

ABERDEEN CITY COUNCIL

Town House,  
ABERDEEN, 5 March 2015

MINUTE OF SPECIAL 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=3733&Ver=4>

**Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.**

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**CALLING OF SPECIAL MEETING**

1. In terms of Standing Order 4(2), 14 members of the Council had called for a special meeting of the Council to meet this day to consider a motion in relation to the Marischal Square project.

Councillor McCaig indicated that he would be moving the terms of the requisition notice with a minor addition. The Council therefore agreed to suspend Standing Order 12(5) to enable Councillor McCaig to have prior right to the motion.

**REQUESTS FOR DEPUTATIONS**

2. The Council had before it the following requests for deputations, and was advised that none of them complied with Standing Order 10(1), which stated that applications must relate to a substantive report on the agenda, and furthermore requests (5) and (6) had been received beyond the deadline for submission:-

- (1) Mr Ronald Duguid
- (2) Mr Dustin Macdonald - City Centre Community Council
- (3) Ms Joan Ingram
- (4) Mr Sydney Wood
- (5) Mr Bob Taylor - Common Weal Aberdeen
- (6) Dr Lorna McHattie - Reject Marischal Square Development campaign group

**The Council resolved:-**

to accept all of the requests, suspending Standing Order 10(1) to enable the deputations to be heard.

**DEPUTATIONS**

3. (A) In terms of Standing Order 10(2), the Council received a deputation from Mr Ronald Duguid.

Mr Duguid stated that he was not in favour of the proposed Muse scheme and outlined a number of negatives associated with it, adding that the Council was making the same mistake as its predecessor authority did in the construction of St Nicholas House, which was generally perceived as an eyesore and disliked by all.

Mr Duguid outlined a number of alternative suggestions, which he felt would better utilise the footprint of the site - which primarily involved building underground, where all kinds of facilities could be located as was the case in other cities across the world. He referred to correspondence which had been published in the local newspaper and expressed support for those suggestions, for example building a museum on the site. Mr Duguid concluded by comparing Aberdeen to other cities and urged the Council to think more imaginatively.

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

(B) The Council then received a deputation from Mr Dustin Macdonald of the City Centre Community Council.

Mr Macdonald referred to his presentation at the Planning Development Management Committee Public Hearing in August 2014, emphasising that he was not impressed with the proposed development as he felt it did not contribute much to the city, other than for businesses and business people. He added that office blocks would not attract visitors to Aberdeen, and that the Council needed to do more to attract people to the city centre in terms of play and leisure facilities and cultural offering.

Mr Macdonald argued that the development did not have a 'wow' factor, and that the design could have been much better. He highlighted the proposed civic square element which relied on the pedestrianisation of Broad Street, however this had been withdrawn on the day the Council considered the planning application, and therefore the public felt misled.

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

(C) The Council next received a deputation from Ms Joan Ingram.

Ms Ingram stated that the proposed development would blight the city for a hundred years to come, and underlined that the issue should not be one for the party whip, which would be going against the very essence of the democratic process under which all members had been elected. She urged members to do what was best for Aberdeen as they had the opportunity to create something magnificent and of architectural significance.

Ms Ingram contended that the deal the Council had signed with Muse was a very poor one for the city, with all of the risk resting with the Council, the developer walking away with the city's money, and the Council inheriting buildings after 35 years which would be nothing more than a liability. She concluded by urging members to vote as individuals and emphasised that Aberdeen would never forgive the Council if the development was given the go ahead.

Members asked questions of Ms Ingram and thanked her for her contribution.

(D) The Council next received a deputation from Mr Sydney Wood.

Mr Wood highlighted the need for Aberdeen to diversify its economy for the longer term and argued that the Muse development represented short term thinking. He stated that the city had too many retail outlets as things stood, and that many of them were currently lying empty.

Mr Wood referred to the redevelopment of Aberdeen Art Gallery, and suggested that a major museum be built in close proximity to Provost Skene's House, which he felt was a special building which deserved to be seen properly, not hemmed in by the Muse development. He added that Marischal College represented the visual character of

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Aberdeen, and with a redeveloped Art Gallery and Provost Skene's House in full view alongside a major museum, Aberdeen would be in a far better position to mount a genuine challenge for City of Culture in the future.

Members thanked Mr Wood for his contribution.

(E) The Council next received a deputation from Mr Bob Taylor of Common Weal Aberdeen.

Mr Taylor explained the purpose of Common Weal Aberdeen, advising that they wanted the Council to hold a 'mini public' in an effort to resolve the public anger surrounding the Marischal Square project. He intimated that the Council appeared to be ignoring the will of the people, and Common Weal Aberdeen wanted to help improve local democracy at a number of different levels.

Mr Taylor emphasised that the people needed to be more involved - particularly when there was such a high level of interest as was the case with the Marischal Square project. He added that a community planning partnership approach could have been better utilised and that a citizen's jury was another initiative worth looking at. He concluded that public participation should not be viewed as an obstacle for the Council to overcome.

