

ABERDEEN CITY COUNCIL

Town House,  
ABERDEEN, 11 May 2016

MINUTES OF MEETING OF ABERDEEN CITY COUNCIL

Sederunt:

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

COUNCILLORS

YVONNE ALLAN	LEONARD IRONSIDE, CBE
MARIE BOULTON	MURIEL JAFFREY
DAVID CAMERON	JENNIFER LAING
SCOTT CARLE	GRAEME LAWRENCE
NEIL COONEY	NEIL MacGREGOR
NEIL COPLAND	M. TAUQEER MALIK
JOHN CORALL	AILEEN MALONE
WILLIAM CORMIE	RAMSAY MILNE
BARNEY CROCKETT	JEAN MORRISON, MBE
STEVEN DELANEY	NATHAN MORRISON
GRAHAM DICKSON	ALEXANDER NICOLL
ALAN DONNELLY	JAMES NOBLE
JACQUELINE DUNBAR	GILLIAN SAMARAI
LESLEY DUNBAR	JENNIFER STEWART
ANDREW FINLAYSON	SANDY STUART
STEPHEN FLYNN	ANGELA TAYLOR
GORDON GRAHAM	GORDON TOWNSON
ROSS GRANT	WILLIAM YOUNG
MARTIN GREIG	and
MICHAEL HUTCHISON	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=3837&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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## **ADMISSION OF BURGESSES**

1. The persons undermentioned were admitted into the presence of the Council and passes as Burgesses of Guild in respect of their respective Acts of Admission in the Guild Burgess Book:-

Louise Baxter, Retired Teacher, Aberdeen  
 Brian Gill, Engineer, Aberdeen  
 Wendy Kennedy OBE, Senior Civil Servant, Aberdeen  
 Michael A Laing, Structural Engineer, Aberdeen  
 Duncan Skinner, Social Entrepreneur, Aberdeen  
 Howard Smith, Retired Teacher, Aberdeen  
 Sheila Watson, Social Worker, Aberdeen

## **DETERMINATION OF EXEMPT BUSINESS**

2. 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:-

- 9(a) Berryden Corridor Improvements Appendix
- 9(b) Minute of Social Work Complaints Review Committee of 7 April 2016
- 9(c) New Aberdeen Exhibition and Conference Centre (AECC) Financial Investor
- 9(d) National Housing Trust - Agreement to Dispose of 85 Properties

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

## **REQUESTS FOR DEPUTATIONS**

3. The Council had before it the following requests for deputations which had been submitted in terms of Standing Order 10(1).

- (1) Mr Christopher Davidson in relation to item 6(a)
- (2) Mr Daniel Laird (First Aberdeen Ltd) and Mr Steve Walker (Stagecoach) in relation to item 7(j)
- (3) Mr Russell Borthwick (Aberdeen and Grampian Chamber of Commerce) in relation to item 7(j)
- (4) Mr Steve Robertson (Unite) in relation to item 6(a)
- (5) Mr Graeme McColl (Aberdeen Taxi Group) in relation to items 6(a) and 7(a)
- (6) Mr Gary Craig (Aberdeen Inspired) in relation to item 7(j)

### **The Council resolved:-**

to hear the deputations prior to the first main item of business, noting that Mr Craig had withdrawn his request.

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**ANNOUNCEMENT**

4. The Lord Provost welcomed Councillor Flynn to his first Council meeting as SNP Group Leader.

**The Council resolved:-**

to concur with the Lord Provost's remarks.

**MINUTE OF MEETING OF ABERDEEN CITY COUNCIL OF 25 FEBRUARY 2016**

5. The Council had before it the minute of meeting of Aberdeen City Council of 25 February 2016.

**The Council resolved:-**

to approve the minute.

**MINUTE OF MEETING OF ABERDEEN CITY COUNCIL OF 2 MARCH 2016**

6. The Council had before it the minute of meeting of Aberdeen City Council of 2 March 2016.

**The Council resolved:-**

to approve the minute.

**MINUTE OF MEETING OF URGENT BUSINESS COMMITTEE OF 18 MARCH 2016**

7. The Council had before it the minute of meeting of the Urgent Business Committee of 18 March 2016.

**The Council resolved:-**

to approve the minute.

**MINUTE OF MEETING OF THE APPOINTMENT PANEL OF 31 MARCH 2016**

8. The Council had before it the minute of meeting of the Appointment Panel of 31 March 2016.

**The Council resolved:-**

to approve the minute.

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**BUSINESS STATEMENT**

9. The Council had before it a statement of Council business.

**The Council resolved:-**

- (i) to remove item 10 (Director of Corporate Governance - Recruitment);
- (ii) to note that the Director of Communities, Housing and Infrastructure would respond to Councillor Noble with regard to progress in terms of item 11 (Broadford Works); and
- (iii) to otherwise note the business statement.

**MOTIONS LIST**

10. The Council had before it a list of outstanding motions.

**The Council resolved:-**

to note the motions list.

**DEPUTATIONS**

11. (A) In terms of Standing Order 10(2), the Council received a deputation from Mr Christopher Davidson regarding the review of the Accessible Vehicles Policy.

Mr Davidson was of the opinion that Aberdeen's mixed taxi fleet was a success and that there was no reason why this could not continue. He advised that 52% of the fleet was wheelchair accessible and provided some statistics relating to usage - in 2014 Rainbow City Taxis received 11,193 requests for a wheelchair accessible vehicle compared to 35,704 requests for a saloon vehicle; in 2015 there were 10,934 requests for a wheelchair accessible vehicle compared to 39,142 requests for a saloon vehicle. Mr Davidson stated that the figures spoke for themselves.

