

ABERDEEN CITY COUNCIL

Town House,  
ABERDEEN, 23rd February, 2011

MINUTE OF MEETING OF ABERDEEN CITY COUNCIL

S e d e r u n t :

Lord Provost Peter Stephen, Chairperson;  
Depute Provost Jacqueline Dunbar; and

COUNCILLORS

GEORGE ADAM  
YVONNE ALLAN  
MARIE BOULTON  
SCOTT CASSIE  
NORMAN COLLIE  
NEIL COONEY  
JOHN CORALL  
IRENE CORMACK  
WILLIAM CORMIE  
BARNEY CROCKETT  
KATHARINE DEAN  
ALAN DONNELLY  
JAMES FARQUHARSON  
NEIL FLETCHER  
GORDON GRAHAM  
MARTIN GREIG  
JAMES HUNTER  
LEONARD IRONSIDE  
MURIEL JAFFREY  
JAMES KIDDIE

JENNIFER LAING  
CALLUM McCAIG  
MARK McDONALD  
AILEEN MALONE  
ANDREW MAY  
ALAN MILNE  
JAMES NOBLE  
GEORGE PENNY  
JOHN REYNOLDS  
RICHARD ROBERTSON  
JENNIFER STEWART  
JOHN STEWART  
KEVIN STEWART  
WENDY STUART  
JOHN WEST  
KIRSTY WEST  
JILLIAN WISELY  
WILLIAM YOUNG  
and  
IAN YUILL

Lord Provost Peter Stephen, in the Chair

**COUNCIL**  
23 February 2011

**1 COUNCILLOR RON CLARK**

The Council observed a minute's silence in memory of Councillor Clark who had recently passed away.

The Lord Provost led the tributes to Councillor Clark, who had served in public life for 30 years, advising that his funeral was to be held on 28<sup>th</sup> February.

Councillor John Stewart stated that Councillor Clark had been an excellent servant to the community of Dyce and the wider ward he represented; made reference to his many areas of interest, including the In Bloom competitions; and described him as a giant who would be sorely missed.

Councillor Kevin Stewart described Councillor Clark as Mr Dyce, adding that he had put Dyce on the map horticulturally, and that he had learned a lot from him when he was first elected to the Council.

Councillor Crockett echoed the previous tributes and emphasised that Councillor Clark had become synonymous with his community, representing his constituents tirelessly.

Councillor Milne expressed his admiration for Councillor Clark continuing with his Council duties until very recently despite his illness, and expressed his condolences to his family.

Councillor Donnelly referred to Councillor Clark as the Duke of Dyce and added that he would miss him greatly.

Councillor Boulton spoke of Councillor Clark's passion for horticulture which had inspired the community of Peterculter, within her own ward, in an effort to try and emulate Dyce.

Councillor Cassie recalled Councillor Clark's interest in planning matters and the In Bloom competitions, and stated that there had been no better ambassador for Aberdeen than Councillor Clark when he represented the city abroad.

**The Council resolved:-**

to concur with the tributes from the various members.

**COUNCIL**  
23 February 2011

**2 ADMISSION OF BURGESSES**

(A) The persons undermentioned were admitted into the presence of the Council and passed as Burgesses of Guild in respect of their respective Acts of Admission in the Guild Burgess Book:-

David N Henderson, Business Development Manager, Aberdeen  
Isobel Hunter, Vice Chair, Aberdeen  
Stuart Milne, Jewellery Retailer, Aberdeen  
Alan Reid, Director of Corporate Communications, Aberdeen  
Simon Robertson, Company Director, Aberdeen  
Robert Stewart, Property Manager, Aberdeen  
Lindsey Sutherland, Retired Manager, Aberdeen  
Gordon Townson, Community Engagement Consultant, Aberdeen

(B) The person undermentioned was admitted into the presence of the Council and passed as a Burgess of the Burgh of Aberdeen of his own craft only:-

Ian MacIntosh, Flesher, Aberdeen.

**3 ANNOUNCEMENT**

Councillor Allan advised that youngsters from Aberdeen continued to do the city proud in Scottish youth darts under the tutelage of Derek Weston from Torry. Fifteen out of the top thirty boys in Scotland, aged 18 or under, during the 2010 season were from Aberdeen, with the following boys occupying the top six places:-

1. Liam Duguid from Torry
2. Bradley Weston from Torry
3. Ryan Sinclair from Torry
4. Neil Cooper from Torry
5. Ryan Houston from Kincorth
6. Fraser Allan from Hilton

**The Council resolved:-**

to congratulate the youngsters, and Mr Weston, for their great achievements.

**COUNCIL**  
23 February 2011

**4 DETERMINATION OF EXEMPT BUSINESS**

The Council was requested to determine that the following items of business, which contained exempt information as described in Schedule 7(A) of the Local Government (Scotland) Act 1973, be taken in private:-

- 11(a) Board of Sport Aberdeen - Approval of Preferred Candidate - Report by Director of Education, Culture and Sport
- 11(b) Event Proposal - Report by Director of Enterprise, Planning and Infrastructure
- 11(c) 132 Wellington Road, Aberdeen - Report by Director of Enterprise, Planning and Infrastructure
- 11(d) Four Group Homes - Request to Renounce Leases - Report by Director of Enterprise, Planning and Infrastructure

**The Council resolved:-**

In terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, to exclude the press and public from the meeting during consideration of the aforementioned items of business (Articles 23 to 26 of this minute refer) so as to avoid disclosure of exempt information of the classes described in paragraphs 1, 6 and 9 of Schedule 7(A) of the Act.

**5 MINUTE OF MEETING OF ABERDEEN CITY COUNCIL OF 15TH DECEMBER 2010**

The Council had before it the minute of meeting of Aberdeen City Council of 15<sup>th</sup> December 2010.

**The Council resolved:-**  
to approve the minute.

**6 MINUTE OF SPECIAL MEETING OF ABERDEEN CITY COUNCIL OF 5TH JANUARY 2011**

The Council had before it the minute of the special meeting of Aberdeen City Council of 5<sup>th</sup> January 2011.

**COUNCIL**  
23 February 2011

**The Council resolved:-**

to approve the minute.

