

# Public Document Pack

## **ADDITIONAL CIRCULATION - VOTES**



To: All Members of the Council

Town House,  
ABERDEEN, 21 August 2025

<b>COUNCIL</b>
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**This circulation contains details of the votes at the meeting**

JENNI LAWSON  
CHIEF OFFICER - GOVERNANCE

## **B U S I N E S S**

### **BUSINESS PLANNER AND OTHER MINUTES**

8.1 Council Business Planner (Pages 5 - 6)

## **GENERAL BUSINESS**

9.1 Performance Management Framework Refresh 2025/26 - CORS/25/189 (Pages 7 - 8)

9.2 Council Diary 2026 - CORS/25/190 (Pages 9 - 10)

## **NOTICES OF MOTION**

### 10.1 Notice of Motion by Councillor Nicoll (Pages 11 - 12)

That Council:

1. Notes with concern the Energy from Waste facility (NESS) operated on behalf of Aberdeen City Council in partnership with Aberdeenshire Council and Moray Council has recently had to shut down out with the planned maintenance programme.
2. Notes that this shut down, while an operational matter, was not reported to elected members and that the situation came into the public domain via social media.
3. Notes that the Aberdeen City Council, 2024/25 Annual Audit Report prepared by Audit Scotland and passed by an Urgent Business Committee on 26 June 2025 with less than 2.5 hours notice, of the circa 266 pages in the business papers, made a clear recommendation in the section Best Value at Recommendation 4,  
*“It would be more transparent if criteria were developed to provide a framework for officers in considering the circumstances when consultation and/or a report to elected members would be appropriate in respect of delegated matters deemed to be politically sensitive.”*
4. Considers that issues affecting the operation and maintenance of the Energy from Waste facility are matters of considerable public interest and to the elected members of Aberdeen City Council and agrees all material or major issues affecting the operation and maintenance of the plant should be shared with elected members timeously, subject to the Council's contractual confidentiality obligations.
5. Instructs the Chief Officer - Operations to bring a report, to be shared with all elected members, to the 18 November 2025 meeting of the Net Zero, Environment and Transport Committee detailing all occasions when the unscheduled shut downs of the facility have taken place and the amount of Aberdeen City Council's waste which has been diverted to alternative disposal facilities. Further to provide an estimate of the carbon footprint such shut downs incur with details of the additional road miles incurred to dispose of all such waste in landfill or alternative disposal facilities.
6. Instruct the Chief Officer - Operations to also advise of the risk to Aberdeen City Council should this facility become non operational for any reason, together with any lessons learned to mitigate any future disruption and report the outcome to the 27 November 2025 meeting of the Audit, Risk and Scrutiny Committee.
7. Instruct the Chief Officer, - Operations to report to the 18 November 2025 meeting of the Net Zero, Environment and Transport Committee, the details of the loss of any revenue attributable to the shut down as well as any additional costs incurred by Aberdeen City Council in providing replacement energy normally supplied by the plant.

Website Address: [www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

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Councillor Malik moved as a procedural motion, seconded by Councillor Tissera:-

That the Council do not remove item 15 (Revised Council Climate Change Plan) from the Council business planner and that the report be submitted to Council.

On a division, there voted:-

For the procedural motion (20) - Councillors Ali, Blake, Bonsell, Boulton, Brooks, Crockett, Cross, Farquhar, Graham, Grant, Houghton, Kuszniir, Lawrence, Macdonald, McLeod, Malik, Massey, Nicoll, Thomson and Tissera.

Against the procedural motion (22) - Lord Provost; and Councillors Al-Samarai, Allard, Alphonse, Buchanan, Hazel Cameron, Clark, Cooke, Copland, Cormie, Davidson, Fairfull, Greig, Henrickson, Hutchison, MacGregor, McLellan, McRae, Mennie, Radley, van Sweeden and Yuill.

**The Council resolved:-**

- (i) to reject the procedural motion; and
- (ii) to therefore remove item 15 from the business planner.

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Councillor Allard moved, seconded by Councillor Yuill:-

That the Council approve the revised Performance Management Framework for 2025-26 as detailed in Appendix A to the report.

