

## CITY GROWTH AND RESOURCES COMMITTEE

ABERDEEN, 24 June 2021. Minute of Meeting of the CITY GROWTH AND RESOURCES COMMITTEE. Present:- Councillor Houghton, Convener; Councillor Laing, Vice-Convener; and Councillors Bell (as substitute for Councillor John), Boulton, Cameron (as substitute for Councillor McLellan), Cooke, Grant, Hutchison (as substitute for Councillor Cameron for articles 3 and 4 only), Alex Nicoll, Stewart, the Depute Provost (for article 5 and as substitute for Councillor Boulton for article 10 only) and Yuill.

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.

### DETERMINATION OF EXEMPT BUSINESS

1. The Convener proposed that the Committee consider items 13.1 (Disposal of former Office and Training Centre, Frederick Street), 13.2 (Countesswells Development - Primary School) and 13.3 (Contract Terms and Conditions – Aberdeen Performing Arts) with the press and public excluded from the meeting.

#### **The Committee 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 above items so as to avoid disclosure of information of the classes described in the following paragraphs of Schedule 7(A) to the Act:- article 11 (paragraph 9) and articles 12 and 13 (paragraph 6).

### DECLARATIONS OF INTEREST

2. Members were requested to intimate any declarations of interest in respect of the items on today's agenda, thereafter the following were intimated:-

- (1) Councillor Hutchison declared an interest in item 5.1 (Minute of Previous Meeting of 11 May, 2021) and item 6.1 (Committee Planner), by virtue of him being a resident of George Street, given there was references to the street in those documents. He considered that the nature of his interest did not require him to leave the meeting, therefore he remained in the meeting throughout these items whilst substituting for Councillor Cameron;
- (2) Councillor Boulton declared an interest in item 13.3 (Contract Terms and Conditions – Aberdeen Performing Arts), by virtue of her being an Aberdeen City Council appointed Board member of Aberdeen Performing Arts. She indicated that a specific exclusion applied in terms of section 5.18.2 (i) of the Councillors Code of Conduct, therefore she remained in the meeting for consideration of the item;

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- (3) Councillor Yuill declared an interest in item 11.1 (Aberdeen Low Emission Zone – Preferred Option), by virtue of him owning a vehicle which did not comply with the emission standards of the proposed LEZ. He considered that the nature of his interest did not require him to leave the meeting and therefore chose to remain in the meeting for consideration of the item; and
- (4) Councillor Cooke declared an interest in item 11.1 (Aberdeen Low Emission Zone – Preferred Option), by virtue of him owning a vehicle which did not comply with the emission standards of the proposed LEZ. He considered that the nature of his interest did not require him to leave the meeting and therefore chose to remain in the meeting for consideration of the item.

**MINUTE OF PREVIOUS MEETING OF 11 MAY 2021 - FOR APPROVAL**

3. The Committee had before it the minute of its previous meeting of 24 June 2021, for approval.

**The Committee resolved:-**

to approve the minute as a correct record.

**COMMITTEE PLANNER**

4. The Committee had before it the Committee Business Planner prepared by the Chief Officer – Governance.

**The Committee resolved:-**

- (i) to remove item 4 (Performance Management Framework Report – City Growth and Resources), item 9 (Procurement Workplan and Business Cases – Capital) and item 18 (Aberdeen to Westhill Transport Corridor Study) from the planner for the reasons outlined therein;
- (ii) to note the reason for the reporting delay in relation to item 5 (Wellington Road STAG Part 2 Appraisal), item 8 (Information Plaques Relating to Slavery and Slavery Products) and item 29 (Denis Law Murals);
- (iii) in relation to item 60 (Sustainable Drainage System (SUDS) Section 7), to request that the Chief Officer – Operation and Protective Services circulate a progress update to members of the Committee, to include details of when a report would be submitted; and
- (vi) to otherwise note the content of the Committee Planner.

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**NOTICE OF MOTION BY COUNCILLOR JENNIFER STEWART, THE DEPUTE PROVOST - ST JOSEPH'S SCHOOL NURSERY**

5. The Committee had before it a Notice of Motion by Councillor Jennifer Stewart, the Depute Provost in the following terms:-

“that the City Growth and Resources Committee:-

- (1) Notes Aberdeen City Council’s Early Learning and Childcare Delivery Plan objectives which help meet the Council’s commitment to expand funded early learning and childcare from 600 hours to 1,140 hours across the City;
- (2) Notes the expansion of ELC requires an investment in our Early Years Estate as well as an investment in staffing to ensure the Council are providing high quality provision that meets the needs of children and families in all localities; and
- (3) Instructs the Chief Officer – Finance, following consultation with relevant officers, to include within the 2022/23 budget pack an outline business case including the feasibility and capital and revenue costs of increasing the number of full-time places at St Joseph’s School Nursery to 47 including possible options including the redevelopment of Bishop’s House or an on-site new build.”

