

ABERDEENSHIRE COUNCIL**WOODHILL HOUSE, ABERDEEN, 24 NOVEMBER, 2016**

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, C Clark, G J Clark, K L Clark, L Clark, R Cowling, J B Cox, A J C Cullinane, I Davidson, 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, 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, G E Petrie, L Pirie, S W Pratt, E A Robertson, M J Roy, W A C Shand, N J Smith, S W Smith, D Stewart, M M Stewart, B H Stuart, I S Tait, I W Taylor, R G Thomson, B A Topping, H W Vernal, I M Walker, M Watt and J Webster.

Apologies: Councillors J B Dick and H Partridge.

Officers: Chief Executive, Director of Business Services, Director of Education and Children's Services, Director of Infrastructure Services, Chief Officer (Health and Social Care Partnership), Head of Finance, Head of Legal and Governance, Head of Lifelong Learning and Leisure.

CHAIR

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

MEMBERSHIP OF COUNCIL - WARD 1 (BANFF AND DISTRICT) AND WARD 11 (INVERURIE AND DISTRICT)

The Chief Executive, as Returning Officer, reported that Iain Taylor had been elected to fill the vacancy in Ward 1 (Banff and District) and Colin Clark had been elected to fill the vacancy in Ward 11 (Inverurie and District) at the by-elections on 3 November, 2106.

The Provost, on behalf of the Council, welcomed Councillors Taylor and Clark to the meeting.

ANNOUNCEMENTS

The Provost advised the Council about a number of awards recently won or shortlisted. These included commendations and praise for services across care homes, bus services, street lighting, planning, legal and governance and children and young people. The Provost also praised all staff who had pulled together recently after the vandalism at Markethill Primary School, Turriff, and stated that it had showed great community resilience.

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:-

Councillor McKail declared an interest in Item 3(24) as the Council representative on Aberdeen University Court and a member of Garioch Gymnastics Club but did not consider the interest to be substantial and remained in the room during discussion of the item.

Councillor Merson declared an interest in Item 13 as his wife was a representative of one of the clients but did not consider the interest to be substantial and remained in the room during discussion of the item.

Councillor Owen declared an interest in Item 11 as she had a close relative in a care home and stated that she would leave the room during discussion of the item.

2. 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.

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 29 September, 2016.
- (2) Local Review Body on 26 August, 2016.
- (3) Formartine Area Committee on 30 August, 2016.
- (4) Kincardine and Mearns Area Committee on 30 August, 2016.
- (5) Social Work and Housing Committee on 1 September, 2016.
- (6) Banff and Buchan Area Committee on 6 September, 2016.
- (7) Marr Area Committee on 6 September, 2016.
- (8) Buchan Area Committee on 13 September, 2016.
- (9) Garioch Area Committee on 13 September, 2016.
- (10) Policy and Resources Committee on 15 September, 2016.
- (11) Formartine Area Committee on 20 September, 2016.
- (12) Kincardine and Mearns Area Committee on 20 September, 2016.
- (13) Appointments Committee on 21 September, 2016.
- (14) Scrutiny and Audit Committee on 22 September, 2016.

- (15) Banff and Buchan Area Committee on 27 September, 2016.
- (16) Marr Area Committee on 27 September, 2016.
- (17) Local Review Body on 30 September, 2016.
- (18) Buchan Area Committee on 4 October, 2016.
- (19) Garioch Area Committee on 4 October, 2016.
- (20) Appointments Committee on 5 October, 2016.
- (21) Infrastructure Services Committee on 6 October, 2016.
- (22) Aberdeenshire Council on 26 October, 2016.
- (23) Education, Learning and Leisure Committee on 27 October, 2016
- (24) Policy and Resources Committee on 17 November, 2016 (Extract of Item 15 only arising from a referral to Full Council under the provisions of Section A18 of the Scheme of Delegation).

Workspace Strategy - Headquarters Assessment Study - Councillor K L Clark, seconded by Councillor Webster, moved that the Council note the report and the work done to date but:

- (1) agrees to defer a decision on the recommendations in the Policy and Resources Committee report,
- (2) agrees to set up a short life cross-party working group to examine the strategic appraisal for delivery of council services across Aberdeenshire whilst acknowledging the existing workSPACE Strategy and the Council's budgetary challenges. The Working Group, having consulted appropriately, will make interim recommendations on this matter to Full Council on 26 January 2017. Final recommendations to follow to Full Council as soon as possible thereafter, and
- (3) agrees that, in addition, the Working Group will consider the linkages with the plans for the new Inverurie Academy Campus, and the proposed sports provision in the Garioch area, with appropriate recommendations also being included in the report to Council on 26 January 2017.