**7 PAMPHLET OF MINUTES**

The Council had before it a pamphlet of standing committee minutes from 26<sup>th</sup> October 2010 to 20<sup>th</sup> January 2011.

**The Council resolved:-**

to note the minutes.

**8 BUSINESS STATEMENT**

The Council had before it a statement of Council business which had been prepared by the Head of Legal and Democratic Services.

**The Council resolved:-**

- (i) to note that a report would be submitted to the next meeting on the 50m Swimming Pool, which would address the use of Common Good funding for the project; and
- (ii) otherwise to note the statement.

**9 DEVELOPMENT MANAGEMENT SUB COMMITTEE - 17TH FEBRUARY 2011  
- DANESTONE AND TILLYDRONE, JUNCTION OF A90/TILLYDRONE  
AVENUE (THIRD DON CROSSING)**

With reference to Article 2 of the minute of meeting of the Development Management Sub Committee of 17<sup>th</sup> February 2011, which had been referred to it for consideration by five members of the Sub Committee, the Council had before it (a) a report by the Head of Planning and Sustainable Development on the application (100135) for the construction of a new 2.4 kilometre long, generally 7.3 metre wide, single carriageway wide road with associated footways, segregated cycleways, verges and earthworks and also clearance of some existing vegetation, trees and the construction of a new bridge over the River Don, new drainage, road signs, street lighting, landscaping and

**COUNCIL**  
23 February 2011

accommodation; and (b) the decision of the Development Management Sub Committee that the application be approved subject to the following conditions:-

(1) That no development shall take place within the application site to the north of the corner of Gordon's Mills Road, until the applicant has secured the implementation of a programme of archaeological work which shall include post-excavation and publication work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority. (2) That the development shall not take place unless there has been submitted to and approved by, the planning authority, in consultation with Transport Scotland, details of the proposed tie in arrangement of the A90 Parkway/Whitestripes Avenue Roundabout and that the development shall be implemented in complete accordance with the details as so approved. (3) That development shall not take place unless there has been submitted to and approved in writing by, the planning authority, a plan showing the relocating of the goal posts to the south of Balgownie Drive, and that the development shall not be brought into use unless the goalposts have been relocated in accordance with the scheme as so agreed. (4) That no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting, including details of planting in areas around the underpasses. (5) That all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority. (6) That no part of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) has been submitted to and approved in writing by the planning authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the planning authority has given prior written approval for a variation. (7) That any tree work which appears to become

**COUNCIL**  
23 February 2011

necessary during the implementation of the development shall not be undertaken without the prior written consent of the planning authority; any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998: 1989 "Recommendation for Tree Works" before the building hereby approved is first occupied. (8) That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the planning authority and no fire shall be lit in a position where the flames could extend to within five metres of foliage, branches or trunks. (9) That development shall not take place unless there has been submitted to, and approved in writing by, the planning authority detailed layout plans showing: (a) a pedestrian crossing on the new road between the two junctions with Grandholm Drive; (b) a pedestrian crossing of the new road close to the junction with Hayton Road; (c) a pedestrian links by steps, or otherwise, between the riverside path on the north side of the river, and the new road close to the new bridge; and (d) details of the link between the pedestrian cycleway under the bridge on the south side of the river, and the riverside pathway. The development shall not be brought into use unless the scheme has been implemented in complete accordance with the details as so agreed, unless otherwise agreed by the planning authority. (10) That no development shall take place unless a scheme for external lighting, including lighting within the underpasses has been submitted to and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme. (11) That no development shall take place unless there has been submitted to, and approved in writing by, the planning authority a full site specific Environmental Management Plan (EMP) that includes all matters indicated within the Environmental Statement (ES) by AECOM dated April 2010 and incorporates detailed pollution prevention and mitigation measures for all construction elements potentially capable of giving rise to pollution during all phases of construction, reinstatement after construction and final site decommissioning. The EMP shall be submitted at least two months prior to commencement of works and shall include: (a) details of an appropriately qualified and experienced designated 'appointed person' who would be responsible for enforcing the EMP and will have the authority to stop and implement work; (b) pre-construction surveys, including of otters, bats and badgers mitigation measures; (c) a construction EMP including measures for controlling dust during construction; (d) details of measures to prevent entry of pollutants into any bodies of water; (e) a full site waste management plan; (f) details of waste water drainage from temporary and permanent facilities for workers on site; The scheme shall be implemented in

**COUNCIL**  
23 February 2011

complete accordance with details as so approved and work shall not take place unless the measures as so agreed and those within the ES referred to above are in place and fully operational. (12) That development shall not take place unless there has been submitted and approved in writing by, the planning authority, details of noise mitigation measures. The development shall not be brought into use unless the scheme has been implemented in complete accordance with the details as so agreed. (13) That no development shall take place unless there has been submitted to, and approved in writing by, the planning authority, details of works to the listed octagonal tower in order to preserve its structural integrity. These shall take place in complete accordance with the scheme as so agreed, within six months of the new road being brought into use.

(14) That the development of the proposed embankment in the area to the south of the mill lade shall not take place unless there are in place compensatory flood storage provisions as described in the Flood Risk Assessment by AECOM dated February 2010 and letter from the applicant to SEPA, dated 7 July 2010. (15) That two months prior to the commencement of any works, a detailed water feature survey and risk assessment is undertaken, submitted and approved in writing by, the planning authority (in consultation with SEPA). No development shall take place unless the survey and assessment have been so approved. The work shall be carried out in complete accordance with the assessment as so agreed. (16) That no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the planning authority and thereafter no part of the development shall be brought into use unless the drainage has been installed in complete accordance with the said scheme. (17) That no development shall take place unless a scheme detailing all external finishing materials to the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed. (18) That no development shall take place unless there has been submitted to, and approved in writing by the planning authority, details of protection measures to sports pitches. Development shall not take place unless the measures as so agreed are in place, fully in accordance with the scheme as so agreed. (19) That the proposal for the partial demolition of the Category B listed garden walls, should be implemented only as part of a wider scheme for the development of the Third Don Crossing (as approved under this application, or other permission subsequently granted). That development shall not take place unless there has been submitted to, and approved in writing by, the planning authority a scheme showing the phasing of development.



