

ABERDEENSHIRE COUNCIL

WOODHILL HOUSE, ABERDEEN, 23 NOVEMBER, 2017

Present: Councillors K Adam, W A Agnew, D R Aitchison, A M Allan, P J Argyle, N Baillie, D Beagrie, L Berry, A A Bews, G Blackett, R Bruce, C C Buchan, M A Buchan, S W Calder, G W Carr, R A Cassie, J B Cox, I Davidson, S Dickinson, A C Duncan, E Durno, A Evison, M Ewenson, A Fakley, M A Findlater, M A Ford, A Forsyth, P Gibb, J N Gifford, V Harper, A J Hassan, F C P Hood, W Howatson, J Hutchison, M F Ingleby, J Ingram, P K Johnston, A Kahanov-Kloppert, A Kille, J J Latham, S Leslie, D Lonchay, D Mair, C R McKail, A McKelvie, I J Mollison, G E Petrie, C Pike, G Reid, G D Reynolds, D Robertson, A Ross, M J Roy, A M Simpson, H Smith, N J Smith, S W Smith, E A Stirling, I Sutherland, I W Taylor, R G Thomson, B A Topping, I M Walker, J M Whyte and L Wilson.

Apologies: Councillors A S Buchan, G L Owen, H Partridge, A Wallace and R Withey.

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 Planning and Building Standards, Head of Life Long Learning and Leisure, Acting Head of Legal and Governance, Senior Committee Officer (Mr N David), and Senior Committee Officer (Mrs F Brown).

CHAIR

Councillor W Howatson, Provost of the Council, presided.

ANNOUNCEMENTS

The Provost welcomed Councillor Lesley Berry to her first meeting of Aberdeenshire Council following her election at the by-election on 12 October, 2017, to fill the vacancy in Ward 11 (Inverurie and District). The Council concurred with the Provost in welcoming Councillor Berry.

The Provost announced the recent passing of Dr Ian Findlay who had supported the Education and Children's Service's Committee for more than ten years as a religious representative. The Council concurred with the Provost in passing the Council's condolences to Dr Findlay's family.

The Provost announced that Aberdeenshire Council had been successful at the recent CoSLA Awards. The Council had received a number of CoSLA Awards. The Provost paid tribute to the teams of staff involved in the work which had led to these awards.

Finally, the Provost announced that Councillor Alison Evison had recently been elected as President of CoSLA. The Council joined with the Provost in congratulating Councillor Evison on being elected to this prestigious position.

1. DECLARATION OF MEMBERS' INTERESTS

The Provost asked members if they had any interests to declare in terms of the Councillors' Code of Conduct. No interests were declared.

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 Council **agreed** that Item 15, which had been proposed to be taken with the press and public excluded, be taken within the public part of the meeting.

Thereafter the Council **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 16 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. MINUTE OF ABERDEENSHIRE COUNCIL OF 28 SEPTEMBER, 2017

The Minute of Meeting of Aberdeenshire Council of 28 September, 2017, had been circulated, was **approved** as a correct record, and thereafter signed by the Chair.

4. NOTICES OF MOTION

(i) From Councillor Reynolds:

“Aberdeenshire Council commends the work of the Aberdeenshire Child Protection Committee in response to child trafficking and exploitation.

Aberdeenshire Council notes with concern that the latest Scottish Government information and Police Scotland reports, show that potential victims of the broader crime of “adult” human trafficking, involving people being forced into economic slavery or sexually abused, have been identified across Scotland, including in Stonehaven.

The Chief Executive is requested:

- (1) to ensure that all council staff and Councillors, are made aware that they could encounter potential victims of human trafficking in the course of their work, (including in cases where a person may be unaware that they are being trafficked),
- (2) to establish a clear system for the recording of such cases and reporting these to Police Scotland,
- (3) to work collaboratively with the police and other partners, locally and nationally, to ensure that Aberdeenshire is a hostile environment to this trade in people, and

- (4) to work collaboratively with Community Safety partners to ensure that support is in place for all victims of trafficking”.

Councillor Reynolds spoke to his motion.

The Council **agreed:-**

- (1) to refer the matter to the meeting of the Communities Committee on 15 February, 2018, and
- (2) that in the meantime the Director of Business Services expedite arrangements to ensure all Council staff and Councillors are made aware that they could encounter potential victims of human trafficking in the course of their work.

(ii) From Councillor Cassie:

“Council notes that authorities in which Universal Credit has already been rolled out report that Universal Credit has created an increase in debt for the lowest income families and also an increase in rent arrears and evictions.