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

(F) The Council next received a deputation from Dr Lorna McHattie who was accompanied by Mr Fraser Garrow.

Dr McHattie and Mr Garrow delivered a presentation with a number of images which highlighted the density of the proposed development and the shadowing effect it would have on Marischal College. They contended that if the pedestrianisation of Broad Street did not go ahead, then the development would encroach closer to the road, which raised a number of public safety concerns, and questioned if any modelling had been carried out with pedestrianisation not included.

Dr McHattie and Mr Garrow also questioned whether the financial risk associated with the project was a risk worth taking for the city, with the Council due to receive a share of any profit but being saddled with all of the loss.

Dr McHattie concluded by referring to the legal advice which members were due to receive, and argued that this should not be considered in private as they had been given a copy of the legal advice, and it had also been reported in the local newspaper and was therefore in the public domain.

Members asked questions of Dr McHattie and Mr Garrow and thanked them for their contribution.

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## **MARISCHAL SQUARE PROJECT**

4. The Council asked a number of questions of officers in connection with the Marischal Square project and the planning process.

The Lord Provost intimated that the Head of Legal and Democratic Services had prepared written legal advice which was to be circulated to members, and it was intended that this would require the Council to go into private session at this juncture.

Councillor Malone moved as a procedural motion, seconded by Councillor Yuill:-  
That the Council consider the legal advice in public.

On a division, there voted:-

For the procedural motion (21) - Councillors Blackman, Cameron, Corall, Cormie, Delaney, Dickson, Jackie Dunbar, Greig, Jaffrey, Kiddie, MacGregor, McCaig, Malone, May, Noble, Samarai, Jennifer Stewart, Sandy Stuart, Thomson, Townson and Yuill.

Against the procedural motion (22) - Lord Provost; Depute Provost; and Councillors Allan, Boulton, Carle, Cooney, Crockett, Donnelly, Lesley Dunbar, Finlayson, Forsyth, Graham, Grant, Ironside, Laing, Lawrence, Malik, Milne, Jean Morrison, Nathan Morrison, Taylor and Young.

### **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 legal advice so as to avoid disclosure of exempt information of the classes described in paragraphs 6, 9 and 12 of Schedule 7(A) of the Act.

**In terms of Standing Order 15(6), Councillors Delaney, Greig, Jaffrey, Malone, Jennifer Stewart and Yuill intimated their dissent against the foregoing decision.**

**In accordance with the aforementioned decision, the following part of the meeting was held with the press and public excluded.**

The Council was then issued with two pieces of written legal advice which had been prepared by the Head of Legal and Democratic Services, who spoke in furtherance of the advice and answered questions from members.

Councillor Cooney moved as a procedural motion, seconded by Councillor Young:-  
That the Council continue to consider the motion before them with the press and public excluded.

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**At this juncture the press and public were readmitted to the meeting to observe the division on Councillor Cooney's procedural motion.**

Councillor Yuill moved as a further procedural motion, seconded by Councillor McCaig:-  
That the Council suspend Standing Order 15(1)(b) in order that the vote on Councillor Cooney's procedural motion be taken by roll call and not by means of the electronic voting system.

On a division, there voted:-

For the procedural motion by Councillor Yuill (21) - Councillors Blackman, Cameron, Corall, Cormie, Delaney, Dickson, Jackie Dunbar, Greig, Jaffrey, Kiddie, MacGregor, McCaig, Malone, May, Noble, Samarai, Jennifer Stewart, Sandy Stuart, Thomson, Townson and Yuill.

Against the procedural motion by Councillor Yuill (22) - Lord Provost; Depute Provost; and Councillors Allan, Boulton, Carle, Cooney, Crockett, Donnelly, Lesley Dunbar, Finlayson, Forsyth, Graham, Grant, Ironside, Laing, Lawrence, Malik, Milne, Jean Morrison, Nathan Morrison, Taylor and Young.

**The Council further resolved:-**

to reject the procedural motion by Councillor Yuill, and therefore utilise the electronic voting system for the division on Councillor Cooney's procedural motion.

**In terms of Standing Order 15(6), 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 intimated their dissent against the foregoing decision.**

On a division, there voted:-

For the procedural motion by Councillor Cooney (22) - Lord Provost; Depute Provost; and Councillors Allan, Boulton, Carle, Cooney, Crockett, Donnelly, Lesley Dunbar, Finlayson, Forsyth, Graham, Grant, Ironside, Laing, Lawrence, Malik, Milne, Jean Morrison, Nathan Morrison, Taylor and Young.

Against the procedural motion by Councillor Cooney (21) - Councillors Blackman, Cameron, Corall, Cormie, Delaney, Dickson, Jackie Dunbar, Greig, Jaffrey, Kiddie, MacGregor, McCaig, Malone, May, Noble, Samarai, Jennifer Stewart, Sandy Stuart, Thomson, Townson and Yuill.

