

ABERDEEN CITY COUNCIL

Town House,
ABERDEEN, 17 February 2025

MINUTE OF RECONVENED 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
SARAH CROSS
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
M. TAUQEER MALIK
JESSICA MENNIE
ALEX NICOLL
MIRANDA RADLEY
MRS JENNIFER STEWART
KAIRIN VAN SWEEDEN
LYNN THOMSON
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.

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NOTIFICATION OF URGENT BUSINESS

1. The Lord Provost advised that he had accepted the referral from the Guildry and Mortification Funds Committee as a matter of urgency in terms of Section 50B(4)(b) of the Local Government (Scotland) Act 1973, due to funding being required from the 2024/25 budget, and that it would be considered later in the meeting.

Councillor Ali moved as a procedural motion, seconded by Councillor Tissera:-

That item 10.1 (Notice of Motion by Councillor Ali) be taken earlier on the agenda as a result of the number of people in the public gallery who were in attendance for that item.

On a division, there voted:-

For the procedural motion (18) - Councillors Ali, Blake, Bonsell, Boulton, Brooks, Crockett, Cross, Graham, Kuszniir, Lawrence, Macdonald, McLeod, Malik, Nicoll, Mrs Stewart, Thomson, Tissera and Watson.

Against the procedural motion (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, Mennie, Radley, van Sweeden and Yuill.

Absent from the division (1) - Councillor Grant.

The Council resolved:-
to reject the procedural motion.

DECLARATIONS OF INTEREST AND TRANSPARENCY STATEMENTS

2. The Depute Provost and Councillor van Sweeden advised that they had a connection in relation to item 9.3 (Governance Review of Trusts) as Council appointed Trustees to the Proctor's Orphanage Trust, however having applied the objective test they did not consider that they had an interest and would not be withdrawing from the meeting.

Councillor Kuszniir advised that he had connections in relation to item 9.3 as a result of the law firm he worked for acting as legal agent for a Trust referred to in the report; and as a Council appointed Trustee to the Marguerite McBey Trust, however having applied the objective test he did not consider that he had an interest and would not be withdrawing from the meeting.

The Lord Provost and Councillor Alphonse advised that they had a connection in relation to item 9.3 as Council appointed Directors of Glover House Trustees Ltd, however having applied the objective test they did not consider that they had an interest and would not be withdrawing from the meeting.

Councillors Crockett, Brooks, Malik, Yuill, McLeod, Hazel Cameron, Clark, Cormie, Greig, Mrs Stewart, the Lord Provost and the Depute Provost advised that they had a

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connection in relation to item 7.2 (Guildry and Mortification Funds Committee - Requests for Funding) as Burgesses of Guild, however having applied the objective test they did not consider that they had an interest and would not be withdrawing from the meeting.

Councillor Watson advised that he had a connection in relation to item 10.1 (Notice of Motion by Councillor Ali) as a member of Aberdeen TUC, however having applied the objective test he did not consider that he had an interest and would not be withdrawing from the meeting.

Councillor Brooks declared an interest in relation to item 10.1 and advised that he would leave the meeting prior to consideration of the item.

Councillor MacGregor advised that he had a connection in relation to item 9.3 as a Council appointed Trustee to the Aberdeen Endowments Trust, however having applied the objective test he did not consider that he had an interest and would not be withdrawing from the meeting.

Councillor Clark advised that she had a connection in relation to item 10.1 as a member of Unite the Union, however having applied the objective test she did not consider that she had an interest and would not be withdrawing from the meeting.

The Lord Provost advised that he was bringing forward agenda items 9.5 and 9.6 for consideration as the next two items.

FEBRUARY 2025 RAAC UPDATE - F&C/25/030

3. The Council had before it a report by the Chief Officer - Corporate Landlord which provided a formal update on the progress being made implementing Council instructions relating to RAAC in Balnagask, including the options available to the Council to compulsorily acquire properties, and provided an indicative timeline for the completion and reporting of outstanding instructions.