After discussion, the Council **agreed**:-

- (1) to approve the motion, and
- (2) to request the Chief Executive to liaise with the Group Leaders in order to constitute the Working Group and make arrangements for meetings as soon as possible.

4. NOTICES OF MOTION

- (1) From Councillor Ford:-

"The Chief Executive shall write to the Prime Minister expressing the Council's view that Parliament should determine the overall goals of the Brexit negotiation and that these goals should include continued membership of the single market."

Councillor Ford spoke to his motion which was seconded by Councillor Johnston.

As an amendment, Councillor Gifford, seconded by Councillor Webster, moved that the Chief Executive shall write to the Prime Minister expressing the Council's view that all Brexit negotiations and any decisions that follow must reflect the best interests of local government across the country and the people that we serve.

The members of the Council voted:-

for the motion	(36)	Councillors Aitchison, A J Allan, A M Allan, Argyle, Bellarby, Bews, Blackett, C C Buchan, Cassie, Christie, G J Clark, K L Clark, L Clark, Cullinane, Davidson, Duncan, Evison, Ford, Grant, Hendry, Hood, Ingram, Johnston, Latham, McRae, Merson, Mollison, Petrie, Pirie, Pratt, Robertson, Shand, S W Smith, B H Stuart, Thomson and Topping.
for the amendment	(27)	Councillors Agnew, A S Buchan, Carr, Chapman, C Clark, Cowling, Cox, Farquhar, Findlater, Gardiner, Gifford, Howatson, Ingleby, Malone, McKail, Nelson, Norrie, Oddie, Owen, Roy, M M Stewart, Tait, Taylor, Vernal, Walker, Watt and Webster.
declined to vote	(3)	Councillors Lonchay, N J Smith and D Stewart.

The **motion was carried** and the Council **agreed** that the Chief Executive shall write to the Prime Minister expressing the Council's view that Parliament should determine the overall goals of the Brexit negotiation and that these goals should include continued membership of the single market.

(2) From Councillor Argyle:-

"The Council notes with concern that the Scottish Government's changes to Council Tax banding, which will see significant council tax increases for those Aberdeenshire households in Bands E-H, have now been approved by the Scottish Parliament.

The Council instructs the Chief Executive of the Council to write as a matter of urgency to the Cabinet Secretary for Finance, Derek McKay MSP, to express Aberdeenshire Council's serious reservations about the measure.

In addition, the Council instructs the Chief Executive to ensure that the information leaflet sent to households with the 2017/18 Council Tax demand makes it explicit that this increase for properties in Bands E-H was agreed by the Scottish Parliament. Furthermore the information leaflet should also set out the financial impact of this increase, reflecting the details contained within the Settlement letter due to be issued on the 15th December 2016."

Councillor Argyle spoke to his motion which was seconded by Councillor Gifford.

As an amendment, Councillor Thomson, seconded by Councillor Evison, moved that:-

"The Council notes that the Scottish Government's changes to Council Tax banding, which will see Council Tax increases for households in Bands E-H, have now been approved by the Scottish Parliament.

While Council welcomes any additional resources for education and public services, Council notes that the reform falls short of the recommendations of the Commission on Local Taxation, and reaffirms its support for the principle that local taxes should fund local services.

Council instructs the Chief Executive of the Council to write to the Cabinet Secretary for Finance, Derek McKay MSP, to express Aberdeenshire Council's concerns about the planned adjustment to the funding of the Council to support this measure, and to seek a meeting to discuss the implementation of this policy.

In addition, the Council instructs the Chief Executive to ensure that the information leaflet sent to households with the 2017/18 Council Tax demand makes it explicit that this increase for properties in Bands E-H was agreed by the Scottish Parliament. Furthermore the information leaflet should also set out the financial impact of this increase, reflecting the details contained within the Settlement letter due to be issued on the 15th December 2016."

The members of the Council voted:-

for the motion	(34)	Councillors Agnew, Argyle, Bellarby, A S Buchan, Carr, Chapman, C Clark, 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, M M Stewart, Taylor, Walker, Watt and Webster.
for the amendment	(30)	Councillors Aitchison, A J Allan, A M Allan, Bews, Blackett, C C Buchan, Cassie, Christie, G J Clark, L Clark, Cox, Duncan, Evison, Ford, Grant, Hendry, Ingram, Johnston, Lonchay, McRae, Merson, Petrie, Pirie, Pratt, Shand, S W Smith, B H Stuart, Thomson, Topping and Vernal.
declined to vote	(2)	Councillors D Stewart and Tait.

