

ABERDEEN CITY COUNCIL

Town House,
ABERDEEN, 24 October 2016

MINUTES OF SPECIAL MEETING OF ABERDEEN CITY COUNCIL

Sederunt:

Lord Provost George Adam, Chairperson; and

COUNCILLORS

YVONNE ALLAN
MARIE BOULTON
DAVID CAMERON
SCOTT CARLE
NEIL COONEY
NEIL COPLAND
JOHN CORALL
WILLIAM CORMIE
BARNEY CROCKETT
STEVEN DELANEY
GRAHAM DICKSON
JACQUELINE DUNBAR
LESLEY DUNBAR
ANDREW FINLAYSON
STEPHEN FLYNN
GORDON GRAHAM
ROSS GRANT
MARTIN GREIG
MICHAEL HUTCHISON

LEONARD IRONSIDE, CBE
MURIEL JAFFREY
JENNIFER LAING
GRAEME LAWRENCE
NEIL MacGREGOR
AILEEN MALONE
RAMSAY MILNE
JEAN MORRISON, MBE
NATHAN MORRISON
ALEXANDER NICOLL
JAMES NOBLE
GILLIAN SAMARAI
SANDY STUART
ANGELA TAYLOR
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=4478&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.

Council Meeting, 24 October 2016

DECLARATIONS OF INTERESTS

Councillors Corall, Finlayson and Jean Morrison declared interests as members of the Energy from Waste Joint Members Advisory Group.

Councillors Cooney, Delaney and Jackie Dunbar declared interests as members of the Zero Waste Management Sub Committee.

None of the aforementioned Councillors considered that the nature of their interests required them to leave the meeting.

Councillor Dickson advised that he was not declaring an interest, however he wanted to clarify that whilst his spouse had previously been employed by the Council and had been involved with the planning application, she had not been involved in the project business case, therefore he was remaining in the meeting.

DETERMINATION OF EXEMPT BUSINESS

1. 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:-
 4. Inter-Authority Agreement on Energy from Waste - Appendix 7

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 item 4 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

2. The Council had before it the following requests for deputations which had been submitted in terms of Standing Order 10(1).
 - (1) Mr David Fryer on behalf of Cove and Altens, Kincorth and Leggart, Nigg and Torry Community Councils
 - (2) Mr Simon McLean

The Council resolved:-

to hear the deputations.

INTER-AUTHORITY AGREEMENT ON ENERGY FROM WASTE - CHI/16/257

3. (A) In terms of Standing Order 10(2), the Council received a deputation from Mr Raymond Clark and Mr David Fryer, on behalf of Cove and Altens, Kincorth and Leggart, Nigg and Torry Community Councils.

Mr Clark stated that he was greatly disappointed at the outcome of the last Council meeting when planning permission had been granted for the incinerator, and he felt that Councillors were imposing a monstrous project on their citizens. Mr Clark added that the feeling in the community was one of horror, betrayal, dejection and disbelief, however the campaign would continue. He emphasised that the process was fundamentally flawed and that serious questions remained unanswered with regard to health, quality of life and financial risks.

Mr Clark explained that in March 2016 he visited an incinerator in Lincoln which had recently been commissioned. From the control room, he viewed waste and black bags going into the hopper, however black bags were unsorted which was a huge concern as nobody knew what was in them. He anticipated that this would be replicated in Aberdeen, therefore nobody would know what was being incinerated - for example black bags could conceal paints, oils and batteries etc. creating toxic gases which would then be emitted into the atmosphere, with potential damages to health well chronicled.

Mr Clark was of the opinion that the report on the planning application was biased in that it referred to a £9million penalty that Councillors needed to be aware of if they did not grant planning permission, which upon further investigation turned out to be £500,000 per year. He commented that it was apparent that some Councillors had already made their minds up prior to the meeting as they were reading from pre-prepared speeches.

Mr Clark advised that the Community Councils had been thwarted in their efforts to get hold of financial information regarding the project at the stakeholder meetings, and that this information had been redacted from the public report on the agenda. He added that there was also a lack of information regarding the district heating plan. Mr Clark concluded by calling on the Council to abandon the scheme, or at least delay it for more detailed information, due to the financial and health risks to the city.

Members asked questions of Mr Clark and Mr Fryer and thanked them for their deputation.

(B) The Council then received a deputation from Mr Simon McLean.

Mr McLean intimated that the Council seemed to be more concerned with saving money, with the figure of £9.8million over 20 years highlighted and no mention of the heating network. He added that if the Council wanted to help the people of Torry then the £20million plan for Victoria Road School should be abandoned, with £10million utilised to reinvest in the existing building and the remaining £10million saved to cover the £9.8million.

Council Meeting, 24 October 2016

Mr McLean questioned the governance arrangements and referred to previous proposals for an energy from waste facility in Bridge of Don which had been abandoned, and speculated why that had happened based on various quotes around that time. He stated that he did not want an energy from waste facility in Bridge of Don, or anywhere, as there were significant health risks for the whole of the city.

Mr McLean quoted what had been said at a stakeholder meeting in April 2016 by Councillor Jean Morrison, and questioned whether the deal had already been done. He also quoted correspondence that had been sent to Chief Executive Angela Scott with regard to the legal position and based on advice from Planning Aid Scotland in relation to the planning application and the introduction of financial matters as a material consideration. The correspondence stated that Councillor Young had introduced the business case during the debate on the planning application which was not challenged, and which was completely unacceptable and had prejudiced the vote.

