

Councillor Brooks moved, seconded by Councillor Nicoll:-

That Council

1. Agree the Urgent Business Committee on 18th December 2024 was not the SNP/Lib Dem coalition's finest moment since taking over the Administration in May 2022.
2. Agree the decision to deny a written copy of the legal advice to elected members is believed to be likely to be in breach of elected members' common law rights and rights given to Councillors under the Standing Orders of the Council.
3. Agree the report to the Net Zero, Environment and Transport Committee on 11th June 2024 stated, "The Order is experimental to allow the Council to modify or vary the scheme at short notice once in force, should circumstances require" which caused confusion for councillors over the statutory regime applicable to ETROs.
4. Agree the Council has tried to deny elected members the legal advice which some members believe they are entitled to on this matter at every stage of this process.
5. Agree the Council, as seen in the FOI emails reported publicly on 10 December 2024, indicated a perception of bias in making the ETRO (experimental bus gates) permanent, before consultation or considerations of objections; Believes there is a high risk that any Judicial Review on this would find that the Aberdeen City Council (City Centre, Aberdeen) (Traffic Management) (Experimental) Order 2023 was flawed in its implementation and that the Council potentially acted unlawfully in its decision-making on 11th June, 16<sup>th</sup> July, 11th October, and 18th December 2024.
6. Notes that one administration councillor said she abstained [at the October 2024 full council on ETRO] because, [quote] "I had a lot of discussions with my constituents. They told me they were getting confused coming into the city centre."
7. Notes, The Aberdeen City Council (City Centre, Aberdeen) (Traffic Management) (Experimental) Order 2023 must meet the requirements of The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 and instructs the Chief Executive to write to the Cabinet Secretary for Transport and the Cabinet Secretary for Economy and Gaelic asking them to consider the implications and impact of the scheme and how it has disenfranchised business and citizens of Aberdeen offering very little, if any, benefit to them.

Councillor Allard moved as an amendment:-

That Council welcomes this Council's continued commitment to City Centre regeneration and:

1. Welcomes the latest independent data from HUU Signals showing that footfall in Aberdeen City Centre grew by 3.6% in 2024, in comparison to 2023, and Aberdeen continues to outperform the Scottish and UK national averages.
2. Notes the ongoing city centre regeneration projects underway at Union Street Central and the Aberdeen Market site funded by Aberdeen City Council and the UK Government.
3. Welcomes that more than 6,000 people enjoyed the Council's commissioned festive night buses which provided free travel across 10

routes, every Friday and Saturday night between 16<sup>th</sup> November 2024 and 5th January 2025, as well as the 2024 Hogmanay service that carried the most people on any single day of operation with 841 passengers, all funded through Bus Lane Enforcement surplus monies to help people to get home safely for free over the festive period.

4. Welcomes the continuing success of the Union Street Empty Shops Action Plan which has helped lower the number of vacant ground floor properties on Union Street and, bolstered by the additional capital funding approved at the March 2024 Council Budget meeting, encouraged additional economic benefit for the city centre.
5. Welcomes the work of the Council's cleansing team in keeping our city centre tidy, and welcomes the recent grant received from Keep Britain Tidy's Chewing Gum Task force which contributed towards additional cleaning and signage.
6. Welcomes the Union Street Conservation Area Regeneration Scheme (CARS) which has seen investment in the improvement and maintenance of historic buildings on Union Street; the Council's successful application to the first phase of the Heritage and Place Programme being run by Historic Environment Scotland and the Heritage Lottery Fund; and the Council's additional capital investment through the Aberdeen City Heritage Trust for Building Repair Grants around Union Street West.
7. Recognises the excellent partnership working between the Council and Aberdeen Inspired, Our Union Street, Port of Aberdeen, and others, in bringing to the city Spectra, Festival of the Sea, Nuart, Iconic Bricks Dinosaur Trail, International Exhibitions at the Art Gallery (such as Wildlife Photographer of the Year and currently Artist Textiles: Picasso to Warhol), and Christmas in the City, including Christmas Parade, Aberdeen Christmas Village, Curated in the Quad Christmas Market, and festive lighting in Union Terrace Gardens.
8. Welcomes the excellent events coming in 2025 - Spectra, Highland Games, the Festival of the Sea and The Tall Ships Races, as well as on-going support to Aberdeen Performing Arts, P&J Live and Visit Aberdeenshire in attracting international events, conferences and visitors to the City.

Prior to Councillor Allard's amendment being seconded, Councillor Malik moved as a procedural motion, seconded by Councillor Tissera:-

That Standing Order 36.9 be suspended in order that Councillor Allard's amendment be ruled incompetent as it was not relevant.

On a division, there voted:-

For the procedural motion (17) - Councillors Ali, Blake, Bonsell, Boulton, Brooks, Farquhar, Graham, Lawrence, Macdonald, McLeod, Malik, Massey, Nicoll, Mrs Stewart, 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 (3) - Councillors Crockett, Grant and Kuszniir.

**The Council resolved:-**

to reject the procedural motion.

The Depute Provost then seconded Councillor Allard's amendment.

Councillor Malik moved as an amendment:-

That Council agrees Councillor Brooks' motion and adds the following:

1. Notes the 1 hour long "external legal advice" viewing given by officers on 15<sup>th</sup> January offered little time to digest and understand the full implications of the complex matter in front of us today (16<sup>th</sup> January), despite the Council having received this advice on 9<sup>th</sup> January; and
2. Considers that there are obviously differing legal opinions from interested parties and as such it would be no surprise if a Judicial Review is forthcoming.

Prior to Councillor Malik's amendment being seconded, Councillor Brooks advised that he was willing to incorporate it within his motion and this was accepted.

Councillor Malik moved as a procedural motion, seconded by Councillor Watson:-

That the vote on this item be conducted by roll call.

On a division, there voted:-

For the procedural motion (17) - Councillors Ali, Blake, Bonsell, Boulton, Brooks, Farquhar, Graham, Lawrence, Macdonald, McLeod, Malik, Massey, Nicoll, Mrs Stewart, 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 (3) - Councillors Crockett, Grant and Kuszniir.

**The Council resolved:-**

to reject the procedural motion.

The Council then divided on the substantive item.

On a division, there voted:-

For the motion (17) - Councillors Ali, Blake, Bonsell, Boulton, Brooks, Farquhar, Graham, Lawrence, Macdonald, McLeod, Malik, Massey, Nicoll, Mrs Stewart, Thomson, Tissera and Watson.

For the amendment by Councillor Allard (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 (3) - Councillors Crockett, Grant and Kuszniir.

**The Council resolved:-**

to adopt the amendment by Councillor Allard.