The **motion was carried** and the Council **agreed**:-

- (1) to note that the Scottish Government's changes to Council Tax banding, which will see Council Tax increases for households in Bands E-H, have now been approved by the Scottish Parliament,
- (2) while welcoming any additional resources for education and public services, to note that the reform falls short of the recommendations of the Commission on Local Taxation, and to reaffirm its support for the principle that local taxes should fund local services,
- (3) to instruct the Chief Executive of the Council to write to the Cabinet Secretary for Finance, Derek McKay MSP, to express Aberdeenshire Council's concerns about the planned adjustment to the funding of the Council to support this measure, and to seek a meeting to discuss the implementation of this policy,
- (4) in addition, to instruct the Chief Executive to ensure that the information leaflet sent to households with the 2017/18 Council Tax demand makes it explicit that this increase for properties in Bands E-H was agreed by the Scottish Parliament. Furthermore the information leaflet should also set out the financial impact of this increase, reflecting

the details contained within the Settlement letter due to be issued on the 15th December 2016, and

- (5) that the letter to be written by the Chief Executive be shared with Group Leaders before it was sent.

5. COMPOSITION OF COMMITTEES

With reference to the Minute of Meeting of 30 June, 2016 (Item 5, Page 5) a report dated 4 November, 2016, by the Director of Business Services had been circulated requesting the Council to review the composition of committees in terms of political group proportionality as a consequence of recent by-election results.

After discussion, the Council **agreed**:-

- (1) to note that, at the by-elections on 3 November, 2016, Councillor Iain Taylor had been elected to fill the vacancy in Ward 1 (Banff and District) and Councillor Colin Clark had been elected to fill the vacancy in Ward 11 (Inverurie and District),
- (2) to note that, following notification to the Chief Executive that both councillors will form part of the Conservative group and part of the Alliance, the Partnership has 29 members (comprising SNP group - 26 members, The Progressive Alliance - 3 members); the Aberdeenshire Alliance has 34 members (comprising Conservative - 17 members, Liberal Democrats - 10 members, Aligned Independents - 7 members); the Democratic Independent and Green Group has 2 members; and there are three unaligned Independent members,
- (3) to note that the political proportionality for the current standard model for a 14 member committee is 7 (Alliance), 6 (Partnership), plus one other place allocated amongst the other councillors, and note that this does not require amendment as a result of the notifications outlined at (1) and (2),
- (4) to note that the political proportionality for the current Scrutiny and Audit Committee (12 members) is 6 (Alliance), 5 (Partnership), plus one other place allocated amongst the other councillors and note that this does not require amendment as a result of the notification outlined at (1) and (2),
- (5) that the exact composition of the four Policy Committees and the Scrutiny and Audit Committee, having regard to the principle of each member being allocated one committee place, be as follows:-

	Policy and Resources	Education, Learning and Leisure	Infrastructure Services	Social Work and Housing	Scrutiny and Audit
Partnership	6	6	6	6	5
Alliance	7	7	7	7	6
Others	1	1	1	1	1

- (6) that the change in political group affiliation did not require any adjustment to be made to the composition of 8 member committees and the Grampian Valuation Joint Board, and
- (7) that the composition of the Appeals Committee be adjusted to 3 (Alliance) and 2 (Partnership).

6. MEDIUM TERM FINANCIAL STRATEGY UPDATE

With reference to the Minute of Meeting of 11 February, 2016 (Item 3, Page 1304), a report by the Head of Finance had been circulated providing an update on continuing work to balance future years of the revenue budget within the framework of the Medium Term Financial Strategy. The report detailed the current position in relation to the revenue budget setting process for 2017/18 and future years, and recommended a process of budget engagement, prior to the budget setting meeting of the Council on 9 February, 2017.

Councillor Thomson, the Co-Leader of the Council, then introduced the pre-budget report from the Aberdeenshire Partnership, the Administration of Aberdeenshire Council. He reported on the progress made in delivering the priority projects in the current financial year and stated that the focus had been on housing, regeneration, investment in schools, pupil attainment and diversification of the economy. He advised that the Partnership aimed to deliver a programme of housing development which would include affordable housing. He referred to the benefits which would come from the Aberdeen City Region Deal and additional investment from the Scottish Government for major infrastructure projects. Investment in the school estate would continue, and there had been good progress in modernising the Council's office estate.