Aberdeenshire Council recognises that with the Universal Credit rollout in Aberdeenshire from November onwards the Council’s benefits section along with other council services will struggle and may fail to cope with the extra workload.

Council is concerned that this rollout will cause hardship in the festive period and that this will increase the pressures to our council services. Aberdeenshire Council asks that the Chief Executive writes to the Prime Minister Theresa May and the Secretary of State for Work and Pensions David Gauke MP requesting that the rollout of Universal Credit be paused until all of its many problems are resolved”.

Councillor Cassie spoke to his motion. In speaking to his motion he deleted the second paragraph. His motion, with the removal of the second paragraph, was seconded by Councillor Evison.

As an amendment, Councillor Stirling, seconded by Councillor Walker, moved that the matter be referred to the Communities Committee and be taken forward by a presentation by officers to the meeting of that Committee on 21 December, 2017, to which all Councillors will be invited; and that the Council endorse fully the steps taken by Council Services to deal with issues in the rollout; and endorse action being taken by CoSLA to represent local authorities on this matter to the United Kingdom and Scottish Governments.

The members of the Council voted:-

for the motion (26) Councillors Adam, Aitchison, Allan, Baillie, Bews, Blackett, C Buchan, Calder, Cassie, Duncan, Durno, Evison, Ford, Forsyth, Harper, Ingram, Johnston, Kloppert, Petrie, Reid, Reynolds, Robertson, S Smith, Thomson, Topping and Wilson.

- for the amendment (37) Councillors Agnew, Argyle, Beagrie, Berry, Bruce, M Buchan, Carr, Cox, Davidson, Dickinson, Fakley, Findlater, Gibb, Gifford, Hassan, Hood, Howatson, Hutchison, Ingleby, Kille, Latham, Leslie, Lonchay, Mair, McKail, McKelvie, Mollison, Ross, Roy, Simpson, H Smith, N Smith, Stirling, Sutherland, Taylor, Walker and Whyte.
- declined to vote (2) Councillors Ewenson and Pike.

The **amendment was carried.**

5. WARD 11 BY-ELECTION RESULTS AND COMMITTEE COMPOSITION

There was circulated a report dated 24 October, 2017, by the Director of Business Services on the Ward 11 by-election result and committee composition.

The report reminded members that the Council at the meeting on 18 May, 2017, approved the allocation of places and the appointment of members to Committees, Sub-Committees, Joint Committees and Working Groups to reflect the political proportionality of the Council. There had been no change in political affiliation as a result of the Ward 11 By-Election on 12 October, 2017, and consequently no change was required to the membership of Committees, Sub-Committees, Joint Committees and Working Groups.

The Council **agreed:-**

- (1) to note that at the by-election on 12 October, 2017, to fill the vacancy in Ward 11 (Inverurie and District) Councillor Lesley Berry was elected,
- (2) that following notification to the Chief Executive that Councillor Berry will form part of the Conservative Group, the following numbers should be noted:
 - (i) the Conservative, Liberal Democrat and Aligned Independents Group has 43 members (comprising 23 Conservatives, 14 Liberal Democrats and 6 Aligned Independents),
 - (ii) the Partnership has 23 members (comprising 21 SNP and 2 Aberdeen Labour and Communities Alliance), and
 - (iii) the remaining members comprise the Democratic Independent Green Group (2 members) and Unaligned Independents (2 members), and
- (3) to note that the political proportionality for the current standard model 14 member, 8 member and 5 member Committees, and for Sub-Committees, Joint Committees and Working Groups, as approved by Full Council on 18 May, 2017, does not require amendment as a result of the notifications outlined above.

6A. FULL PLANNING PERMISSION FOR ERECTION OF 37 DWELLING HOUSES, PROVISION OF LAND FOR FUTURE AFFORDABLE HOUSING, AND ASSOCIATED LANDSCAPING AND INFRASTRUCTURE AT WESTHAVEN, CAIRNBULG (REFERENCE NO: APP/2017/0478)

With reference to the Minute of Meeting of the Banff and Buchan Area Committee of 19 September, 2017 (Item 17, Appendix A), a report dated 17 October, 2017, by the Director of Infrastructure Services had been circulated requesting consideration of an application for

full planning permission for the erection of 37 dwelling houses, provision of land for affordable housing, and associated landscaping and infrastructure at Westhaven, Cairnbulg.

The report explained that Full Council was able to consider this matter in terms of Section B.9.1 of Part 2A List of Committee Powers and Section C.2.1b of Part 2C Planning Delegations of the Scheme of Governance as the application was for a major development which, in the opinion of the Head of Planning and Building Standards, was a significant departure from the Development Plan and was therefore to be determined by Full Council, following consultation with the Banff and Buchan Area Committee.

