

ABERDEEN CITY COUNCIL

Town House,
ABERDEEN, 22 August 2012

MINUTE OF MEETING OF ABERDEEN CITY COUNCIL

Sederunt:

Lord Provost George Adam, Chairperson;
Depute Provost John Reynolds; and

COUNCILLORS

YVONNE ALLAN
KIRSTY BLACKMAN
MARIE BOULTON
DAVID CAMERON
SCOTT CARLE
NEIL COONEY
JOHN CORALL
WILLIAM CORMIE
BARNEY CROCKETT
STEVEN DELANEY
GRAHAM DICKSON
ALAN DONNELLY
JACQUELINE DUNBAR
LESLEY DUNBAR
ANDREW FINLAYSON
FRASER FORSYTH
GORDON GRAHAM
ROSS GRANT
MARTIN GREIG
LEONARD IRONSIDE CBE
MURIEL JAFFREY

JAMES KIDDIE
JENNIFER LAING
GRAEME LAWRENCE
NEIL MacGREGOR
CALLUM McCAIG
M TAUQEER MALIK
AILEEN MALONE
ANDREW MAY
RAMSAY MILNE
JEAN MORRISON MBE
NATHAN MORRISON
JAMES NOBLE
GILLIAN SAMARAI
JENNIFER STEWART
SANDY STUART
ANGELA TAYLOR
ROSS THOMSON
GORDON TOWNSON
WILLIAM YOUNG
and
IAN YUILL

Lord Provost George Adam, in the Chair

The agenda and reports associated with this minute can be found at:-
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=122&MId=2527&Ver=4>

ORDER OF AGENDA

1. The Lord Provost proposed that the reports on the City Garden Project be considered as the first item of general business.

The Council resolved:-

to agree to the Lord Provost's proposal and amend the order of the agenda accordingly.

ADMISSION OF BURGESSES

2. (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:-

Aileen D Brown, Retired Medical Social Worker, Aberdeen
Jacqueline Dunbar, Councillor, Aberdeen
Peter I Henderson, Company Director, Aberdeen
David MacDermid, Account Director, Aberdeen
John A Mackay, Former Vricht and Retired Civil Servant, Aberdeen
Barry D Mackland, Director, Aberdeen
Deborah Thomson, Chief Executive Officer, Aberdeen
Anne Wood MBE, Retired Head Teacher, Aberdeen

(B) The persons undermentioned were admitted into the presence of the Council and passed as Burgesses of the Burgh of Aberdeen of their own craft only:-

Malcolm Hetherington, Flesher, Aberdeen
Richard Leith, Flesher, Aberdeen
Neil Montgomery, Flesher, Aberdeen
James A Graham, Shoemaker, Aberdeen
Alastair D Hunter, Shoemaker, Aberdeen

DETERMINATION OF EXEMPT BUSINESS

3. The Council was requested to determine that the following item 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) Loirston Development Sites - Report by Director of Enterprise, Planning and Infrastructure - Referred by Finance and Resources Committee of 21 June 2012

Councillor McCaig moved as a procedural motion, seconded by Councillor Jackie Dunbar:-

That the Council consider item 11(a) in public.

On a division, there voted:-

For the procedural motion (15) - Councillors Blackman, Cameron, Corall, Cormie, Dickson, Jackie Dunbar, Jaffrey, Kiddie, MacGregor, McCaig, May, Noble, Samarai, Sandy Stuart and Townson.

Against the procedural motion (28) - Lord Provost; Depute Provost; and Councillors Allan, Boulton, Carle, Cooney, Crockett, Delaney, Donnelly, Lesley Dunbar, Finlayson, Forsyth, Graham, Grant, Greig, Len Ironside CBE, Laing, Lawrence, Malik, Malone, Milne, Jean Morrison MBE, Nathan Morrison, Jennifer Stewart, Taylor, Thomson, Young and Yuill.

The Council resolved:-

- (i) to reject the procedural motion; and
- (ii) 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 item of business (Article 30 of this minute refers) so as to avoid disclosure of exempt information of the classes described in paragraphs 6 and 9 of Schedule 7(A) of the Act.

REQUESTS FOR DEPUTATIONS

4. The Council had before it the following requests for deputations, of which requests (i) to (xiii) were in relation to the reports on the City Garden Project, and request (xiv) was in relation to the report on Loirston Development Sites:-

- (i) Trade Union representatives
- (ii) Mr Craig Adams
- (iii) Mr Leo Koot
- (iv) Ms Kirsty Moodie
- (v) Mr Denis Yule, Friends of Union Terrace Gardens
- (vi) Mr Iain Richardson, Common Good Aberdeen
- (vii) Mr Stewart Spence
- (viii) Mr Mike Bowyer
- (ix) Mr Bill Duguid
- (x) Mr John Bruce, Just Imagine
- (xi) Mr Dan McCroskrie
- (xii) Professor Paul Harris, City Garden Project Culture Working Group
- (xiii) Mr Colin Crosby, Aberdeen City Gardens Trust
- (xiv) Mr George Yule, Aberdeen Football Club

The Council resolved:-

to accept all of the requests, suspending Standing Order 10(1) to enable request (xiv) to be heard as it had been received beyond the deadline for submission, and to hear the deputations immediately prior to the items being considered.

