

ABERDEENSHIRE COUNCIL

WOODHILL HOUSE, ABERDEEN, 26 APRIL, 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, A S Buchan, 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, P E Gibb, 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 Kloppert, A P Kille, J J Latham, S A A Leslie, D-P L G Lonchay, 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 Wallace, J M Whyte, L G L Wilson and R S Withey.

Apologies: Councillor 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 Planning and Building Standards, 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 commented on the recent death of ex-Councillor Alastair Ross, who had served on Aberdeenshire Council from 2007 to 2017, and advised that he would be writing to his family to express condolences on behalf of the Council.

The Provost also paid tribute to the Scottish athletes who had participated in the 2017 Commonwealth Games in Australia, bringing home 44 medals, and in particular to the Aberdeenshire athletes who had contributed to this achievement.

Finally, the Provost announced that Maria Walker, Director of Education and Children's Services, would be retiring from her post on 27 April, 2018 after 40 years in Local Government and, on behalf of the Council, wished her a long, healthy and happy retirement. A formal presentation to Mrs Walker would be made at the conclusion of the meeting.

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:-

- (a) Item 4 – Councillor Ewenson by virtue of being involved in the original consultation and having applied the objective test she had concluded the interest to be remote and insignificant. Therefore she would remain and participate in the meeting.

- (b) Item 9 - Councillor Walker by virtue of being an NHS employee but having applied the objective test she had concluded the interest to be remote and insignificant. Therefore she would remain and participate in the meeting.

2A. STATEMENT ON EQUALITIES

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.

2B. 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 12 below so as to avoid disclosure of exempt information of the classes described in paragraph 8 of Part 1 of Schedule 7A to the Act.

3. MINUTE OF MEETING OF ABERDEENSHIRE COUNCIL OF 8 MARCH, 2018

The Minute of Meeting of Aberdeenshire Council of 8 March, 2018, had been circulated, was **approved** as a correct record, and thereafter signed by the Chair.

4. PLANNING APPLICATION APP/2017/3238 - CONSTRUCTION OF 440/275KV ELECTRICITY SUBSTATION & SWITCHGEAR BUILDING SURROUNDED BY PALISADE SECURITY FENCE AND FORMATION OF LANDSCAPING AND ACCESS TRACKS WITHOUT COMPLIANCE WITH CONDITION 1 (LANDSCAPING) OF PLANNING PERMISSION REF APP/2014/3443 - LAND TO THE WEST OF WOOD OF MIDDLETON, ROTHIE NORMAN

With reference to the Minutes of Meetings of the Garioch Area Committee of 20 February, 2018 (Item 5B) and the Formartine Area Committee of 27 February, 2018 (Item 4C) there had been circulated a report dated 22 March 2018 by the Director of Infrastructure Services requesting consideration of an application for full planning permission for the construction of 440/275kv electricity substation & switchgear building surrounded by palisade security fence and formation of landscaping and access tracks without compliance with condition 1 (landscaping) of planning permission ref APP/2014/3443 at land to the west of Wood of Middleton, Rothienorman.

The report explained that the Council was able to consider this matter in terms of Section A.11.1 of Part 2A of the List of Committee Powers and Section C.1.1 of Part 2C Planning Delegations of the Scheme of Governance as the application was for national development which required to be determined by Full Council following consultation with the relevant Area Committees. Whilst the development site lay within Formartine, due to the proximity of the site to the boundary with Garioch, the application had been reported to both the Garioch Area Committee and Formartine Area Committee and their comments on the application were contained in Appendices 3 and 5 respectively.

The Head of Planning and Building Standards introduced the application and stated that (1) the application had been submitted under Section 42 (S42) of the Town and Country Planning (Scotland) Act 1997, (2) an application made under S42 of the Act is one which seeks a new permission with different conditions from those previously attached, (3) in assessing a S42 application, the Planning Authority may only consider changes to the conditions on the previous application rather than revisiting the principle of development, (4) as the application had been made under S42 of the Act, there was no requirement for a period of Pre-Application Consultation, (5) the application sought to vary condition 1 of Planning Permission APP/2014/3443, through amending the point at which landscape planting must occur, and (6) the application was recommended for approval subject to the conditions detailed in the report.

The Council **agreed**:-

(1) to grant Full Planning Permission subject to the following conditions:-

(a) Landscaping Scheme

That no works in connection with the development hereby approved shall take place unless a scheme of hard and soft landscaping works has been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:

- (i) Existing and proposed finished ground levels relative to a fixed datum point;
- (ii) The location of new trees, shrubs, hedges, grassed areas and water features;
- (iii) A schedule of plants 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 in line with the phasing as set out within the approved scheme 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.