Mr Davidson highlighted that many passengers struggled to get in and out of wheelchair accessible vehicles which meant they would have to phone the booking office to request a private hire saloon vehicle which would incur an additional £1 booking charge - this represented, on average, a 20% increase to their fare.

Mr Davidson estimated that around 25% of drivers would change to private hire if the accessible policy went through. He added that drivers were being forced to buy new vehicles that were not needed and many drivers would struggle to get the finance to do so. He also referred to the physical ability of many older drivers who would struggle to lift ramps and manoeuvre passengers in wheelchairs, which could lead to the Council receiving a flood of exemption notices from doctors.

Mr Davidson questioned why private hire vehicles were not being required to be wheelchair accessible, and emphasised that the Council should be catering for everyone's needs not just people in wheelchairs.

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

(B) The Council next received a deputation from Mr Steve Robertson representing Unite, also regarding the review of the Accessible Vehicles Policy.

Mr Robertson called on the Council to look at the practical side of things, emphasising that not everyone can access a wheelchair accessible vehicle. He also highlighted the additional £1 booking charge that customers would incur if they wanted to book a saloon vehicle instead.

Mr Robertson advised that he had met with disability groups who said they did not agree with the concept of a 100% wheelchair accessible fleet as many people with disabilities, who were not in wheelchairs, struggled with wheelchair accessible vehicles.

Mr Robertson emphasised that a mixed fleet had been operating successfully for 22 years and requested further consultation and proper discussion. He stated that demonstrations could be arranged for the Licensing Committee with different vehicles and a variety of passengers.

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

(C) The Council next received a deputation from Mr Graeme McColl representing Aberdeen Taxi Group, also regarding the review of the Accessible Vehicles Policy.

Mr McColl advised that Aberdeen Taxi Group was an advocate of a mixed taxi fleet which was proven to work. He explained that a 100% wheelchair accessible fleet did not represent what the public wanted and needed. He added that there was a wide range of disabilities and wheelchair accessible vehicles could not handle many of them.

Mr McColl advised that 54% of the taxi fleet was now accessible vehicles and that this was probably sufficient. He explained that a number of drivers had already moved to an accessible vehicle in order to comply with the policy prior to its implementation in June 2017, and that these drivers would have a potential grievance if the policy was to be overturned. Therefore, he requested that whatever policy was agreed in respect of the taxi fleet and accessible vehicles was watertight in law.

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

(D) The Council next received a deputation from Mr McColl on behalf of Aberdeen Taxi Group regarding the Age of Vehicles Policy.

Mr McColl advised that the Age of Vehicles Policy had been considered at the meeting of the Taxi Consultation Group on 1 March 2016 and quoted from the draft minute, where the decision had been that officers check current legislation, investigate the procedures involved and report back to the Licensing Committee; and it was suggested that no action be taken in terms of age of vehicles being transferred at this stage.

Mr McColl questioned putting in place an interim measure ahead of a permanent solution, and that Aberdeen Taxi Group felt that current age limits still needed to be enforced. He added that any increase to the age of vehicles would result in the

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standard of the fleet reducing, and that it appeared that the Council was considering changing for change's sake.

Mr McColl concluded by questioning whether the proposal was the best way to keep the standard of Aberdeen's taxi fleet high.

(E) The Council next received a deputation from Mr Steve Walker, Stagecoach North Scotland, and Mr Daniel Laird, First Aberdeen, regarding the transport implications of the City Centre Masterplan.

Mr Walker stated that traffic congestion was bringing the roads in Aberdeen to a halt; however the AWPR and other road construction projects provided an opportunity for a complete overhaul of the roads hierarchy, which could be used to limit the impact on sustainable transport and promote it further to release the gridlock. He added that the City Centre Masterplan was an excellent opportunity to improve transport links, improve local air quality and deliver real benefits to the city.

Mr Laird advised that approximately 410,000 people used First and Stagecoach buses each week in and around Aberdeen. He emphasised that the Council had the chance to improve the transport network and they were keen to work in partnership. He added that every £1 spent on bus infrastructure helped to generate up to £7 for local businesses.

Mr Walker underlined the benefits of partnership working and encouraged the Council to work in partnership to maintain the benefits of the public transport network and deliver the improvements that were required. He stated that Broad Street was a crucial interchange in the city centre, and that bus journey times needed to be maintained if not improved, and that restricting bus access to Broad Street could result in lengthy diversions.

Mr Laird explained that the city bus network suffered from slow journey times - the operators wanted to improve those times but needed to work in partnership with the Council in order to do so. He stated that they could not support a move to restrict bus access to Broad Street even on a temporary basis, and highlighted that Broad Street provided direct access for large numbers of people travelling to the less affluent parts of the city, and that these people depended on bus services.

Members asked questions of Mr Walker and Mr Laird and thanked them for their contribution.

(F) The Council next received a deputation from Mr Russell Borthwick of Aberdeen and Grampian Chamber of Commerce in relation to the City Centre Masterplan.

Mr Borthwick explained that he was speaking on behalf of the 1,300 businesses that were members of Aberdeen and Grampian Chamber of Commerce who in turn employed over 130,000 members of staff, and that he was also speaking on behalf of Aberdeen Inspired.

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## **DECLARATION OF INTEREST**

**At this juncture, Councillor Yuill declared an interest as a member of the Aberdeen and Grampian Chamber of Commerce Policy Council but did not consider that the nature of his interest required him to leave the meeting.**

Mr Borthwick stated that the City Centre Masterplan laid the foundations for what the city aspired to be, however 12 months had already passed since it was approved and the clock was ticking - other cities had pushed ahead without the economic benefits that Aberdeen benefitted from. He argued that the Council should be looking to deliver the City Centre Masterplan within 15 years, not 25 years, and underlined that quick wins would help build unstoppable momentum.

