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## ADDITIONAL CIRCULATION - VOTES



To: All Members of the Council

Town House,  
ABERDEEN, 17 April 2025

### **COUNCIL**

**This circulation contains details of the votes at the meeting**

ALAN THOMSON  
INTERIM CHIEF OFFICER - GOVERNANCE

## **BUSINESS**

### **GENERAL BUSINESS**

- 9.3 Council Delivery Plan 2025/26 - CORS/25/038 (Pages 3 - 4)
- 9.4 Scheme of Governance Review - 2025 - CORS/25/070 (Pages 5 - 8)
- 9.6 Standards Commission for Scotland - Written Decision - Councillor van Sweeden - CORS/25/071 (Pages 9 - 10)

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Councillor Allard moved, seconded by Councillor Greig:-

That the Council approve the recommendations contained within the report.

Councillor Malik moved as an amendment, seconded by Councillor Ali:-

That the Council:-

1. agree 2.1 to 2.3 of the report;
2. agree to instruct the Chief Executive to bring forward the report relating to Statutory Function Review instructed by Council in December 2022 on any specific opportunities proposed to be progressed. Note we are still none the wiser regarding the BBC being in a position to deliver public services for and on behalf of the Council;
3. agree that the Statutory Function Review instructed the Chief Executive to discuss with the Scottish Government opportunities to transfer functions through legislative change; given the Council Delivery Plan 25/26 does not mention anything about this within it, instruct the Chief Executive to report back to Council in April on any opportunities proposed to be progressed;
4. agree despite the Anti-Poverty and Inequality Committee's best intentions, poverty within the city is on the rise due mainly thanks to SNP austerity with the Anti-Poverty and Inequality Committee being reduced to a talking shop rather than a stimulus for change;
5. note improvement projects were established in response to underperformance, on matters including Housing Rent Arrears and Repair and Letting of Empty Housing (Voids);
6. note 2.4, the launch of "Collaboration for Health Equity in Scotland" with the aim of reducing health inequalities in Aberdeen and two other Scottish local authority areas. Note this is a collaboration of Public Health Scotland (PHS) and Professor Sir Michael Marmot, Director of University College London's Institute of Health Equality (IHE) with council and health board;
7. note Public Health Scotland highlight that reducing health inequity requires action on eight key objectives. These are referred to as the Marmot 8. They are to:
  - tackle discrimination and racism, and their outcomes
  - give every child the best start in life
  - enable all children, young people, and adults to maximise their capabilities and control their lives
  - create fair employment and good work for all
  - pursue environmental sustainability and health equity together
  - ensure a healthy standard of living for all
  - create and develop healthy and sustainable places and communities
  - strengthen the role and impact of ill health prevention
8. agree the SNP has failed in each of these eight key principles and that the Council Delivery Plan fails the citizens of Aberdeen.

On a division, there voted:-

For the motion (23) - Lord Provost; Depute Provost; and Councillors Al-Samarai, Allard, Alphonse, Bouse, Hazel Cameron, Clark, Cooke, Copland, Cormie, Davidson, Fairfull, Greig, Henrickson, Hutchison, MacGregor, McLellan, McRae, Mennie, Radley, van Sweeden and Yuill.

For the amendment (21) - Councillors Ali, Blake, Bonsell, Boulton, Brooks, Crockett, Cross, Graham, Grant, Houghton, Kuszniir, Lawrence, Macdonald, McLeod, Malik, Massey, Nicoll, Mrs Stewart, Thomson, Tissera and Watson.

**The Council resolved:-**  
to adopt the motion.

Councillor Radley moved, seconded by Councillor Greig:-

That the Council approve the recommendations contained in the report, subject to the following amendment to the Standing Orders and additional instruction:

*29.4 Motions and amendments submitted in accordance with Standing Order 29.1 will be circulated to all Members (of Council, the Committee or Sub-Committee) by 4pm on the working day prior to the relevant meeting, providing they have been finalised and determined by the Convener to be competent. However, if such motions and amendments are not finalised and determined by the Convener to be competent by the said 4pm deadline, they will not be circulated unless with the consent of the Convener.*

And instruct the Chief Officer - Governance to make any other amendments to the Scheme of Governance which may, in that Chief Officer's opinion, be necessary to reflect the above amendment.