Mr McLean emphasised that the cost of health needed to be considered and that a number of risks had not been addressed. He reiterated that the Council should have a rethink about Victoria Road School where £10million could be saved easily.

Members asked questions of Mr McLean and thanked him for his deputation.

(C) The Council had before it a report by the Interim Director of Communities, Housing and Infrastructure which provided an update on progress on the Joint Authority Energy from Waste Project with Aberdeenshire Council and the Moray Council, and sought approval to enter into a second stage Inter-Authority Agreement relating to initial project and procurement development work.

The report recommended:-

that the Council -

- (a) approve the terms of the Stage 2 Inter-Authority Agreement (IAA2) included at Appendix 1 to the report, and authorise the Head of Legal and Democratic Services to enter into this Agreement on behalf of the Council;
- (b) approve -
 - (1) the continued role of the Director of Communities, Housing and Infrastructure as the Council's Appointed Representative on the Project Board ("Council Representative");
 - (2) in the absence of the Director of Communities, Housing and Infrastructure, that the Head of Public Infrastructure and Environment act as the Council's Representative; and
 - (3) that in the absence of both officers referred to in (b)(1) and (2) above, the Chief Executive nominate an alternate to act as the Council's Representative provided such appointment is in accordance with the terms of IAA2;
- (c) approve the continued role of appropriate representatives on the Project Team and Joint Members Energy from Waste Engagement Group as detailed in section 6.2 of the report;
- (d) approve the procurement route and expenditure for the extension of the current advisors' contracts and Project Director's contract to enable development of the next stage of the IAA outlined in Section 10.4 and Schedule Part 2 of the IAA2;

Council Meeting, 24 October 2016

- (e) note that the anticipated expenditure of approximately £1,953,000 to fund the Council's contribution to Stage 2 of the IAA will be met from Capital Plan Project 810C; and
- (f) note that a similar paper is being put to Aberdeenshire Council's Full Council on 26 October 2016 and the Moray Council's Policy and Resources Committee on 25 October 2016, and that implementation of recommendations (a) to (e) above, assuming they are approved, will be subject to similar approval by Aberdeenshire Council and the Moray Council.

The Council resolved:-

- (i) to approve the recommendations contained within the report;
- (ii) to note the concerns of the Cove and Altens, Kincorth and Leggart, Nigg and Torry Community Councils with regard to the health implications for citizens of the proposed Energy from Waste plant;
- (iii) to agree that SEPA is the key arbiter on health and environmental matters in relation to the Energy from Waste plant and an application for a permit to operate facilities will have to satisfy that organisation that the plant will not have adverse impacts on health or the environment;
- (iv) to note that Edinburgh, Glasgow and Dundee are all in the process of developing their own Energy from Waste plants;
- (v) to instruct the Chief Executive to write to the Chief Executive of SEPA, the Chief Executive of NHS Grampian and the Chief Executive of Health Protection Scotland seeking their professional opinion on the Energy from Waste plant with regard to health and/or environmental issues and for a copy of the Chief Executive's letter and the responses received to be passed to the secretaries of the four Community Councils for their consideration;
- (vi) to note the position adopted by the Council at its budget meeting in February 2016 where all proposed budgets included the following with regard to the Energy from Waste plant with further budget allocations against the Energy from Waste project earmarked for 2021/22 (which will come before Council as part of the budget process in February 2017):-

NHCP No.		Budget 2016/17	Budget 2017/18	Budget 2018/19	Budget 2019/20	Budget 2020/21	Total
		£'000	£'000	£'000	£'000	£'000	£'000
810C	EfW Procurement and Land Acquisition	2,567	300	300	0	0	3,167
810K	EfW Construction	0	0	0	20,000	41,000	61,000

- (vii) to agree that a heat network is of fundamental importance to this project both in order to meet the permit requirements of SEPA but also to provide low-cost energy to those living in nearby communities and thereby to note the Council's success in obtaining an EU grant to allow the HEATNET project to be progressed (transition strategies for delivering low carbon district heat) which is match-funded by Interreg North West Europe; the HEATNET project will start in early 2017 and run over the next three years;

Council Meeting, 24 October 2016

- (viii) to approve the allocation of £365,000 (at current € exchange rates) from capital project 810K to provide match-funding to allow €608,485 of funding to be secured from Interreg North West Europe HEATNET project - transition strategies for delivering low carbon district heat;
- (ix) to approve the utilisation of this funding to support the development of district heating infrastructure in the Torry area subject to the requirements of the funding criteria;
- (x) to instruct the Interim Director of Communities, Housing and Infrastructure to undertake a procurement exercise for the installation of a heat network, in tandem with that for the construction of the Energy from Waste facility, following the completion and submission of the phase 1 report to the Communities, Housing and Infrastructure Committee on 24 January 2017; and to commit funding from the Energy from Waste construction budget included in the Non Housing Capital Programme to phase 1 of the Torry Heat network project; and
- (xi) to instruct the Interim Director of Communities, Housing and Infrastructure to bring a report providing an update on the above matters to the Communities, Housing and Infrastructure Committee on 24 January 2017.

INTER-AUTHORITY AGREEMENT ON ENERGY FROM WASTE - APPENDIX 7

4. With reference to Article 3 of this minute, the Council had before it Appendix 7 to the report by the Interim Director of Communities, Housing and Infrastructure.

The Council resolved:-

to note the appendix.

- GEORGE ADAM, Lord Provost.