Mr Borthwick emphasised that the city's economy was at a crossroads, and that outsiders felt that Aberdeen was infamous for complacency and inertia. He called on the Council to prove those people wrong, to move forward with the City Centre Masterplan and to do it now.

Mr Borthwick stated that if further consultation was agreed that this should take place quickly and that the do nothing option should be removed in terms of Broad Street. He underlined that the Council needed to get the message out that Aberdeen was open for business, and they could not afford for the City Centre Masterplan to become a political football ahead of the local government elections in 2017.

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

## **REVIEW OF ACCESSIBLE VEHICLES POLICY - CG/16/053**

**12.** With reference to Article 2 of the minute of meeting of the Licensing Committee of 6 April 2016, which had been referred to it for consideration by seven members of the Committee in terms of Standing Order 36(3), the Council had before it (1) a report by the Interim Director of Corporate Governance which outlined the implications for the Council if the Licensing Committee was to set aside its policy requiring all taxis to be accessible by 6 June 2017; and (2) the decision of the Committee, which was as follows:-

- (i) to note the previous decision of the Licensing Committee and the consultation as narrated in the report together with the decisions in the cases of *Wilson v Aberdeen City Council* and *R v Newcastle ex parte Blake*;
- (ii) to note the Council's duties under equalities legislation to promote the public sector equality duty and that any move to set aside the policy would have a negative impact on the Council's equality outcomes;
- (iii) to agree to continue with the implementation of the Committee's policy requiring that all taxi vehicles be accessible by 6 June 2017; and
- (iv) to instruct the Head of Legal and Democratic Services to write to all holders of taxi licences informing them of the decision and the implications of same, and to include a reminder of their conditions of licence in relation to the assistance of all passengers.

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**The Council resolved:-**

- (i) to note the UK Transport Minister's expressed intentions to implement the remaining provisions of part 12 of the Equality Act 2010;
- (ii) to approve the decision of the Licensing Committee of 6 April 2016 subject to an amendment to delay the implementation date of the policy from 6 June 2017 to 6 June 2018;
- (iii) to instruct the Head of Legal and Democratic Services to write to the UK Transport Minister in order to seek further clarity on any proposed implementation date for the remaining provisions of part 12 of the Equality Act 2010;
- (iv) to instruct the Head of Legal and Democratic Services to report back to the Licensing Committee upon receipt of the UK Transport Minister's response to (iii) above with a view on whether further consultation is required; and
- (v) to instruct the Head of Legal and Democratic Services to write to the Chief Executive of Dundee City Council seeking clarity in and around their mixed fleet policy and report back to the Licensing Committee with their response.

**AGE OF VEHICLES - CLARIFICATION OF POLICY - CG/16/054**

**13.** With reference to Article 3 of the minute of meeting of the Licensing Committee of 6 April 2016, the Council had before it a report by the Interim Director of Corporate Governance, which had been referred simpliciter, which sought to clarify and simplify the age limit for taxis and private hire cars following the Licensing Committee instruction of 8 March 2016.

**The report recommended:-**

that the Council -

- (a) approve the proposed new policy on Age of Vehicles as set out in the report;
- (b) instruct the Head of Legal and Democratic Services to publish the new policy on Age of Vehicles; and
- (c) instruct the Head of Legal and Democratic Services to review the policy on Age of Vehicles following implementation of the accessible vehicles policy on 6 June 2017 and report back to the Licensing Committee with recommendations as appropriate twelve months after the accessible vehicle policy has been implemented.

**The Council resolved:-**

to approve the recommendations subject to changing the date in recommendation (c) above to 6 June 2018.



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**APPOINTMENTS - OCE/16/017**

14. The Council had before it a report by the Chief Executive which advised of proposed changes to previously agreed appointments.

**The report recommended:-**

that the Council -

- (a) approve the appointment of Councillor Flynn as Convener of the Audit, Risk and Scrutiny Committee replacing Councillor Jackie Dunbar;
- (b) approve the appointment of Councillor Cameron as a member of the Integration Joint Board for Health and Social Care replacing Councillor Samarai;
- (c) approve the appointment of Councillor Dickson as a member of the NESTRANS Board replacing Councillor Jackie Dunbar;
- (d) approve the appointment of Councillor Samarai as a representative on Grampian Racial Equality Council replacing Councillor Copland;
- (e) approve the appointment of Councillor Cameron as a representative on the Alcohol and Drugs Partnership replacing Councillor Samarai; and
- (f) approve the revised composition of both the Licensing Urgent Business Sub Committee and the Licensing Evidential Hearings Sub Committee as 3 Labour, 2 SNP, 1 Liberal Democrat and 1 Independent Alliance for each.

**The Council resolved:-**

- (i) to approve the recommendations;
- (ii) to approve the appointment of Councillor Donnelly as Vice Convener of the Finance, Policy and Resources Committee replacing Councillor Thomson MSP;
- (iii) to approve the appointment of Councillor Crockett as a member of the Finance, Policy and Resources Committee replacing Councillor Thomson MSP;
- (iv) that the Property Sub Committee be disbanded with immediate effect and that its business transfer to the Finance, Policy and Resources Committee;
- (v) to approve the appointment of Councillor Carle as Vice Convener of the Education and Children's Services Committee replacing Councillor Donnelly;
- (vi) to note that Councillor Graham had resigned his position on the Aberdeen Safer Community Trust; and
- (vii) to note the agreed Senior Councillors listing as below.