Councillor Gifford, Leader of the Aberdeenshire Alliance, the main opposition of the Council, responded and introduced the summary of proposed budget savings from the Aberdeenshire Alliance. He highlighted that the Alliance did not accept a proposed saving on the Banchory Sports Centre and that, together with other savings which would not be taken, the result was a deficit of almost £13.827 million. At this stage the Alliance were confident that this deficit could be met through a variety of measures, and once the details of the Scottish Government settlement were announced, the Alliance would consider the option of a Council Tax increase.

Councillor Johnston then presented the draft revenue budget 2017/18 on behalf of the Democratic Independent and Green Group. He stated that the proposals did not yet result in a balanced budget and pointed out additional savings which were not proposed by the Group but which might be required. He highlighted the need for capacity building in the third sector and communities in preparation for the Council removing or transferring service provision. Councillor Ford referred to a new public convenience strategy based on a network of 'comfort partnership' publicly available toilets replacing stand-alone Council-run facilities, increased budget allocation to carbon reduction (Capital Plan) from £0.5 million to £4 million using prudential borrowing, traffic calming and speeding reduction funded by increased income from car parking charges, and an increase in the cycling and walking budget. He also confirmed that the proposals included a Council Tax increase of 3%.

Thereafter, the Council **agreed**:-

- (1) to note the current position in relation to the budget setting process,
- (2) to commence a budget engagement process, and
- (3) to receive budget proposals for years 2017-2022 on 9 February, 2017.

7. SCHEME OF GOVERNANCE

With reference to the Minute of Meeting of 29 September, 2016 (Item 10, Page 407), a report dated 4 November, 2016, by the Director of Business Services had been circulated requesting the Council to approve the proposed new Scheme of Governance, which would form the new governance framework to ensure that the Council's systems and processes for decision making were transparent, reliable and effective. The Scheme was in four parts comprising Standing Orders, Delegations, Financial Regulations and Guidance.

At this point the Provost referred to Item 12 on the agenda (Membership of South West Smart Applications Ltd (SWSAL)) and advised that, if the new Scheme of Governance was approved, approval of Item 12 later on the agenda would require suspension of Standing Orders 18 and 21(2) so as to amend the Scheme of Governance.

The Council **agreed**:-

- (1) to approve Council membership of South West Smart Applications Ltd (SWSAL) at this point in the meeting and as recorded at Item 12 later in this minute,
- (2) to approve the proposed additions and amendments to the Scheme of Governance document as detailed in the amended version of Appendix 1 of the report which had been circulated to members,
- (3) to approve the new Scheme of Governance, together with approved additions and amendments, and
- (4) to approve implementation of the provisions contained in the Scheme of Governance with effect from 27 January, 2017.

8. IMPLEMENTATION OF NEW SCHEME OF GOVERNANCE - APPOINTMENT OF COMMITTEES AND TIMETABLE OF MEETINGS 2017/18

With reference to the Minute of Meeting of 30 June, 2016 (Item 6, Page 7), a report dated 24 October, 2016, by the Director of Business Services had been circulated detailing a number of issues to be determined as part of the implementation of the new Scheme of Governance. The report listed the new committees, commented on volume of business at committees and committee size, proposed the establishment of a new Transitional Committee, provided information on miscellaneous committees, sub-committees and joint bodies, and requested approval of a timetable of meetings of the Council, Policy Committees and Area Committees for the period from May, 2017 to April, 2018.

During discussion, Councillor Thomson, seconded by Councillor Evison, moved that the committee with delegated authority to deal with Property should be Infrastructure Services.

As an amendment, Councillor Gifford, seconded by Councillor K L Clark, moved that the committee with delegated authority to deal with Property should be Business Services.

The members of the Council voted:-

for the motion	(29)	Councillors Aitchison, A J Allan, A M Allan, Bews, C C Buchan, Cassie, Christie, G J Clark, L Clark, Cox, Duncan, Evison, Ford, Grant, Hendry, Ingram, Johnston, Lonchay, McRae, Merson, Petrie, Pirie, Pratt, Shand, S W Smith, B H Stuart, Thomson, Topping and Vernal.
for the amendment	(32)	Councillors Agnew, Argyle, Bellarby, Carr, Chapman, C Clark, 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, M M Stewart, Taylor, Walker and Webster.
declined to vote	(1)	Councillor Tait.

absent from the vote (4) Councillors Blackett, A S Buchan, D Stewart and Watt.