**COUNCIL**  
23 February 2011

Councillor Dean moved, seconded by Councillor John West:-

That the decision of the Development Management Sub Committee be approved subject to incorporating within conditions (9) and (10) that the Council be afforded the opportunity to review those aspects six months after the completion of the development.

Councillor Boulton moved as an amendment, seconded by Councillor Allan:-

That the application be refused on the grounds that its consideration was premature as it was not currently in the Local Development Plan.

Councillor Cassie moved as a further amendment, seconded by Councillor Adam:-

That the application be refused on the grounds that the proposal (1) was contrary to the Development Plan; (2) was in conflict with many key policies in the proposed Local Development Plan; (3) had serious implications for residential amenity in Tillydrone and Danestone because of the increased traffic noise which it would generate; and (4) would be seriously detrimental to air quality in Tillydrone as acknowledged by Environmental Health Officers.

During the course of her summing up, Councillor Boulton agreed to incorporate her amendment as an addendum to the amendment by Councillor Cassie, and this was accepted.

On a division, there voted:-

For the motion (27) - Lord Provost Peter Stephen; Depute Provost Dunbar; and Councillors Corall, Cormack, Cormie, Dean, Donnelly, Fletcher, Greig, Jaffrey Kiddie, McCaig, McDonald, Malone, May, Milne, Penny, Reynolds, Robertson, Jennifer Stewart, John Stewart, Kevin Stewart, Wendy Stuart, John West, Kirsty West, Wisely and Yuill.

For the amendment (14) - Councillors Adam, Allan, Boulton, Cassie, Collie, Cooney, Crockett, Farquharson, Graham, Hunter, Ironside, Laing, Noble and Young.

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

**COUNCIL**  
23 February 2011

**10 DEVELOPMENT MANAGEMENT SUB COMMITTEE - 17TH FEBRUARY 2011  
- DANESTONE MARKET GARDENS (OFF LAUREL AVENUE), DANESTONE**

With reference to Article 3 of the minute of meeting of the Development Management Sub Committee of 17<sup>th</sup> February 2011, which had been referred to it simpliciter for determination in association with the application for the Third Don Crossing, the Council had before it a report by the Head of Planning and Sustainable Development on the application (100150) for removal of a 44 metre section of the north boundary wall and 30 metre section of the south boundary wall of Danestone Market Gardens, off Laurel Avenue, Danestone.

The report contained a description of the site and surrounding area; contained also the detail of consultation response received from Historic Scotland, which highlighted they were content with the principle of the partial demolition of the Category B listed Danestone walled garden, on the grounds of public benefit; advised that one letter of representation had been received in respect of the proposal and the views expressed therein; identified the planning policy and considerations arising and against which the application would fall to be assessed; and provided a detailed evaluation of the proposal in light of the policy position and other material planning considerations to be taken into account.

**The report recommended:-**

that the Development Management Sub Committee indicate the willingness to approve the application subject to referral to the Scottish Ministers and upon the following conditions:- (1) That the proposal that is the subject of this listed building consent, for the partial demolition of the Category B listed garden walls, should be implemented only as part of a wider scheme for the development of the Third Don Crossing (approved under application reference 100135, or other such application subsequently approved). That development shall not take place unless there has been submitted to, and approved in writing by, the planning authority a scheme showing the phasing of development. Thereafter the proposal shall be implemented in complete accordance with the scheme as so agreed. (2) That no development shall take place unless there has been submitted to, and approved in writing by, the planning authority, details of works to the listed octagonal tower in order to preserve its structural integrity. These shall take place in complete accordance with the scheme as so agreed, within six months of the new road being brought into use.

Councillor Dean moved, seconded by Councillor John West:-

That the recommendation within the report be approved.

**COUNCIL**  
23 February 2011

Councillor Crockett moved as an amendment, seconded by Councillor Cooney:-

That the application be refused on the grounds that the proposal was not currently in the Local Development Plan and should not be considered at this time.

On a division, there voted:-

For the motion (26) - Lord Provost Peter Stephen; Depute Provost Dunbar; and Councillors Corall, Cormack, Cormie, Dean, Donnelly, Fletcher, Greig, Jaffrey, Kiddie, McCaig, McDonald, Malone, May, Milne, Penny, Reynolds, Robertson, Jennifer Stewart, John Stewart, Kevin Stewart, Wendy Stuart, John West, Wisely and Yuill.

For the amendment (14) - Councillors Adam, Allan, Boulton, Cassie, Collie, Cooney, Crockett, Farquharson, Graham, Hunter, Ironside, Laing, Kirsty West and Young.

Declined to vote (1) - Councillor Noble.

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

**11 LAND AT LOIRSTON LOCH, WELLINGTON ROAD - PROPOSAL FOR 21,000 CAPACITY SPORTS AND LEISURE STADIUM - P101299**

With reference to Article 1 of the minute of meeting of the Development Management Sub Committee of 14<sup>th</sup> January 2011, at which time the Sub Committee had met to conduct a predetermination hearing relative to the application (101299) by Aberdeen Football Club for planning permission in respect of the proposal for a 21,000 capacity sports and leisure stadium, associated car parking, access arrangements and landscaping at land at Loirston Loch, Wellington Road, Aberdeen, the Council had before it a report by the Head of Planning and Sustainable Development on the aforementioned application.

The report contained a description of the site and surrounding area. Detailed planning permission was sought for the proposal which comprised the following:-

- 21,000 spectator capacity all-seated football stadium, which would include changing rooms, training facilities, gymnasium, office facilities for Aberdeen FC, an Aberdeen FC shop, museum, classroom, café, 1,000 capacity home supporters bar and mixed use commercial space

**COUNCIL**  
23 February 2011

- 1,400 car and coach parking facilities
- A new signalised junction at the site access to Wellington Road and an access to Wellington Circle
- Ground maintenance accommodation
- Landscaped grounds with footpaths

The report explained that the planning application required to be determined by the full Council under new legislation which had been introduced in August 2009, as part of the Scottish Government's modernisation of the planning system. Section 14(2) of the Planning etc (Scotland) Act 2006 amended the Local Government (Scotland) Act 1973 to the effect that where a planning application had been the subject of a predetermination hearing under Section 38A of the 2006 Act, the planning application had to be decided by the full Council.