Post	Appointee	Remuneration	Senior Councillor
Lord Provost	Councillor Adam	£29,565	
Depute Provost	Councillor Reynolds	£22,173	1
Council Leader	Councillor Laing	£39,418	
Depute Council Leader and Culture and Events Spokesperson	Councillor Boulton	£29,565	1

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<b>Post</b>	<b>Appointee</b>	<b>Remuneration</b>	<b>Senior Councillor</b>
Convener, Audit , Risk and Scrutiny	Councillor Flynn	£29,565	1
Vice Convener, Audit, Risk and Scrutiny	Councillor Yuill	£22,173	1
Convener, Communities, Housing and Infrastructure	Councillor Cooney	£29,565	1
Vice Convener, Communities, Housing and Infrastructure	Councillor Graham	£22,173	1
Vice Convener, Communities, Housing and Infrastructure	Councillor Jean Morrison	£22,173	1
Regeneration and Transport Spokesperson	Councillor Ross Grant	£22,173	1
Convener, Education and Children's Services	Councillor Taylor	£29,565	1
Vice Convener, Education and Children's Services	Councillor Carle	£22,173	1
Convener, Finance, Policy and Resources	Councillor Young	£29,565	1
Vice Convener, Finance, Policy and Resources	Councillor Donnelly	£22,173	1
NHS/Social Care Integration Joint Board and Social Care Spokesperson	Councillor Ironside	£22,173	1
Convener, Pensions	Councillor Crockett	£22,173	1
Convener, Petitions	Councillor Donnelly		
Vice Convener, Petitions	Councillor Carle		
Convener, Planning Development Management	Councillor Milne	£22,173	1

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<b>Post</b>	<b>Appointee</b>	<b>Remuneration</b>	<b>Senior Councillor</b>
Vice Convener, Planning Development Management	Councillor Finlayson	£0	1
Convener, Licensing Committee	Councillor Carle		
Convener, Appeals	Councillor Allan	£22,173	1
Convener, Licensing Board	Councillor Boulton		
<b>Senior Councillor Totals</b>		<b>£391,728</b>	<b>17</b>
<b>Maximum allowed</b>		<b>£436,968</b>	<b>19</b>

**GOVERNANCE REVIEW - ESTABLISHMENT OF WORKING GROUP - CG/16/051**

15. The Council had before it a report by the Interim Director of Corporate Governance which set out the scope and intended outcomes of the governance review, explained the proposed approach in reviewing the governance framework, and sought to establish an elected member working group as a forum for consultation on the governance review.

**The report recommended:-**

that the Council -

- (a) note the progress made so far in establishing arrangements for a governance review and note the purpose of the review including intended outcomes, outputs and governance arrangements;
- (b) agree to establish a Governance Reference Group as a forum for consultation with elected members on the governance review, prior to the presentation of proposals to Council or the appropriate Committee; agree a membership of seven members (including the Conveners of the Finance, Policy and Resources Committee and the Audit, Risk and Scrutiny Committee), namely 2 Labour members, 2 SNP members and one member from each of the Liberal Democrat, Conservative and Independent groupings; and
- (c) instruct the Interim Director of Corporate Governance to make arrangements for the Reference Group to meet and receive the necessary level of support, with the first meeting to be scheduled for the end of May and thereafter once per committee cycle.

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**The Council resolved:-**

to approve the recommendations, noting that the Governance Reference Group would comprise:-

- Labour - Councillors Ironside and Young
- SNP - Councillors Dickson and Flynn
- Liberal Democrat - Councillor Yuill
- Conservative - Councillor Donnelly
- Independent - Councillor Reynolds

**COUNCIL DIARY - CG/16/058**

16. The Council had before it a report by the Interim Director of Corporate Governance which presented the diary of meetings for 2017 for approval.

**The report recommended:-**

that the Council approve the diary appended to the report, making any changes as appropriate.

**The Council resolved:-**

to approve the diary appended to the report subject to the Licensing Board meeting scheduled for 28 March 2017 being changed to 21 March 2017.

**LIVING WAGE ACCREDITATION - CG/16/044**

17. With reference to Article 2 of the minute of its meeting of 25 February 2016, the Council had before it a report by the Interim Director of Corporate Governance which detailed the steps required to achieve accreditation as a Living Wage employer.

**The report recommended:-**

that the Council -

- (a) approve the application of the Scottish Government Guidelines as detailed in the Scottish Procurement Policy;
- (b) approve the application of the Living Wage (as publicised by The Poverty Alliance) as a minimum hourly rate for agency workers; and
- (c) instruct the Interim Director of Corporate Governance to proceed with an application for accreditation on that basis.

**The Council resolved:-**

to approve the recommendations.

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## **INVESTORS IN YOUNG PEOPLE ACCREDITATION - CG/16/045**

**18.** With reference to Article 2 of the minute of its meeting of 25 February 2016, the Council had before it a report by the Interim Director of Corporate Governance which detailed the steps required to attain the Investors in Young People accreditation.

**The report recommended:-**

that the Council approve assessment by Investors in People for the purposes of attaining the Investors in Young People accreditation.

**The Council resolved:-**

to approve the recommendation.

## **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 as the funding bid detailed in the report was conditional on receiving the support of the Council which was required at the earliest opportunity.**

## **POWERING ABERDEEN: ABERDEEN'S SUSTAINABLE ENERGY ACTION PLAN - DRAFT FOR PUBLIC CONSULTATION - CHI/15/247**

**19.** The Council had before it a report by the Director of Communities, Housing and Infrastructure which presented a draft of Powering Aberdeen: Aberdeen's Sustainable Energy Action Plan (SEAP) and associated impact assessments for public consultation.

**The report recommended:-**

that the Council -

- (a) approve the draft Powering Aberdeen and associated impact assessments for public consultation;
- (b) act as enabler across the city, being ambassadors for the projects under Powering Aberdeen's umbrella;
- (c) agree to immediate implementation of Powering Aberdeen's governance structure;
- (d) instruct officers to report back with (a) an update on implementation of the governance structure; and (b) a final draft of Powering Aberdeen for approval, including the findings of the public consultation; and
- (e) acknowledge the strategic importance of Powering Aberdeen within future city wide decision making.