The **amendment was carried.**

The Council therefore **agreed:-**

- (1) that the committee with delegated authority to deal with Property would be Business Services,
- (2) to continue to use the membership size of the existing committees, such that the four new Policy Committees (Business Services, Communities, Education and Children's Services and Infrastructure Services) would have 14 members and the new Audit Committee would have 12 members, subject to review after May 2017,
- (3) that officers bring forward a report to the January meeting of the Council to appoint chairs, vice-chairs and members (and substitute members) to the four new Policy Committees (Business Services, Communities, Education and Children's Services and Infrastructure Services), the Audit Committee and the Community Empowerment Appeals Committee, having regard to the political proportionality of the Council,
- (4) to appoint the Community Empowerment Appeals Committee with immediate effect as a miscellaneous committee of 8 members (4 Partnership, 3 Alliance, plus one other place allocated amongst the other councillors), with the membership to exclude any member of the policy committee which had considered the application or a member involved at area committee level, and to instruct officers to draw members according to that proportionality dependent on the case involved,
- (5) to make no further changes to the membership of the miscellaneous existing committees, subject to review after May 2017,
- (6) to approve the recommendation from the Local Review Body to retain one central LRB and that the membership should be one substantive member and one substitute member (from a different electoral ward from the substantive member) appointed from each Area Committee, and for the change to take effect following the elections in May 2017,
- (7) that the appropriate policy committee reporting mechanism for the sub-committees detailed in paragraph 5.13 of the report be as follows:-

Business Services Committee

Aberdeenshire Health and Social Care Partnership Appointments Sub-Committee
Licensing Sub-Committee
Employees' Joint Consultative Committee

Communities Committee

Gypsy/Traveller Sub-Committee
Housing Adaptations Grants Appeals Sub-Committee
Regulation of Private Rented Housing Appeals Sub-Committee

Infrastructure Services Committee

Sustainability Sub-Committee (subject to further discussion by the Sustainability Sub-Committee and review after May 2017, the Council having acknowledged that this was a temporary arrangement which required to be revisited)

- (8) to amend the existing timetable of Council, Policy Committee and Area Committee meetings for 2016/17 to reflect the new committees from 27 January, 2017, and to approve the timetable of meetings of the Council, Policy Committees and Area Committees for 2017/18 as detailed in Appendix A to this minute, and
- (9) to appoint a Transitional Committee with effect from 27 January, 2017, to 17 May, 2017, with the same membership as the Business Services Committee and with the following remit:-
 - (a) to deal with any business which requires to be considered but which cannot practicably be transacted without a further change to the Scheme of Governance,
 - (b) to determine projects or obligations either in principle or at tender stage where the value of the matter exceeds £50,000 and is in the approved annual budget. These provisions shall not apply to the extension of an existing contract for a period of up to twelve months which shall instead be delegated to appropriate officers, in accordance with Financial Regulations, and
 - (c) to consider future committee membership and operating schedules, and make recommendations to future council/administration.

9. REVIEW OF THE SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS

With reference to the Minute of Meeting of 19 June, 2014 (Item 9, Page 6), a report dated 9 November, 2016, by the Director of Business Services had been circulated setting out progress to date on the review of the Scheme for the Establishment of Community Councils. The report stated that throughout the Review, adherence to the Scottish Government Model Scheme of the Establishment of Community Councils had been preferred. However, a number of recent cases had arisen which had caused officers to reconsider that approach in relation to dissolution powers in particular and also the lack of sufficient appeals in relation to disciplinary matters within Community Councils. The Council was therefore requested to determine whether it wished to adopt the Model with very limited dissolution provisions, or alternatively to maintain the existing dissolution powers for the Council. Proposed draft clauses 14-16 to the Scheme relating to suspension and dissolution of a Community Council were attached as Appendix 1 of the report.

During discussion, it was accepted that there was a need for further consultation to take place. Officers confirmed that this consultation could include the Scottish Rural Network and that there was still an opportunity to consider further representations from Community Councils. Amendments were made to clause 14.1 and 14.4 of Appendix 1 to replace "Community" with "Committee" and to provide for any written notice from the Area Manager to be reported to Area Committees for information.