Councillor Malik moved as an amendment, seconded by Councillor Blake:-

That Council:-

- 2.1 approves Appendix C, Committee Terms of Reference, with effect from 21 April 2025.;
- 2.2 agrees to take no action in respect of Appendix D, Powers Delegated to Officers, on officer recommendations but to include the following within the delegated powers for Chief Officer - People and Citizen Services, or elsewhere as appropriate within the Scheme of Governance, **One** - to approve flexible working requests in accordance with Employment Legislation and the Council's flexible working policy. Under no circumstances will approval be granted for a post holder to work for the Council whilst residing out with the UK. **Two** - that all future decisions concerning dismissal and the offer of re-engagement of staff in order to effect a variation in their contractual terms and conditions are reserved for full council and instructs the Chief Officer - Governance to make any other amendments to the Scheme of Governance which may be necessary to reflect this. **Three** - instruct the Chief Executive to report to Council, on an annual basis, a summary of their achievements that are based on their priorities set by the leader of the council and the Chief Executive's agreed priorities for the year ahead. **Four** - agree that in terms of the post holder known as the Monitoring Officer including any deputy instruct the Chief Officer - People and Citizen Services that the specification for the job of Monitoring Officer be changed to ensure it is a requirement that the post holder holds an LLB degree;
- 2.3 regarding Appendix E, Standing Orders for Council, to take no action on officer recommendations;
- 2.4 approves Appendix F, Financial Regulations, with effect from 21 April 2025;
- 2.5 approves Appendix G, Procurement Regulations, with effect from 21 April 2025;
- 2.6 approves Appendix H, Member - Officer Relations Protocol, with effect from 21 April 2025;

- 2.7 notes Appendix K, the Councillors' Accessing Information Procedure Note;
- 2.8 notes that no changes are required to the Local Code of Corporate Governance at this time;
- 2.9 notes the minutes of the Governance Reference Group of 18 October and 22 November 2024, and 22 January, 19 February and 12 March 2025, as contained at Appendix A;
- 2.10 notes the cross-party/independent working groups which are in place, including the addition of a Future Libraries Group, as outlined in paragraph 4.1.4; and
- 2.11 instructs the Chief Officer - Governance and Chief Officer - People and Citizen Services to put in place a programme of officer and elected member training and development on scrutiny, as outlined in paragraph 4.17.

Councillor Kusznr moved as a further amendment, seconded by Councillor Massey:-  
That the Council -

- 1. Agrees to take no action on any of the recommendations because of the proposed changes to the Scheme of Governance which substantially disempower democratically elected Councillors, while empowering Officers at their expense, and which are considered would ultimately lead to a democratic deficit on Aberdeen City Council.
- 2. Believes it unlawful to grant dictator-esque powers to adjourn requisitioned meetings at the sole discretion of the Convener;
- 3. Considers it wholly inappropriate to continue with the broad power to make and sign experimental traffic orders given the Administration's bus gates shambles, public opposition to the bus gates and ongoing court proceedings; and
- 4. Therefore, with great regret declines to proceed with any of the proposed changes because of the substantive negative effect they would have on the authority and power of Councillors to carry out their role.

There being a motion and two amendments, the Council first divided between the two amendments.

On a division, there voted:-

For the amendment by Councillor Malik (11) - Councillors Ali, Blake, Bonsell, Graham, Grant, Lawrence, Macdonald, Malik, Thomson, Tissera and Watson.

For the amendment by Councillor Kusznr (10) - Councillors Boulton, Brooks, Crockett, Cross, Houghton, Kusznr, McLeod, Massey, Nicoll and Mrs Stewart.