The Provost advised that a request to address the Council had been received from the applicant's agent, Ms Tiffany Kelly, and the Council agreed that she be heard prior to the determination of the application. The Council heard Ms Kelly speak in support of the application. Ms Kelly then withdrew to the public benches.

Thereafter the Head of Planning and Building Standards outlined the recommendation from the Planning Service to refuse the application for the following reasons:

- (1) the proposal site was not allocated for housing within the Local Development Plan 2017, and therefore did not comply with Policy H1: Housing Land,
- (2) the proposal did not reflect small scale development and therefore did not comply with Policy R2: Housing and Employment Development Elsewhere in the Countryside; furthermore, the proposal did not comply with any of the criteria for development supported by this Policy, and
- (3) the proposal site was located within the coastal zone as defined in Policy R1: Special Rural Areas, and insufficient evidence had been provided to demonstrate the locational requirement for the development and it was the view of the Planning Service that there was sufficient housing allocated within the settlement to meet the local housing need.

Thereafter, Councillor Topping, seconded by Councillor C Buchan, moved that the Council grant full planning permission as there was overwhelming support expressed by the local community; benefits would be realised if the development went ahead; although the land was not currently in the Local Development Plan for Housing, there was a very strong view that this should have been included and would be in the next Local Development Plan; it was considered to be a small scale development, appropriate for an infill site; it would not have an adverse effect on either the coastal zone or the surrounding historical and cultural area and therefore complied with Policy HE2; and it would redress the imbalance between the two local communities.

As an amendment, Councillor Argyle, seconded by Councillor Ross, moved that the Council refuse full planning permission for the reasons outlined by the Head of Planning and Building Standards within the report.

The members of the Council voted:

- | | | |
|----------------|------|--|
| for the motion | (38) | Councillors Adam, Allan, Baillie, Beagrie, Bews, Blackett, C Buchan, M Buchan, Calder, Carr, Cox, Durno, Evison, Fakley, Findlater, Forsyth, Gibb, Harper, Ingleby, Ingram, Kille, Kloppert, Leslie, Lonchay, Mair, McKail, Petrie, Pike, Reid, Reynolds, Robertson, Simpson, N Smith, Sutherland, Taylor, Thomson, Topping and Whyte. |
|----------------|------|--|

- for the amendment (26) Councillors Agnew, Aitchison, Argyle, Berry, Bruce, Cassie, Davidson, Dickinson, Ewenson, Ford, Gifford, Hassan, Hood, Howatson, Hutchison, Johnston, Latham, McKelvie, Mollison, Ross, Roy, H Smith, S Smith, Stirling, Walker and Wilson.
- declined to vote (1) Councillor Duncan.

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

That authority to GRANT full planning permission be delegated to the Head of Planning and Building Standards subject to appropriate conditions relating to roads and accesses; energy efficiency requirements; foul and surface water drainage; landscape and boundary details; and material finishes; and further discussion regarding design.

6B. FULL PLANNING PERMISSION FOR CHANGE OF USE OF DEPOT AND FORMATION OF 15 PITCH CARAVAN PARK FOR GYPSIES/TRAVELLERS AND ERECTION OF AMENITY BLOCK AT BOYNDIE DEPOT, BOYNDIE, BANFF (REFERENCE NO: APP/2017/1435)

With reference to the Minute of Meeting of the Banff and Buchan Area Committee of 10 October, 2017 (Item 9, Appendix A), a report dated 16 October, 2017, by the Director of Infrastructure Services had been circulated requesting consideration of an application for full planning permission for change of use of a depot and formation of a 15 pitch caravan park for gypsies/travellers and erection of amenity block at Boyndie Depot, Boyndie, Banff.

The report explained that this was a planning application for local development which, in the opinion of the Director of Infrastructure Services following consultation with the Chief Executive and the leaders of the political groups of the Council, was of regional significance and which therefore should be determined by Full Council following consultation with the relevant Area Committee.

The Head of Planning and Building Standards introduced the application and explained that it was for full planning permission for the formation of a 15 single pitch caravan site for gypsies/travellers and the erection of an associated amenity block upon land which previously formed a Council depot. The site would be used as a stopover site, ie. an authorised area of land with basic facilities which could be accessed by gypsies/travellers on a temporary basis.