Thereafter, the Council **agreed**:-

- (1) to note the progress and recent developments in relation to the Review of the Scheme for the Establishment of Community Councils,

- (2) to approve the inclusion of dissolution provisions as amended in the proposed revised Scheme for consultation, and
- (3) to Instruct officers to resume the consultation with Community Councils and the general public on any proposed change from the documents already consulted upon and thereafter to bring forward a proposed revised scheme to a future meeting of the Council for approval.

10. ALTERNATIVE SERVICE DELIVERY MODEL - SPORT AND CULTURE

With reference to the Minute of Meeting of the Education, Learning and Leisure Committee of 27 October, 2016 (Item 3), a report dated 2 November, 2016, by the Director of Education and Children's Services had been circulated setting out the progress to date on researching alternative service delivery models for sport and cultural services. The report stated that the challenge for the Council was how to sustain, and create conditions for continued growth in, sport and cultural services in the budget context ahead. There was increasing evidence from across Scotland of using charitable trusts to deliver sport and culture and there had developed considerable experience of successfully using a wholly-owned charitable trust as a part of a local authority's range of delivery mechanisms to leverage the most financially and operationally attractive context for sustaining leisure and culture jobs and services. Accordingly the Council had commissioned consultants to research the best model specific to the Council's circumstances. An Outline Business Case had been developed which considered five structural models and found significant operational benefit from two of those models compared to the status quo. These were either an "enhanced" status quo by means of a Direct Service Organisation or a wholly-owned charitable trust.

During discussion, members supported the proposals that there should be a public consultation before proceeding to a Full Business Case if appropriate, and that the governance arrangements for a charitable trust should be fully explored for acceptability before any decision was taken to proceed with development of a Full Business Case. It was suggested that it would be useful for a report on the Full Cost Recovery Model to be submitted at the same time to enable a more rounded discussion and that any model for a charitable trust should also look at social enterprises. It was requested that any additional information which might arise in the course of the consultation would be reported to members as briefing notes.

Thereafter, the Council **agreed:-**

- (1) to note that the process of considering alternate delivery models was in the context of the report agreed by Full Council on 18 June, 2015, entitled "A Report by the Scrutiny and Audit Committee on Alternative Delivery Models",
- (2) to identify the wholly-owned charitable trust referred to as Option 5 in the report as the Council's preferred option for further consideration, and to instruct officers to undertake the further work detailed in paragraph 2.35 of the report,
- (3) to approve the proposed approach to consultation with the public about the Council's preferred option as detailed in paragraph 2.33 of the report, and
- (4) to receive a further report at the January meeting of Full Council at which the Council would decide whether to proceed with a Full Business Case.

Councillor Tait, having moved an amendment which was not seconded, requested that his dissent be recorded.

11. CHARGING POLICY

With reference to the Minute of Meeting of 29 September, 2016 (Item 14, Page 409), a report dated 25 October, 2016, by the Chief Officer (Aberdeenshire Health and Social Care Partnership) had been circulated providing information to enable the Council to consider whether phasing should be applied to the implementation of the Non-Residential Charging Policy agreed by the Social Work and Housing Committee on 17 December, 2015 (Item 4, Page 1114 refers) over a period of five years and the application of the Non-Residential Charging Policy to couples. The report set out the timeline associated with the change in the charging policy and the financial and resource implications if a retrospective phased increase was applied over five years, and explained that the application of the Non-Residential Charging Policy to couples was consistent with the Department of Work and Pensions and Housing Benefit who took into account all household income.

Councillor Thomson, seconded by Councillor A M Allan, moved that the Council:-

- (1) agree that phasing over a period of five years be not retrospectively applied to the implementation of the Council's Non-Residential Charging Policy, with an effective start of 11 April, 2016, and
- (2) retain the current application of the Non-Residential Charging Policy as applied to couples.

As an amendment, Councillor Robertson, seconded by Councillor N J Smith, moved that the Council:-

- (1) agree to make a one-off payment, in the current financial year, to affected service users following the change of policy,
- (2) retain the current policy as applied to couples but instruct officers to submit a further report to the appropriate committee in 12 months to monitor impacts of the policy,
- (3) instruct officers to implement an early communication and engagement strategy, and
- (4) issue regular briefings outlining the engagement process and outcomes.