MINUTE OF SPECIAL MEETING OF ABERDEEN CITY COUNCIL OF 13 JUNE 2012

5. The Council had before it the minute of the special meeting of Aberdeen City Council of 13 June 2012.

The Council resolved:-
to approve the minute.

MINUTE OF MEETING OF ABERDEEN CITY COUNCIL OF 13 JUNE 2012

6. The Council had before it the minute of meeting of Aberdeen City Council of 13 June 2012.

The Council resolved:-
to approve the minute.

MINUTE OF MEETING OF URGENT BUSINESS COMMITTEE OF 1 JUNE 2012

7. The Council had before it the minute of meeting of the Urgent Business Committee of 1 June 2012.

The Council resolved:-

- (i) to approve the minute; and
- (ii) to note that Councillor Jennifer Stewart had replaced Councillor Boulton on the Aberdeen City Heritage Trust.

MINUTE OF MEETING OF URGENT BUSINESS COMMITTEE OF 25 JUNE 2012

8. The Council had before it the minute of meeting of the Urgent Business Committee of 25 June 2012.

The Council resolved:-
to approve the minute.

MINUTE OF MEETING OF URGENT BUSINESS COMMITTEE OF 27 JULY 2012

9. The Council had before it the minute of meeting of the Urgent Business Committee of 27 July 2012.

The Council resolved:-
to approve the minute.

PAMPHLET OF MINUTES

10. The Council had before it a pamphlet of standing committee minutes from 19 April to 5 July 2012.

The Council resolved:-
to note the minutes.

BUSINESS STATEMENT

11. 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:-
to note the statement.

MOTIONS LIST

12. The Council had before it a list of outstanding motions which had been prepared by the Head of Legal and Democratic Services.

The Council resolved:-

- (i) to remove the motion by former Lord Provost Peter Stephen on bidding for UK City of Culture 2017, agreeing that any outstanding action be transferred to the business statement instead; and
- (ii) otherwise to note the motions list.

CITY GARDEN PROJECT - OCE/12/014

ABERDEEN TAX INCREMENTAL FINANCING (TIF) BUSINESS CASE - EPI/12/176

13. (A) In terms of Standing Order 10(2), the Council received a deputation from Mr Tommy Campbell, UNITE, Ms Karen Davidson, Unison, and Mr Mike Middleton, GMB.

Mr Campbell urged the Council to be realistic and reject the TIF Business Case as he felt there was insufficient evidence to demonstrate that additional business rates would be generated to finance the project. Ms Davidson echoed Mr Campbell's remarks and cited the recent increased cost of borrowing in relation to the 3Rs Project as a risk that would also apply to the City Garden Project. Mr Middleton emphasised that if the project failed the risk would lie with his members, i.e. Council staff, in terms of their future employment and the delivery of services, and this caused him deep concern.

Members asked questions of Mr Campbell, Ms Davidson and Mr Middleton and thanked them for their contribution.

(B) The Council then received a deputation from Mr Craig Adams.

Mr Adams advised that he was the owner of a small business in the city centre and called on the Council to take no further action in relation to the City Garden Project. He referred to the economic report produced by Tony MacKay, which cast doubt on the robustness of the TIF Business Case, and questioned whether the project had been properly costed. Mr Adams advised that Union Square had cost £250million to build and had been a conventional construction, whereas the City Garden Project would be a highly complex construction.

Mr Adams emphasised that the city needed a solution that everybody could unite behind and urged the Council to explore other options.

Members asked questions of Mr Adams and thanked him for his contribution.

(C) The Council next received a deputation from Mr Leo Koot, Managing Director of TAQA Bratani Limited.

Mr Koot advised that he had arrived in Aberdeen twelve years ago to set up business and stayed in the Caledonian Hotel overlooking Union Terrace Gardens, which, at night, he felt resembled a dark and miserable unwelcoming hole in the heart of the city centre, which made him question whether he had made the right decision. The business had expanded rapidly, however he chose to base it in Westhill as Aberdeenshire Council had been very welcoming, whereas there was a perception that Aberdeen was not as welcoming towards new business.

Mr Koot stressed that Aberdeen needed the City Garden Project in order to expand and diversify from its reliance on oil and gas - the business case had been audited and the citizens had voted for the project, Aberdeen could and should deliver it.

Members asked questions of Mr Koot and thanked him for his contribution.

(D) The Council next received a deputation from Mr Denis Yule of Friends of Union Terrace Gardens.