**The Council resolved:-**

to approve the recommendations.

**LAND AT BAY OF NIGG, COAST ROAD/GREYHOPE ROAD - 151742**

**20.** The Council had before it a report by the Director of Communities, Housing and Infrastructure **which recommended:-**

That the Council approve the application for planning permission in principle for a national development comprising construction of new infrastructure to facilitate the creation of a new deep water harbour, including new roads, parking and means of access, temporary construction and fabrication areas and other associated development, subject to the conditions listed below ensuring restoration and reinstatement of all temporary working/manufacturing areas; and requiring submission of precise details relating to all aspects of road design, realignment and off-road cycle path improvements.

(1) That no development associated with the road and drainage works pursuant to the planning permission in principle hereby approved shall be carried out until such time as a further application has been made to the planning authority, within two years of the date of this planning permission in principle hereby approved, for approval of the matters specified in this condition and such approval has been granted; these matters being details of (a) all proposed road works; including location; alignment; and typical cross-section details; and (b) all proposed drainage provision, including a Detailed Surface Water Drainage Plan, showing full details of drainage that is to be tied into the existing drainage system, or alternative arrangements to the satisfaction of the planning authority;

(2) That no development associated with the temporary construction areas pursuant to the planning permission in principle hereby approved shall be carried out until such time as a further application has been made to the planning authority for approval of the matters specified in this condition and such approval has been granted; these matters being details of all proposed works within the temporary construction and fabrication areas identified on drawing no 'Acad 01/4a'. Such details shall include location; layout; materials; siting, nature and specification of equipment; means of access; boundary treatments, parking and lighting;

(3) That no development associated with the reinstatement of the temporary construction and fabrication areas as referred to in condition 2 above, pursuant to the planning permission in principle hereby approved shall be carried out until such time as a further application has been made to the planning authority, within two years from the date of the planning permission in principle hereby approved, for approval of the matters specified in this condition and such approval has been granted; these matters being a proposed scheme of restoration and reinstatement of the temporary construction and fabrication areas as referred to in Condition 2 of this consent. Thereafter all reinstatement works shall be implemented in accordance with the details therein, and completed within six months of the cessation of such use;

(4) That no development connected with any individual works referred to in the description of the development pursuant to the planning permission in principle hereby approved, and not otherwise addressed through respective conditions, shall be carried out until such time as a further application has been made to the planning authority, within four years from the date of the planning permission in principle hereby approved, for approval of the matters specified in this condition and such approval has been granted; these matters being full details of any additional, associated development that is required within and directly abutting the

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application site and as identified within the description of the development, including full details of any footpaths and cycle paths; (5) That no development associated with the road and drainage works pursuant to the planning permission in principle hereby approved shall be carried out until such time as a further application has been made to the planning authority for approval of the matters specified in this condition and such approval has been granted; these matters being a pre-works Topographical Survey and a programme for submission of a post-works Topographical Survey. The surveys shall demonstrate that the works proposed under this application will not have any additional detrimental effect on the supporting coast line on Greyhope Road and the Coast Road as a result of the proposed development, and thereafter all approved works shall be implemented in accordance with the details therein; (6) That no development associated with the road and drainage works pursuant to the planning permission in principle hereby approved shall be carried out until such time as a further application has been made to the planning authority, within two years from the date of the planning permission in principle hereby approved, for approval of the matters specified in this condition and such approval has been granted; these matters being a Monitoring Plan. The plan shall demonstrate that the works proposed under this application will not have a detrimental effect on the existing coastal edge on Greyhope Road and the Coast Road, and shall include relevant measures to ensure they are not put at risk as a result of the proposed development. Thereafter all approved works shall be implemented in accordance with the details therein; (7) That no development pursuant to the planning permission in principle hereby approved shall be carried out until such time as a further application has been made to the planning authority for approval of the matters specified in this condition and such approval has been granted in direct consultation with SEPA; these matters being a Construction Environmental Management Plan relating specifically to the works proposed within this application. Thereafter all approved works shall be implemented and carried out in accordance with the details therein; (8) That no development associated with works that would impact the existing culvert capacity pursuant to the planning permission in principle hereby approved shall be carried out until such time as a further application has been made to the planning authority, within one year of the date of the planning permission in principle hereby approved, for approval of the matters specified in this condition and such approval has been granted in direct consultation with SEPA; these matters being a scheme demonstrating that the capacity of existing culverts will not be reduced as a result of the proposed development; and (9) That no development associated with infrastructure works on the land above Nigg Bay SSSI pursuant to the planning permission in principle hereby approved shall be carried out until such time as a further application has been made to the planning authority, within two years from the date of the planning permission in principle hereby approved, for approval of the matters specified in this condition and such approval has been granted in direct consultation with SNH; these matters being an Engineering Assessment. The assessment shall demonstrate that there would be no adverse impact on the Nigg Bay SSSI as a direct result of the construction and operation of any infrastructure works, whether temporary or permanent, proposed within this application. Thereafter all approved works shall only be implemented where the assessment has demonstrated no adverse effect, and shall be carried out in accordance with the details therein.