Councillor Kuszniir moved as an amendment, seconded by Councillor Brooks:-

That the Council:

1. notes with concern that matters of significant citywide or ward-specific importance have, on several occasions, come to the attention of Elected Members only through the media or directly from constituents, rather than through communication from Council officers. Notable examples include the financial issues affecting Resident X and developments concerning the Ness Energy from Waste (EfW) plant;
2. believes this undermines public confidence in the Council, as Elected Members are then placed in the position of having to inform constituents that they were not made aware of critical developments, rather than being able to demonstrate that the Council is proactively managing issues and communicating planned responses;
3. further believes that this represents a strategic risk to the Council and that a revised communications protocol - ensuring timely advice is provided to Group Leaders, Independent Councillors, and affected ward members - would significantly mitigate this risk;
4. notes the statement on page 2 of the report that Elected Members require: *"timely and relevant intelligence to make sound strategic and policy decisions; to be assured that decisions are being implemented effectively; and that performance and outcomes are improving."*;
5. therefore, instructs the Chief Officer - Governance to amend the Powers Delegated to Officers to include a requirement that the relevant Chief Officer must notify Group Leaders, Independent Councillors, and relevant ward members where:
  - 5.1 A major operational impact is identified, or
  - 5.2 A legal dispute involving the Council arises that is likely to attract media attention or affect the reputation of the Council.Where an Officer operating under delegation is uncertain as to whether an issue reaches the threshold of major operational impact, they shall without delay inform the Chief Executive for determination;
6. believes this amendment will enhance working relationships between Officers and Elected Members, strengthen strategic communication, and ultimately improve service to the citizens of Aberdeen; and
7. instructs the Chief Officer - Data and Insights to update the Performance Management Framework to reflect this instruction and to return a revised version to Council for approval within one cycle.

On a division, there voted:-

For the motion (22) - Lord Provost; and Councillors Al-Samarai, Allard, Alphonse, Buchanan, Hazel Cameron, Clark, Cooke, Copland, Cormie, Davidson, Fairfull, Greig, Henrickson, Hutchison, MacGregor, McLellan, McRae, Mennie, Radley, van Sweeden and Yuill.

For the amendment (20) - Councillors Ali, Blake, Bonsell, Boulton, Brooks, Crockett, Cross, Farquhar, Graham, Grant, Houghton, Kuszniir, Lawrence, Macdonald, McLeod, Malik, Massey, Nicoll, Thomson and Tissera.

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



## Agenda Item 9.2

Councillor Radley moved, seconded by Councillor Buchanan:-

That the Council -

1. approve the Council diary for 2026 appended to the report; and
2. schedule an additional Council meeting for 3 December 2025 at 10.30am, for the primary purpose of considering the Housing Revenue Account (HRA) Budget, as per the budget protocol.

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

That the Council approve the Council diary for 2026 appended to the report, subject to the following changes to reflect better governance following the Standing Order changes:-

January - move Communities, Housing and Public Protection from 13 January to 14 January

February - move Education and Children's Services from 17 February to 18 February

March - move Communities, Housing and Public Protection from 10 March to 11 March

March - move Anti-Poverty and Inequality from 11 March to 10 March

April - move Education and Children's Services from 28 April to 29 April

May - move Communities, Housing and Public Protection from 26 May to 27 May

June - move Education and Children's Services from 23 June to 24 June

September - move Net Zero, Environment and Transport from 8 September to 9 September

September - move Community Planning Aberdeen Board from 9 September to 8 September

September - move Education and Children's Services from 15 September to 16 September

November - move Communities, Housing and Public Protection from 10 November to 11 November

November - move Education and Children's Services from 17 November to 18 November

November - move Community Planning Aberdeen Board from 18 November to 17 November

November - move Net Zero, Environment and Transport from 24 November to 25 November

November - move Anti-Poverty and Inequality from 25 November to 24 November

On a division, there voted:-

For the motion (22) - Lord Provost; and Councillors Al-Samarai, Allard, Alphonse, Buchanan, Hazel Cameron, Clark, Cooke, Copland, Cormie, Davidson, Fairfull, Greig, Henrickson, Hutchison, MacGregor, McLellan, McRae, Mennie, Radley, van Sweeden and Yuill.

For the amendment (20) - Councillors Ali, Blake, Bonsell, Boulton, Brooks, Crockett, Cross, Farquhar, Graham, Grant, Houghton, Kuszniir, Lawrence, Macdonald, McLeod, Malik, Massey, Nicoll, Thomson and Tissera.