Mr Yule urged members to reject the TIF Business Case as he felt there was a lack of evidence in terms of how it could be financed. Mr Yule highlighted that Union Terrace Gardens was Common Good land and questioned the legal implications therein. He emphasised that there was an enormous funding gap and drew comparisons with the Edinburgh trams fiasco, adding that the Council was effectively being asked to sign a blank cheque for the project.

Mr Yule called into question the objectivity of Aberdeen City Gardens Trust; underlined that the city needed greater ambition; stated that the City Garden Project had been a distraction to the Council - the Council should be leading the business community not the other way round; and asked for a truly visionary TIF Business Case to be developed.

Members asked questions of Mr Yule and thanked him for his contribution.

(E) The Council next received a deputation from Mr Iain Richardson of Common Good Aberdeen.

Mr Richardson pleaded with members to reject the TIF Business Case and instead regenerate Union Terrace Gardens. He highlighted the work of Common Good Aberdeen in relation to Union Terrace Gardens in terms of (1) the winter festival in December 2011 which had transformed the gardens into a winter wonderland; (2) plans for a community café which had recently been approved; and (3) a jubilee tea party to celebrate the Diamond Jubilee which had attracted approximately 3,500 visitors and raised thousands of pounds for charity.

Mr Richardson stated that these events had been organised on a shoestring budget, had been very successful and that similar events could be delivered on a regular basis

if the City Garden Project was rejected and Union Terrace Gardens were simply revitalised.

Members asked questions of Mr Richardson and thanked him for his contribution.

(F) The Council next received a deputation from Mr Stewart Spence of the Marcliffe Hotel and Spa.

Mr Spence summarised his experience of the hotel and tourism industry in Aberdeen and Aberdeenshire, highlighting that there was a severe lack of things to see and do for tourists in Aberdeen, which made him focus his attentions on Aberdeenshire and further afield. He advised that the City Garden Project was a once in a lifetime opportunity which he was very excited about and called on members to support it.

Mr Spence added that with the recent development of the Trump International Golf Links in Aberdeenshire, Aberdeen now had its own golden opportunity which it needed to grasp in order to progress.

Members asked questions of Mr Spence and thanked him for his contribution.

(G) The Council next received a deputation from Mr Mike Bowyer representing the Aberdeen Institute of Directors.

Mr Bowyer stated that the Aberdeen business community had confirmed its support for the City Garden Project following a recent survey, and that the eyes of the country were on Aberdeen in terms of the Council's decision today which would result in great reputational damage to the city if the project was rejected. He added that the local economy was cushioned by the oil and gas sector, and that the City Garden Project was an excellent opportunity to move in a different direction in terms of competing for inward investment with less reliance on the night time economy.

Mr Bowyer asked members to disregard political motivations and back the City Garden Project.

Members asked questions of Mr Bowyer and thanked him for his contribution.

(H) The Council next received a deputation from Mr Bill Duguid, a commercial property expert with Rydens in Aberdeen.

Mr Duguid stated that Aberdeen city centre was in decline, with Union Street in particular in need of regeneration. He had examined the TIF Business Case with a trained and impartial eye and concluded that the project was entirely reasonable and achievable based on his experience in commercial property, and that such a major redevelopment would act as a catalyst for further new development in the city centre and beyond.

Mr Duguid found it hard to believe that the Council was even contemplating rejecting the City Garden Project. He added that there were risks attached to the project however every project had risks, and questioned if any other cities would allow such an opportunity to pass them by.

Members asked questions of Mr Duguid and thanked him for his contribution.

(I) The Council next received a deputation from Mr John Bruce of Just Imagine.

Mr Bruce emphasised that the principle at stake was far greater than simply regeneration. In his opinion, a single issue referendum was the purist form of democracy - the referendum had, in the main, been demanded by the opponents of the City Garden Project and now the Labour Group was on the brink of usurping the sovereign will of the people of Aberdeen.

Mr Bruce added that the facts had not changed since the result of the referendum - to disregard its result would deal a massive blow to the spirit of democracy, and elected members should expect a silent shrug of the shoulders from the electorate from that point on. He concluded if the Council trusted the wisdom of the people, the people would trust the Council.

Members asked questions of Mr Bruce and thanked him for his contribution.

(J) The Council next received a deputation from Mr Dan McCroskrie.

Mr McCroskrie advised that 160 young people had signed a petition supporting the City Garden Project - it resonated with what young people wanted, they were fed up of the decline of Union Street and wanted a place to meet and gather that was not just a shopping centre or a pub. He added that the City Garden Project would encourage young people to stay in Aberdeen and would help to attract more young people to the city.

Mr McCroskrie stated that future generations would thank the Council if it made a brave decision today and backed the City Garden Project - saying no would signal that Aberdeen says no to creativity; saying yes would say yes to the future of Aberdeen - a brighter and better future.

Members asked questions of Mr McCroskrie and thanked him for his contribution.

(K) The Council next received a deputation from Professor Paul Harris, Chair of the City Garden Project Culture Working Group.