The views of the statutory consultees and the letters of objection were referred to in the report, which contained an indication of the relevant policy considerations arising. The detailed evaluation of the application was then set out in relation to the adequacy of the Environmental Statement; Scottish Planning Policy; the Aberdeen City and Shire Structure Plan; the Aberdeen Local Plan; the Aberdeen Local Development Plan - Proposed Plan; site selection and consideration of alternative sites; economic, social and cultural impacts; traffic and transportation impacts; the layout, scale and design of the development; landscaping; land use, access and recreation; landscape character and visual impact; cultural heritage and archaeology; ecology and nature conservation; water quality and drainage; geology, hydrogeology and contamination; air quality; noise, light pollution and disturbance; mitigation; impact on residential amenity; precedent; and other relevant planning matters that had been raised in written representations.

**The report recommended:-**

that the Council (1) indicate a willingness to approve the planning application subject to conditions, as outlined below, and a legal agreement to secure (a) the funding and implementation of several transport related measures; (b) the planning gain contribution; and (c) the extension of the public plaza in the event of adjacent land being developed as a new community; and (2) notify the application to the Scottish Ministers for their consideration.

**CONDITIONS**

(1) That no development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work which shall

**COUNCIL**  
23 February 2011

include post-excavation and publication work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority - in the interests of protecting items of historical importance as may exist within the application site.

(2) That development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the planning authority. The submitted plan shall include details of management of the stadium roof within the site which may be attractive to nesting, roosting and 'loafing' birds. The management plan shall comply with Advice Note 8 "Potential Bird Hazards from Building Design". The Bird Hazard Management Plan shall be implemented as approved on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless they have been approved in writing by the planning authority - in order to manage the site to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Aberdeen Airport.

(3) That no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems (SUDS) has been submitted to and approved in writing by the Planning Authority. The scheme shall include details of the suitability of ground conditions for SUDS and calculations to demonstrate that the proposed detention basin is suitably sized. Thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme - in order to safeguard water qualities in Loirston Loch and adjacent watercourses and to ensure that the development can be adequately drained.

(4) That no development shall take place unless there has been submitted to and agreed in writing by the planning authority a gas risk assessment report of the potential ingress and accumulation of landfill gas within the application site from the nearby Charleston Landfill site. Any necessary mitigation or remediation measures identified in the report shall be implemented in full prior to the commencement of the development or any other timescale that may be agreed in writing by the planning authority - in the interests of the amenity of the surrounding area and to protect the users of the proposed development from the ingress and accumulation of landfill gas.

(5) That at least two months prior to the commencement of the development, a full site specific Construction Environmental Management Plan (CEMD) shall be submitted to and approved in writing by the planning authority and thereafter all works associated

**COUNCIL**  
23 February 2011

with the development shall be carried out in accordance with the approved CEMD - in the interests of pollution prevention.

(6) That the use hereby granted planning permission shall not take place unless provision has been made within the application site for refuse storage and disposal, including the provision of litter bins and recycling facilities, in accordance with a scheme which has been submitted to and approved in writing by the planning authority - in order to preserve the amenity of the neighbourhood and in the interests of public health.

(7) That no development shall take place, be occupied or brought into use unless there has been submitted and approved in writing by the planning authority a noise assessment report prepared by a suitably qualified consultant of the noise likely to be generated by plant equipment installed in the stadium and any noise attenuation measures identified in the report have been implemented in full - in order to protect the amenity of residents in the surrounding area.

(8) That, except as the Planning Authority may otherwise agree in writing, no construction or demolition work shall take place:

(a) outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays;

(b) outwith the hours of 9.00 am to 4.00 pm Saturdays; or

(c) at any time on Sundays,

except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery] - in the interests of residential amenity.

(9) That no development shall take place unless a scheme for all external lighting has been submitted to and approved in writing by the planning authority and thereafter the development shall not be occupied until the scheme has been implemented - in the interest of the amenity of the green belt, public safety and to prevent disturbance to bats foraging in the surrounding area.

(10) That no development shall take place unless a scheme for all external lighting to be installed during the construction of the development has been submitted to and approved in writing by the planning authority and thereafter implemented in full accordance with said scheme - in the interest of public safety and to prevent disturbance to bats foraging in the surrounding area.

(11) That no development shall take place unless it is carried out in full accordance with a scheme to deal with contamination on the site that has been approved in writing by the planning authority.

**COUNCIL**  
23 February 2011

The scheme shall follow the procedures outlined in Planning Advice Note 33 Development of Contaminated Land and shall be conducted by a suitably qualified person in accordance with best practice as detailed in BS10175 Investigation of Potentially Contaminated Sites - Code of Practice and other best practice guidance and shall include: (i) an investigation to determine the nature and extent of contamination; (ii) a site-specific risk assessment; and (iii) a remediation plan to address any significant risks and ensure the site is fit for the use proposed.

No building(s) on the development site shall be occupied unless (i) any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken and (ii) a report specifically relating to the building(s) has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out, unless the planning authority has given written consent for a variation.

The final building on the application site shall not be occupied unless a report has been submitted and approved in writing by the planning that verifies that completion of the remedial works for the entire application site, unless the planning authority has given written consent for a variation.

(12) That the stadium hereby approved shall not be brought into use unless details of the zero and low carbon equipment to be incorporated into the development and predicted carbon emissions, using SAP or SBEM calculations, have been submitted to and approved in writing by the planning authority and unless the equipment has been installed in accordance with those approved details - to ensure this development complies with requirement for on-site carbon emissions contained in Scottish Planning Policy (SPP) and specified in the the Council's relevant published Supplementary Planning Guidance, 'Reducing Carbon Emissions In New Development'.

(13) That no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.

**COUNCIL**  
23 February 2011

(14) That all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.

(15) That the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with Drawing No. AL(00)004G of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval - in the interests of public safety and the free flow of traffic.

(16) That no development shall take place unless there has been submitted and approved in writing by the planning authority a detailed scheme of the cycle storage facilities and thereafter the development shall not be occupied unless the said scheme has been implemented in full - in the interests of encouraging more sustainable modes of travel.

(17) That football matches played by Aberdeen FC, international football matches, international rugby matches and concerts held on Mondays to Fridays shall not commence before 1945 hours unless otherwise agreed in writing by the planning authority - in the interests of the free flow of traffic on the local road network.