**The Council further resolved:-**

- (i) to adopt the procedural motion by Councillor Cooney; and
- (ii) in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, to exclude the press and public from the next part of the meeting so as to avoid

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disclosure of exempt information of the classes described in paragraphs 6, 9 and 12 of Schedule 7(A) of the Act.

**In terms of Standing Order 15(6), 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 intimated their dissent against the foregoing decision.**

**In accordance with the aforementioned decision, the following part of the meeting was held with the press and public excluded.**

Councillor McCaig moved, seconded by Councillor Jackie Dunbar:-

That the Council -

- (1) agree to an immediate moratorium on delegated powers relating to planning decisions for Marischal Square, with any outstanding planning decisions required submitted to the Planning Development Management Committee pending the outcome of (2) and (3) below;
- (2) instruct officers to bring a report to the next meeting of the Full Council on the legal implications of withdrawing from the contract with Muse Developments for the development of Marischal Square and on the options available, including use of section 65 of the Town and Country Planning (Scotland) Act 1997, for the revocation or modification of the planning permission for the same development. And simultaneously:
- (3) invite Muse Developments to urgent cross party talks on how the Marischal Square scheme can be redesigned to reduce the visual impact of the proposed development on Marischal College and Provost Skene's House and increase the public space on the site.

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

That the Council -

- (1) note the decision of Council on 1 May 2013 to accept Muse as the preferred bidder;
- (2) note the decision of the Marischal Square Working Group on 23 June 2014, adopted unanimously by Council on 25 June 2014, to agree a hotel operator; and
- (3) accept the legal advice offered by Council officers and take no action.

Councillor Yuill moved as a further amendment, seconded by Councillor Jennifer Stewart:-

That the Council -

- (1) agree to an immediate moratorium on delegated powers relating to planning decisions for Marischal Square, with any outstanding planning decisions required submitted to the Planning Development Management Committee pending the outcome of (2) and (3) below;
- (2) instruct officers to bring a report to the next meeting of the Full Council on the legal implications of withdrawing from the contract with Muse

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- Developments for the development of Marischal Square and on the options available, including use of section 65 of the Town and Country Planning (Scotland) Act 1997, for the revocation or modification of the planning permission for the same development. And simultaneously:
- (3) invite Muse Developments to urgent cross party talks on how the Marischal Square scheme can be redesigned to reduce the visual impact of the proposed development on Marischal College and Provost Skene's House and increase the public space on the site;
  - (4) instruct the Chief Executive to report to a future meeting of the Council on how the circumstances which led to the unauthorised release of legal advice by a member of the Council may be avoided in the future; and
  - (5) deplore the recent decision of Council to hold part of this meeting in private.

Councillor McCaig agreed to accept parts (4) and (5) of Councillor Yuill's amendment as an addendum to his motion and this was accepted. Councillor Yuill therefore agreed to withdraw his amendment and this was accepted.

**At this juncture the press and public were readmitted to the meeting to observe the division between the motion by Councillor McCaig and the amendment by Councillor Boulton.**

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

That the Council suspend Standing Order 15(1)(b) in order that the vote between the motion by Councillor McCaig and the amendment by Councillor Boulton be taken by roll call and not by means of the electronic voting system.

On a division, there voted:-

For the procedural motion by Councillor Yuill (21) - Councillors Blackman, Cameron, Corall, Cormie, Delaney, Dickson, Jackie Dunbar, Greig, Jaffrey, Kiddie, MacGregor, McCaig, Malone, May, Noble, Samarai, Jennifer Stewart, Sandy Stuart, Thomson, Townson and Yuill.

Against the procedural motion by Councillor Yuill (22) - Lord Provost; Depute Provost; and Councillors Allan, Boulton, Carle, Cooney, Crockett, Donnelly, Lesley Dunbar, Finlayson, Forsyth, Graham, Grant, Ironside, Laing, Lawrence, Malik, Milne, Jean Morrison, Nathan Morrison, Taylor and Young.

**The Council further resolved:-**

to reject the procedural motion by Councillor Yuill, and therefore utilise the electronic voting system for the division between the motion by Councillor McCaig and the amendment by Councillor Boulton.



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On a division, there voted:-

For the motion by Councillor McCaig (21) - Councillors Blackman, Cameron, Corall, Cormie, Delaney, Dickson, Jackie Dunbar, Greig, Jaffrey, Kiddie, MacGregor, McCaig, Malone, May, Noble, Samarai, Jennifer Stewart, Sandy Stuart, Thomson, Townson and Yuill.

For the amendment by Councillor Boulton (22) - Lord Provost; Depute Provost; and Councillors Allan, Boulton, Carle, Cooney, Crockett, Donnelly, Lesley Dunbar, Finlayson, Forsyth, Graham, Grant, Ironside, Laing, Lawrence, Malik, Milne, Jean Morrison, Nathan Morrison, Taylor and Young.

**The Council further resolved:-**

to adopt the amendment by Councillor Boulton.

**In terms of Standing Order 15(6), 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 intimated their dissent against the foregoing decision.**

**- GEORGE ADAM, Lord Provost.**