Professor Harris advised that he had been involved with the City Garden Project for 18 months since taking up a post at the city's Gray's School of Arts, and stated that Aberdeen was underperforming in cultural terms both in depth and diversity. He added that a major step change was needed and the City Garden Project was that step change in providing a truly unique experience for visitors to the city.

Professor Harris highlighted Aberdeen's bid for UK City of Culture 2017 and emphasised that the city desperately needed significant investment in its cultural assets.

Members asked questions of Professor Harris and thanked him for his contribution.

(L) The Council next received a deputation from Mr Colin Crosby of Aberdeen City Gardens Trust.

Mr Crosby provided an overview of the status of Aberdeen City Gardens Trust, underlining that public benefit for the city was enshrined in the constitution and articles of association. He noted that there had been much talk of consultation - the business community had carried out its own consultation, however the biggest consultation of all, the referendum, had involved 86,000 people and the majority supported the City Garden Project.

Mr Crosby highlighted that 6,500 jobs would be created by the City Garden Project and an additional £115million would be injected into the local economy year on year, with the cost of borrowing paid for by business with no impact on Council services or the Council taxpayer. He concluded that the project was a win-win situation, and a no vote today would be a vote of no confidence in the city of Aberdeen.

Members asked questions of Mr Crosby and thanked him for his contribution.

The Council was advised that Ms Kirsty Moodie was not in attendance to make her deputation.

(M) Members then asked a number of questions of officers, and of Mr Peter Reekie, Director of Finance and Structures of the Scottish Futures Trust, who was in attendance.

MATTER OF URGENCY

The Lord Provost intimated that he had directed in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, that the following item be considered as a matter of urgency to enable the matter to be resolved without further delay.

DECLARATIONS OF INTERESTS

Councillor Milne declared an interest in the following item of business in relation to the involvement of NHS Grampian in one of the projects contained within the TIF Business Case, by virtue of his employment with NHS Grampian, although his retirement was imminent. Councillor Milne did not consider it necessary to withdraw from the meeting.

Councillors Boulton, Donnelly, Kiddie and Jennifer Stewart declared interests having been appointed by the Council to the Board of Aberdeen Performing Arts but chose to remain in the meeting as Aberdeen Performing Arts was a body being a company as set out in paragraph 5.18(2)(i)(d) of the Councillors' Code of Conduct.

(N) The Council had before it (1) a report by the Chief Executive seeking confirmation of whether it wished the decisions taken at its meeting of 25 January 2012

(Article 6 of the minute refers) in relation to the City Garden Project to be actioned; and (2) a report by the Director of Enterprise, Planning and Infrastructure which had been referred to it for consideration by the Finance and Resources Committee of 17 August 2012 (Article 2 of the minute refers), which advised of the current position with regard to the TIF Business Case, produced with the aim of securing investment in five city centre regeneration projects.

The report by the Chief Executive recommended:-

that the Council resolves either -

- (i) that the decisions taken at the Council meeting of 25 January 2012 in relation to the City Garden Project are actioned; **or**
- (ii) that no further action be taken on the City Garden Project.

Councillor Boulton moved, seconded by Councillor Reynolds:-

Council agrees -

- (1) that officers consult the Scottish Futures Trust on whether they would accept a revised TIF submission based on not proceeding with the current City Garden Project but including all of the below listed projects:-
 - a contribution to the Mither Kirk project
 - a contribution to the refurbishment of the Music Hall
 - a contribution to the refurbishment of the Arts Centre
 - a contribution to the redevelopment of the Lemon Tree
 - the regeneration of Union Street to complement the work being done by the Business Improvement District
 - a contribution to improve access and facilities at Union Terrace Gardens
 - continue with the other identified projects within the existing TIF submission for £22million; and
- (2) if this is not acceptable to then explore other funding sources and develop a business case around not proceeding with the current City Garden Project but all other aspects of the TIF submission but also to include the projects listed in (1) above.

Councillor McCaig moved as an amendment, seconded by Councillor Donnelly:-

That the decisions taken at the Council meeting of 25 January 2012 in relation to the City Garden Project be actioned, and to instruct officers to explore options with the private sector to de-risk the Council's position and report back to Council.

On a division, there voted:-

For the motion (22) - Lord Provost; Depute Provost; and Councillors Allan, Boulton, Carle, Cooney, Crockett, Lesley Dunbar, Finlayson, Graham, Grant, Greig, Len Ironside CBE, Laing, Lawrence, Malik, Milne, Jean Morrison MBE, Nathan Morrison, Jennifer Stewart, Taylor and Young.

For the amendment (20) - Councillors Blackman, Cameron, Corall, Cormie, Delaney, Dickson, Donnelly, Jackie Dunbar, Forsyth, Jaffrey, Kiddie, MacGregor, McCaig, Malone, May, Noble, Samarai, Sandy Stuart, Thomson and Townson.

Declined to vote (1) - Councillor Yuill.

The Council resolved:-

to adopt the motion.