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.

(b) Visibility Splays

That no other development in connection with the permission hereby approved shall take place and the access hereby approved shall not be brought into use unless visibility of 160 metres in both directions along the public road has been provided from a point 2.4 metres measured at right angles from the existing carriageway surface along the centre line of the approved new access.

Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

Reason: To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road safety.

(c) Parking Area

That the development hereby approved shall not be occupied unless its parking area has been provided and surfaced with hard standing. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: In the interests of road safety.

(d) Water Sample

That prior to the occupation of the building hereby approved on drawing number 49336063/1502 a satisfactory water sample be taken from the supply by Environmental Health. The cost of the analysis is to be borne by the applicant.

Reason: To ensure that a satisfactory water supply is provided.

(e) Surface Water

That no development in connection with the planning permission hereby approved shall take place unless full details of the proposed means of disposal of surface water from the development have been submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing by the Planning Authority, surface water shall be disposed of via the use of Sustainable Urban Drainage Systems and the development shall not be brought into use unless the agreed drainage system has been provided in its entirety.

Reason: To ensure the provision of an acceptable drainage system in the interests of the amenity of the area.

(f) Site Waste Management Plan

Prior to the commencement of any works a full site waste management plan shall be submitted for the written approval of the Planning Authority, in consultation with SEPA, and all work shall be carried out in accordance with the approved plan.

Reason: To ensure that waste on the site is managed in a sustainable manner.

(g) CEMD

At least two months prior to the commencement of any works a full site specific construction environmental management document (CEMD) must be submitted for the written approval of the Planning Authority in consultation with SEPA and all work shall be carried out in accordance with the approved plan. The CEMD should include a dedicated pollution prevention section.

Reason: To control pollution of air, land and water.

(2) the reason for the decision as follows:-

- (a) The proposal is consistent with the aims of the Aberdeenshire Local Development Plan 2017 in reducing carbon emissions and adapting to climate change, and contributes towards the Scottish Government National Planning Framework goal of achieving 100% of Scotland's gross annual electricity consumption from renewable sources by 2020. The amendment of the condition would not alter the scheme to the extent that the development would be contrary to the Aberdeenshire Local Development Plan 2017.

5. A96 ABERDEEN TO INVERNESS DUALLING POSITION STATEMENT

A report dated 10 April, 2018 by the Director of Infrastructure Services had been circulated providing an update on the Scottish Government A96 dualling project including (1) details of the three stage assessment process being undertaken by Transport Scotland to establish the preferred line for trunk road improvement, based on the standard of good practice set by the Design Manual for Roads and Bridges (DMRB), and (2) seeking approval of a position statement for submission to Transport Scotland which requested that all viable route options as far north as the A947 and A920, including Option Q (which would see a new section of road constructed to the north and east of the existing A96 between Glens of Foudland and Dyce, bypassing Inverurie, Blackburn, and linking with the A947 north of Dyce), remain under consideration at this stage and are included within the DMRB Stage 2 Assessment.

The Director of Infrastructure Services introduced the report, made reference to the three stage assessment process, confirmed feedback received from relevant Area Committees on the position statement and explained that a short list of options would be identified by Transport Scotland for formal consultation in the autumn.

Councillor Argyle moved, seconded by Councillor Cox, that Council note the progress to date and approve the submission of the position statement as detailed in paragraph 2.16 of the report to Transport Scotland.

Councillor Ford moved as an amendment, seconded by Councillor Johnston, an alternative position statement as follows –

Aberdeenshire Council -

- (1) notes that Annual Average Daily Traffic flows in the central section of the A96 are in the region of 6000 - 9000 vehicles per day, well below the published Transport Scotland figure for consideration of a dual carriageway; and
- (2) notes the constraints and environmental challenges to dualling including the importance of the Bennachie special landscape area; the availability and quality of agricultural land north of Inverurie; and the presence of two nationally important battlefields, high quality Listed Buildings, significant areas of ancient woodland, Keith Hall House and Gardens Designated Landscape, and floodplains around the Rivers Don and Ury.

Accordingly, Aberdeenshire Council does not support the proposal for dualling the whole A96, because it is not necessary, and believes the priority for transport spending should be investing in public transport.

