

ABERDEEN CITY COUNCIL

Town House,
ABERDEEN, 16 July 2024

MINUTE OF SPECIAL MEETING OF ABERDEEN CITY COUNCIL

Sederunt:

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

COUNCILLORS

GILLIAN AL-SAMARAI
NURUL HOQUE ALI
CHRISTIAN ALLARD
ALISON ALPHONSE
JENNIFER BONSELL
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
MICHAEL KUSZNIR
GRAEME LAWRENCE
SANDRA MACDONALD
NEIL MacGREGOR
ALEXANDER McLELLAN
KEN McLEOD
M. TAUQEER MALIK
JESSICA MENNIE
ALEX NICOLL
MIRANDA RADLEY
JENNIFER STEWART
KAIRIN VAN SWEEDEN
LYNN THOMSON
SIMON WATSON
and
IAN YUILL

Depute Provost Steve Delaney, 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, 16 July 2024

WRITTEN REQUEST FOR SPECIAL MEETING

1. The Council had before 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 decision by the Standards Commission v Councillor Malik, its judgement and the appeal decision by the Sheriff Principal.”

Councillor Malik moved, seconded by Councillor Ali:-

That the Council -

- (1) notes the decision by the Sheriff Principal of Grampian Highland and Islands to quash the finding of the Standards Commission under Section 22 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 following a complaint by SNP Councillor Cooke to the Ethical Standards Commissioner;
- (2) agrees the decision by the Standards Commission was draconian in nature and Councillor Malik served a one-month suspension unduly as the Panel did not properly take into consideration his rights under Article 10 of the ECHR;
- (3) agrees that the Ethical Standards Commissioner's own solicitor pointed out to the panel Councillor Malik's right of expression under article 10 of the ECHR but this was not properly taken into account by the Panel;
- (4) agrees that the Local Authority Pension Fund Forum's Executive Committee (LAPFF) remains without ethnic minority representation, thanks to Councillor Cooke; and
- (5) notes that today is a very good day for the city of Aberdeen as the SNP Convener John Cooke's complaint against Councillor Malik has been rejected by a Scottish Court, however it remains a bad day as well because LAPFF remains without ethnic minority representation and the Pensions Committee remains without Aberdeen Labour members thanks to Councillor Cooke's actions.

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

That the Council take no action.

Councillor Crockett moved as a further amendment, seconded by Councillor Mrs Stewart:-

That the Council -

- (1) notes the Pensions Committee agreed to delegate authority to the Chief Officer - Finance to nominate an appropriate officer as the Pensions Committee nominee;
- (2) agrees that Councillor Cooke should apologise to Councillor Malik for the way in which he handled LAPFF nomination in 2022;
- (3) agrees that should Councillor Cooke apologise to Councillor Malik then the Labour Group should re-join the Pensions Committee with immediate effect;

Council Meeting, Tuesday, 16 July 2024

- (4) notes that the Lord Provost of Aberdeen reported me to the Standards Commission which decided that I had ECHR Section 10.1 rights so therefore did not take the issue to a hearing unlike the case of Councillor Malik, where they agreed that he had ECHR Section 10 rights to book a hearing;
- (5) notes that Unite the Union has nominated me as a member of the Union to be its substitute member of the Pensions Board, as an employee representative;
- (6) notes that the Council has refused to accept the nomination; and
- (7) agrees that the Council should seek external legal advice on the situation at point 6.

There being a motion and two amendments, the Council first divided between the motion and the amendment proposing no action, in terms of Standing Order 29.20. If the amendment proposing no action carried, no further vote would take place. If the amendment proposing no action did not carry, a second vote would take place between the motion and the second amendment.

On a division, there voted:-

For the motion (15) - Councillors Ali, Bonsell, Brooks, Crockett, Farquhar, Graham, Grant, Kuszniir, Lawrence, Macdonald, McLeod, Malik, Mrs Stewart, Thomson and Watson.

For the amendment by Councillor Allard (22) - Lord Provost; Depute Provost; and Councillors Al-Samarai, Allard, Alphonse, Bouse, Hazel Cameron, Clark, Cooke, Copland, Cormie, Davidson, Greig, Henrickson, Hutchison, MacGregor, McLellan, Mennie, Nicoll, Radley, van Sweeden and Yuill.

The Council resolved:-

to adopt the amendment by Councillor Allard.

In terms of Standing Order 32.8, Councillors Crockett and Mrs Stewart intimated their dissent against the foregoing decision.

- STEVE DELANEY, Depute Provost.