

ABERDEENSHIRE COUNCIL**WOODHILL HOUSE, ABERDEEN, 8 MARCH, 2018**

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

Apologies: Councillors A S Buchan, P E Gibb, S A A Leslie, D-P L G Lonchay and H Partridge.

Officers: Chief Executive, Director of Business Services, Director of Education and Children's Services, Director of Infrastructure Services, Partnership Manager – North (Health and Social Care Partnership), Head of Finance, Acting Head of Legal and Governance and Principal Committee Services Officer.

CHAIR

Councillor W Howatson, Provost of the Council, presided.

ANNOUNCEMENTS

Prior to consideration of the business of the meeting, the Provost congratulated Aberdeenshire athletes, Alex Tilley, Andrew Musgrave, Andrew Young and Callum Smith, on their success at the Winter Olympics in South Korea. He also congratulated a member of the Garioch Gymnastics Club, Izzy Tolometti, on being selected to represent Scotland at the Commonwealth Games in Australia in 2018 and commended the work of her two Aberdeenshire Council coaches.

The Provost also acknowledged International Women's Day and encouraged friends, colleagues and communities to continue to think, act and be gender inclusive.

1. DECLARATION OF MEMBERS' INTERESTS

The Provost asked members if they had any interests to declare in terms of the Councillors' Code of Conduct and the following declarations were intimated:-

- (1) Councillor Sutherland declared an interest in Item 5 by virtue of his position as Peterhead Bid Manager and advised that he would leave the meeting during consideration of the item; and
- (2) Councillors Gifford, Argyle and Thomson and Councillors Evison and Cox declared an interest in Item 7 as substantive and named substitute members respectively of the City Region Deal Joint Committee, for which a specific dispensation applied, and remained in the meeting and participated in the discussion.

1. 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**, in terms of Sections 50A (4) and (5) of the Local Government (Scotland) Act 1973, to exclude the public from the meeting during consideration of Item 9 below so as to avoid disclosure of exempt information of the classes described in paragraphs 8 and 10 of Part 1 of Schedule 7A to the Act.

3. MINUTES

- (a) **Minute of Meeting of Aberdeenshire Council of 18 January, 2018** - The Minute of Meeting of Aberdeenshire Council of 18 January, 2018, had been circulated, was **approved** as a correct record, and thereafter signed by the Chair.
- (b) **Minute of Meeting of Aberdeenshire Council of 8 February, 2018** - The Minute of Meeting of Aberdeenshire Council of 8 February, 2018, had been circulated, was **approved** as a correct record, and thereafter signed by the Chair.

4. NOTICE OF MOTION BY COUNCILLOR NEIL BAILLIE

From Councillor Baillie:-

“Council commends the officers of Aberdeenshire Council and local communities for their ongoing efforts in welcoming to Aberdeenshire families escaping the ongoing Syrian conflict; and further notes that the process of resettlement has meant that in a number of cases family members have been separated from each other across international boundaries.

Council notes that on 16 March, there will be a second reading of a Private Members Bill in the House of Commons, which seeks to improve family reunification procedures for refugees and to reintroduce legal aid for refugee family applications.

Council urges support for this bill; and requests the Chief Executive to write to Aberdeenshire’s MPs asking them to note this, and to request that they give their support to this Bill at second reading stage.”

Councillor Baillie proposed an amendment to the final paragraph of the motion to request that Group Leaders write jointly to Aberdeenshire MPs in place of the Chief Executive and then spoke to his amended motion which was seconded by Councillor Calder.

The Council **agreed** to approve the amended motion as follows –

Council commends the officers of Aberdeenshire Council and local communities for their ongoing efforts in welcoming to Aberdeenshire families escaping the ongoing Syrian conflict; and further notes that the process of resettlement has meant that in a number of cases family members have been separated from each other across international boundaries.

Council notes that on 16 March, there will be a second reading of a Private Members Bill in the House of Commons, which seeks to improve family reunification procedures for refugees and to reintroduce legal aid for refugee family applications.

Council urges support for this bill and asks Group Leaders to write jointly to Aberdeenshire's MPs asking them to note this, and to request that they give their support to this Bill at second reading stage.

5. REVENUE BUDGET MONITORING TO 31 DECEMBER, 2017

A report dated 5 February 2018 by the Director of Business Services had been circulated explaining the financial position of the Council as at 31 December 2017 and highlighting variances currently identified within agreed budgets. The report advised that the forecast to the end of the financial year was expected to be in excess of budget by £2,715,000 and outlined action being taken by officers to mitigate the forecast overspend. The report also advised of a decision by Scottish Ministers, on a dispute between Aberdeenshire Council and Highland Council, on the costs of ordinary residency of a social work client and confirmed the revised figure of £1,071,810, of which £955,665 was due to be met by Aberdeenshire Council with the balance of £116,145 to be met by the Integration Joint Board.

Having heard from the Head of Finance on the budget position and from the Partnership Manager (North) on the costs associated with the ordinary residency matter, the Council **agreed** to:-

- (1) note the revenue budget monitoring to 31 December 2017;
- (2) note the forecast position and the actions taken to address the current situation;
- (3) approve the budget virements as set out in Appendix 3 of the report; and
- (4) approve the payment to Highland Council for the costs of ordinary residency as set out in paragraphs 2.10 and 2.11 of the report.