(18) That the development hereby approved shall not be occupied unless there has been submitted to and approved in writing by the planning authority a scheme for CCTV throughout the development and that any such scheme as may have been approved has been implemented in full - in the interests of public safety.

(19) That the development hereby approved shall not be occupied unless there has been submitted to and approved in writing details of the public address system for the stadium - in order to preserve the amenity of the area and to minimise disturbance to the adjacent District Wildlife Site.



**COUNCIL**  
23 February 2011

(20) That no development shall take place unless there has been submitted to and approved in writing by the planning authority detailed drawings of the roads and footpaths within the site, including the bus laybys and drop off points and all car parking areas - in the interests of the free flow of traffic through the site and the safety of all road users.

(21) That no development shall take place unless there has been submitted to and approved in writing by the planning authority and detailed scheme for the provision of a combined footway/cycle way on the west side of the A956 Wellington Road between the new junction into the development and the Souterhead Road/Langdykes Road roundabout junction. The said scheme shall include the provision of pedestrian barriers over this length on both the west and east side of the A956. Thereafter, the stadium shall not be brought into use unless the said scheme has been implemented in full - in order to provide appropriate and safe access to the development for pedestrians and cyclists and in the interest of road safety.

(22) That the development hereby approved shall not be occupied unless there has been submitted to and approved in writing by the planning authority a scheme for the provision of a shuttle bus to operate a peak periods between the local bus services and the development and the said scheme has been implemented - in order to encourage the use of more sustainable means of travel.

(23) That the development hereby approved shall not become operational until a Travel Plan and Transport Management Strategy, which addresses inter alia, access by walking and cycling, public transport provision, car parking management and traffic management has been submitted to and approved in writing by the planning authority following consultation with Transport Scotland - in order to comply with the requirements of SPP with regard to transport.

(24) That the development hereby approved shall be implemented in full accordance with the procedures, protocols, restrictions and mitigation measures specified in the Environmental Management Plan prepared by AECOM Limited, dated November 2010, unless otherwise agreed in writing by the planning authority.

Councillor Dean moved, seconded by Councillor McDonald:-

That the recommendations contained within the report be approved subject to amending part (a), in relation to the legal agreement, to read "the funding and implementation of several transport and potential station related measures."

Councillor Cooney moved as an amendment, seconded by Councillor Allan:-

Council refuses permission to the applicant on the basis that (a) the development is contrary to the Aberdeen Local Plan which identifies Kings Links as a site for a new community stadium (Opportunity site OP51); (b) the detriment

**COUNCIL**  
23 February 2011

to the local environment outweighs any benefit; and (c) the traffic study is deficient.

Councillor Boulton moved as a further amendment, seconded by Councillor Farquharson:-

That the application be refused as it is at odds with the following policies:

28 - Green Belt

29 - Green Space Network

31 - Landscape Protection

34 - Natural Heritage

35 - Access and Recreation Areas

48 - Sports Facilities

72 - Use of Appropriate Transport Modes

D6 - Landscape

CF2 - New Community Facilities

RT2(4) - The Proposed Development would be easily and safely accessible by a choice of means of transport using a network of walking, cycling and public transport routes which links with the catchment population

NE9 - Access and Informal Recreation

During the course of his summing up, Councillor Cooney abandoned his amendment in favour of the amendment by Councillor Boulton, and this was agreed by those present.

On a division, there voted:-

For the motion (23) - Lord Provost Peter Stephen; Depute Provost Dunbar; and Councillors Cassie, Cormack, Cormie, Dean, Donnelly, Fletcher, Greig, McCaig, McDonald, Malone, May, Milne, Penny, Reynolds, John Stewart, Kevin Stewart, Wendy Stuart, John West, Kirsty West, Wisely and Yuill.

For the amendment by Councillor Boulton (17) - Councillors Adam, Allan, Boulton, Collie, Cooney, Corall, Crockett, Farquharson, Graham, Hunter, Jaffrey, Kiddie, Laing, Noble, Robertson, Jennifer Stewart and Young.

Absent from the division (1) - Councillor Ironside.

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

**COUNCIL**  
23 February 2011

## **12 ROBERT GORDON'S COLLEGE BOARD OF GOVERNORS**

With reference to Article 16 of the minute of its meeting of 6<sup>th</sup> October 2010, the Council was requested to consider appointing a replacement member to the Robert Gordon's College Board of Governors in place of Councillor Kirsty West who had resigned.

**The Council resolved:-**

to appoint Councillor Wisely to the position.

## **13 DRINKING IN PUBLIC PLACES BYELAW - TEMPORARY SUSPENSION**

The Council had before it a report by the Director of Enterprise, Planning and Infrastructure seeking permission to suspend the operation of the Aberdeen City Council Drinking in Public Places Byelaw 2002, to permit the responsible consumption of alcohol within the boundaries of the Duthie Park for the BP Summer Big Screens event on 4<sup>th</sup> July from 6.00pm until 11.00pm.

The report advised that the live transmission of the opera Madame Butterfly would be relayed to Aberdeen from the Royal Opera House in London on 4<sup>th</sup> July. The event was free to the public and was expected to attract 3,000 people. Limited catering would be provided at the event and although alcohol would not be for sale, the report anticipated that members of the public might want to bring picnics, which could include alcohol. The report highlighted that in each of the five previous years such an event had been held, there had been no noted incidents relating to alcohol.

The report explained that the existing Aberdeen City Council Drinking in Public Places Byelaw 2002 would require to be suspended to allow consumption of alcohol at the event. This involved the creation of a new byelaw, which would enact a temporary suspension of the existing byelaw. The report added that the new byelaw would have to be advertised, with members of the public having an opportunity to comment on the proposed suspension, and approved by the Scottish Government.

**The report recommended:-**

that the Council instruct the Head of Legal and Democratic Services to undertake the processes necessary to enact the suspension of the byelaw currently in operation, of the existing Aberdeen City Council Drinking in Public Places Byelaw 2002 within the boundaries of the Duthie Park for the BP Summer Big Screens event on 4<sup>th</sup> July from 6.00pm until 11.00pm.

**COUNCIL**  
23 February 2011

**The Council resolved:-**

to approve the recommendation.