In terms of Standing Order 15(6), Councillors Blackman, Cameron, Corall, Cormie, Delaney, Dickson, Donnelly, Jackie Dunbar, Forsyth, Jaffrey, Kiddie, MacGregor, McCaig, Malone, May, Noble, Samarai, Sandy Stuart, Thomson and Townson intimated their dissent against the foregoing decision.

LOIRSTON DEVELOPMENT SITES - DEPUTATION

14. At this juncture, the Council agreed to hear the deputation from Aberdeen Football Club, represented by Mr Stewart Milne, Chairman. Mr George Yule, Vice Chairman of Aberdeen Football Club, and Mr Keith Moorhouse, Chairman of Cove Rangers Football Club, were also in attendance.

Mr Milne emphasised that the Council's decision this day had major implications for the future of both Aberdeen Football Club and Cove Rangers Football Club, explaining that Calder Park and Aberdeen's new stadium were integral parts of the new village development planned by the Council and John Muir Group. He added that a no vote for Calder Park would kill off Aberdeen's new stadium as both developments were linked, with access to Calder Park forming the secondary access required for Aberdeen's new stadium.

Mr Milne stressed that Cove was in desperate need of community facilities and that these would need to be delivered by other means if the Council voted against Calder Park, whereas the current proposals had the potential to deliver a mini Aberdeen Sports Village for the local community. He explained that Cove Rangers had to find a new home by 2014 to meet the relevant stadium criteria as Allan Park could not be redeveloped - failure to find a new home by 2014 would result in Cove Rangers having to withdraw from the Highland League with no prospect of benefitting from a future restructure of the Scottish Football League.

In terms of Aberdeen Football Club, Mr Milne highlighted that the proposed soccer academy and new training facilities at Calder Park were vital in terms of youth development and the first team squad. The new stadium was central to the club's five year business plan as it would enable the club to get back on a sound financial footing. The redevelopment of Pittodrie Stadium was not a realistic option as the site was landlocked, which would result in the ground capacity being reduced to approximately 12,000 in order to meet European requirements, with the stadium becoming a building site for three to five years, with any European fixtures having to be played at other Scottish cities during that time.

At this juncture, the Council agreed to suspend Standing Order 10(6) to enable Mr Milne to conclude his deputation as the time permitted had expired.

Mr Milne concluded that a no vote for Calder Park could result in Aberdeen Football Club no longer being able to function as a full time professional club and could kill off Cove Rangers Football Club, and asked what this would do for the Council's bid for UK City of Culture 2017. Mr Milne implored members to give careful consideration to the decision they were about to make and not jeopardise over 100 years of history within the city.

Members asked questions of Mr Milne and thanked him for his contribution.

ABERDEEN - THE SMARTER CITY

15. The Council had before it 'Aberdeen - the Smarter City' - the Aberdeen City Scottish Labour Party, Conservative and Unionist Party and Independent Alliance Group of Councillors' Programme for Aberdeen City Council.

Councillor Crockett moved, seconded by Councillor Forsyth:-
That the programme be approved.

Councillor Malone moved as an amendment, seconded by Councillor McCaig:-
That, to ensure Aberdeen continues to be a great place to live, work and be educated, this Council endorses both the Five Year Business Plan and the principles and policies set out in "Vibrant, Dynamic and Forward Looking".

On a division, there voted:-

For the motion (23) - Lord Provost; Depute Provost; and Councillors Allan, Boulton, Carle, Cooney, Crockett, Donnelly, Lesley Dunbar, Finlayson, Forsyth, Graham, Grant, Len Ironside CBE, Laing, Lawrence, Malik, Milne, Jean Morrison MBE, Nathan Morrison, Taylor, Thomson and Young.

For the amendment (20) - Councillors Blackman, Cameron, Corall, Cormie, Delaney, Dickson, Jackie Dunbar, Greig, Jaffrey, Kiddie, MacGregor, McCaig, Malone, May, Noble, Samarai, Jennifer Stewart, Sandy Stuart, Townson and Yuill.

The Council resolved:-
to adopt the motion.

TREASURY MANAGEMENT POLICY AND STRATEGY - CG/12/059

16. With reference to Article 13 of the minute of meeting of the Finance and Resources Committee of 21 June 2012, the Council had before it, by way of remit, a report by the Director of Corporate Governance which provided an update on the treasury management activities during 2011/12.

The Finance and Resources Committee had resolved:-

- (i) to note the treasury management activities undertaken in 2011/12 as detailed in the report; and

- (ii) to recommend to Council that it notes the treasury management activities undertaken in 2011/12.

The Council resolved:-

- (i) to note the treasury management activities undertaken in 2011/12; and
 (ii) to highlight the good work of the Finance team in regard to short-term borrowing as outlined within the report.

APPOINTMENT OF THIRD RELIGIOUS REPRESENTATIVE TO THE EDUCATION, CULTURE AND SPORT COMMITTEE - CG/12/081

17. The Council had before it a report by the Director of Corporate Governance which described the outcome of a consultative meeting held on 27 June 2012 to seek a suitable nomination for the appointment of a third religious representative on the Education, Culture and Sport Committee, in terms of Section 124 of the Local Government etc. (Scotland) Act 1994.