During discussion, it was commented that, at their meeting on 17 December, 2015, all members of the Social Work and Housing Committee had agreed to the principle of changing the charging policy. However, there had been a request for officers to implement a communication and engagement strategy with the intention to meet with service users, families and carers to discuss the implications of that decision and what it would mean for individuals, and this process had not taken place. It was suggested that appropriate measures had not been put in place to provide advice, guidance and support to residents. It was stated that the budgetary implications of the amendment were set out in paragraph 3.1 and Table 1 of the report and it was proposed that the Council could look to use reserves within the budget to fund the figure of £1.5M. This could be done by using an amount of £750,000 from the Capital Programme reserves and also £750,000 from the Transitional Relief for Severance line within the reserve budget, if officers could not identify other sources of funding.

Thereafter, the members of the Council voted:-

for the motion	(29)	Councillors Aitchison, A J Allan, A M Allan, Bews, C C Buchan, Cassie, Christie, G J Clark, L Clark, Cox, Duncan, Evison, Ford, Grant, Hendry, Ingram, Johnston, Lonchay, McRae, Merson,
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Petrie, Pirie, Pratt, Shand, S W Smith, B H Stuart, Thomson, Topping and Vernal.

for the amendment	(32)	Councillors Agnew, Argyle, Bellarby, Carr, Chapman, C Clark, K L Clark, Cowling, Cullinane, Davidson, Farquhar, Findlater, Gardiner, Gifford, Hood, Howatson, Ingleby, Latham, Malone, McKail, Mollison, Nelson, Norrie, Oddie, Robertson, Roy, N J Smith, M M Stewart, Tait, Taylor, Walker and Webster.
absent from the vote	(5)	Councillors Blackett, A S Buchan, Owen, D Stewart and Watt.

The **amendment was carried** and the Council **agreed**:-

- (1) to make a one-off payment, in the current financial year, to affected service users following the change of policy,
- (2) to retain the current policy as applied to couples but instruct officers to submit a further report to the appropriate committee in 12 months to monitor impacts of the policy,
- (3) to instruct officers to implement an early communication and engagement strategy, and
- (4) to issue regular briefings outlining the engagement process and outcomes.

12. MEMBERSHIP OF SOUTH WEST SMART APPLICATIONS LTD (SWSAL)

With reference to the Minute of Meeting of the Policy and Resources Committee of 9 June, 2016 (Item 12, Page 81), a report dated 10 November, 2016, by the Director of Infrastructure Services had been circulated requesting that the Council approve membership of South West Smart Applications Ltd (SWSAL) in order to allow the Council to award a contract for the purchase of electronic ticket machine systems using a framework procured by SWSAL. The report stated that amendments would require to be made to the new Scheme of Governance to provide for approval of Council membership of any external corporate body and execution of documentation in connection with membership and representing the Council at members' meetings of SWSAL.

As recorded at Item 7 earlier in this minute, the Council **agreed**:-

- (1) to approve Council membership of South West Smart Applications Ltd (SWSAL), and
- (2) to delegate authority to the Director of Infrastructure Services to execute relevant documentation in connection with membership and represent the Council at members' meetings of South West Smart Applications Ltd with immediate effect.

13. KINTORE STATION - COMPULSORY PURCHASE ORDER AMENDMENT

A report dated 14 November, 2016, by the Director of Infrastructure Services had been circulated explaining that the provision of a new Kintore Station was being delivered as part of the committed Aberdeen to Inverness rail improvements project resulting from the Scottish Government's Strategic Transport Projects Review. The report stated that the Council needed to acquire title to areas of land referred to as the Station Land and the Junction Access Land in order to facilitate the construction of the new station and set out the reasons why the most

appropriate way to obtain the areas of land was to proceed with two separate Compulsory Purchase Orders.

The Council **agreed**:-

- (1) to pass a resolution to make a Compulsory Purchase Order under the Town and Country Planning (Scotland) Act 1997 (the “1997 Act”) in respect of the land shown outlined on the plan in Appendix 2 of the report (the “Station Land”), and
- (2) to pass a resolution to make a Compulsory Purchase Order under the Roads (Scotland) Act 1984 (the “1984 Act”) in respect of the land shown outlined on the plan in Appendix 3 of the report (the “Junction Access Land”).