The Provost advised that requests to address the Council had been received from the applicant's agent, Mr Michael Ritchie, and also from an objector, Mr Alasdair Forbes. The Council agreed to hear the speakers prior to the determination of the application. Firstly Mr Michael Ritchie spoke, followed by Mr Alasdair Forbes. Following each speaker and questions from members, both Mr Ritchie and Mr Forbes withdrew to the public benches. Following discussion and questions from members, the Head of Planning and Building Standards advised that the conditions and application would be revised to replace any reference to the word "chalet" with the word "caravan" for clarity; and the condition requiring that a site survey for contamination be undertaken be added.

Thereafter, Councillor Findlater, seconded by Councillor Ford, moved that the Council grant full planning permission subject to the conditions outlined within the report and the additional condition that a site survey be undertaken for contamination.

As an amendment, Councillor Roy, seconded by Councillor Ross, moved that the Council refuse planning permission as the application did not comply with Policy RD1 in respect of road safety.

The members of the Council voted:-

| | | |
|-------------------|------|--|
| for the motion | (58) | Councillors Adam, Agnew, Aitchison, Allan, Argyle, Baillie, Beagrie, Berry, Bews, Blackett, Bruce, C Buchan, M Buchan, Calder, Carr, Cassie, Davidson, Dickinson, Durno, Evison, Ewenson, Fakley, Findlater, Ford, Forsyth, Gifford, Harper, Hassan, Howatson, Hutchison, Ingleby, Ingram, Johnston, Kille, Kloppert, Latham, Leslie, Lonchay, Mair, McKail, McKelvie, Mollison, Petrie, Pike, Reid, Reynolds, Robertson, Simpson, H Smith, N Smith, S Smith, Stirling, Sutherland, Taylor, Thomson, Walker, Whyte and Wilson. |
| for the amendment | (4) | Councillors Gibb, Hood, Ross and Roy. |
| declined to vote | (3) | Councillors Cox, Duncan and Topping. |

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

(1) to GRANT full planning permission, subject to the following conditions:-

1. That each of the 15 pitches identified on approved drawing ref: 17022 02B shall have no more than one touring caravan upon it.

Reason: In order to ensure the approved number of caravans do not exceed the terms of this planning permission and to comply with the requirements of the Caravan Licence.

2. That areas of hardstanding shall be restricted to those indicated on approved drawing ref: 17022 02B and no others shall be formed without an express grant of planning permission from the Planning Authority.

Reason: In the interests of retaining natural ground and the visual amenity of the area.

3. That notwithstanding the provisions of Class 7 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) no means of enclosure shall be erected on the site without an express grant of planning permission from the Planning Authority.

Reason: In the interests of the character and appearance of the development.

4. That within three months of the date of this notice, a scheme of landscaping works shall be submitted to the Planning Authority. Details of the scheme shall include:

- i. Existing landscape features and vegetation to be retained.
- ii. The location of new trees/shrubs/hedges to provide landscape areas specifically along the northern, eastern and southern edges of the site to achieve an enhanced landscape buffers.
- iii. A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- iv. A programme for the completion and subsequent maintenance of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed within nine months of the date of this notice or such other date as may be agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Thereafter, all management and maintenance of the landscaped and open space areas shall be implemented, in perpetuity, in accordance with the approved programme.

Reason: To ensure the implementation of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area and to ensure that the landscaping is managed and maintained in perpetuity.

5. The proposed development shall be connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply without the separate express grant of planning permission by the Planning Authority.

Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

6. That the proposed foul and surface water drainage system shall be carried out in accordance with the approved plans and shall not be occupied unless the approved drainage system has been implemented in this form, unless otherwise agreed in writing with the Planning Authority. Following provision of the drainage system it shall thereafter be maintained by the developers or their successors.

Reason: In order to ensure that adequate drainage facilities are provided, and maintained, in the interests of the amenity of the area.

7. Prior to the occupancy of any individual stance, parking for 1 vehicle for that particular stance shall be provided in hard standing materials and shall thereafter be permanently retained as such to be used when that individual stance is occupied.

Reason: To ensure the provision of adequate onsite car parking within the site.

8. The site shall not be occupied until the refuse bin/recycling arrangements for the site, including a designated uplift area as detailed on the approved drawings, has been installed on site. Once provided, the refuse bin/recycling uplift area shall thereafter be permanently retained as such in accordance with the approved details unless otherwise agreed in writing by the Council as Planning Authority.

Reason: To ensure the site is adequately serviced in terms of waste management

9. No works in connection with the development hereby approved (other than the demolition of the existing buildings) shall commence unless an investigation of the site has been undertaken in accordance with BS10175:2011+A2:2017 'Investigation of Potentially Contaminated Sites – Code of Practice' and a report

of that investigation has been submitted to and approved in writing by the planning authority.

