

ABERDEEN CITY COUNCIL

Town House,
ABERDEEN, 14 May 2024

MINUTE OF SPECIAL MEETING OF ABERDEEN CITY COUNCIL

Sederunt:

Lord Provost David Cameron, Chairperson;
Depute Provost Steve Delaney; and

COUNCILLORS

GILLIAN AL-SAMARAI
NURUL HOQUE ALI
CHRISTIAN ALLARD
ALISON ALPHONSE
KATE BLAKE
JENNIFER BONSELL
MARIE BOULTON
DESMOND BOUSE
RICHARD BROOKS
HAZEL CAMERON
DONNA CLARK
JOHN COOKE
NEIL COPLAND
WILLIAM CORMIE
BARNEY CROCKETT
DEREK DAVIDSON
EMMA FARQUHAR
GORDON GRAHAM
ROSS GRANT

MARTIN GREIG
DELL HENRICKSON
MICHAEL HUTCHISON
GRAEME LAWRENCE
SANDRA MACDONALD
NEIL MacGREGOR
ALEXANDER McLELLAN
KEN McLEOD
M. TAUQEER MALIK
DUNCAN MASSEY
JESSICA MENNIE
ALEX NICOLL
MIRANDA RADLEY
KAIRIN VAN SWEEDEN
DEENA TISSERA
SIMON WATSON
and
IAN YUILL

Lord Provost David Cameron, in the Chair.

The agenda and reports associated with this minute can be found [here](#).

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, Tuesday, 14 May 2024

DETERMINATION OF EXEMPT BUSINESS

1. The Lord Provost advised that although the written request for the special meeting was a public document, it was his intention that the meeting should be held in private as it related to an ongoing legal case.

Councillor Malik moved as a procedural motion, seconded by Councillor Tissera:-
That the meeting be held in public.

On a division, there voted:-

For the procedural motion (16) - Councillors Ali, Blake, Bonsell, Boulton, Brooks, Crockett, Farquhar, Graham, Grant, Lawrence, Macdonald, McLeod, Malik, Massey, Tissera and Watson.

Against the procedural motion (20) - Lord Provost; Depute Provost; and Councillors Al-Samarai, Allard, Alphonse, Hazel Cameron, Clark, Cooke, Copland, Cormie, Davidson, Greig, Henrickson, Hutchison, MacGregor, McLellan, Mennie, Nicoll, Radley and Yuill.

Declined to vote (1) - Councillor van Sweeden.

Absent from the division (1) - Councillor Bouse.

During the division, Councillor van Sweeden declared an interest in terms of the subject matter and withdrew from the meeting upon conclusion of the division.

The Council resolved:-

- (i) to reject the procedural motion; and
- (ii) in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude the press and public from the meeting during consideration of item 4.1 so as to avoid disclosure of exempt information of the class described in paragraph 12 of Schedule 7A of the Act.

DECLARATIONS OF INTEREST AND TRANSPARENCY STATEMENTS

2. Councillor Blake advised that she had a connection in relation to the matter as a member of Aberdeen Climate Action, however she advised that she had not made any statements in that regard, and having applied the objective test she did not consider that she had an interest and would not be withdrawing from the meeting.

Councillor Allard advised that he had a connection in relation to the matter as a Council appointed Director of Opportunity North East, however having applied the objective test he did not consider that he had an interest and would not be withdrawing from the meeting.

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Councillor Brooks advised that he had a connection in relation to the matter as a result of his employment in the energy sector, however having applied the objective test he did not consider that he had an interest and would not be withdrawing from the meeting.

In accordance with Article 1 of the minute, the Council considered the following item with the press and public excluded

WRITTEN REQUEST FOR SPECIAL MEETING

3. The Council had before it the wording of the written request for this special Council meeting which had been signed by 12 members in accordance with Standing Order 8.2.2:-

“The business to be transacted relates to the news that the Court of Session has agreed to hear a Judicial Review challenging the decision by Aberdeen City Council to industrialise St Fittick’s Park as part of its Energy Transition Zone plan for the city.”

The Chief Officer - Strategic Place Planning advised the Council that the matter was the subject of a live planning application and cautioned members not to make any statements that could prejudice that.

Councillor Malik moved, seconded by Councillor Watson:-

That the Council -

Notes the decision of the Court of Session to grant permission to allow a Judicial Review to possibly industrialise St Fittick’s Park as part of its Energy Transition Zone.

