

ABERDEEN CITY COUNCIL

Town House,
ABERDEEN, 25 March 2025

MINUTE OF SPECIAL MEETING OF ABERDEEN CITY COUNCIL

Sederunt:

Depute Provost Steve Delaney, Chairperson;
Lord Provost David Cameron; 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
LEE FAIRFULL
GORDON GRAHAM
ROSS GRANT
MARTIN GREIG

DELL HENRICKSON
MICHAEL HUTCHISON
MICHAEL KUSZNIR
GRAEME LAWRENCE
SANDRA MACDONALD
NEIL MacGREGOR
ALEXANDER McLELLAN
KEN McLEOD
CIARAN McRAE
M. TAUQEER MALIK
JESSICA MENNIE
ALEX NICOLL
MIRANDA RADLEY
KAIRIN VAN SWEEDEN
LYNN THOMSON
DEENA TISSERA
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.

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DECLARATIONS OF INTEREST AND TRANSPARENCY STATEMENTS

1. Councillor Grant declared an interest in relation to the item by reason of his employment by Aberdeen Inspired and left the meeting with immediate effect.

Councillor Yuill advised that he had connections in relation to the item as a member of Cycling UK and as a member of the AA (Automobile Association), however having applied the objective test he did not consider that he had an interest and would not be withdrawing from the meeting.

WRITTEN REQUEST FOR SPECIAL MEETING

2. 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 Aberdeen City Council (City Centre, Aberdeen) (Traffic Management) (Experimental) Order 2023, in particular to understand from the Chief Executive what the Council’s defences are in relation to the Judicial Review.”

The Interim Chief Officer - Governance (Legal) provided a short update in public on the latest position and recommended that due to the live nature of the statutory appeal that the Council should consider the remainder of the item in private session in order to protect the Council from any undue prejudice in court.

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

On a division, there voted:-

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

Against the procedural motion (23) - Lord Provost; Depute Provost; and Councillors Al-Samarai, Allard, Alphonse, Bouse, Hazel Cameron, Clark, Cooke, Copland, Cormie, Davidson, Fairfull, Greig, Henrickson, Hutchison, MacGregor, McLellan, McRae, Mennie, Radley, van Sweeden and Yuill.

Absent from the division (1) - Councillor Grant.

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 the item so as to avoid disclosure of exempt information of the class described in paragraph 12 of Schedule 7A of the Act.

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The press and public were excluded from the meeting from this point.

Councillor Malik moved, seconded by Councillor Nicoll:-

That the Council -

- (1) agree that members not having written legal advice at Council meetings on important matters pertaining to possible legal challenge opens up the possibility of the Courts - final arbiters - determining that due process has not been carried out by the Council;
- (2) agree that, despite an Application having been lodged at the Court of Session under schedule 9 paragraph 35 of the Road Traffic Regulation Act 1984 as amended in relation to the Aberdeen City Council (City Centre, Aberdeen) (Traffic Management) (Experimental) Order 2023, Elected Members require more information about the Council's position regarding defending the action; and
- (3) agree that, even though Officers have Delegated Authority to deal with such matters, Elected Members ought to make the final decision on agreeing to defend or otherwise the proposed action. Therefore, instructs the Chief Executive to lay out the grounds for the Council's proposed defence, if any, and likelihood of success by bringing a report back to Council within 7 days of today's meeting.

Councillor Brooks moved as an amendment, seconded by Councillor McLeod:-

That the Council -

Given Officers' legal advice regarding the risk of £8m of grant funding being claimed back by the Scottish Government and the possible reimbursement of bus gate penalty charges paid during ETRO, if indeed the Council are ultimately found to be in breach of legislation when making the Aberdeen City Council (City Centre, Aberdeen) (Traffic Management) (Experimental) Order 2023, instructs the Chief Executive to provide a written report to Council as soon as possible on the Council's compliance with relevant duties if the Council was to lose a court action and the bus gates had to be removed, i.e. how it would be paid for and the process that would be followed.

Councillor Allard moved as a further amendment, seconded by Greig:-

That the Council take no action.

During the course of debate, Councillor Malik advised that he was willing to incorporate Councillor Brooks' amendment within his motion and this was accepted by Councillor Brooks.

On a division, there voted:-

For the motion (15) - Councillors Ali, Blake, Bonsell, Brooks, Crockett, Graham, Kusznir, Lawrence, Macdonald, McLeod, Malik, Nicoll, Thomson, Tissera 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, Fairfull, Greig, Henrickson, Hutchison, MacGregor, McLellan, McRae, Radley, van Sweeden and Yuill.

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Declined to vote (1) - Councillor Boulton.

Absent from the division (2) - Councillors Grant and Mennie.

The Council further resolved:-

to adopt the amendment by Councillor Allard.

- **STEVE DELANEY, Depute Provost.**