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**DIRECTIONS****(1) DIRECTION UNDER SECTION 59 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997:**

That the subsection (2)(a)(i) of section 59 shall apply as respects the permission with the substitution for the period of 3 years referred to in that subsection of 5 years, as is considered appropriate by the planning authority in this instance on the basis of the scale of the allocation. The provisions of section 59(2) shall therefore be read as follows; that this planning permission in principle shall lapse unless a further application or applications for approval of the matters specified in all conditions attached to this grant of planning permission in principle across the entire site has been made before whichever is the latest of the following:-

- i. The expiration of 5 years from the date of this grant of planning permission in principle;
- ii. The expiration of 6 months from the date on which an earlier application for the requisite approval of matters specified in conditions was refused;
- iii. The expiration of 6 months from the date on which an appeal against such refusal was dismissed;

- pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

**(2) DIRECTION UNDER SECTION 59 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997:**

That the subsection (2)(b)(ii) of section 59 shall apply as respects the permission with the substitution for the period of 2 years referred to in that subsection of 4 years, as is considered appropriate by the planning authority in this instance on the basis of the scale of the allocation. The provisions of section 59(2) shall therefore be read as follows; that this planning permission in principle shall lapse on the expiration of 4 years from the approval of matters specified in conditions being obtained (or, in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development to which the permission relates is begun before that expiration - pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

**INFORMATIVES****(1) ACCESS RIGHTS TO RAILWAY BRIDGES**

Additional servitude rights of access/bridge agreements in respect of the two southern bridges (133/385 and 133/386) would have to be secured from Network Rail for the creation of any proposed pedestrian links.

**(2) DRAINAGE ADJACENT TO RAILWAY LINE**

All surface or foul water arising from the development must be collected and diverted away from Network Rail property. Any Sustainable Urban Drainage Scheme should not



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be sited within 10 metres of railway infrastructure and should be designed with long term maintenance plans which meet the needs of the development.

**(3) ACCESS RESTRICTION**

If not already in place, the applicant must provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. Network Rail recommends a 1.8 metre high 'rivet-less palisade' or 'expanded mesh' fence. Network Rail's existing boundary measure must not be removed without prior permission.

**(4) PROXIMITY TO RAILWAY LINE**

Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

**(5) NETWORK RAIL CONTACT**

The developer must contact Network Rail's Asset Protection Engineers regarding the above matters.

Councillor Milne moved, seconded by Councillor Donnelly:-

That the Council approve the recommendation contained within the report.

Councillor Dickson moved as an amendment, seconded by Councillor Greig:-

That the Council refuse planning permission in principle on the grounds that there would be a detrimental impact on residential amenity due to the loss of green space during temporary construction, and as a result of increased traffic damaging the amenity of the area and residents' enjoyment thereof.

On a division, there voted:-

For the motion (39) - Lord Provost; Depute Provost; and Councillors Allan, Boulton Cameron, Carle, Cooney, Copland, Corall, Cormie, Crockett, Delaney, Donnelly, Jackie Dunbar, Lesley Dunbar, Finlayson, Flynn, Graham, Grant, Hutchison, Ironside, Jaffrey, Laing, Lawrence, MacGregor, Malik, Malone, Milne, Jean Morrison, Nathan Morrison, Nicoll, Noble, Samarai, Jennifer Stewart, Sandy Stuart, Taylor, Townson, Young and Yuill.

For the amendment (2) - Councillors Dickson and Greig.

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

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## **ROADS HIERARCHY - CHI/16/089**

21. The Council had before it a report by the Director of Communities, Housing and Infrastructure which advised of progress on the preparation of the new roads hierarchy, which would provide a policy context for future transport planning and formed the basis of identifying future projects after completion of the Aberdeen Western Peripheral Route (AWPR).

### **The report recommended:-**

that the Council -

- (a) note the content of the report;
- (b) agree the proposed principles for the future distribution and management of traffic across the city, following the opening of the AWPR; and
- (c) instruct officers to engage with stakeholders on the proposed framework and intended hierarchy including an online consultation with stakeholders and the public, and report back to the appropriate committee after the summer recess.

### **The Council resolved:-**

to approve the recommendations subject to changing “agree” to “note” within recommendation (b) above.

## **TRANSPORT IMPLICATIONS - CITY CENTRE MASTERPLAN PROJECTS - CHI/16/061**

22. With reference to Article 15 of the minute of its meeting of 2 March 2016, the Council had before it a report by the Director of Communities, Housing and Infrastructure which advised of the results of the transportation assessment and traffic modelling undertaken for the City Centre Masterplan interventions.

### **The report recommended:-**

that the Council -

- (a) note the content of the report, and especially the optimum phasing of key transport proposals;
- (b) agree that the wider transportation impact of the City Centre Masterplan can be accommodated on the road network subject to suitable enabling measures being introduced;
- (c) agree the design concepts for options for Broad Street for public consultation; and
- (d) instruct officers to report back to Council in June 2016 on the responses to the Broad Street options public consultation.

Councillor Laing moved, seconded by Councillor Boulton:-

That the Council approve the recommendations contained within the report.

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Councillor Yuill moved as an amendment, seconded by Councillor Delaney:-

That the Council -

- (1) approve recommendations (a), (b) and (c) contained within the report;
- (2) agree that the consultation process should include at least one open consultation "roadshow" type event in the city centre; and
- (3) agree that the consultation with the public and interested parties will continue until 30 June and instruct officers to report back on the outcome of the consultation to the Council meeting in August.

On a division, there voted:-

For the motion (36) - Lord Provost; Depute Provost; and Councillors Allan, Boulton, Cameron, Carle, Cooney, Copland, Corall, Cormie, Crockett, Dickson, Donnelly, Jackie Dunbar, Lesley Dunbar, Finlayson, Flynn, Graham, Grant, Hutchison, Ironside, Jaffrey, Laing, Lawrence, MacGregor, Malik, Milne, Jean Morrison, Nathan Morrison, Nicoll, Noble, Samarai, Sandy Stuart, Taylor, Townson and Young.