Notes Lord Fairley allowed the petition to proceed under two distinct legal challenges:

(1) That the respondent failed to exercise its duties under section 149 of the 2010 Equality Act before agreeing its policy decision in relation to the proposed lease and development of the Park for industrial purposes on 11 September 2023 and failed to carry out an EQIA which satisfied the requirements of the 2012 Regulations before making its policy decision on 11 September 2023;

(2) That the respondent’s policy decision of 11 September 2023 in relation to the Park was vitiated by apparent bias on the part of Councillor Christian Allard and his party group members in relation to their personal interest or apparent interest in ETZ Ltd, which is a company pursuing a live planning proposal of application notice in relation to the Park, notice reference 230707/PAN.

Notes that the report presented to Council on 11th September 2023 specifically said Integrated Impact Assessment - NOT REQUIRED. Other Impact Assessments - NOT REQUIRED. Therefore, it is safe to say the Council did not carry out an EQIA as if they had it would be referenced in the report.

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Notes the declaration made by Councillor Allard at the Council meeting in August 2023 which related to his interest in the Land Options within the Energy Transition Zone as noted "Councillor Allard advised that he had a connection in relation to agenda item 9.6 (Land Options within the Energy Transition Zone) as a Council appointed Director on the Board of Opportunity North East, however having applied the objective test he did not consider that he had an interest and would not be withdrawing from the meeting."

Notes the declaration made by Councillor van Sweeden on 13th December 2023, which made her withdraw from the meeting on Aberdeen Planning Guidance - Energy Transition Zone Draft Masterplan Consultation responses as noted "Councillor van Sweeden declared an interest in relation to agenda item 9.4 as a former Convener of Friends of St Fittick's before she became a Councillor, and indicated that she would withdraw from the meeting for that item."

Agree Councillor van Sweeden did not declare this interest when the matter came before Council in respect of the approval of the Local Development Plan in December 2022 and June 2023 in the full knowledge, she had been a former Convener of Friends of St Fittick's Park. She did declare an interest and withdrew in December 2023 on the Energy Transition Zone Draft Masterplan Consultation.

Agree Councillor Allard, according to his Register of Interests was appointed Director of Opportunity North East in May 2023, although Company House notes it was June 2023, noting that the minute relating to Council on 14th June 2023 confirms Councillor Allard failed to declare any interest in relation to Adoption of the Local Development Plan on 14th June 2023 which included within it, St Fittick's Park and The Energy Transition Zone but did declare in August 2023.

Notes the Minute of the Council meeting on 11th September 2023 in relation to Labour's Amendment to the SNP proposals for Land Options within the Energy Transition Zone.

Ethical Standards in Public Life is essential to good governance, noting the Councillors Code of Conduct, therefore calls upon Councillor Allard and Councillor Van Sweeden to self-refer themselves to the Ethical Standards Commissioner to allow the Commission to investigate a possible breach of the Councillors Code.

Approve that the land at St Fittick's Park remain in the property of the Council and instructs officers not to sell or lease the land, subject to any existing options agreements .

Councillor McLellan moved as an amendment, seconded by the Depute Provost:-
That the Council take no action.

On a division, there voted:-

For the motion (10) - Councillors Ali, Blake, Bonsell, Graham, Grant, Lawrence, Macdonald, Malik, Tissera and Watson.

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For the amendment (20) - Lord Provost; Depute Provost; and Councillors Al-Samarai, Allard, Alphonse, Bouse, Hazel Cameron, Cooke, Copland, Cormie, Davidson, Greig, Henrickson, Hutchison, MacGregor, McLellan, Mennie, Nicoll, Radley and Yuill.

Declined to vote (6) - Councillors Boulton, Brooks, Crockett, Farquhar, McLeod and Massey.

Absent from the division (2) - Councillors Clark and van Sweeden.

The Council resolved:-

to adopt the amendment.

ANNOUNCEMENT

4. The Lord Provost advised that Jenni Lawson, Chief Officer - Governance, had given birth to a baby girl, Vivienne, the previous week and wished to record the Council's congratulations to Jenni and her husband.

The Council resolved:-

to concur with the Lord Provost's remarks.

- **DAVID CAMERON, Lord Provost.**