6. NON-HOUSING REVENUE ACCOUNT CAPITAL BUDGET MONITORING 2017/18 AND CAPITAL PLAN UPDATE 2017-2032

A report dated 30 January 2018 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 nature of a Capital Plan was such that large projects could and would take longer to deliver than expected and the forecast position would move throughout the year and should be viewed 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. A separate budget line had been added for Kintore Station with funding of £10,298,000 secured from Scottish Stations Fund, Nestrans and Developer Obligations together with the Council's contribution of £1,845,000 providing a total expenditure budget for the project of £12,143,000. Details of planned expenditure and variations were provided in Appendices 1 and 2 with Appendix 3 providing an analysis of significant variations. Appendix 4 contained a summary of budget adjustments proposed.

The Council **agreed** to:-

- (1) approve revisions to the capital budget for 2017/18 referred to at Appendix 4 and detailed in Appendix 2, giving new totals for expenditure and receipts & revenue financing of £134,917,000 and £69,613,000 respectively;
- (2) approve revisions to the capital budget for future years as detailed at Appendix 1 and Appendix 4; and
- (3) approve the revenue financing costs set out in section 4 of the report.

7. ABERDEEN CITY REGION DEAL JOINT COMMITTEE – CHANGES TO TERMS OF REFERENCE

With reference to the Minute of Meeting of the Council of 16 December 2015 (Item 5, Page 1110) when the Terms of Reference for the Aberdeen City Region Deal Joint Committee had been approved, there was circulated a report dated 15 February 2018 by the Director of Business Services on proposed amendments to the Terms of Reference to provide the Joint Committee with the necessary powers and agreed governance processes to approve Business Cases for City Region Deal projects, subject to approval by the UK and Scottish Governments and Constituent Authorities where required; agree detailed breakdowns of City Region Deal funding but only in respect of monies already committed by the Constituent Authorities; and formalise its relationship with the UK and Scottish Governments by allowing it to receive updates and provide feedback on the progress of City Region Deal projects. Appendix 1 detailed the existing Terms of Reference for the Joint Committee with the proposed amendments highlighted and Appendix 2 contained the amended version of the Terms of Reference for approval.

The report indicated that only the Constituent Authorities could approve changes to the Joint Committee Terms of Reference and that the proposed amendments would also be presented to Aberdeen City Council for approval on 5 March 2018. The Terms of Reference for the Joint Committee were incorporated in the Council's Scheme of Governance which would require to be amended to reflect any changes and, in order to align the approval process for the Constituent Authorities, it was requested that Standing Orders be suspended to enable the changes to the Scheme of Governance to take effect from 1st April 2018.

The Council **agreed** to:-

- (1) approve the amendments to the Terms of Reference for the Aberdeen City Region Deal Joint Committee as detailed in Appendix 2 to the report; and
- (2) suspend Aberdeenshire Council Standing Order 9.1 to allow the amendment to the Scheme of Governance to take effect from 1 April 2018.

8. CULTURE AND SPORT BUSINESS UNIT

With reference to the Minute of Meeting of the Council of 18 January 2018 (Item 6A), when it had been agreed that no further action be taken on the creation of an Aberdeenshire Culture and Sport Trust and that officers bring forward instead proposals for the potential establishment of a Culture and Sport Business Unit, a report dated 8 February 2018 by the Director of Education and Children's Services had been circulated which contained proposals for a new model for the delivery of culture and sport including (1) the establishment of a Business Unit with a view to delivering the same changes in operational culture and governance context which had been envisioned for the trust whilst operating within a more competitive environment and improving outcomes against council priorities; (2) amendments to the Scheme of Governance to regroup all Lifelong Learning and Leisure matters under the

remit of the Communities Committee including a proposal to suspend Standing Orders to allow those changes to take immediate effect; (3) arrangements for phasing in the operation of the proposed Business Unit from April 2018 to September 2018; and (4) a future report being presented analysing the outcomes of the business model to allow Members to determine whether the model for delivery of those services should be embedded or revisited.

The Council heard from the Director of Education and Children's Services on the detail of the proposals, including a proposed amendment to the timetable for implementation with a view to reporting back to Full Council in April 2018 for final determination.

During discussion it was proposed that the recommendations in the report be amended to allow the Communities and Education and Children's Services Committees to consider and make recommendation to Council in April 2018 on the proposed business unit model and new strategies for culture and sport and the Council **agreed** to:

- (1) note the proposed amendments to the Scheme of Governance as detailed in paragraph 2.10 and Appendix 2 and that these would be presented to the next meeting of Full Council for approval;
- (2) delegate authority to the Communities Committee and Education and Children's Services Committee to consider strategies and a business unit model for sport and culture and to report to the Full Council meeting in April with its recommendations, including arrangements for review of the business unit after 12 months operation;
- (3) dispense with the normal requirement for separate consultation on these matters with Area Committees; and
- (4) note that the final decision on the sport and culture business unit would be taken by Full Council.

9. THE ABERDEENSHIRE COUNCIL (KINTORE RAILWAY STATION) OVERDON LAND COMPULSORY PURCHASE ORDER 2018

With reference to the Minute of Meeting of the Council of 24 November 2018 (Item 13, page 661) when it had been agreed to progress two separate Compulsory Purchase Orders (CPO) for all known required land to provide a new railway station with car parking and ancillary facilities in Kintore, there was circulated a report dated 8 February 2018 by the Director of Business Services on progress by officers in securing title to the Station Access Land, as identified in Appendix 2 to the report. The report advised that positive negotiations were ongoing with the Land Owners with a view to purchasing the land voluntarily and recommended that the Council serve a compulsory purchase order to run concurrently with the negotiations to provide certainty that title to the land would be acquired and to ensure delivery of the CPO Scheme.

The Council **agreed** 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 in red and coloured pink on the plan attached to the report at Appendix 2 (the "Station Access Land").