**14 GORDON HIGHLANDERS COMMISSION - ECS/11/007**

The Council had before it a report by the Director of Education, Culture and Sport which provided an update on progress regarding the Gordon Highlanders commission and sought approval for the contracted artist to proceed with the manufacture of maquettes.

The report summarised the progress of the Gordon Highlanders Working Group in establishing a commemorative statue to the Gordon Highlanders, following approval by the Council on 24<sup>th</sup> June 2009. Mark Richards had been approved as the contracted artist to develop the sculpture, which was to be sited in the Castlegate area in October 2011.

The report explained that the artist had requested that consideration be given to the sale of limited edition maquettes, which required the approval of the Council due to the nature of the contract for the commission. The Council would not make any financial contribution to the marketing or production of the maquettes, however subject to a formal agreement, on the basis of a 50/50 income split, the Council could expect some income to be made from the venture. The report added that the original scale model would remain the property of the Council upon completion of the commission, and permission was sought to discuss the loan of the work to the Gordon Highlanders Museum.

**The report recommended:-**

that the Council -

- (a) grant approval for the contracted artist to produce and market maquettes of the commission, and to delegate power to the Director of Education, Culture and Sport to agree the preferred option for a limited edition maquette and the loan of the original maquette, and to the Head of Legal and Democratic Services to ensure that satisfactory legal agreements were in place; and
- (b) agree that any profits arising to the Council from the share of the sale of reproductions be returned to the Common Good.

**The Council resolved:-**

to approve the recommendations.

**COUNCIL**  
23 February 2011

**15 ADDITIONAL SCHOOL CLOSURE DAY - ECS/11/014**

The Council had before it a report by the Director of Education, Culture and Sport seeking approval for an additional school closure day on 3<sup>rd</sup> May 2011 to be used as an in service training day for teachers.

The report explained that the additional school closure day would replace the existing in service day scheduled on 29<sup>th</sup> April 2011, to support the implementation of the Curriculum for Excellence, which had been agreed as an additional holiday for staff in respect of the royal wedding resulting in all schools being closed. As an alternative, 3<sup>rd</sup> May had been identified as a replacement in service date which would create a long weekend, which was in line with the Council's principles in agreeing school holidays to minimise disruption. In order to progress the matter, the report advised that the agreement of the local authority and the Scottish Government was required

**The report recommended:-**

that the Council approve an additional school closure on 3<sup>rd</sup> May 2011 to be used as an in service training day for teachers.

**The Council resolved:-**

to approve the recommendation.

**16 CITY GARDEN PROJECT - REQUEST FOR NOMINATIONS TO THE COUNCIL'S PROJECT MONITORING GROUP - EPI/11/070**

With reference to Article 16 of the minute of its meeting of 30<sup>th</sup> June 2010, the Council had before it a report by the Director of Enterprise, Planning and Infrastructure seeking nominations to the City Garden Project Monitoring Group.

The report provided an overview of progress in relation to the City Garden project in line with the indicative timetable presented to Council on 6<sup>th</sup> October 2010 (Article 13 of the minute of that meeting refers).

In regard to the establishment of a Project Monitoring Group, the report proposed that it mirror the Marischal College Advisory and Monitoring Working Group with a composition of 2 Liberal Democrat members, 1 SNP member, 1 Labour member and 1 Conservative member. The Project Monitoring Group would be supported by senior officers from Enterprise, Planning and Infrastructure who would prepare agendas,

**COUNCIL**  
23 February 2011

report on progress in relation to each of the project's main strands and answer relevant questions. The report recommended that the first meeting of the Project Monitoring Group be held before 24<sup>th</sup> March, and that future meetings be held within ten days of each City Garden Project Management Board meeting, or six weekly, whichever was the shorter period.

**The report recommended:-**

that the Council -

- (a) nominate five members to sit on the Project Monitoring Group, comprising 2 Liberal Democrat members, 1 SNP member, 1 Labour member and 1 Conservative member - one of whom should be nominated as Chairperson;
- (b) agree that the Project Monitoring Group report back to Council via the Enterprise, Planning and Infrastructure Committee; and
- (c) instruct the Chairperson to convene the inaugural meeting of the Project Monitoring Group before 24<sup>th</sup> March 2011.

Councillor John Stewart moved, seconded by Councillor Kevin Stewart:-

That the recommendations be approved subject to amending the composition of the Project Monitoring Group to reflect the decision of Council on 30<sup>th</sup> June 2010, i.e. a 2+2+1+1+1 basis.

Councillor Greig moved as an amendment, seconded by Councillor Jennifer Stewart:-

That this Council takes no action on this report.

On a division, there voted:-

For the motion (23) - Lord Provost Peter Stephen; Depute Provost Dunbar; and Councillors Corall, Cormack, Cormie, Dean, Donnelly, Fletcher, Kiddie, McCaig, McDonald, Malone, May, Noble, Reynolds, Robertson, John Stewart, Kevin Stewart, Wendy Stuart, John West, Kirsty West, Wisely and Yuill.

For the amendment (14) - Councillors Adam, Allan, Boulton, Collie, Cooney, Crockett, Farquharson, Graham, Greig, Hunter, Jaffrey, Laing, Milne and Jennifer Stewart.

Absent from the division (4) - Councillors Cassie, Ironside, Penny and Young.

**The Council resolved:-**

- (i) to adopt the motion; and
- (ii) that the members of the Project Monitoring Group be Councillors Malone (Chairperson), Yuill, McDonald, Kirsty West, Young, Wisely and Cassie.

**COUNCIL**  
23 February 2011

## 17 QUESTIONS

The Council had before it the following questions, of which due notice had been given in terms of Standing Order 20(2), which had been placed on the agenda as Councillor Young, the questioner, had indicated he was unhappy with the responses.

### Councillor Young

#### QUESTION –

#### To the Chief Executive

“To ask the Chief Executive or Acting Chief Executive if he is aware of the report which went to Enterprise, Planning and Infrastructure on 18<sup>th</sup> January 2011, if not the report stated “During the course of January 2011, Council Officers will launch a procurement process to locate suitable development/investment partners to initiate a Hotel development as part of a larger development plan for Council owned land in and around the AECC. In parallel with this activity, the Council’s asset management and legal teams will commence negotiations with AECC Ltd. to acquire control of all land and buildings currently owned by, or leased to, AECC.” Can the Chief Executive or Acting Chief Executive confirm that this has been done in January 2011 and give Council an update on any progress?”