For the amendment (5) - Councillors Delaney, Greig, Malone, Jennifer Stewart and Yuill.

**The Council resolved:-**

to adopt the motion.

**BERRYDEN CORRIDOR IMPROVEMENTS - CHI/16/100**

**23.** The Council had before it a report by the Director of Communities, Housing and Infrastructure which provided an update on progress with the Berryden Corridor, and sought authority to proceed with public engagement which would allow the Council to subsequently approve the extent of the land to be acquired through Compulsory Purchase Order (CPO).

**The report recommended:-**

that the Council -

- (a) note the content of the report;
- (b) instruct officers to proceed with public engagement on the current draft design and to report back on the public response to the various options after the summer recess, anticipated to be the August Council meeting, with the preferred design option and land requirements for inclusion in the CPO;
- (c) instruct officers, following due process, to arrange for the advanced demolition of any relevant property under Aberdeen City Council ownership in advance of the main scheme where there is a justification to do so subject to the approval of any contract by the relevant committee; and
- (d) amend Standing Orders to grant delegated powers to the Director of Communities, Housing and Infrastructure, after consultation with the Head of Legal and Democratic Services and the Convener of the Finance, Policy and Resources Committee, for officers to enter into negotiations with the developers of the Cornhill site to explore the possibility of incorporating advanced roadworks for the Berryden scheme within the proposed development site access and enter into an agreement to pay for such works where it would minimise network

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disruption and be economically advantageous for the delivery of the overall scheme.

**The Council resolved:-**

- (i) to approve recommendations (a), (b) and (c);
- (ii) to instruct the Director of Communities, Housing and Infrastructure, in consultation with the Head of Legal and Democratic Services and the Convener of the Finance, Policy and Resources Committee, to enter into negotiations with the developers of the Cornhill site to explore the possibility of incorporating advanced roadworks for the Berryden scheme within the proposed development site access; and
- (iii) to instruct the Director of Communities, Housing and Infrastructure to report the outcome of these negotiations to the Communities, Housing and Infrastructure Committee on 25 August 2016 (with the flexibility to report to a meeting of the Urgent Business Committee if necessary) in order to seek approval to enter into agreement to pay for works where they would minimise network disruption and be economically advantageous for the delivery of the overall scheme.

**MOTION BY COUNCILLOR TAYLOR**

- 24.** The Council had before it the following notice of motion by Councillor Taylor:-

“This Council wishes to congratulate Team Zariba, a local Ice Skating Team, who represented Great Britain at the prestigious World Synchronised Skating Championships in Budapest on 6 to 9 April 2016.

Governing body, NISA (National Ice Skating Association), unanimously agreed that the Aberdeen team should represent Great Britain at the competition which hosted some of the world’s best Synchronised Skating Teams.

This accolade comes after a highly successful season for the squad, who are based at the Linx Ice Arena. Prior to representing Great Britain, they clinched the Scottish, Welsh and British Championships.

Weeks of intense preparation and practice for Team Zariba took place prior to the Championships, and they were supported by Sport Aberdeen who assisted by arranging more time on the ice for the club.

The team achieved an overall score of 80.36 and a ranking of 23<sup>rd</sup> in the world.”

**The Council resolved:-**

to approve the terms of the motion.

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## **MOTION BY COUNCILLOR LAING**

**25.** The Council had before it the following notice of motion by Councillor Laing, on behalf of Councillors Donnelly, Flynn and Yuill, and herself:-

“Council notes the upcoming referendum on the United Kingdom’s membership of the European Union and agrees that Aberdeen is stronger now and will be stronger in the future - economically, politically and socially - as a partner within the European Union.”

Councillor Laing moved, seconded by Councillor Dickson:-  
That the Council approve the terms of the motion.

Councillor Boulton moved as an amendment, seconded by the Depute Provost:-  
That the Council note the upcoming referendum on the United Kingdom’s membership of the European Union.

On a division, there voted:-

For the motion (37) - Lord Provost; and Councillors Allan, Cameron, Carle, Cooney, Copland, Corall, Cormie, Crockett, Delaney, Dickson, Donnelly, Jackie Dunbar, Lesley Dunbar, Flynn, Graham, Grant, Greig, Hutchison, Ironside, Jaffrey, Laing, Lawrence, MacGregor, Malik, Milne, Jean Morrison, Nathan Morrison, Nicoll, Noble, Samarai, Jennifer Stewart, Sandy Stuart, Taylor, Townson, Young and Yuill.

For the amendment (3) - Depute Provost; and Councillors Boulton and Finlayson.

Absent from the division (1) - Councillor Malone.

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

## **MOTION BY COUNCILLOR CORALL**

**26.** The Council had before it the following notice of motion by Councillor Corall:-

“The Aberdeen Hydrogen Showcase hosted in the AECC in March was described by delegates as the best in the UK. It was organised by Aberdeen City Council at the request of the Scottish Hydrogen and Fuel Cell Association (SHFCA). The event showcased several of the leading hydrogen and fuel cell projects currently active in Scotland, making the link between renewable energy and transport with use of hydrogen as a clean fuel with zero emissions at the tailpipe.

This Council recognises the sterling work carried out by the City Development Team to promote and develop the use of hydrogen and fuel cell technologies in the North East of Scotland and beyond.”

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**The Council resolved:-**

to approve the terms of the motion subject to its amendment to also recognise the sterling work carried out by the Partnerships and Funding Teams in addition to the City Development Team.

**MOTION BY COUNCILLOR KIDDIE**

27. The Council had before it the following notice of motion by Councillor Kiddie:-

“Council congratulates the National Theatre of Scotland on its recent fantastic production of “Granite” performed in the Quadrangle of Marischal College. Council further recognises the local talent employed in the preparation and performance of the production and is pleased to note the richness and diversity of the Arts scene in Aberdeen.”