7. SCOTTISH MINISTERS' DECISION IN RELATION TO A PLANNING APPLICATION AND ENFORCEMENT APPEALS FOR A GYPSY/TRAVELLER SITE AT NORTH ESK, ST CYRUS

With reference to the Minute of Meeting of Aberdeenshire Council of 28 April, 2016 (Item 7), there was circulated a report dated 23 October, 2017, by the Director of Infrastructure Services on the Scottish Ministers' decision in relation to a planning application and enforcement appeals for a gypsy/traveller site at North Esk, St Cyrus.

The report explained as background that the development at North Esk, St Cyrus was initially undertaken without planning permission and enforcement notices were issued by the Council. A retrospective application for full planning permission was considered at a meeting of Aberdeenshire Council on 28 April, 2016, at which the Council agreed that it was minded to grant planning permission, subject to conditions.

SEPA had objected to the granting of planning permission on flooding grounds, and as a result the Council was required to refer the application to the Scottish Ministers in accordance with the provisions of the Town and Country Planning (Notification of Application) (Scotland) Act 2009. Thereafter, on 14 September, 2017, Scottish Ministers issued their decision and refused planning permission for the retrospective change of use of agricultural land to form a gypsy/traveller site and also agreed to uphold the two enforcement notices. Scottish Ministers specified that compliance with the enforcement notices should be by 31 July, 2018.

In response to the decision from the Scottish Ministers, Council officers were currently preparing an action plan to implement the Scottish Ministers' decision. The action plan would take on board a number of different matters and considerations to ensure compliance with the enforcement notices by 31 July, 2018. The report also highlighted that it was important that the Council continue to try and identify another site within the general area that may be suitable for both the displaced travellers and also for other travellers entering the area.

The report concluded by explaining that, in view of the decision of Scottish Ministers, it was proposed to prepare a detailed action plan. This action plan would be reported back to the meeting of Full Council in January, 2018.

The Provost advised that a request to address the Council had been received from Mr Roger Brunton in support of the gypsy/travellers at the site at North Esk. The Council agreed to hear Mr Brunton. Mr Brunton spoke and then withdrew to the public benches.

The Council **agreed**:-

- (1) to note the Planning and Environmental Appeals Division report to Scottish Ministers and the three related Decision documents, as detailed within the report,
- (2) that officers report back to the meeting of Aberdeenshire Council in January, 2018 with a detailed action plan for complying with Ministers' Decisions, and
- (3) that the report to the next meeting also include information on the devising and implementation of a Communication Strategy in relation to this matter.

8. REVENUE BUDGET MONITORING AS AT 30 SEPTEMBER, 2017

A report dated 20 October, 2017, by the Director of Business Services had been circulated explaining the current financial position of the Council and highlighting significant variances currently identified from agreed budgets. The report stated that Services continued to practice a more risk based approach to budget management which recognised that budget variances were likely to occur. These should be identified at an early stage, consequences discussed and appropriate action taken to reduce, limit or otherwise avoid the financial consequences. Forecast pressures had been identified within all Service budgets, details of which had been reported to the relevant Policy Committees.

Thereafter, the Council **agreed** to:-

- (1) note the revenue budget monitoring as at 30 September, 2017,
- (2) note the forecast position and proposed actions to address the current situation, and
- (3) approve the budget virements as detailed within Appendix 3 of the report.

9. NON-HRA CAPITAL BUDGET 2017/2018 MONITORING REPORT AND CAPITAL PLAN 2017-2032 UPDATE

A report dated 26 October, 2017, by the Director of Business Services had been circulated explaining that the Capital Plan reflected the Council's capital priorities for the current year and future years. The report highlighted that the nature of a Capital Plan was such that large projects could and would take longer to deliver than expected. Therefore the Capital Plan forecast position would move throughout the year and it was important to view the Plan as a series of connected years rather than individual financial years. The report included a summary of the overall position as well as an analysis of the variants between the 2017/2018 budgeted and forecast expenditure. Variations were detailed within appendices to the report. Significant variations from the revised budget were detailed within a further appendix.

Thereafter, the Council **agreed** to:-

- (1) approve the revisions to the capital budget for 2017/2018 referred to at Appendix 4 and detailed in Appendix 2, giving new totals for expenditure and receipts and revenue financing of £143,538,000 and £73,360,000 respectively,
- (2) approve the revisions to the capital budget for future years, as detailed within Appendix 1 and Appendix 4 to the report,
- (3) approve the additional budget as detailed within the report, and
- (4) approve the revenue financing costs as detailed within the report.

