnew, Argyle, Bellarby, A S Buchan, Carr, Chapman, K L Clark, Cowling, Cullinane, Davidson, Farquhar, Findlater, Gardiner, Gifford, Hood, Howatson, Ingleby,

Latham, Malone, McKail, Mollison, Nelson, Norrie, Oddie, Owen, Robertson, Roy, N J Smith, Tait, Walker, Watt and Webster.

Councillor Partridge was duly nominated to the Moray Firth Partnership Management Group.

Aberdeenshire Local Outdoor Access Forum - Councillor G J Clark (substitute Councillor Oddie).

East Grampian Coastal Partnership - Councillor McRae (substitute Councillor Bellarby).

Grampian Regional Forestry Forum - Councillor Latham.

Elevator (formerly Enterprise North East Trust) - Councillors Aitchison and Mollison.

Aberdeen International Airport Consultative Committee -

Councillor Thomson, seconded by Councillor Evison, nominated Councillors Blackett, Cox and Roy.

As an amendment, Councillor Argyle, seconded by Councillor A S Buchan, nominated Councillors Cox, Gifford and Roy.

The members of the Council voted:-

for the motion	(33)	Councillors Aitchison, A J Allan, A M Allan, Bews, Blackett, C C Buchan, Cassie, Christie, G J Clark, L Clark, Cox, Dick, Duncan, Evison, Ford, Grant, Hendry, Ingram, Johnston, Kitts-Hayes, Lonchay, McRae, Merson, Partridge, Pirie, Pratt, Shand, S W Smith, D Stewart, B H Stuart, Thomson, Topping and Vernal.
for the amendment	(32)	Councillors Agnew, Argyle, Bellarby, A S Buchan, Carr, Chapman, K L Clark, Cowling, Cullinane, Davidson, Farquhar, Findlater, Gardiner, Gifford, Hood, Howatson, Ingleby, Latham, Malone, McKail, Mollison, Nelson, Norrie, Oddie, Owen, Robertson, Roy, N J Smith, Tait, Walker, Watt and Webster.

The **motion was carried** and Councillors Blackett, Cox and Roy were duly nominated to the Aberdeen International Airport Consultative Committee.

Thereafter, the Council **agreed** that, in cases where the nominees to an outside body were all members of the administration, they should provide feedback from their attendance at the outside bodies to Full Council.

Transportation and Infrastructure Member/Officer Working Group - Councillors Aitchison, G J Clark, Cox and Partridge and four members of the opposition to be nominated if required.

Planning and Building Standards Member/Officer Working Group - Councillors Aitchison, Argyle, Cox, Ford, Hood, Nelson, Robertson and B H Stuart.

European Member/Officer Working Group - Membership to comprise the Council's representatives on the NSC, NSC Thematic Groups, CPMR, KIMO and ESEC.



Regeneration Member/Officer Working Group - Membership to comprise the Co-Leaders, the four Policy Committee Chairs, the Chairs of the Banff and Buchan and Buchan Area Committees, the Leader of the Opposition, the Opposition spokesperson for Economic Development and the Leader of the Aligned Independents.

Fisheries Working Group - Councillors C C Buchan, Gardiner, Gray, Johnston, Roy, S W Smith and Watt and one member of the opposition still to be nominated.

Rural Affairs Working Group - Councillors Blackett, Duncan, Farquhar, Howatson, Norrie, Oddie, Partridge and Pirie.

North East Scotland Agricultural Advisory Group - Councillors Duncan, Farquhar, Howatson, Norrie, Partridge, Pirie and D Stewart.

North East Scotland Fisheries Development Partnership - Councillors A M Allan (Chair), Argyle, A S Buchan, C C Buchan and Johnston.

Waste Management Working Group - Councillors Argyle, G J Clark, Duncan, Johnston, McKail, Merson, Nelson and Roy.

Penalty Notice Hearing Panel - Councillors Blackett, Christie, Hendry, Mollison and Oddie.

Canal Park Sub-Committee - The Council made no appointments as this Sub-Committee was no longer required.

Passenger Transport Strategy and Policy (PTSP) Review Steering Group - The Council made no appointments as this Steering Group was no longer required.