**The Council resolved:-**

- (i) to suspend Standing Order 21(4) to enable the motion to be considered in Councillor Kiddie’s absence; and
- (ii) to approve the terms of the motion.

**MOTION BY COUNCILLOR BOULTON**

28. The Council had before it the following notice of motion by Councillor Boulton:-

“Council agrees that the Chief Executive of Aberdeen City Council writes on behalf of the people of Aberdeen in support of our NHS partners to the First Minister imploring the Scottish Government to secure the lifesaving, pioneering Trauma Centre at ARI.”

**The Council resolved:-**

to approve the terms of the revised motion as follows:-

Council notes that over 3,500 citizens signed a petition demanding that the ARI in Aberdeen must be one of Scotland’s major trauma centres to guarantee that it will remain at the cutting edge of modern medicine.

Acknowledges the words of Nicola Sturgeon to the BBC on 4 May 2016 that “there is no dubiety there will be a major trauma centre in Aberdeen”.

Agrees that the Chief Executive of Aberdeen City Council writes on behalf of the people of Aberdeen in support of our NHS partners to the incoming First Minister asking the First Minister to confirm her guarantee to the people of Aberdeen that there is no dubiety there will be a major trauma centre in Aberdeen.

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### **MOTION BY COUNCILLOR JENNIFER STEWART**

29. The Council had before it the following notice of motion by Councillor Jennifer Stewart:-

“To instruct officers to investigate the possibility of extending the remit of the Blue Badge Enforcement Officer to include enforcement of misuse of residents and business parking permits and report back to the appropriate committee.”

#### **The Council resolved:-**

- (iii) to suspend Standing Order 21(4) to enable the motion to be considered in Councillor Jennifer Stewart's absence; and
- (iv) to refer the motion to the Communities, Housing and Infrastructure Committee.

**In accordance with the decision recorded under Article 2 of this minute, the following items were considered with the press and public excluded.**

### **BERRYDEN CORRIDOR IMPROVEMENTS APPENDIX**

30. The Council had before it an appendix to the Berryden Corridor Improvements report by the Director of Communities, Housing and Infrastructure (Article 23 of this minute refers).

#### **The Council resolved:-**

to note the appendix.

### **SOCIAL WORK COMPLAINTS REVIEW COMMITTEE - 7 APRIL 2016**

31. The Council had before it a report by the Interim Director of Corporate Governance which presented the minute and recommendations from the Social Work Complaints Review Committee meeting of 7 April 2016.

#### **The report recommended:-**

that the Council approve the recommendations and the minute of the Social Work Complaints Review Committee meeting of 7 April 2016.

#### **The Council resolved:-**

to approve the recommendation.

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## **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 ensure that the project programme remained on time to deliver the new AECC in Spring 2019.

## **DECLARATION OF INTERESTS**

The Depute Provost and Councillors Crockett, Donnelly and Malone declared interests in the following item of business by virtue of their position as Council appointed Directors to the Board of AECC but chose to remain in the meeting as AECC Limited was a body being a company established wholly or mainly for the purpose of providing services to the local authority, and which had entered into a contractual arrangement with the local authority for the supply of goods and/or services to the local authority, as set out in paragraph 5.18(2)(d)(i) and (ii) of the Councillors' Code of Conduct.

## **NEW AECC FINANCIAL INVESTOR - CHI/16/106**

32. With reference to Article 20 of the minute of its meeting of 4 March 2015, the Council had before it a report by the Director of Communities, Housing and Infrastructure which presented an update on the funding market appraisal to deliver the new AECC, and recommended a funding package which would further reduce the Council's financial commitment.

### **The report recommended:-**

that the Council -

- (a) approve and note the reduction in Aberdeen City Council's financial exposure over the 35 year period for the new AECC development;
- (b) approve the preferred funding mechanism as detailed in the report;
- (c) delegate authority to the Head of Legal and Democratic Services to negotiate and approve the financial and legal contract documents (to also include any grant funding agreements available during the course of the project) to enable and minimise the construction programme in line with the mechanisms outlined in the report;
- (d) delegate authority to the Head of Finance to release funding to the project up to a maximum of £30.5million in year 1 to enable the project to be "cash-flowed" as detailed in the report;
- (e) delegate authority to the Head of Finance to release up to a total of £65.97million, being the Council's contribution to the project; and
- (f) delegate authority to the Head of Finance to continue negotiations with external funders to determine the funder to be used, and once finalised for the Head of Legal and Democratic Services to enter into the agreement.



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**The Council resolved:-**

to approve the recommendations.

**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 due to the short timescales involved in concluding the potential sale of the properties.**

**NATIONAL HOUSING TRUST - AGREEMENT TO DISPOSE OF 85 PROPERTIES - CHI/16/102**

**33.** The Council had before it a report by the Director of Communities, Housing and Infrastructure which provided details of a proposal for the three National Housing Trust (NHT) Limited Liability Partnership (LLP) Boards to dispose of 85 properties to the LAR Housing Trust.

**The report recommended:-**

that the Council -

- (a) agree that it would be in the best interests of the Council, as a partner in the LLPs, for the LLPs to sell all of their units in a single transaction to LAR Housing Trust and to instruct the Director of Communities, Housing and Infrastructure, who is the Council's representative on the Boards, to vote accordingly and enter into the resolution letters; and
- (b) instruct, on full repayment of the Council's loans, that the Head of Legal and Democratic Services enter into any additional agreements required to implement the decision of the LLP to sell the units to LAR Housing Trust which shall include but not be limited to discharge of any securities held by the Council over these units.

**The Council resolved:-**

to approve the recommendations.

**- GEORGE ADAM, Lord Provost.**