The report recommended:-

that the Council approve the appointment of Mrs Anne Tree as the third religious representative on the Education, Culture and Sport Committee.

The Council resolved:-

to approve the recommendation.

APPOINTMENTS - OCE/12/016

18. With reference to Article 15 of the minute of its meeting of 13 June 2012, the Council had before it a report by the Chief Executive seeking confirmation of elected member appointments to various outside bodies that were outstanding.

The report recommended:-

that the Council approve the elected member appointments to sub-committees, trusts, boards and outside bodies as appended to the report.

The Council resolved:-

- (i) to agree the elected member appointments to sub-committees, trusts, boards and outside bodies as listed in the table below; and
 (ii) to note that the SNP Group would give consideration to appointing members to the Oakbank School Board of Governors if a copy of their accounts could be provided to them.

Group	Representation	Names
Jack Wood Trust	6 members	Barney Crockett Fraser Forsyth Aileen Malone John Reynolds Gordon Townson Willie Young

Group	Representation	Names
Proctor's Orphanage Trust	Lord Provost and 4 members	Barney Crockett Alan Donnelly Aileen Malone Jim Noble
Alcohol Support Limited	1 opposition member	No appointment
Garthdee Alpine Sports	Up to 5 members (3 local, 1 administration and 1 opposition)	Angela Taylor
North East Agricultural Advisory Committee	5 members including 2 opposition	John Corall Ross Grant Graeme Lawrence Aileen Malone Jean Morrison MBE
North East Sensory Service (NESS)	1 member	Nathan Morrison
Oakbank School Board of Governors	9 members	Yvonne Allan Scott Carle Alan Donnelly Jenny Laing Angela Taylor Willie Young 3 to be advised
Shopmobility Management Committee	2 administration members	Tauqeer Malik Nathan Morrison

DECLARATIONS OF INTERESTS

Councillors Corall and Finlayson declared interests in relation to the following item of business by virtue of their appointment by the Council as Directors of Aberdeen City Heritage Trust but did not consider that the nature of their interests required them to leave the meeting.

ABERDEEN CITY HERITAGE TRUST - SPECIAL RESOLUTION - CG/12/087

19. The Council had before it a report by the Director of Corporate Governance which advised of a proposal by the Directors of the Aberdeen City Heritage Trust to approve a Special Resolution which would allow the Trust to co-opt up to four further members for a maximum period of eight years each.

The report recommended:-

that the Council agree to support the Special Resolution of the Aberdeen City Heritage Trust and authorise the Head of Legal and Democratic Services to sign and return the Special Resolution by 5 September 2012.

The Council resolved:-

to approve the recommendation.

MOTIONS

20. Councillor Jennifer Stewart, pursuant to notice, moved:-

“Council instructs officers to report on the feasibility and implications of removing/ending on street Sunday parking charges.”

The Council resolved:-

to refer the motion to the Enterprise, Planning and Infrastructure Committee.

21. Councillor Blackman, pursuant to notice, moved:-

“Council requests that officers report back on ways to speed up the housing allocation process for those families living in overcrowding situations which are caused or exacerbated by formal kinship care arrangements.”

The Council resolved:-

to refer the motion to the Housing and Environment Committee.

22. Councillor Yuill, pursuant to notice, moved:-

“That this Council agree to instruct officers to report to the appropriate committee on the feasibility of providing local companies with the materials and equipment necessary to undertake snow clearing and gritting and that this report should seek to include information about such schemes operating elsewhere in Scotland and the UK.”

The Council resolved:-

to refer the motion to the Enterprise, Planning and Infrastructure Committee.

23. Councillors Yuill, Delaney and Malone, pursuant to notice, moved:-

“That this Council agrees to write to the Scottish Government and Aberdeen’s MSPs calling for a change in the regulatory regime for bus operators providing scheduled public services to introduce a ‘public service obligation’ which would require any bus operator providing more than 50% of the bus services in a particular local authority area to provide a basic level of bus service (including in evenings and at weekends) to communities across that local authority area.”

The Council resolved:-

to refer the motion to the Enterprise, Planning and Infrastructure Committee.

24. Councillor Yuill, pursuant to notice, moved:-

“That this Council:

1. Expresses concern at the impact the withdrawal of evening bus services to Airyhall will have on residents of that community, including increased social isolation for some.
2. Instructs officers to report to the relevant committee on the feasibility and likely cost of introducing a City Council supported evening bus service to Airyhall and to further report on options for funding such a supported service.”

The Council resolved:-

to refer the motion to the Enterprise, Planning and Infrastructure Committee.

25. Councillor Greig, pursuant to notice, moved:-

“That this Council produces a report on identifying funding sources for the bus services which are scheduled for withdrawal from Seafield and Craigiebuckler.”