The members of the Council voted:-

for the motion	(67)	Councillors Adam, Agnew, Aitchison, Allan, Argyle, Baillie, Beagrie, Berry, Bews, Blackett, Bruce, A Buchan, C Buchan, M Buchan, Calder, Carr, Cassie, Cox, Davidson, Dickinson,
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Duncan, Durno, Ewenson, Evison, Fakley, Findlater, Forsyth, Gibb, Gifford, Harper, Hassan, Hood, Howatson, Hutchison, Ingleby, Ingram, Kloppert, Kille, Latham, Leslie, Lonchay, Mair, McKail, McKelvie, Mollison, Owen, Petrie, Pike, Reid, Reynolds, Robertson, Ross, Roy, Simpson, Stirling, H Smith, N Smith, S Smith, Sutherland, Taylor, Thomson, Topping, Walker, Wallace, Whyte, Wilson and Withey.

for the amendment (2) Councillors Ford and Johnston.

The **motion** was carried and the Council **agreed** to approve the position statement for submission to Transport Scotland as follows:-

- (1) It is the view of Aberdeenshire Council that, due to the range of competing pressures and constraints along and around the corridor that require to be considered (including the importance of the Bennachie special landscape area; the availability and quality of agricultural land north of Inverurie; and the presence of two nationally important battlefields, high quality Listed Buildings, significant areas of ancient woodland, Keith Hall House and Gardens Designated Landscape, and floodplains around the Rivers Don and Ury), it is essential that all viable route options as far north as the A947 and A920, including Option Q, remain under consideration at this stage and are included within the DMRB Stage 2 Assessment. This will allow as much information as possible to be gathered on the range of possible options, thus enabling sound and objective decision-making. In particular, route options to the north-east of Inverurie:-
 - (a) Alleviate concerns about the effects of the project on the iconic and protected landscape around Bennachie and the Keith Hall House and Gardens Designated Landscape;
 - (b) It could aid economic development opportunities associated with enhanced access to the strategic road network for communities and businesses to the north and north-east of the current A96 and A947 road corridors;
 - (c) It could facilitate the future development of Inverurie as much of the future growth planned for the town is to the east and south of the settlement;
 - (d) It could relieve traffic pressure in Inverurie by enabling businesses in the Oldmeldrum catchment area and beyond to access the trunk road network without having to pass through Inverurie, which would not be the case if the new road went to the west of Inverurie;
 - (e) It could potentially relieve traffic pressure on the A947, improving safety and reducing journey times between Oldmeldrum and Aberdeen;
 - (f) Although further from Inverurie than other options, it would improve access to the A96 and the wider strategic road network for other population centres in Aberdeenshire and Aberdeen City such as Newmachar, Oldmeldrum, Dyce and Bridge of Don;
 - (g) Although the trunk road would be further from Kintore Station it would be closer to Dyce Station;

- (h) It provides an opportunity to develop other interchange locations such as the potential reopened railway line from Dyce to Ellon and beyond and an interchange between Inverurie and Oldmeldrum;
 - (i) It affords the opportunity to enhance active and sustainable transport provision along the current A96 for the benefit of residents of Blackburn, Kintore, Port Elphinstone and Inverurie; and
 - (j) There may be different permutations of this option, such as re-joining the existing A96 somewhere west of Dyce, which provide additional or alternative benefits.
- (2) In addition, current and future assessment work should also take into account:
- (a) Development pressure on Inverurie and the constraint on this that transport is imposing on the long-term development;
 - (b) Development pressure on Oldmeldrum and the willingness of the community to accept significant growth should issues with the A947 be resolved. Allied to this is the increase in attractiveness to communities such as Turriff which could also be served, in part, by this road;
 - (c) Development pressure on Newmachar and the opportunity for further development that would be presented with a proximal trunk road;
 - (d) The necessity of not imposing constraints on the positioning of the Huntly bypass due to the positioning of the Eastern Section;
 - (e) The importance of Aberdeen City as an economic, social and educational hub served by a wide rural population and the importance of intermediate travel origins and destinations along the A96;
 - (f) The scale of patterns of traffic distribution beyond Inverurie and Oldmeldrum;
 - (g) The importance of the route for Heavy Goods Vehicles (HGVs), agricultural vehicles and vehicles servicing the energy sector and how these can be accommodated;
 - (i) Future transport aspirations for transport in the north east of Scotland, particularly the benefits of considering the A96 and A947 corridors together as part of a combined transport and accessibility strategy for the north-west of the region.
- (3) Aberdeenshire Council has asked officers to work openly and transparently with Transport Scotland and its consultants in their ongoing efforts to identify the optimum route alignment, in the expectation that they in turn continue to engage with Council officers in a similarly positive manner.