#### ANSWER (by the Acting Chief Executive) -

With regard to the proposed procurement process, this is underway. A draft Pre-Qualification Questionnaire (PQQ) has been prepared and submitted to the Council’s procurement team. Subsequent meetings have been held to discuss this document and determine what staff resources were available to support and manage the tender process. During these meetings, it was determined that external legal advice would be required and that Enterprise, Planning and Infrastructure would need to meet the cost of obtaining this advice from within Enterprise, Planning and Infrastructure budgets. Officers are therefore currently assembling the resources needed to initiate, support and manage the procurement process. The likelihood is that the PQQ will be issued at the beginning of March.

With regard to the reversion of leases and assets to the Council, this process is also underway. Discussions have been held between the Council’s external legal advisers and officers from our Asset Management, Legal and Economic and

**COUNCIL**  
23 February 2011

Business Development teams to determine the resource inputs required from each team, to complete this task. Once this is clear, AECC will be informed of any assistance required from them to complete the transfer process. There is no immediate pressure to complete the transfer process, providing this is done in time to enable completion of the proposed development agreement, with a suitable development partner.

**The Council resolved:-**

in Councillor Young's absence, to defer consideration of the question to the next Council meeting, in accordance with Standing Order 20(9).

**QUESTION -**

**To the Depute Council Leader**

"To ask the Depute Council Leader if he agrees with his partner, Council Leader John Stewart, who insisted compulsory job cuts will go ahead even if more savings are found and who said 'until there is additional money from the Government specifically for avoiding compulsory redundancies any additional money we find in the Council I would rather spend on saving services. Unless Alex Salmond is going to come along with a bail out I don't see any other solution'?"

**ANSWER (by Councillor Kevin Stewart) -**

The question does not make sense, but I will try to answer.

The Cabinet Secretary for Finance, John Swinney, announced recently that Councils would receive a flat cash settlement until 2015, which changed the circumstances that we face. The objective of the SNP Group has always been to avoid compulsory redundancies and we believe that Mr Swinney's announcement meant that VS/ER packages were affordable, achievable and desirable.

The Council Leader and I do not always agree on every issue, if we did we'd be in the same party, but we share common ground in trying to do our best for the Council, our city and its citizens by being prudent with our finances and by protecting frontline services during tough times. It is a great pity that the Labour Group have failed to deliver a budget during this term, have failed to tell the citizens of this city what their priorities are and have failed to recognise that their government in Westminster caused the economic chaos that this country now has to face.



**COUNCIL**  
23 February 2011

**The Council resolved:-**

in Councillor Young's absence, to defer consideration of the question to the next Council meeting, in accordance with Standing Order 20(9).

QUESTION -

**To the Council Leader**

"To ask the Leader of the Council if he agrees with the criticisms made against Councillor Kevin Stewart, his partner, by the SNP Finance Minister in Edinburgh regarding the SNP/Lib Dem Coalition's proposals to cut 900 jobs - would he agree with the Finance Secretary John Swinney who said 'I do not think that the steps that have been considered in Aberdeen City Council are required. What I think is important is that there is dialogue with the trade unions to find a constructive way through this.?'"

ANSWER (by Councillor John Stewart) -

No. Mr Swinney is entitled to his opinion, though I would prefer he turn his attention to addressing the unfair distribution formula that sees Aberdeen City Council receive 83% of average Scottish per capita funding. The issue of costs of Voluntary Severance and Early Retirement will be dealt at the Council's Budget meeting on 10th February.

**The Council resolved:-**

in Councillor Young's absence, to defer consideration of the question to the next Council meeting, in accordance with Standing Order 20(9).

QUESTIONS -

**To the Chief Executive**

- (1) "To ask the Chief Executive or Acting Chief Executive the total cost in respect of Solicitor/Advocates/Counsel fees in respect of defending the need to honour Increments to our employees?"
- (2) "To ask the Chief Executive or Acting Chief Executive why and on whose instructions was the description of the most loved Public Gardens Union Terrace Gardens changed on the City Council's website and would the Chief Executive agree or otherwise that by publically degrading this Public Garden to what one constituent described as 'a pile of rubble' on its website does the city's credibility no good and undermines the credibility of the Council?"

**COUNCIL**  
23 February 2011

ANSWERS (by the Acting Chief Executive) -

- (1) The total cost excluding VAT is £23,372.
- (2) The website does not describe Union Terrace Gardens as 'a pile of rubble'.

The description on the website is:

This is a one-hectare park and is located right in the heart of the city, to one side of Union Terrace, off the city's main thoroughfare of Union Street.

Contrary to popular belief, it is not a natural amphitheatre but instead a valley that has had a Victorian Viaduct built (1888) at its North end. The amphitheatre shape and the pocket park are only the covered remains of Denburn Terrace that was reduced to rubble when the viaduct was being constructed.

Union Terrace Gardens are used for occasional concerts and leisure activities as well as providing an oasis for relaxation in the city centre. On the north side is a magnificent floral crest depicting the city's coat of arms. At the Union Street end of the gardens a group of mature elms, approximately 200 years old, are a remnant of a site known as Corbie Woods. "Corbie" is the traditional Scots word for "crow", and indeed crows nest there to this day.

**Park Details**

Address: Union Terrace Gardens, Rosemount Viaduct, Aberdeen.

Opening Times: 8.00am until 1 hour before dusk.

This is a city centre park with a large grass area, banking, floral crests and a formal garden area.

For bus information please click the following link:

[www.firstgroup.com/ukbus/scotland/nescot/home/](http://www.firstgroup.com/ukbus/scotland/nescot/home/)

**COUNCIL**  
23 February 2011

Union Terrace Gardens Location map

**The Council resolved:-**

in Councillor Young's absence, to defer consideration of the questions to the next Council meeting, in accordance with Standing Order 20(9).

**18 MOTIONS - COUNCILLOR IRONSIDE**

Councillor Ironside, pursuant to notice, moved:-

“That this Council write to the condemn coalition government in Westminster, demanding they listen to the voices of the disabled communities and drop the proposal to remove the mobility component of the Disability Living Allowance for adults and children living in state-funded residential care, which will impact on many of our residents.”