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

The Council had before it a notice of motion by Councillor Nicoll in the following terms:-

That Council:

1. Notes with concern the Energy from Waste facility (NESS) operated on behalf of Aberdeen City Council in partnership with Aberdeenshire Council and Moray Council has recently had to shut down out with the planned maintenance programme.
2. Notes that this shut down, while an operational matter, was not reported to elected members and that the situation came into the public domain via social media.
3. Notes that the Aberdeen City Council, 2024/25 Annual Audit Report prepared by Audit Scotland and passed by an Urgent Business Committee on 26 June 2025 with less than 2.5 hours notice, of the circa 266 pages in the business papers, made a clear recommendation in the section Best Value at Recommendation 4,  
*“It would be more transparent if criteria were developed to provide a framework for officers in considering the circumstances when consultation and/or a report to elected members would be appropriate in respect of delegated matters deemed to be politically sensitive.”*
4. Considers that issues affecting the operation and maintenance of the Energy from Waste facility are matters of considerable public interest and to the elected members of Aberdeen City Council and agrees all material or major issues affecting the operation and maintenance of the plant should be shared with elected members timeously, subject to the Council’s contractual confidentiality obligations.
5. Instructs the Chief Officer - Operations to bring a report, to be shared with all elected members, to the 18 November 2025 meeting of the Net Zero, Environment and Transport Committee detailing all occasions when the unscheduled shut downs of the facility have taken place and the amount of Aberdeen City Council’s waste which has been diverted to alternative disposal facilities. Further to provide an estimate of the carbon footprint such shut downs incur with details of the additional road miles incurred to dispose of all such waste in landfill or alternative disposal facilities.
6. Instruct the Chief Officer - Operations to also advise of the risk to Aberdeen City Council should this facility become non operational for any reason, together with any lessons learned to mitigate any future disruption and report the outcome to the 27 November 2025 meeting of the Audit, Risk and Scrutiny Committee.
7. Instruct the Chief Officer - Operations to report to the 18 November 2025 meeting of the Net Zero, Environment and Transport Committee, the details of the loss of any revenue attributable to the shut down as well as any additional costs incurred by Aberdeen City Council in providing replacement energy normally supplied by the plant.

Councillor Nicoll moved, seconded by Councillor Malik:-

That the Council -

1. approve the notice of motion;
2. note the Members Briefing dated 14 August 2025 on the Ness Energy from Waste Facility;

3. agree the communication on this matter has been disappointing given Elected Members found out about the closure through the media;
4. instruct the Chief Officer - Operations to produce a report on lessons learned for the Council meeting in December 2025; and
5. instruct the Chief Officer - Operations to calculate and publish the full cost of the losses incurred by the Council in respect of the closure, which should include amongst other things additional cost for landfill, employees' overtime and all other ancillary costs associated with the closure.

Councillor McLellan moved as an amendment, seconded by Councillor Greig:-  
That Council -

Notes deliveries of waste to the North East Scotland Shared (NESS) Energy from Waste Project (EfW) recommenced on 19 August 2025 with all costs to be recovered through the contractual arrangements with the operator; and

Notes the Finance and Resources (special) Committee on 31 July 2025 resolved to:-

1. note the North East Scotland Shared (NESS) Energy from Waste Project (EfW) is a shared service between Aberdeen City Council, Aberdeenshire Council and Moray Council to treat the residual waste from the three Councils;
2. note that EFW Ness Ltd (Acciona) is the contractor responsible for delivering that service for the three authorities and it has sub-contracted the operation of the facility to Indaver, and that EFW Ness Ltd recently notified Indaver of their intention to terminate the operating sub-contract;
3. note the ongoing contractual negotiations between Council officers and Acciona to ensure the Energy from Waste facility is fully operational as soon as possible;
4. note that any changes in the delivery of waste management will be reported to the Net Zero, Environment and Transport Committee, through the performance report; and
5. instruct the Chief Officer - Operations to provide an update to the Net Zero, Environment and Transport Committee when the Energy from Waste facility is operational, outlining any potential environmental impact and any contractual implications for the Council.

On a division, there voted:-

For the motion (20) - Councillors Ali, Blake, Bonsell, Boulton, Brooks, Crockett, Cross, Farquhar, Graham, Grant, Houghton, Kuszniir, Lawrence, Macdonald, McLeod, Malik, Massey, Nicoll, Thomson and Tissera.

For the amendment (22) - Lord Provost; and Councillors Al-Samarai, Allard, Alphonse, Buchanan, Hazel Cameron, Clark, Cooke, Copland, Cormie, Davidson, Fairfull, Greig, Henrickson, Hutchison, MacGregor, McLellan, McRae, Mennie, Radley, van Sweeden and Yuill.

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