## **6. ANNUAL ACCOUNTS 2014/15 FOR ABERDEENSHIRE COUNCIL AND ITS CHARITABLE TRUSTS, EXTERNAL AUDITOR'S REPORT TO COUNCILLORS 2014/15 AND CONSULTATIONS ON THE CODE OF PRACTICE**

A report dated 11 September, 2015, by the Director of Business Services had been circulated, together with the audited Annual Accounts for Aberdeenshire Council and its Charitable Trusts for financial year 2014/15 and the report by the Council's External Auditors, Deloitte, following completion of the audit for financial year 2014/15. The report also referred to two consultations which had been issued by the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Local Authority (Scotland) Accounts Advisory Committee (LASAAC), relating to the 2016/17 Code of Practice on Local Authority Accounting in the United Kingdom and Improving the Presentation of Local Authority Financial Statements, and commented on the officers' responses to these consultations.

The Head of Finance introduced the report and advised that the audit certificate from Deloitte was unmodified. The action plan had identified areas requiring improvement and actions were in place to address these areas with timescales for completion.

The Council **agreed**:-

- (1) to endorse the Annual Accounts for 2014/15 for Aberdeenshire Council and its Charitable Trusts and the External Auditor's Report for 2014/15,
- (2) to note the unmodified audit certificates for Aberdeenshire Council and its Charitable Trusts for 2014/15, and
- (3) to support the officers' responses to the CIPFA and LASAAC consultations.

## 7. AUDIT SCOTLAND REPORT - "AN OVERVIEW OF LOCAL GOVERNMENT IN SCOTLAND IN 2015" (ABERDEENSHIRE PERFORMS)

A report dated 16 August, 2015, by the Director of Business Services had been circulated, together with the Audit Scotland report "An Overview of Local Government in Scotland in 2015", which was intended to provide an independent view of the progress councils were making and to be a source of information to support councillors in their role to improve outcomes and value for money for local people. The report found that councils faced increasingly difficult financial challenges with Scottish Government funding having decreased in real terms at a time when demand for council services had increased, largely due to population changes.

The Council **agreed**:-

- (1) to note the findings of the annual review of local government undertaken by Audit Scotland,
- (2) to encourage all elected members to complete the self-assessment tool accompanying the review findings, and
- (3) to remit to the Scrutiny and Audit Committee to consider the Council's position in relation to Audit Scotland's recommendations, and to request officers to prepare an action plan for consideration by Aberdeenshire Council in January 2016.

The Council unanimously **agreed** to suspend Standing Order 3(2) in order to allow the meeting to continue beyond 12.45 p.m.

## 8. COUNCIL PLAN 2013-2017 - ANNUAL PERFORMANCE REPORT 2014/15 (ABERDEENSHIRE PERFORMS)

With reference to the Minute of Meeting of 25 September, 2014 (Item 4, Page 582), a report dated 16 August, 2015, by the Director of Business Services had been circulated presenting the Council Plan 2013-2017 annual performance report 2014/15. The report provided a review of progress in delivering the priority outcomes in the Council Plan and performance improvement including performance based on statutory and local indicators. It also reflected the outcomes of external scrutiny, self-assessment and evaluation and customer satisfaction.

The Chief Executive introduced the report and provided an overview of the performance of the Council highlighting the good services delivered and commenting on the challenges ahead.

Directors then provided overviews of performance across all services of the Council, highlighting achievements and ongoing challenges.

Thereafter, the Council **agreed** to approve the Council Plan 2013-2017 annual performance report 2014/15.

## 9. SCRUTINY AND AUDIT COMMITTEE ANNUAL REPORT 2014/15

With reference to the Minute of Meeting of the Scrutiny and Audit Committee of 2 July, 2015 (Item 13, Page 336), a report dated 17 August, 2015, by the Director of Business Services had been circulated, together with the Annual Report of the Scrutiny and Audit Committee 2014/15, which had been prepared to inform members of the work of the Committee.

Councillor Owen, Chair of the Scrutiny and Audit Committee, introduced the report and said that over the past year two investigations and a number of workshop sessions had been carried out. She thanked all members of the Committee and the officers who support the

Committee for their hard work Councillor Cassie, Vice Chair of the Scrutiny and Audit Committee added his own thanks to the auditors and everyone involved with the Committee.

Thereafter, the Council **agreed** to formally note the Annual Report of the Scrutiny and Audit Committee 2014/15.