Declined to vote (23) - Lord Provost; Depute Provost; and Councillors Al-Samarai, Allard, Alphonse, Bouse, Hazel Cameron, Clark, Cooke, Copland, Cormie, Davidson, Fairfull, Greig, Henrickson, Hutchison, MacGregor, McLellan, McRae, Mennie, Radley, van Sweeden and Yuill.

The Council then divided between the motion and the amendment by Councillor Malik.

On a division, there voted:-

For the motion (23) - Lord Provost; Depute Provost; and Councillors Al-Samarai, Allard, Alphonse, Bouse, Hazel Cameron, Clark, Cooke, Copland, Cormie, Davidson, Fairfull, Greig, Henrickson, Hutchison, MacGregor, McLellan, McRae, Mennie, Radley, van Sweeden and Yuill.

For the amendment by Councillor Malik (21) - Councillors Ali, Blake, Bonsell, Boulton, Brooks, Crockett, Cross, Graham, Grant, Houghton, Kuszniir, Lawrence, Macdonald, McLeod, Malik, Massey, Nicoll, Mrs Stewart, Thomson, Tissera and Watson.

**The Council resolved:-**  
to adopt the motion.

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Councillor Allard moved, seconded by Councillor Greig:-

That the Council approve the recommendations contained within the report.

Councillor Tissera moved as an amendment, seconded by Councillor Watson:-

That the Council:-

- (1) note the decision of the Standards Commission for Scotland in relation to the Code of Conduct complaint against Councillor van Sweeden;
- (2) agree Dr Lezley Stewart, Standards Commission Member and Chair of the Hearing Panel made the highly unusual statement in a Press Release following the hearing which said amongst other things *"The Standards Commission wishes to emphasise that racism and discrimination are abhorrent, have no place in politics and should not be tolerated. The Standards Commission, and indeed the public, expect politicians, including local councillors, to lead by example and be respectful at all times. This includes refraining from using language, or terminology, that could be perceived as being offensive. The Panel noted that a failure to do so only serves to lower standards of public discourse and encourage the exchange of abuse, rather than reasoned and respectful debate."* This statement appears to be at odds with the decision made by the Standards Commission Hearing Panel and contrary to the decision taken within the report by the Ethical Standards Commissioner;
- (3) agree the Standards Commission requires reform noting that at the time of the hearing the membership of the hearing panel had no representation from minority ethnic backgrounds and that even today there remains no minority ethnic representative on the hearing panel despite a substantial number of councillors from all sides of the political divide being from an ethnic background;
- (4) agree that on the two tests of racism Councillor Malik and Councillor Van Sweeden the Standards Commission as a corporate body has failed in its duty to uphold the necessary standards in public life, Councillor Malik being suspended for 1 month overturned by the Sheriff Principal, having considered written submissions, allows the appeal on joint motion; recalls the decision of the commission and Councillor Van Sweeden by issuing a press release stating racism and discrimination are abhorrent, have no place in politics and should not be tolerated yet found against the Ethical Standards Commissioner which said racism was evident; and
- (5) instruct the Chief Executive to write to all other 31 local authorities asking for their Council's opinion on the usefulness or otherwise of the Councillors' Code of Conduct and how it relates to robust debate by Councillors within and outwith the democratically elected chamber in which they operate. Once the information is received, further instruct the Chief Executive to forward the responses to the appropriate Scottish government minister.

On a division, there voted:-

For the motion (23) - Lord Provost; Depute Provost; and Councillors Al-Samarai, Allard, Alphonse, Bouse, Hazel Cameron, Clark, Cooke, Copland, Cormie, Davidson, Fairfull, Greig, Henrickson, Hutchison, MacGregor, McLellan, McRae, Mennie, Radley, van Sweeden and Yuill.

For the amendment (15) - Councillors Ali, Blake, Bonsell, Boulton, Crockett, Graham, Grant, Lawrence, Macdonald, Malik, Nicoll, Mrs Stewart, Thomson, Tissera and Watson.

Declined to vote (6) - Councillors Brooks, Cross, Houghton, Kuszniir, McLeod and Massey.

**The Council resolved:-**  
to adopt the motion.