The Council resolved:-

to refer the motion to the Enterprise, Planning and Infrastructure Committee.

26. Councillor Delaney, pursuant to notice, moved:-

“That this Council:-

1. Deplores First Aberdeen’s decision to terminate the Park & Ride service from Kingswells at Aberdeen Royal Infirmary.
2. Instructs officers to seek a meeting with First Aberdeen to emphasise the need for effective Park & Ride services in order to reduce congestion caused by commuter traffic and their role in achieving this.
3. Instructs the Chief Executive to seek a meeting with the Transport Minister and Group Leaders to discuss recent reductions in bus frequencies across the city and First Aberdeen’s failure to deliver on local and national transportation policies in Aberdeen.”

The Council resolved:-

to refer the motion to the Enterprise, Planning and Infrastructure Committee.

27. Councillor Thomson, pursuant to notice, moved:-

“To request a report/review of the Council’s mixed tenure properties where the Council is the minority owner with a view to selling off these properties to re-

invest the money in new Council housing, affordable housing and helping first-time buyers.”

The Council resolved:-

to refer the motion to the Housing and Environment Committee.

28. Lord Provost George Adam, pursuant to notice, moved:-

“That this Council works with the Armed Forces, veterans’ groups, health and social care providers, the business community and other local bodies to develop a Community Covenant for Aberdeen.”

The Council resolved:-

to approve the terms of the motion and instruct officers to submit a report to the Corporate Policy and Performance Committee.

QUESTIONS

29. The Council had before it the following question, of which due notice had been given in terms of Standing Order 10(2), which had been placed on the agenda as Councillor Boulton had indicated that she was unhappy with the response.

Councillor Boulton

To the Chief Executive

(1) Can the Chief Executive investigate and confirm that the Deeside Walkway Railway line will not be closed off for personal development purposes, and that the only motorised vehicles that will be allowed to use the railway line will be Council vehicles or emergency services?

ANSWER (by the Chief Executive) -

(1) Closure

The Council has statutory obligations as the planning authority to uphold rights of way and access rights. The obligation under the Countryside (Scotland) Act is:-

“It shall be the duty of a local planning authority to assert, protect and keep open and free from obstruction or encroachment any public right of way which is wholly or partly within their area.”

The duty under the Land Reform (Scotland) Act is similarly worded:-

“It is the duty of the local authority to assert, protect and keep open and free from obstruction or encroachment any route, waterway or other means by which access rights may reasonably be exercised.”

Both pieces of legislation provide specific power to institute and defend legal proceedings in support of those duties.

The duties as expressed in both Acts are unequivocal and the Council has in the past expended considerable resources in protecting public rights of way throughout the city and along the former railway line in particular.

Whilst there is a presumption against closure, any request for a closure or partial closure would require to be treated on the merits of that specific case.

Access

Council consent may be granted for access by vehicles for construction, maintenance or other purposes subject to such appropriate conditions as the Council may wish to impose in relation to type of vehicle, timing, reinstatement and cost.

Each particular case will be considered on its own merits.

The Council resolved:-
to note the details.

In accordance with the decision recorded under Article 3 of this minute, the following item of business was considered with the press and public excluded.

FINANCE AND RESOURCES COMMITTEE - 21 JUNE 2012 - LOIRSTON DEVELOPMENT SITES - EPI/12/138

30. With reference to Article 32 of the minute of meeting of the Finance and Resources Committee of 21 June 2012, which had been referred to it for consideration by seven members of the committee, the Council had before it (1) a report by the Director of Enterprise, Planning and Infrastructure which advised of progress in relation to the two areas of land at Bobby Calder Park and Lochinch Farm, Cove; and (2) the decision of the Finance and Resources Committee as follows:-

- (i) in relation to the Development Agreement with Hermiston Securities Limited (HSL) -
 - (a) to authorise the Head of Legal and Democratic Services to conclude the Development Agreement with HSL, on the terms noted within the report, in particular the Committee noted that further committee approval would not be required for any future sales of the land within the agreement as long as they were demonstrated as being at market value; the parties must also act in the partnership's mutual economic interest; and
 - (b) to authorise the Director of Enterprise, Planning and Infrastructure to nominate three officers to form part of the Project Team; and
- (ii) in relation to the requests from Cove Rangers Football Club Limited (CRFCL) -
 - (c) to instruct the Head of Asset Management and Operations to issue a refusal of Landlord's Consent for the revised development proposals on the site;

- (d) to instruct the Head of Asset Management and Operations to issue a refusal of Landlord's Consent to the partial assignation of part of the leased area to Aberdeen Football Club PLC (AFC) (shown in the assignation plan appended to the report);
- (e) to note that an area of circa 4.5 acres or thereby would not be surrendered from the lease with CRFCL and returned to the Council;
- (f) to refuse Landlord's Consent to extend the longstop date of 1 September 2012 for the completion of the community facilities at Calder Park;
- (g) to instruct the Head of Legal and Democratic Services, if necessary, to take all steps to initiate irritancy proceedings in relation to the lease between the Council and CRFCL at Bobby Calder Park; and
- (h) to instruct officers to undertake a strategic review of the Council landholdings at Bobby Calder Park, giving consideration to the 'Leisure Asset and Pitch Strategy Audit' currently being undertaken, the masterplanning of adjoining sites and other development opportunities with a report being brought back to a future meeting of the committee on the outcome of these investigations in due course.