**The Council resolved:-**

in Councillor Ironside's absence, to defer consideration of the motion to the next Council meeting, in accordance with Standing Order 21(4), unless Councillor Ironside submitted the motion directly to the Social Care and Wellbeing Committee.

**19 COUNCILLOR BOULTON**

Councillor Boulton, pursuant to notice, moved:-

“That Aberdeen City Council writes to Mike Russell, the Cabinet Secretary for Education and Lifelong Learning, asking for a review of ‘The Parent's Charter’.”

**The Council resolved:-**

to refer the motion to the Education, Culture and Sport Committee.

**20 COUNCILLOR BOULTON**

Councillor Boulton, pursuant to notice, moved:-

**COUNCIL**  
23 February 2011

“That Aberdeen City Council writes to Mike Russell, the Cabinet Secretary for Education and Lifelong Learning, requesting that a member of the National Parent Forum of Scotland be appointed to the McCormac Committee for reviewing the McCrone deal.”

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

**21 COUNCILLOR BOULTON**

Councillor Boulton, pursuant to notice, moved:-

“That Aberdeen City Council makes an official approach to the bus companies serving Aberdeen to negotiate a more appropriate fare structure for pupils still in full time education - raising the age at which children start paying an adult fare when still at school.”

**The Council resolved:-**  
to refer the motion to the Enterprise, Planning and Infrastructure Committee.

**22 COUNCILLOR BOULTON**

Councillor Boulton, pursuant to notice, moved:-

“That consideration is given to reducing the speed limit on the road from Countesswells to Kingswells due to the high level of accidents.”

**The Council resolved:-**  
to refer the motion to the Enterprise, Planning and Infrastructure Committee.

**COUNCIL**  
23 February 2011

**In accordance with the decision recorded under Article 4 of this minute, the following items of business were considered with the press and public excluded.**

**23 BOARD OF SPORT ABERDEEN - APPROVAL OF PREFERRED CANDIDATE**

With reference to Article 17 of the minute of its meeting of 15<sup>th</sup> December 2010, the Council had before it a report by the Director of Education, Culture and Sport which sought approval to appoint Mr Anthony Dawson to the Board of Sport Aberdeen.

The report reminded members that six candidates had been appointed to the Board following interviews in October 2010, and detailed Mr Dawson's credentials as a proposed additional candidate.

**The Council resolved:-**

to approve the appointment of Mr Anthony Dawson to the Board of Sport Aberdeen.

**24 EVENT PROPOSAL**

With reference to Article 35 of the minute of meeting of the Finance and Resources Committee of 2<sup>nd</sup> December 2010, the Council had before it a report by the Director of Enterprise, Planning and Infrastructure.

The report explained why it was imperative that no details of the report be made public at this point.

**The Council resolved:-**

to approve the recommendations contained within the report.

**25 132 WELLINGTON ROAD, ABERDEEN - EPI/11/054**

With reference to Article 45 of the minute of meeting of the Finance and Resources Committee of 1<sup>st</sup> February 2011, the Committee had before it, by way of remit, a report by the Director of Enterprise, Planning and Infrastructure which advised of the current

**COUNCIL**  
23 February 2011

situation in relation to the lease of the property at 132 Wellington Road, and suggested a way forward in this regard.

The Finance and Resources Committee had resolved to defer consideration of the report to the meeting this day in order that the State Aid implications could be fully investigated by officers, and that the Council be advised of the outcome of these investigations in order for a decision to be taken.

There was circulated an additional paper which had been prepared by the Head of Legal and Democratic Services which addressed the issues that had been raised by the Finance and Resources Committee in regard to State Aid.

**The Council resolved:-**

- (i) to approve the extension of the existing lease to Glencraft (Aberdeen) Limited for a period of one year from 1<sup>st</sup> April 2011 at a rent of £10,000 per month (or £120,000 per annum);
- (ii) that the tenant be advised that the lease should end at 31<sup>st</sup> March 2012 and the Council should recover vacant possession from that date; and
- (iii) to instruct the Head of Asset Management and Operations to market the premises with a view to finding another tenant or disposing of the Council's interest as soon as possible after 1<sup>st</sup> April 2012.

**26 FOUR GROUP HOMES - REQUEST TO RENOUNCE LEASES - EPI/11/042**

With reference to Article 41 of the minute of meeting of the Finance and Resources Committee of 1<sup>st</sup> February 2011, the Council had before it, by way of remit, a report by the Director of Enterprise, Planning and Infrastructure which advised that the charity Inspire wished to renounce four leases they had with the Council prior to the natural termination dates. The report explained that Inspire had relocated residents of the four group homes (the four properties in question), further to a redevelopment programme.

The report advised as to the background of the request; detailed the financial implications for the Social Care and Wellbeing Service of agreeing to the request; set out a number of options for the Finance and Resources Committee; and provided an officer recommendation in that regard. It was noted that the Council would consider declaring the properties (namely 12 Devanha Gardens West, 30 Springfield Avenue, 29 Redmoss Avenue and 20A Loirston Road, Cove) surplus to the requirements of the Social Care and Wellbeing Service.

**COUNCIL**  
23 February 2011

The Finance and Resources Committee had resolved:-

- (i) to approve Inspire's request that the leases for the properties at 12 Devanha Gardens West, 30 Springfield Avenue, 29 Redmoss Avenue and 20A Loirston Road, Cove, be renounced as soon as possible, at which date Inspire's legal liability for property costs would end, but on the condition that before the Council formally concludes the lease renunciations, Inspire settle any outstanding dilapidation liability in terms of the four leases;
- (ii) to instruct that the Head of Legal and Democratic Services formally conclude the renunciation of the four property leases, on terms and conditions as are necessary to protect the Council's interests; and
- (iii) to instruct officers to investigate ways of improving the process for declaring properties surplus to Service requirements and disposing of them, and to report back on this in due course.

**The Council resolved:-**

- (i) to declare the four properties in question surplus to the requirements of the Social Care and Wellbeing Service; and
- (ii) to otherwise note the decision of the Finance and Resources Committee.

**- PETER STEPHEN, Lord Provost.**