## 10. CODE OF CORPORATE GOVERNANCE

With reference to the Minute of Meeting of the Policy and Resources Committee of 10 June, 2004 (Item 3), a report dated 26 August, 2015, by the Director of Business Services had been circulated, together with a revised Code of Corporate Governance which was intended to set out how Aberdeenshire Council would ensure, and be seen to ensure, proper governance of its affairs. The report stated that the existing Code had been reviewed and updated to ensure its relevance and there would be annual evaluation of the Council's compliance with the core governance principles as part of the "How Good Is Our Council?" framework.

The Council **agreed** to adopt the revised Code of Corporate Governance.

## 11. USE OF DELEGATED POWERS BY OFFICERS BY REASON OF SPECIAL URGENCY

With reference to the Minute of Meeting of 28 November, 2013 (Item 7, Page 780), a report dated 8 July, 2015, by the Director of Business Services had been circulated providing a list of the occasions when officers had used delegated powers (as provided in the List of Powers Delegated to Officers, paragraph A18) to take decisions by reason of special urgency.

The Committee **agreed** to note the occasions when officers had used delegated powers (as provided in the List of Powers Delegated to Officers, paragraph A18) to take decisions by reason of special urgency since January 2014.

## 12. UPDATE ON REORGANISATION OF CHARITABLE TRUSTS

With reference to the Minute of Meeting of 22 January, 2015 (Item 7, Page 1224), a report dated 19 August, 2015, by the Director of Business Services had been circulated providing an update on progress with the reorganisation of charitable trusts. The report stated that the ACT2 (Aberdeenshire Charities Trust) Trust Deed had been completed and signed on behalf of the Council and registered as a charity with the Office of the Scottish Charity Regulator (OSCR). Meanwhile further work had been undertaken by officers to progress the phased reorganisation of suitable charities.

The Head of Legal and Governance advised that there were several amendments to Appendix 1 of the report as follows:-

1. Page 6, No. 25, J W Mitchell Trust - Replace existing values of columns headed Revenue and Capital and the final four columns with the corresponding values from No. 22, J Mitchell Trust.
2. Page 6 - Delete No 22, J Mitchell Trust.
3. Page 8 - Delete No 77, Lumphanan Burial Grounds Trust.
4. Page 9 - Move No 89, Cooper Trust from Ward 18 to Ward 17.

And renumber the first column accordingly.

Thereafter, the Council **agreed**:-

- (1) to note the progress made with the reorganisation of charitable trusts,
- (2) to authorise officers to proceed with (a) making applications to OSCR for the reorganisation of the charitable trusts detailed in Appendix 1 of the report as amended and (b) implementing the reorganisation after OSCR approval to do so has been received, and
- (3) to instruct officers to arrange a first trust meeting of ACT2 (Aberdeenshire Charities Trust) for a future meeting of the Council.

### **13. ABERDEENSHIRE CENTRAL DIVISIONAL LICENSING BOARD**

With reference to the Minute of Meeting of 17 May, 2012 (Item 8, Page 21), a report dated 25 August, 2015, by the Director of Business Services had been circulated requesting the Council to elect a Member to the Central Divisional Licensing Board for the purposes of the Licensing (Scotland) Act 2005 following the death of Councillor Strathdee.

The Council **agreed** to elect Councillor Grant to the Central Divisional Licensing Board for the purposes of the Licensing (Scotland) Act 2005.

### **14. SCOTTISH RURAL PARLIAMENT**

A report dated 13 August, 2015, by the Director of Business Services had been circulated requesting the Council to consider whether or not to apply for associate membership of Scottish Rural Action to enable participation in the Scottish Rural Parliament. The report explained that the Scottish Rural Parliament was organised by Scottish Rural Action, a company formed with the dual purpose of developing and organising the Parliament and supporting the development of a rural movement. It was not a formal part of Government and had no legislative or decision making powers, but was intended to be a bottom up process of involvement and debate between the people of rural Scotland and policy makers to enable better understanding, improved policy and action to address rural issues. It was held every two years in a different location each time.

The Committee **agreed**:-

- (1) to apply for associate membership of Scottish Rural Action to enable participation in the Scottish Rural Parliament, and
- (2) to appoint Councillor Howatson to act as a point of contact and represent the Council in all matters concerning the Scottish Rural Parliament.