6. CULTURE AND SPORT BUSINESS UNIT UPDATE

With reference to the Minute of Meeting of the Council of 8 March 2018 (Item 8), when it had been agreed to remit more detailed consideration of proposals for a new model for the delivery of culture and sport to the Communities and Education and Children's Services Committees, there was circulated a report dated 31 March 2018 by the Director of Education and Children's Services detailing feedback from the Communities and Education and Children's Services Committees and proposing (1) approval of amendments to the Scheme of Governance to

regroup all Lifelong Learning and Leisure matters under the remit of the Communities Committee, as detailed in Appendix 2 of the report; (2) the establishment of a Culture and Sport Business Unit (CSBU) to manage a group of customer facing services including Cultural Services (libraries, arts, museums, aquarium), Sport & Physical Activities Services, Community halls (currently managed within Business Services), Sports pitches (currently managed within Infrastructure Services) and Catering services (currently managed within the resources service of Education & Children's Services) , (3) the establishment of an external vehicle with the objective of raising funds to support the health and wellbeing initiative, learning and regeneration aims of the Business Unit with a primary purpose of attracting fundraising otherwise not available to the unit, (4) that the Communities Committee establish a sub-committee to promote and oversee the delivery of Culture and Sports facilities and services across Aberdeenshire with membership to include four elected members and four appointed external members; (5) phasing in arrangements for the operation of the Business Unit from June 2018 and a review after 12 months operation with a view to considering whether to embed the model, revert to the current status quo or consider other models.

The Director of Education and Children's Services reported on the detail of the proposals.

Following discussion, Councillor Stirling moved, seconded by Councillor Owen, that Council -

- (1) agree that all Lifelong Learning and Leisure matters be brought under the remit of Communities Committee and approve the amendments to the Scheme of Governance as detailed in Appendix 2;
- (2) agree to establish a Culture & Sport Business Unit (CSBU) to manage the group of customer-facing services as detailed at paragraph 2.8 in the report;
- (3) agree to instruct officers to explore the establishment of a fundraising entity to support the Business Unit, and report to Communities Committee;
- (4) delegate authority to the Communities Committee to agree decisions necessary to create a fundraising entity including authority to wind up or modify the existing company (Aberdeenshire Culture and Sport Limited) to achieve this objective;
- (5) agree the implementation arrangements and timetable, and remit responsibility for implementation to Communities Committee;
- (6) agree the preferred composition for the sub-committee of four elected members and four named substitute members (3 from the administration and 1 from the opposition) and four externally appointed members and that this be reflected in the terms of reference detailed at paragraph 2.2.;
- (7) agree that the Communities Committee has authority to appoint the chair and vice chair of the sub-committee;
- (8) agree the proposed pilot period and proposals for reviewing the effectiveness of the Business Unit, in particular the detailed discrete review of the outcomes for each service within the pilot unit,

During the ensuing debate, Councillor Stirling, with the consent of her seconder, agreed to include the following additions to the motion –

- (9) that officers report back on the terms of reference of the review of the business unit at an appropriate time to include a careful analysis of the impact on council priorities and agreed strategies;
- (10) to add to the terms of reference of the sub-committee at 3.2.11 "to establish as the Sub-Committee deems necessary, reference panels of external experts and practitioners who, from time to time, may be called upon to provide advice regarding policy and strategy relating to matters within the remit of the Sub-Committee".

- (11) that the remit for the Business Unit in respect of catering (paragraph 2.8 in the report) be limited to those facilities in community venues.

Thereafter, Councillor Ford moved, seconded by Councillor Johnston, that the Chair of the Sub-Committee be an elected member of the Council.

In order to avoid inconsistency in voting, the Provost agreed that the arrangements for the appointment of a Chair of the Sub-Committee be dealt with as a separate matter and a vote took place in the following terms:-

Motion by Councillor Stirling, seconded by Councillor Owen, that the Communities Committee appoint the Chair and Vice Chair of the Sub-Committee.

Amendment by Councillor Ford, seconded by Councillor Johnston, that the Chair of the Sub-Committee be an elected member of the Council.

The members of the Council voted:-

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| for the motion | (44) | Councillors Agnew, Argyle, Baillie, Beagrie, Berry, Bruce, M Buchan, Carr, Cox, Davidson, Dickinson, Duncan, Ewenson, Fakley, Findlater, Gibb, Gifford, Hassan, Hood, Howatson, Hutchison, Ingleby, Kille, Latham, Leslie, Lonchay, Mair, McKail, McKelvie, Mollison, Owen, Pike, Simpson, Stirling, Ross, Roy, H Smith, N Smith, Sutherland Taylor, Walker, Wallace, Whyte and Withey. |
| for the amendment | (25) | Councillors Adam, Aitchison, Allan, Bews, Blackett, A Buchan, C Buchan, Calder, Cassie, Durno, Evison, Ford, Forsyth, Harper, Ingram, Johnston, Kloppert, Petrie, Reid, Reynolds, Robertson, S Smith, Thomson, Topping and Wilson. |

The **motion** was carried.