10. COUNCIL PLAN 2017 to 2022

With reference to the Minute of Meeting of Aberdeenshire Council of 29 June, 2017 (Item 5), there was circulated a report by the Chief Executive on the Council Plan 2017 to 2022. The report explained as background that the Council Plan provided strategic direction by identifying the priorities which would provide a focus for the delivery of council services and how the Council would engage and work with partners, communities, businesses and the third sector in future years.

The report explained that following the endorsement of a series of draft priorities for engagement with residents, communities, partners and employees at the meeting of Council

on 29 June, 2017, a comprehensive engagement progress had been undertaken between July and October and the findings from this informed a refinement of the priorities. There were over 1,500 residents, community groups, partners and Councillors involved in the engagement through the online survey, with a further 200 people engaged face to face through community events and workshops.

The priorities had been incorporated into the Council Plan 2017 to 2022 which was included as an appendix. It was intended that the Council Plan be published as an online plan on the website and linked to a series of short animations that would explain more about what the Council did and what the priorities were. Thereafter, arising from the engagement, the Council's budget should be aligned to support delivery of the priorities. It was therefore proposed the Medium Term Financial Strategy committed appropriate resources to delivery of the Council Plan.

Following an introduction of the report by the Chief Executive, the Council Leader, Councillor Gifford, spoke in support of the priorities outlined within the plan. An adjusted list of priorities was tabled at the meeting. Councillor Ford suggested that an additional bullet point regarding protecting the environment and tackling climate change be included.

At the suggestion of the Provost, the Council agreed a short adjournment.

Thereafter, the Council **agreed** to:-

- (1) the Council Plan 2017 to 2022 and that the associated priorities be as follows:
 - Support a strong, sustainable, diverse and successful economy.
 - Have the best possible transport and digital links across our communities.
 - Provide the best life chances for all our children and young people by raising levels of attainment and achievement.
 - Work with parents and carers to support children through every stage of their development.
 - Encourage active lifestyles and promote wellbeing with a focus on obesity and mental health.
 - Have the right mix of housing across all of Aberdeenshire.
 - Support the delivery of the Health and Social Care Strategic Plan.
 - Work to reduce poverty and inequalities within our communities.
 - Deliver responsible, long-term financial planning.
 - Have the right people, in the right place, doing the right thing at the right time.
 - Protect our special environment, including tackling climate change by reducing greenhouse gas emissions,
- (2) align the Budget (Medium Term Financial Strategy) to the priorities,
- (3) the Council Plan being further developed as an electronic plan via the Council's website,
- (4) to receive Annual Performance Reports evidencing progress with delivery of the Council Plan 2017 to 2022.

11. MEDIUM TERM FINANCIAL STRATEGY UPDATE

With reference to the Minute of Meeting of Aberdeenshire Council of 9 February, 2017 (Item 3) there was circulated a report by the Head of Finance which provided a Medium Term Financial Strategy update.

The report reminded members that at the meeting of Aberdeenshire Council on 9 February, 2017, a balanced revenue budget was agreed for the current financial year with provisional budgets agreed for 2018/2019 to 2021/2022. It was further agreed that work continue to balance future years of the revenue budget.

Work had progressed since then and there were clearly pressure areas that were being identified as part of this process and therefore savings options were also being identified. However, the agreement of a Council Plan with specific priorities was key to shaping the Councils Medium Term Financial Strategy (MTFS) for the next year and future years. The framework of the MTFS, which included the Revenue Budget, Capital Plan and Reserves, was directed by Council priorities and supported by available resources. At this stage in the process, risk was a prevalent factor as a number of key components of both the General Fund and Housing Revenue Account budgets were not yet known with certainty.

Thereafter, the Council **agreed**:-

- (1) to acknowledge the current position in relation to the budget setting process,
- (2) to receive budget proposals for year 2017 to 2022 at the meeting of the Full Council on 8 February, 2018, and
- (3) that the Medium Term Financial Strategy (MTFS) facilitated the delivery of the Council Plan.

12. CHANGES TO SCHEME OF GOVERNANCE

With reference to the Minutes of Meeting of Aberdeenshire Council of 28 September, 2017 (Item 10) there was circulated a report 23 October, 2017 by the Director of Business Services on changes to the Scheme of Governance.

The report highlighted that at the meeting of Aberdeenshire Council on 28 September, 2017 it had been requested that further clarification be given with regard to the additional delegation to Area Managers in respect of the Common Good Fund Policy, with a view to members being advised of applications being rejected at the competency stage. The report also reminded members that the proposed alterations to the Scheme of Governance as presented to the meeting on 28 September, 2017 could be agreed at this meeting.