### **15. REPRESENTATION OF THE PEOPLE ACT 1983 - DESIGNATION OF NEW POLLING PLACE IN ALFORD**

A report dated 14 September, 2015, by the Chief Executive/Returning Officer had been circulated referring to the requirement in the Representation of the People Act 1983 that each Scottish local authority divide its area into polling districts for the purpose of parliamentary elections and designate polling places for each of the polling districts. The report requested approval of a new polling place in polling district WW1414 (Alford) to take account of the fact that the current Alford Community Education Centre would shortly no longer be operational.

The Committee **agreed** to approve the Community Area at the new Alford Community Campus as the designated polling place in Polling District WW1414 (Alford).

## 16. WRITTEN QUESTIONS

Two written questions had been received in terms of Standing Order 10. The questions and answers thereto are listed below.

**(A) From Councillor A S Buchan to the Chief Executive:-**

**Q:** Scottish Enterprise, Aberdeen City and Aberdeenshire Council recently commissioned consultants to produce a report on the fish processing sector in the North East of Scotland. The report was published in May of this year under the title 'NE Scotland Fish Processing Strategy Report Creating "Scotland's Seafood Centre of Excellence"'. The report was fundamentally flawed and strewn with errors, such as those on Page one, where it stated there was no salmon processing taking place in Fraserburgh. Yet, Fraserburgh is the largest salmon processing town in the UK employing more than 1500 people in the sector. Will the Council be seeking to have its fee for the construction of the report repaid to Aberdeenshire Council in order to have an accurate report commissioned?

**A:** Whereas the council (and its NESAAG partners) has undertaken regular studies of the agricultural sector over the past 25 years, strategic analyses of the fisheries sector have been sporadic and irregular. The last known council-sponsored review of the fish processing sector in NE Scotland was in the 1990's. After assuming the brief for the fisheries sector within Economic Development in 2011, formative discussions with industry representatives revealed the absence of a sectoral growth strategy.

In 2012 the 6 key areas fund was launched. A proposal for a study of the processing sector was submitted and approved by Policy and Resources Committee on 20 September 2012 as part of the wider Whitefish Processors Market Development project.

As the new Common Fisheries Policy (CFP) was still under development at that time it was decided to wait until details of the new policy (including the far reaching Landing Obligation - or discards ban) had emerged.

In the meantime discussions were held with a number of stakeholders on the study's terms of reference, how it would be funded and how it might contribute to the national policy context. Stakeholders included Peterhead and Fraserburgh Fish Processors Association/Scottish Seafood Association, Seafood Scotland, Marine Scotland (EFF grants team), Scottish Enterprise and Aberdeen City Council. All were supportive of the project.

Scottish Enterprise (SE) agreed to part-fund the project. The project management team comprised representatives from SE, Aberdeenshire Council and Aberdeen City Council.

After waiting until further CFP detail was available the study was finally initiated and the tender publicised via the Public Contracts Scotland website in April 2014. BDaplus of Fraserburgh submitted the most competitive price and was awarded the contract in June 2014. BDaplus contracted with FG Burnett for the study's property analysis and with Scottish Seafood Association to access information gathered from a series of surveys of their membership. The cost was shared equally between Aberdeenshire Council and Scottish Enterprise.

BDaplus interviewed 75% of all NE fish processors to gather operational data and identify strategic constraints to business growth. A detailed property analysis was included as many businesses are operating in sub-optimal premises, especially in the

city. The full property analysis was not published as it contains commercially confidential information but key findings are referred to in the main report.

The project team met the contractor on several occasions to assess progress and to test interim findings before publication of the final report. Study findings were firstly presented at a specially convened meeting in Victoria Quay, Edinburgh to senior officials from the Scottish Government food and drink team, Marine Scotland, Scottish Enterprise and Seafood Scotland on 30 April 2015. The report was very well received and subsequent discussions considerably overran the timeslot allocated. A commitment was given to adopt many of the recommendations under the soon-to-be refreshed Scottish Seafood Partnership (SSP) action plan. SSP is an industry-led initiative set up by SG three years ago covering wild-caught fisheries and aquaculture industries (no local authority involvement).