Following further debate, the Council **agreed**:-

- (1) that all Lifelong Learning and Leisure matters be brought under the remit of Communities Committee and approve the amendments to the Scheme of Governance as detailed in Appendix 2;
- (2) to establish a Culture & Sport Business Unit (CSBU) to manage the group of customer-facing services as detailed at paragraph 2.8 in the report;
- (3) to instruct officers to explore the establishment of a fundraising entity to support the Business Unit, and report to Communities Committee;
- (4) to delegate authority to the Communities Committee to agree decisions necessary to create a fundraising entity including authority to wind up or modify the existing company (Aberdeenshire Culture and Sport Limited) to achieve this objective;
- (5) the implementation arrangements and timetable as detailed in the report, and remit responsibility for implementation to Communities Committee;
- (6) the composition for the sub-committee of four elected members and four named substitute members (3 from the administration and 1 from the opposition) and four

- externally appointed members and that this be reflected in the terms of reference for the sub-committee;
- (7) that the Communities Committee appoint the chair and vice chair of the sub-committee;
 - (8) that the proposed pilot period and proposals for reviewing the effectiveness of the Business Unit, in particular the detailed discrete review of the outcomes for each service within the pilot unit,
 - (9) that officers report back on the terms of reference of the review of the business unit at an appropriate time to include a careful analysis of the impact on council priorities and agreed strategies;
 - (10) to add to the terms of reference of the sub-committee at 3.2.11 to establish as the Sub-Committee deems necessary, reference panels of external experts and practitioners who, from time to time, may be called upon to provide advice regarding policy and strategy relating to matters within the remit of the Sub-Committee.
 - (11) that the remit for the Business Unit in respect of catering (paragraph 2.8 in the report) be limited to those facilities in community venues.

7. CULTURAL STRATEGY 2018-2028

With reference to the Minute of Meeting of the Council of 8 March 2018 (Item 8), a report dated 28 March 2018 by the Director of Education and Children's Services had been circulated (1) seeking consideration of a ten year rolling Cultural Strategy 2018 – 2028 for Aberdeenshire Council, developed to support delivery of the Council's key priorities to encourage active lifestyles and promote wellbeing, provide the best life chances for all children and young people by raising levels of attainment and achievement and support the delivery of the Health and Social Care strategic plan, (2) containing feedback on the draft strategy following its consideration by the Education and Children's Services Committee, (3) explaining that a set of four strategic outcomes and actions had been developed, under which a set of priorities had been identified to be delivered through detailed service action plans and containing an action plan for 2018-19 at Appendix 3, and (4) setting out proposed next steps for implementation and delivery of the strategy.

The Director of Education and Children's Services introduced the report and advised that the Strategy was intended to provide clear direction to the Culture and Sport Business Unit for the delivery of cultural services on behalf of the Council.

Following discussion, the Council **agreed** to:-

- (1) approve the Aberdeenshire Council Cultural Strategy 2018 – 2028 as detailed in Appendix 2 to the report subject to –
 - (a) a bullet point being added to Strategic Outcome No. 2 to read “we will support the promotion and protection of the natural and historic features that give our communities a sense of place and contribute to their identity”, and
 - (b) the addition of gender inclusive examples of the Equalities agenda;
- (2) approve the mechanism for reviewing progress on the delivery of the strategy as noted in section 2.13 of the report, to be updated, as required, following approval of the terms of reference for the review of the Business Unit

- (3) note the comments from Education & Children's Services Committee as detailed in Appendix 4 of the report; and
- (4) approve the 2018-2019 action plan detailed at Appendix 3 of the report.

8. SPORT AND PHYSICAL ACTIVITY STRATEGY 2018-2028

With reference to the Minute of Meeting of the Council of 8 March 2018 (Item 8), a report dated 28 March 2018 by the Director of Education and Children's Services had been circulated (1) seeking consideration of a ten year rolling Sport and Physical Activity Strategy 2018 – 2028 for Aberdeenshire Council, developed to support delivery of the Council's key priorities to encourage active lifestyles and promote wellbeing, provide the best life chances for all children and young people by raising levels of attainment and achievement and support the delivery of the Health and Social Care strategic plan, (2) containing feedback on the draft strategy following its consideration by the Communities Committee, (3) explaining that a set of four strategic outcomes and actions had been developed, under which a set of priorities had been identified to be delivered through detailed service action plans as detailed in Appendix 3 of the report, and (4) setting out proposed next steps for implementation and delivery of the strategy.