Councillor Stewart spoke in support of her motion, explaining the rationale behind her request.

**The Committee resolved:-**

to adopt the motion.

**URGENT NOTICE OF MOTION BY COUNCILLOR RYAN HOUGHTON, CONVENER - LOCAL AUTHORITY DISCRETIONARY FUND**

6. The Committee had before it an urgent Notice of Motion by the Convener in the following terms:-

“that the City Growth and Resources Committee:-

- (1) Note over £70m Covid-19 Grant support has been disbursed to Aberdeen businesses by the City Growth Business Response Hub, and Committee commend Officers for their hard work in supporting our local economy and protecting jobs;
- (2) Note between 17 November 2020 and 9 February 2021, a £120m Local Authority Discretionary fund, was allocated to councils to disburse as targeted grant support to small and medium-sized enterprises who have received little or no Covid-19 financial assistance since October 2020 noting Aberdeen City Councils share was circa £6.00m;
- (3) Note to date £3.036m has been disbursed to 1,433 recipients based on the priorities set out by the Scottish Government guidance letter;
- (4) Note £3.087m Discretionary Funding remains for disbursement;

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- (5) Note the guidance issued by the Scottish Government which states “*local authority decisions on where they should direct their funding allocations must be based on their knowledge of the local economy and understanding of the impacts of COVID-19 regulations and restrictions on businesses within their area. Limits to the funding available through this scheme will inevitably require councils to prioritise which types of business should receive support and so local knowledge will be vital in determining where the funding will be most effectively deployed*”;
- (6) Instruct the Chief Officer - City Growth, following consultation with the Convener and Vice-Convener of the City Growth and Resources Committee, to implement and deliver further rounds of grants, based on the guidance noted in (5) above, and subject to any relevant impact assessment requirements, in order to disburse the remaining funding to businesses, in accordance with the Aberdeen’s Socioeconomic Rescue Plan priorities; and
- (7) Instruct the Chief Officer – City Growth to submit an update report on the funding allocations at the 25 August 2021, City Growth and Resources Committee meeting.”

The Convener moved his motion and explained the rationale behind his request. He was seconded by Councillor Grant.

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

that the City Growth and Resources Committee approve the motion referred to above, subject to the removal of “following consultation with the Convener and Vice-Convener of the City Growth and Resources Committee,” in (6) above.

On a division, there voted:- for the motion (5) – the Convener, the Vice Convener and Councillors Bell, Boulton and Grant; for the amendment (4) – Councillors Cooke, Cameron, Nicoll and Yuill.

**The Committee resolved:-**

to adopt the motion.

### **ABERDEEN LOW EMISSION ZONE - PREFERRED OPTION - COM/21/149**

7. With reference to article 20 of the minute of 28 October 2020, the Committee had before it a report by the Chief Officer – Strategic Place Planning which presented Aberdeen’s proposed Low Emission Zone (LEZ) and sought approval to formally submit the scheme to Scottish Ministers following further consultation on and publication of the proposed scheme, assuming no significant changes to the proposals were required as a result of these processes.

**The report recommended:-**

that the Committee –

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- (a) agree the outcomes of the LEZ option appraisal and that Option 6 (encompassing the proposed LEZ boundary and supporting traffic management requirements as detailed in section 3.1.9) best meets the objectives of the Aberdeen LEZ;
- (b) instruct the Chief Officer – Strategic Place Planning to include consideration of access restrictions at the South College Street / Millburn Street junction within the business case development for Phase 2 of the South College Street Junction Improvement project, and to ensure that the business case includes programming considerations for works delivery in advance of LEZ enforcement commencing;
- (c) agree that 2 years is an appropriate grace period to enable residents, businesses and visitors time to comply with LEZ requirements;
- (d) instruct the Chief Officer – Strategic Place Planning to undertake a further eight-week period of public and stakeholder consultation and engagement on the proposed LEZ boundary and grace period;
- (e) delegate authority to the Chief Officer – Strategic Place Planning, in consultation with the Leader of the Council and the Convener of the City Growth and Resources Committee to publish the proposed LEZ scheme following the consultation period, and to formally submit Aberdeen’s LEZ proposal to Scottish Ministers; and
- (f) instruct the Chief Officer – Strategic Place Planning to submit the full financial model for the LEZ to the Council’s budget process for 2022/23.