The proposed amendments related to implementation of the Common Good Fund Policy, Community Empowerment Participation Requests and the new Scheme of Establishment of Community Councils.

The Council **agreed** to approve the proposed amendments to the Scheme of Governance, detailed within the report and appendices.

13. APPOINTMENT TO PARTNERSHIP BODY - SCOTTISH COUNCILS' COMMITTEE ON RADIO ACTIVE SUBSTANCES (SCCORS)

On a circulated report, dated 24 October, 2017 by the Director of Business Services, the Council **agreed** to nominate Councillor Davidson to the Scottish Councils' Committee on Radio Active Substances (SCCORS).

14. APPOINTMENT TO COSLA CONVENTION

With reference to the Minute of Meeting of Aberdeenshire Council of 18 May, 2017 (Item 9), there was circulated a report dated 3 November, 2017, by the Director of Business Services on an appointment to CoSLA Convention.

The report reminded members that at the meeting of Aberdeenshire Council on 18 May, 2017, the Council agreed to nominate 5 representatives to the CoSLA Convention as follows: Councillors Argyle, Evison, Gifford, N Smith and Thomson. Councillor Evison was elected as President of CoSLA in June and in terms of the CoSLA constitution, the President does not have voting rights. Aberdeenshire Council was entitled to have 5 voting representatives on the CoSLA Convention. Accordingly, it was now appropriate to appoint a further member.

The Council **agreed** to nominate Councillor Cassie to the CoSLA Convention.

15. ABERDEENSHIRE CULTURE AND SPORT TRUST – FULL BUSINESS CASE

With reference to the Minute of Meeting of Aberdeenshire Council of 6 January, 2017 (Item 11) there was circulated a report dated 9 November, 2017, by the Director of Education and Children's Services which presented a full business case for Aberdeenshire Culture and Sport Trust. The report reminded members that, at the meeting of Aberdeenshire Council on 24 November, 2016, consideration had been given to a report on an alternative service delivery model for Sport and Culture which outlined 5 different delivery models, one of which was status quo. Members had agreed that the wholly owned charitable trust was the preferred option, subject to further public consultation and further information about the mechanisms for ensuring the appropriate democratic relationship with the Trust. A further report was requested with detail on the next steps. Subsequently, at the meeting of Aberdeenshire Council on 26 January, 2017, Aberdeenshire Council considered a report about developing a full business case for Aberdeenshire Sport and Culture Trust and agreed, that, having identified a wholly owned charitable trust as its preferred alternative delivery model, that officers should proceed to develop a full business case.

The report also highlighted that the recently published report on the Barclay Review of non-domestic rates contained a specific recommendations to cease rates relief to all Council arm's length bodies. CoSLA had made representations to the Scottish Government challenging some of the assumptions around this recommendation and highlighting the potential impact on the delivery of Culture and Sport if it were implemented. At this stage it was not possible to speculate on the content or timing of the Government's response.

The detailed report, which was presented to the Council by the Director of Education and Children's Services, included 23 recommendations.

Following discussion, Councillor Stirling, seconded by Councillor Walker, moved that the Council approve the recommendations contained within the report, subject to: a report being presented to the Communities Committee at the meeting on 21 December, 2017, including information on the position of staff (including relief staff) in respect of terms of conditions and TUPE considerations; recommendation 1.4 to include the addition of a Democratic Independent and Green member as a spokesperson; recommendation 1.4 to be amended at the conclusion to "and to bring a report to Full Council if the forecast net financial benefit changes by more than £100,000 compared with the position set out in paragraph 2.19 of the report"; and a Trade Union representative to be included as an observer on the Board of Directors.

As an amendment, Councillor Ingram, seconded by Councillor Topping, moved that the Council defer consideration of this matter in order that further information be provided.

The members of the Council voted:-

| | | |
|----------------|------|--|
| for the motion | (57) | Councillors Adam, Agnew, Aitchison, Argyle, Baillie, Beagrie, Berry, Bews, Bruce, C Buchan, M Buchan, Carr, Cassie, Cox, Dickinson, Durno, Evison, Ewensen, Fakley, Findlater, Ford, |
|----------------|------|--|

Forsyth, Gibb, Gifford, Hassan, Hood, Howatson, Hutchison, Ingleby, Johnston, Kille, Kloppert, Latham, Leslie, Lonchay, Mair, McKelvie, McKail, Mollison, Petrie, Pike, Reid, Reynolds, Robertson, Ross, Roy, Simpson, H Smith, N Smith, S Smith, Stirling, Sutherland, Taylor, Thomson, Walker, Whyte, and Wilson.

for the amendment (3) Councillors Calder, Ingram and Topping.