Following discussion, the Council **agreed** to:

- (1) approve the Aberdeenshire Sport and Physical Activity Strategy 2018 – 2028 as detailed in Appendix 2 to the report subject to -
 - (i) reference to Active Travel Choices being included; and
 - (ii) the reference to the National Park being amended to read Cairngorms National Park Authority;
- (2) approve the mechanism for reporting on progress of the delivery of the strategy as noted in section 2.13 of the report, to be updated, as required, following approval of the terms of reference for the review of the Business Unit;
- (3) note the comments from Communities Committee at Appendix 4;
- (4) approve the action plan 2018-2019 as detailed Appendix 3;

9. WORKSPACE - OFFICE SPACE STRATEGY

With reference to the Minute of Meeting of the Council of 26 January 2017 (Item 10, page 938) a report dated 15 March 2018 by the Director of Business Services had been circulated (1) providing an update on Business Cases in respect of the options for the New Office Project, (2) presenting the recommendations of the Office Space Strategy Working Group, established to oversee progress with the Office Space Strategy project, for a revised solution namely option 5c to include (a) retaining Woodhill House, with associated potential lease/shared ownership with Public Sector Partners, (b) releasing Gordon House, Inverurie and undertaking the refurbishment of Inverurie Town hall and providing an extension to that building, including Service Point, Civic and Community space and an extension for office space, with associated parking at the former Market Place School, (c) releasing of all existing offices in Ellon and consolidate in a new office to be constructed on the site of the former Ellon Academy Annexe, (d) releasing Carlton House and the office space at Arduthie School, consolidate and refurbish Viewmount and form a Service Point at Allardice Street, Stonehaven, (3) proposing that the Council not purchase the Inverurie Locos Ground, Harlaw Park, Inverurie, (4) recommending that the Council should not relocate Colony Park Football Club, Inverurie; (5) requesting that the Head of Property and Facilities Management enter into a Memorandum of Understanding

for Woodhill House on the terms narrated at Appendix E in the report, (6) proposing that officers report back to Council on negotiations with regard to the leasing/potential shared ownership of Woodhill House together with any implications for the Business Case, (7) recommending that officers report back on progress for the programme of works highlighted at 1.2 in the report at the relevant Gateway approvals, and (8) proposing that the Office Space Strategy Working Group should continue to oversee progress of the programme of works.

The Council heard from the Director of Business Services who introduced the report, made reference to the range of options previously considered and confirmed the recommendations of the Office Space Strategy Working Group.

Councillor Gifford moved, seconded by Councillor Argyle, that the Council approve the recommendations as detailed in the report.

Councillor Thomson moved as an amendment, seconded by Councillor Evison that the Council:-

- (1) note the updated position regarding Business Cases in respect of the options for the New Office Project and the deliberations to date of the Office Space Strategy Working Group;
- (2) request officers to develop a further option 3b for consideration at a future meeting of the Office Space Strategy Working Group, involving:
 - 2.1 releasing Woodhill House,
 - 2.2 releasing Gordon House, Inverurie and undertaking the refurbishment of Inverurie Town Hall and providing an extension to that building, including Service Point, Civic and Community space and an extension for office space, with associated parking,
 - 2.3 releasing all existing offices in Ellon and consolidating in a new office to be constructed on the site of the former Ellon Academy,
 - 2.4 releasing Carlton House and the office space at Arduthie School, consolidating and refurbishing Viewmount and forming a Service Point at Allardice Street, Stonehaven,
 - 2.5 new offices in Harlaw, Inverurie, on council owned land only, commensurate with the requirements of the organisation in light of recommendations 2.1, 2.2, 2.3 & 2.4 above,
- (3) agree that the Council should not purchase the Inverurie Locos Ground, Harlaw Park;
- (4) instruct the Head of Property & Facilities Management to enter into a Memorandum of Understanding for Woodhill House on the terms narrated at Appendix E; to be expanded to include the terms of any associated potential lease/shared ownership with Public Sector Partners that it may be deemed desirable to agree;
- (5) instruct officers to report back to Council and the Office Space Strategy Working Group on negotiations with regard to the leasing/potential shared ownership of Woodhill House together with any implications for the remaining Business Cases; and

- (6) agree that the Office Space Strategy Working Group will continue to meet as appropriate in pursuance of the further consideration of matters concerned with the Office Space Strategy

At this stage in the proceedings, the Council unanimously agreed to suspend Standing Order 2.1.2 to allow the meeting to continue beyond 1pm.