Councillor Young moved, seconded by Councillor Donnelly:-

That the Council -

- (i) in relation to the Development Agreement with HSL -
 - (a) authorise the Head of Legal and Democratic Services to conclude the Development Agreement with HSL, on the terms noted within the report, in particular the Council notes that further committee approval would not be required for any future sales of the land within the agreement as long as they were demonstrated as being at market value; the parties must also act in the partnership's mutual economic interest; and
 - (b) authorise the Director of Enterprise, Planning and Infrastructure to nominate three officers to form part of the Project Team; and
- (ii) in relation to the requests from CRFCL -
 - (c) instruct the Head of Asset Management and Operations to issue a refusal of Landlord's Consent for the revised development proposals on the site;
 - (d) instruct the Head of Asset Management and Operations to issue a refusal of Landlord's Consent to the partial assignation of part of the leased area to AFC (shown in the assignation plan appended to the report);
 - (e) note that an area of circa 4.5 acres or thereby would not be surrendered from the lease with CRFCL and returned to the Council;
 - (f) refuse Landlord's Consent to extend the longstop date of 1 September 2012 for the completion of the community facilities at Calder Park;
 - (g) instruct the Head of Legal and Democratic Services to take all necessary steps to initiate irritancy proceedings in relation to the

- lease between the Council and CRFCL at Bobby Calder Park in order to give the Council clear title;
- (h) notwithstanding the above, authorise the Head of Asset Management and Operations to continue discussions with CRFCL to determine whether a deliverable and funded project can be developed to assist relocation of CRFCL; and
 - (i) instruct officers to undertake a strategic review of the Council landholdings at Bobby Calder Park, giving consideration to:-
 - the 'Leisure Asset and Pitch Strategy Audit'
 - the masterplanning of adjoining sites
 - the outcome of further discussions with CRFCL
 - other development opportunities in the area including the possibility to establish regional sports facilities
 with a report being brought back to the meeting of the Finance and Resources Committee in February 2013.

Councillor Noble moved as an amendment, seconded by Councillor Malone:-

- (a) in relation to the Development Agreement with HSL that -
 - (1) the Council authorise the Head of Legal and Democratic Services to conclude the Development Agreement with HSL, on the terms noted within the report; in particular the Council notes that further committee approval will not be required for any future sales of the land within the agreement as long as they are demonstrated as being at market value; the parties must also act in the partnership's mutual economic interest;
 - (2) the Council authorise the Director of Enterprise Planning and Infrastructure to nominate three officers to form part of the Project Team; and
 - (3) in the event that recommendation (6) below is approved, the Council further approves that an area of circa 4.5 acres at Calder Park (as identified in the plans), or such other ground as may become available at Calder Park, and is returned to the Council is included in the Development Agreement with HSL; and
- (b) in relation to the requests from CRFCL that the Council -
 - (4) authorise the Head of Asset Management and Operations to grant Landlord's Consent for the revised development proposals on the site;
 - (5) authorise the Head of Asset Management and Operations to grant Landlord's Consent to the partial assignation of part of the leased area to AFC (shown in the assignation plan appended to the report);
 - (6) approve that an area of circa 4.5 acres or thereby is surrendered from the lease with CRFCL and returned to the Council;
 - (7) authorise that Landlord's Consent is granted to extend the longstop date for the completion of the community facilities at Calder Park to 1 August 2013; and
 - (8) in considering the request from CRFCL to partially assign the lease, and in doing so passing the delivery responsibilities of the community benefits package to AFC, instruct the Head of Asset Management and

Operations to agree a Market Rent with CRFCL for the land they will occupy.

On a division, there voted:-

For the motion (24) - Lord Provost; Depute Provost; and Councillors Allan, Boulton, Carle, Cooney, Crockett, Donnelly, Lesley Dunbar, Finlayson, Forsyth, Graham, Grant, Len Ironside CBE, Laing, Lawrence, Malik, Milne, Jean Morrison MBE, Nathan Morrison, Jennifer Stewart, Taylor, Thomson and Young.

For the amendment (19) - Councillors Blackman, Cameron, Corall, Cormie, Delaney, Dickson, Jackie Dunbar, Greig, Jaffrey, Kiddie, MacGregor, McCaig, Malone, May, Noble, Samarai, Sandy Stuart, Townson and Yuill.

The Council resolved:-

- (i) to adopt the motion; and
- (ii) to instruct officers to issue a press release advising of the decision.

- **GEORGE ADAM, Lord Provost.**