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

- (1) to note to the full business case at Appendix 3 for delivering Culture and Sports Services through a Company limited by guarantee through Aberdeenshire Council as its sole member and having charitable status,
- (2) to note the significant increase in the risk profile attached to the potential savings from Non-Domestic Rates Relief as a result of the publication of the report of the Barclay Review of Non-Domestic Rates,
- (3) to note that, in light of the Barclay Report, to proceed with the trust option pending a response from the Scottish Government to the Barclay Report,
- (4) to delegate authority for the period to 31 March, 2018, to the Director of Education and Children's Services following consultation with the Chair, Vice-Chair and opposition spokespersons for the Communities Committee and the Education and Children's Services Committee and the spokesperson of the Democratic Independent and Green Group, to scrutinise the overall financial benefit in light of any announcement from the Scottish Government of a change to the treatment on Non-Domestic Rates relief, and to bring a report to Full Council if the forecast net financial benefit changed by more than £100,000 compared with the position set out in Paragraph 2.19 of the report,
- (5) to note the ongoing dialogue with Internal Audit subsequent to a recent investigation of the Outline Business Case and acknowledge the process outlined within Appendix 5,
- (6) if Full Council decided to proceed with the trust option, to agree to transfer responsibility for delivering Culture and Sport Services to Aberdeenshire Culture and Sport Ltd (ACS) with effect from 1 April, 2018,
- (7) and following that, that Aberdeenshire Council continues to be the sole member of ACS, represented by the Head of Legal and Governance, or other Chief Officer appointed by the Council's Chief Executive,
- (8) that ACS make an application at the earliest opportunity to the Office of the Scottish Charities Regulator (OSCR) to be recognised as a Scottish charity,
- (9) to approve the composition of the Board of Directors of the Trust and the arrangements for their recruitment as detailed within their report, with the inclusion of a Trade Union representative as an observer.
- (10) to nominate 3 elected members to be directors of the Trust, on the basis of 2 members from the Administration and 1 member from the Opposition,

- (11) to delegate authority to the Director of Education and Children's Services to agree the appointment of external directors following appropriate consultation with elected members,
- (12) that the Management Contract between the Council and Aberdeen Culture and Sport Ltd be monitored by the Communities Committee and that arrangements be made to amend the Scheme of Governance to reflect this,
- (13) that the Client role be undertaken by the Head of Resources within Education and Children's Services, or other Officer appointed by the Director of Education and Children's Services,
- (14) to the continuing strategic roles to be undertaken by the Trust on behalf of the Council, as detailed within the report,
- (15) that the Trust be responsible for incorporating and managing a trading subsidiary as detailed within the report,
- (16) to the approach to the provision of Performance Management and Financial information as part of the management contract arrangements, as outlined in the report,
- (17) to the approach to payments under the Management Contract, as outlined within the report,
- (18) to the properties to be managed as detailed within the report and detailed in the Full Business Case,
- (19) to the maintenance arrangements as detailed in the report,
- (20) to the arrangements for support services as detailed in the report,
- (21) to further consider the name of the Trust, as detailed in the report,
- (22) to note the implementation plan, as detailed in the report, and to agree that the monitoring arrangements be as detailed in the Full Business Case,
- (23) that the abortive costs estimated to be £210,000 which will be met from the existing Education and Children's Welfare Services Budgets, and
- (24) that a report be submitted to the meeting of the Communities Committee on 21 December, 2017, outlining information on the position of staff (including relief staff) in respect of terms of conditions and to the considerations,

16. WEBCASTING OF COUNCIL MEETINGS

There was circulated a report dated 24 October, 2017, by the Director of Business Services on the webcasting of Council Meetings.

The report highlighted that, for several meeting cycles, the meetings of Full Council had been webcast as a pilot. The initial contract to support this was for one year and was to allow for the broadcast of Full Council Meetings and one Policy Committee, from Woodhill House, and the Banff and Buchan Area Committee from Banff County Hall.

Currently only Full Council Meetings were being broadcast from the Chamber, Woodhill House. Surveys of the other sites and existing equipment revealed technical difficulties which delayed the roll out of the programme.

The contract for the 3 pilot sites was due for renewal on 1 November, 2017, and discussion was taking place with the supplier to extend the current contract pending a decision on future requirements and, if required, to allow a procurement exercise to be completed.

The Council **agreed**:-

- (1) that webcasting of council meetings should continue,
- (2) to approve the continuation of a webcasting service in Woodhill House Council Chamber and Committee Room 5 only,
- (3) to the allocation of funding and identification of appropriate budget to meet the estimated costs as detailed within the report.

DRAFT