### **The Committee resolved:-**

to approve the recommendations.

### **UPDATE ON SPACES FOR PEOPLE INTERVENTIONS - COM/21/154**

8. With reference to article 12(ii) of the minute of the previous meeting of 11 May 2021, the Committee had before it a report by the Chief Officer – Strategic Place Planning which outlined the current situation with respect to COVID-19 pandemic and to make recommendations in relation to the current Spaces for People interventions.

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

that the Committee –

- (a) note the outcomes of the survey work and data collection done to date, but that due to lockdown restrictions remaining in place until recently (16th of April for Level 3 and 17th of May Level 2) only limited data was available by the committee report deadline;
- (b) note that the data collection has continued to show increased levels of pedestrians and cyclists using recreational routes and recreational destinations;
- (c) note the recommendations from the Director of Public Health for NHS Grampian that due to the improved public health position and significant vaccination coverage that once the city moves to Level 0 of the Scottish Government’s route map, that NHS Grampian would support the phasing out of the neighbourhood interventions at Rosemount, Torry and George Street;

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- (d) note that research is being undertaken by the Scottish Government into the need to maintain physical distancing which is expected to report later in the summer;
- (e) note continued support from both Police Scotland and Scottish Fire and Rescue in relation to the interventions, in particular that council officers continue to work with the emergency services to ensure that the interventions do not impact on their service provision;
- (f) note the instructions from City Growth and Resources in relation to the City Centre Masterplan reviews, the BHS and Market Buildings proposals as well as their relationship with Spaces for People measures, and that these are due to be reported to City Growth and Resources Committee in August;
- (g) note the recommendations of the Low Emission Zone report, presented to this Committee;
- (h) instruct the Chief Officers of Strategic Place Planning, Capital and Operations and Protective Services that in the context of the above to maintain the current interventions at this time but after the city moves to Level 0 that work commences on removal of the neighbourhood interventions; and
- (i) instruct the Chief Officers of Capital and Operations and Protective Services following consultation with the convener of City Growth and Resources, to agree the sequencing of the removals based on the timetable provided below, that timetable being three weeks to initiate works post instruction, and approximately 13 weeks to remove the interventions.

### **The Committee resolved:-**

- (i) to approve the recommendations;
- (ii) to note that in relation to current interventions, that the Chief Officer – Operations and Protective Services would investigate the possibility of improving parking in the proximity of the Art Gallery for Blue Badge holders; and
- (iii) to note that officers would engage with local Ward Members prior to the removal of the neighbourhood interventions.

### **INVESTOR READY PROPOSITIONS - COM/21/155**

9. With reference to article 12 of the minute of meeting of 3 February 2021, the Committee had before it a report by the Chief Officer – City Growth, which outlined the approach and methodology required to bring investor ready propositions to market, including resource implications and timescales for key projects within the various economic and infrastructure strategies.

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

that the Committee –

- (a) note the key projects outlined in this report that are likely to be developed as investment proposals for the city;
- (b) note the four-phase approach that is employed to develop and bring investor ready propositions to market; and

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- (c) instruct the Chief Officer - City Growth to work with the Director of Resources to develop propositions for promotion by the Council and, Invest Aberdeen, to the Department for International Trade (DIT), Scottish Development International (SDI) and private sector investor events.

**The Committee resolved:-**

to approve the recommendations.

**FEASIBILITY OF A FOOD & CRAFTS MARKET - RUBISLAW TERRACE GARDENS - COM/21/159**

**10.** With reference to article 12(v) of the minute of the previous meeting of 11 May 2021, the Committee had before it a report by the Chief Officer – City Growth which provided details on the feasibility of a local food and crafts market in the vicinity of Rubislaw Terrace Gardens, in Summer 2021.

**The report recommended:-**

that the Committee –

- (a) note the findings of the work to date on the feasibility of a local food and crafts market in the vicinity of Rubislaw Terrace Gardens in Summer 2021;
- (b) agree that a market in Summer 2021 may not be feasible for the reasons noted in Section 4 of this report; and
- (c) instruct the Chief Officer - City Growth to continue to work with local partners to explore the possibility of Rubislaw Terrace Gardens as a potential location for markets in the near future and provide any information, advice or guidance to in response to any confirmed demand from businesses/ producers.