The members of the Council voted:-

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| for the motion | (43) | Councillors Agnew, Argyle, Beagrie, Berry, Bruce, M Buchan, Carr, Cox, Davidson, Dickinson, Duncan, Ewenson, Fakley, Findlater, Gibb, Gifford, Hassan, Hood, Howatson, Hutchison, Ingleby, Kille, Latham, Leslie, Lonchay, Mair, McKail, McKelvie, Mollison, Owen, Pike, Simpson, Stirling, Ross, Roy, H Smith, N Smith, Sutherland, Taylor, Walker, Wallace, Whyte and Withey. |
| for the amendment | (25) | Councillors Adam, Aitchison, Allan, Baillie, Bews, Blackett, C Buchan, Calder, Cassie, Durno, Evison, Ford, Forsyth, Harper, Ingram, Johnston, Kloppert, Petrie, Reid, Reynolds, Robertson, S Smith, Thomson, Topping and Wilson. |
| declined to vote | (1) | Councillor A Buchan. |

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

- (1) to note the updated position regarding Business Cases in respect of the options for the New Office Project;
- (2) to approve Option 5c as the revised solution recommended by the Office Space Strategy Working Group, resulting in:
 - (i) retaining Woodhill House, with associated potential lease/shared ownership with Public Sector Partners,
 - (ii) releasing Gordon House, Inverurie and undertaking the refurbishment of Inverurie Town Hall and providing an extension to that building, including Service Point, Civic and Community space and an extension for office space, with associated parking at the former Market Place School,
 - (iii) release of all existing offices in Ellon and consolidate in a new office to be constructed on the site of the former Ellon Academy Annexe, and
 - (iv) release of Carlton House and the office space at Arduthie School, consolidation and refurbishment of Viewmount and a Service Point being formed at Allardice Street, Stonehaven;
- (3) that the Council should not purchase the Inverurie Locos Ground, Harlaw Park;
- (4) that the Council should not relocate Colony Park Football Club, Inverurie;
- (5) that the Head of Property & Facilities Management enter into a Memorandum of Understanding for Woodhill House on the terms narrated at Appendix E in the report;

- (6) that Officers report back to Council on negotiations with regard to the leasing/potential shared ownership of Woodhill House together with any implications for the Business Case;
- (7) that Officers report back on progress for the programme of works highlighted at 1.2 at the relevant Gateway approvals; and
- (8) that the Office Space Strategy Working Group continue to oversee the progress of the programme of works.

10. ABERDEEN CITY REGION DEAL JOINT COMMITTEE – APPOINTMENT OF SUBSTITUTE MEMBER

With reference to the Minute of Meeting of the Council of 23 November 2017 (Item 5) there had been circulated a report dated 17 April 2018 seeking the appointment of a substitute member to fill a vacancy on the Aberdeen City Region Deal Joint Committee.

The Council **agreed** to appoint Councillor Colin Pike as a substitute member of the Aberdeen City Region Deal Joint Committee.

11. WRITTEN QUESTIONS

Two written questions determined by the Provost to be admissible had been received in terms of Standing Order 4.3. The questions and answers thereto and the supplementary questions and answers thereto are listed below.

(A) From Councillor A S Buchan

Q: **To the Chair of Aberdeenshire Council:** On the 8th February 2018 the Chair of Aberdeenshire Council refused to allow an extremely important motion regarding Peterhead Academy to be put to Members. Since that time the Chair has failed to give any coherent reason for his actions that can be supported by the Council's Standing Orders. Given the enormous impact this anti-democratic decision will now have on child welfare in North East Peterhead, when will the Chair be resigning the Council position of Provost.

A: At the Full Council meeting on 8th February 2018 the Chair of Aberdeenshire Council ruled a purported amendment from Cllr A. S. Buchan to Item 5 as incompetent and it was not put to the meeting. Standing Order 5.1.6 allows the Chair to decide all matters of order, admissibility and urgency and that ruling will be final. Standing Order 5.2.2 states that where the Chair rules any purported motion or amendment as irrelevant or incompetent, it shall not be put to the meeting. Standing Orders do not require the Chair to provide reasons for such a decision at the meeting or afterwards. Notwithstanding that, the reason for the Chair's ruling can be summarised as follows:

The amendment was unachievable: the construction of the Peterhead Community Campus physically could not begin in 18/19 because no works had been scheduled in to start that early and also there was no provision for the Revenue Budget costs arising from the Capital Plan commitment until later years. The proposal would have resulted in a revenue budget cost in 2018/19 as a result of the accelerated capital borrowing commitment. As this revenue budget cost was not proposed with equivalent savings, the resultant revenue budget would have been out of balance and therefore not competent for consideration. The Head of Finance and Acting Head of Legal and Governance agree that the amendment could not have been competently considered and that Standing Orders were followed appropriately.