The final report by BDPlus was then presented to NESFDP members on Friday 8 May. The findings were again welcomed and led to lengthy debate, especially on the potential implications of CFP reform and the prospects for generating additional value from seafood processing waste/by-product. The report's public launch was on Monday 11 May at the Buchan Braes Hotel, attracting over 50 delegates and broadcast media (BBC, STV, national and local press).

There has been very little feedback which could be construed as critical or negative of the study. On the contrary, the detailed analysis of the processing sector as it stands has been welcomed - even by Seafish which has accepted that its annual survey/analysis has been revealed as incomplete.

The timing of the study is particularly relevant in that it will provide an evidence base in support of strategic investment for the processing sector from the forthcoming European Maritime and Fisheries Fund - this is vitally important given the severe State Aid *de minimis* limits which apply to public sector support for the fisheries sector from alternative funds.

In addition, colleagues from Scottish Enterprise are particularly pleased with the study's property analysis which has provided detailed costings and relocation scenarios for seafood processors still operating in the North Dee area of Aberdeen city - a precursor to the regeneration of the area under the recently published Aberdeen City Masterplan.

In response to Cllr Buchan's specific comments:

Page 1 Table 2.3: 'no salmon processors in Fraserburgh?'

As a supplier of branded, retail-packaged salmon (and also whitefish) products, Young's (of Fraserburgh) is categorised in the study as a 'Value adding sector' company rather than simply a 'Salmon sector' processor.

P64 9.5.4 'farmed fish species'

The BDPlus comments in the report refer to the advantages of diversification into aquaculture products for processors generally reliant upon irregular supplies of wild caught seafood and for whom lack of continuity and security of supply comes at a cost (factory underutilisation). By comparison the availability of farmed fish species is predictable and reliable. Companies adding aquaculture species to their processing mix represents a useful and effective means of more fully utilising their existing resources.

In conclusion I would submit that the project represents excellent value for the council and provides the basis for attracting significant investment from the forthcoming EMFF into the local seafood processing sector.

**(B) From Councillor A S Buchan to the Provost:-**

Q: The 'Modern Trust Ports for Scotland Guidance for good governance' states at '**3.3.4 Scottish Ministers will monitor compliance with this guidance but any interested parties should play their part in bringing to Ministers' attention any examples of unaccountable behaviour in the trust ports sector.**' It also states at **2.12.1 'In line with the Government's Nolan doctrine, no chairperson should serve more than 9 years in that office'**. According to the Peterhead Harbours website, the present chair has been in place for more than 13½ years. Aberdeenshire Council is one of the most 'interested parties' in Peterhead Harbours, given that the Nolan doctrine is also at the core of the Councillors Code of Conduct, when will the Provost be bringing this matter to 'Ministers' attention'?

A: Peterhead is a Trust Port and its Constitution was approved in Scottish Statutory Instrument (SSI) 2005 No 491 - The Peterhead Port Authority Harbour (Constitution) Revision Order 2005. This document deals with many matters relating to the duties and powers of the Authority and specifically addresses the appointment and terms of office of the members of the Authority in Part 1 Section 6 and Part 1 Section 7.

The appointment of the Convenor (Chairperson) is specifically addressed in Paragraph 13. This stipulates that the Convenor may not serve as Convenor for more than three consecutive terms of three years. "Term" is further defined as excluding periods of under three years and excluding periods as Convenor served prior to the creation of the (merged) Port Authority.

The current Convenor was appointed for a period of two years, effective 1 January 2006 - as this is under three years, it does not count as a "term". The current Convenor was then re-elected for three consecutive periods of three years in 2007, 2010 and 2013. The last of these three year terms expires on 31 December 2016, so in both the context of the Port's own Constitution and The Modern Trust Ports for Scotland Guidance for good governance referred to there has been no breach. There is therefore no case for bringing this matter to the attention of Scottish Ministers.

**17. NEW OFFICES, BUCHAN HOUSE, PETERHEAD - ADDITIONAL PARKING FACILITIES**

With reference to the Minute of Meeting of the Policy and Resources Committee of 11 June, 2015 (Item 30, Page 204), a report dated 7 August, 2015, by the Director of Infrastructure Services had been circulated requesting approval of a capital cost estimate for the provision of additional parking facilities at Buchan House, Peterhead.

The Council **agreed:-**

- (1) to approve the capital cost estimate of £295,500 as detailed in the report, and
- (2) to adjust the Capital Plan to include the estimated cost as detailed in the report.