**The Committee resolved:-**

- (i) to approve the recommendations; and
- (ii) to instruct the Chief Officer – City Growth to investigate who would be liable for grass reinstatement works, following the removal of marquee infrastructure (e.g. on Queens Terrace Gardens) and that details be issued to all members of the Committee.

**In accordance with the decision recorded under article 1 of this minute, the following items of business were considered with the press and public excluded.**

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### **DISPOSAL OF FORMER OFFICE AND TRAINING CENTRE, FREDERICK STREET - RES/21/148**

11. The Committee had before it a report by the Director of Resources which provided details on an offer received to purchase the former Council offices/training centre located on Frederick Street.

**The report recommended:-**

that the Committee –

- (a) accept the recommendation as detailed in paragraph 3.5 of this report; and
- (b) instruct the Chief Officer – Governance to conclude missives for the sale of the property incorporating various qualifications as are necessary to protect the Council's interest, together with any other matters as are required to complete the sale.

**The Committee resolved:-**

to approve the recommendations.

### **COUNTESSWELLS DEVELOPMENT - PRIMARY SCHOOL (1) - RES/21/156**

12. With reference to article 14 of the minute of meeting of the Capital Programme Committee of 24 March 2021, the Committee had before it a report by the Director of Resources which provided an update on the current situation regarding the provision of Education within the Countesswells Development, Aberdeen City Council's legal obligations as set out in the Countesswells section 75 Agreement and the options for this in the future.

**The report recommended:-**

that the Committee –

- (a) note the position in relation to the payment of Developer contributions across the Countesswells Development;
- (b) instruct the Chief Officer - Capital to progress with the construction of the new primary school in accordance with previous council instructions; and
- (c) instruct the Chief Officer - Finance to amend the Capital Plan to reflect the risk around developer contributions at this development.

The Convener, seconded by the Vice Convener, moved:-

that the Committee:-

- (1) note the position in relation to the payment of Developer contributions across the Countesswells Development;
- (2) instruct the Chief Officer - Capital to progress with the construction of the new primary school in accordance with previous council instructions;
- (3) instruct the Chief Officer - Finance to amend the Capital Plan to reflect the risk around developer contributions at this development;



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- (4) note that Countesswells Development Limited (CDL) are £3,276,609 behind in Developers obligations whilst all other developers that are liable for making Developer Obligation payments are either up to date with their obligation or have made advanced payments;
- (5) note that payments of s75 obligations are monitored by the Development Obligations Team Leader and that high-level meetings have taken place with CDL and officers for payments to be brought up to date however as at today's date CDL are the only developer at Countesswells who remain behind on their Developers Obligation payments;
- (6) agree that CDL are in breach of their Developer Obligations as set out in their agreement with the Council and instruct Chief Officer – Strategic Place Planning to give CDL 30 days notice to bring their Developer Obligations up to date;
- (7) agree to instruct the Chief Officer - Governance to consider the legal remedies open to the Council, to ensure CDL bring their developer obligations up to date including whether there are any remedies to stop development on site until payments are brought up to date; and
- (8) agree that the Chief Officer - Governance following consultation with group leaders, will take necessary action to best protect the Councils' interest to ensure CDL bring their payments up to date in order to safeguard the Council.

Councillor Nicoll seconded by Councillor Yuill, moved as an amendment:-  
that the Committee:-

- (1) agree (1) to (7) of the motion referred to above; and
- (2) agree that the Chief Officer – Governance will take necessary action to best protect the Councils' interest to ensure CDL bring their payments up to date in order to safeguard the Council, following the decision of an Urgent Business Committee.

On a division, there voted:- for the motion (5) – the Convener, the Vice Convener and Councillors Bell, Boulton and Grant; for the amendment (4) – Councillors Cameron, Cooke, Nicoll and Yuill.

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

### **CONTRACTS, TERMS AND CONDITIONS - ABERDEEN PERFORMING ARTS - RES/21/153**

**13.** The Committee had before it a report by the Director of Resources which provided details of the opportunity to consider a proposal presented by Aberdeen Performing Arts (APA) in relation to the Admission and Transfer Agreements.

**The report recommended:-**

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that the Committee confirm that the Council would not agree to the changes to the Admission and Transfer Agreements that had been proposed by APA.

**The Committee resolved:-**

to approve the recommendation contained within the exempt report.

- **COUNCILLOR RYAN HOUGHTON, Convener**