Standing Order 1.1 provides for the election of the Provost at the first meeting of Full Council following an ordinary election and that the appointment will be effective for the full council term unless provided otherwise by statute or a motion for removal is carried by a majority of Members present and voting. The Chair has no intention to resign from his position as Provost.

(b) From Councillor Evison

Q: To the Chief Executive:

a. How are council staff and councillors supported by current policies against bullying and harassment, including through the availability of an external reporting mechanism?

A: The Council has a number of mechanisms, and subsequent processes to report and address incidents of bullying and harassment, including:

- Zero tolerance guidelines and materials, which provides guidance and advice to managers and employees to successfully manage challenging situations in their workplace. (<http://arcadialite.aberdeenshire.gov.uk/zero-tolerance/>).
- Anti-bullying and harassment guidance, which aims to ensure that employees and line managers are equipped to recognise and act appropriately to challenge bullying and harassment when this happens. (<http://arcadialite.aberdeenshire.gov.uk/bullying-and-harassment-guidance/>).
- Prejudice and Discrimination Incident Reporting, which outlines the process for reporting incidents involving prejudice or discrimination against an individual and the actions to be taken by the Council on the submission of such an incident report. (<https://aberdeenshire.sharepoint.com/sites/ArcadiaDEV/services/Pages/Business%20Services/Custom%20Communication%20and%20Improvement/Policy,%20Performance%20and%20Improvement/Equalities/Predjudice-and-Discrimination-Incident-Reporting.aspx>)

In respect of external reporting mechanisms, reference is included within the above resources to the trade unions, Stonewall and the Equalities and Human Rights Commission.

To help promote awareness of the various mechanisms and support that exists in reporting and managing incidents of harassment, an article was published on Arcadia on 13 April 2018 which includes links to the various guidance and documentation referred to above.

In respect of councillors, Ministers have published proposed changes to the Councillors' Code of Conduct that will explicitly prohibit harassment and bullying.

The amendment states that 'bullying or harassment is completely unacceptable and will be considered to be a breach of this Code'. The changes have been endorsed by the Standards Commission and the Commissioner for Ethical Standards in Public Life, the independent bodies responsible for enforcing the Code, as well as by COSLA.

The amended Code has been submitted to the Scottish Parliament for approval and, if agreed, the changes to the Code are expected to come into force in the summer.

Q: b. what plans are there to update materials about the "zero tolerance" approach to harassment and bullying, given that some of these date from 2008?

A: The Council's policies and procedures, including those relating to "zero tolerance" are regularly reviewed to ensure that they incorporate any changes to legislation and reflect best practice. The Bullying and Harassment Guidance is currently being reviewed in light of recent sexual harassment cases and guidance issued from the Equality and Human Rights Commission. If however there are specific materials in mind, officers will be pleased to review those to ensure they are up-to-date.

Q: Supplementary - Aberdeenshire clearly has a range of policies in place to deal with bullying and harassment, however within all this it is not easy to find the one number to ring to obtain help and support after an incident of either bullying or harassment.

Could the Chief Executive consider the effectiveness of the mechanisms for reporting and providing support to ensure they are widely known and readily accessible?

A: As the written answer sets out, there are a range of different support arrangements in place for staff to be able to access in situations that these policies cover and each of those have their own contact arrangements in place. A review of the policy is currently being undertaken which addresses these issues and highlights the contact and Members will be provided with an updated copy when completed. Enhanced publicity will accompany the re-launch of the policy to ensure wider knowledge throughout the organisation.

12. LANDSLIP AT HARBOUR ROAD, GARDENSTOWN – USE OF OFFICER DELEGATED POWERS BY REASON OF SPECIAL URGENCY

After consideration of a circulated report dated 13 April 2018 by the Chief Executive, the Council **agreed** to note the use by the Chief Executive of delegated powers (as provided in the List of Officers Powers – Part 2B of the Scheme of Governance at sections B1, B2 and B3), by reason of special urgency, in order to agree and commission the works necessary to mitigate the impacts of the landslip at Harbour Road, Gardenstown.