APPENDIX A**TIMETABLE OF MEETINGS - 2017/18****MAY 2017**

Thursday 18 **Aberdeenshire Council**

Tuesday 30 Banff and Buchan Area Committee
Marr Area Committee

JUNE 2017

Thursday 1 Infrastructure Services Committee

Tuesday 6 Buchan Area Committee
Garioch Area Committee

Thursday 8 Education and Children's Services Committee

Tuesday 13 Formartine Area Committee
Kincardine and Mearns Area Committee

Thursday 15 Communities Committee

Tuesday 20 Banff and Buchan Area Committee
Marr Area Committee

Wednesday 21 Audit Committee

Thursday 22 Business Services Committee

Tuesday 27 Buchan Area Committee
Garioch Area Committee

Thursday 29 **Aberdeenshire Council**

JULY 2017

Tuesday 18 Buchan Area Committee (Vacation)
Formartine Area Committee (Vacation)
Kincardine and Mearns Area Committee (Vacation)

Tuesday 25 Banff and Buchan Area Committee (Vacation)
Garioch Area Committee (Vacation)
Marr Area Committee (Vacation)

Thursday 27 **Vacation Committee**

AUGUST 2017

Tuesday 22 Formartine Area Committee
Kincardine and Mearns Area Committee

Thursday 24 Infrastructure Services Committee

Tuesday 29	Banff and Buchan Area Committee Marr Area Committee
Thursday 31	Education and Children's Services Committee
SEPTEMBER 2017	
Tuesday 5	Buchan Area Committee Garioch Area Committee
Thursday 7	Communities Committee
Tuesday 12	Formartine Area Committee Kincardine and Mearns Area Committee
Thursday 14	Business Services Committee
Tuesday 19	Banff and Buchan Area Committee Marr Area Committee
Thursday 21	Audit Committee
Tuesday 26	Buchan Area Committee Garioch Area Committee
Thursday 28	Aberdeenshire Council
OCTOBER 2017	
Tuesday 3	Formartine Area Committee Kincardine and Mearns Area Committee
Thursday 5	Infrastructure Services Committee
Tuesday 10	Banff and Buchan Area Committee Marr Area Committee
Thursday 12	Education and Children's Services Committee
Tuesday 31	Buchan Area Committee Garioch Area Committee
NOVEMBER 2017	
Thursday 2	Audit Committee
Tuesday 7	Formartine Area Committee Kincardine and Mearns Area Committee
Thursday 9	Communities Committee
Tuesday 14	Banff and Buchan Area Committee Marr Area Committee
Thursday 16	Business Services Committee

Tuesday 21	Buchan Area Committee Garioch Area Committee
Thursday 23	Aberdeenshire Council
Tuesday 28	Formartine Area Committee Kincardine and Mearns Area Committee
Thursday 30	Infrastructure Services Committee
DECEMBER 2017	
Tuesday 5	Banff and Buchan Area Committee Marr Area Committee
Thursday 7	Education and Children's Services Committee
Tuesday 12	Buchan Area Committee Garioch Area Committee
Thursday 14	Audit Committee
Thursday 21	Communities Committee
JANUARY 2018	
Thursday 11	Business Services Committee
Tuesday 16	Formartine Area Committee Kincardine and Mearns Area Committee
Thursday 18	Aberdeenshire Council
Tuesday 23	Banff and Buchan Area Committee Marr Area Committee
Thursday 25	Infrastructure Services Committee
Tuesday 30	Buchan Area Committee Garioch Area Committee
Wednesday 31	Audit Committee
FEBRUARY 2018	
Thursday 1	Education and Children's Services Committee
Tuesday 6	Formartine Area Committee Kincardine and Mearns Area Committee
Thursday 8	Aberdeenshire Council (Revenue Budget)
Tuesday 13	Banff and Buchan Area Committee Marr Area Committee

Thursday 15	Communities Committee
Tuesday 20	Buchan Area Committee Garioch Area Committee
Tuesday 27	Formartine Area Committee Kincardine and Mearns Area Committee

MARCH 2018

Thursday 1	Business Services Committee
Tuesday 6	Banff and Buchan Area Committee Marr Area Committee
Thursday 8	Aberdeenshire Council
Tuesday 13	Buchan Area Committee Garioch Area Committee
Thursday 15	Infrastructure Services Committee
Tuesday 20	Formartine Area Committee Kincardine and Mearns Area Committee
Wednesday 21	Audit Committee
Thursday 22	Education and Children's Services Committee
Tuesday 27	Banff and Buchan Area Committee Marr Area Committee
Thursday 29	Communities Committee

APRIL 2018

Tuesday 17	Buchan Area Committee Garioch Area Committee
Thursday 19	Business Services Committee
Tuesday 24	Formartine Area Committee Kincardine and Mearns Area Committee
Thursday 26	Aberdeenshire Council