The report recommended:-

that the Council -

- (a) note the list of instructions from the meeting of Council in August 2024 and agree the proposed reporting method for each of these as noted in the report;
- (b) note that the Health and Safety of residents remains a priority and that inspections continue to be carried out as part of our mitigation strategy;
- (c) note the progress with the voluntary acquisition process of privately owned accommodation, the next steps in the process;
- (d) note the options available for CPO and agree that the measures were not in place at this time to support a CPO and that the voluntary acquisition process remained the preferred option;
- (e) note the alternative options proposed by the Torry RAAC Campaign Group Management Committee and instruct officers to explore the feasibility, benefits and risks associated with each option, alongside any other identified

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- opportunities to support owners, and report the findings to a future meeting of the Communities, Housing and Public Protection Committee; and
- (f) note that further reports on the subject would be brought to the budget meeting and the next meeting of the Communities, Housing and Public Protection Committee as outlined from paragraph 3.2 of the report.

Councillor Radley moved, seconded by Councillor Henrickson:-

That the Council approve the recommendations contained within the report.

Councillor Malik moved as an amendment, seconded by Councillor Watson:-

That the Council -

- (1) note the list of instructions from the meeting of Council in August 2024 and agree the proposed reporting method for each of these as noted in the report;
- (2) note that the Health and Safety of residents remains a priority and that inspections continue to be carried out as part of our mitigation strategy;
- (3) agree Aberdeen Labour set out the position of Compulsory Purchase Order on 29 February 2024 at the Urgent Business Committee and 21 August 2024 at Council; and that whilst voluntary acquisition of properties is the preferred option at this time, instruct Chief Officer - Corporate Landlord to take forward the necessary steps for the Council to make a decision on a Compulsory Purchase Order. To also note that the Council has powers under the Building (Scotland) Act 2003 which they have not used despite claiming this matter is urgent;
- (4) note the alternative options proposed by the Torry RAAC Campaign Group Management Committee and instruct officers to explore the feasibility, benefits and risks associated with each option, alongside any other identified opportunities to support owners, and report the findings to a meeting of Council within 2 cycles;
- (5) note that further reports on the subject will be brought to the budget meeting and the next meeting of the Communities, Housing and Public Protection Committee as outlined in paragraph 3.2 of the report;
- (6) agree the SNP have made a complete "dog's dinner" of their handling of RAAC and rather than helping those affected by RAAC they have hindered the process by their cavalier attitude towards owner occupiers of RAAC affected properties; and
- (7) agree to instruct the Chief Executive to write to the First Minister of Scotland asking for funding to help the Council meet the range of costs associated with RAAC, including a support fund for homeowners along with other costs incurred by the Council's General Fund and Housing Revenue Account.

Councillor Kuszniir moved as a further amendment, seconded by Councillor Brooks:-

That the Council -

- (1) agrees the recommendations contained within the report;
- (2) recognises that on 21 August 2024, when the decision on the future of RAAC affected properties was made in Council, the only Group to propose an offer to homeowners at a historic market valuation (1 April 2023), pre public knowledge of RAAC, was the Scottish Conservative and Unionist Party Group;

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- (3) welcomes the belated political support of others to the plight of homeowners;
- (4) further notes the self-evident lack of influence that the Administration has on the Scottish Government who continue to decline requests for funding to assist either homeowners or Aberdeen City Council; and
- (5) instructs the Chief Executive to write to (a) the First Minister for Scotland; and (b) the Minister for Housing, outlining the steps Aberdeen City Council has undertaken in handling RAAC, requesting financial support to meet the Council's costs, financial support for homeowners and inviting both ministers to visit RAAC hit Balnagask and its community.

There being a motion and two amendments, the Council first divided between the two amendments.

On a division, there voted:-

For the amendment by Councillor Malik (13) - Councillors Ali, Blake, Bonsell, Crockett, Graham, Grant, Lawrence, Macdonald, Malik, Nicoll, Thomson, Tissera and Watson.

For the amendment by Councillor Kuszniir (6) - Councillors Boulton, Brooks, Cross, Kuszniir, McLeod and Mrs Stewart.

Declined to vote (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, Mennie, Radley, van Sweeden and Yuill.

The Council then divided between the motion and the amendment by Councillor Malik.

On a division, there voted:-

For the motion (27) - Lord Provost; Depute Provost; and Councillors Al-Samarai, Allard, Alphonse, Boulton, Bouse, Brooks, Hazel Cameron, Clark, Cooke, Copland, Cormie, Cross, Davidson, Fairfull, Greig, Henrickson, Hutchison, Kuszniir, MacGregor, McLellan, McLeod, Mennie, Radley, van Sweeden and Yuill.

For the amendment by Councillor Malik (14) - Councillors Ali, Blake, Bonsell, Crockett, Graham, Grant, Lawrence, Macdonald, Malik, Nicoll, Mrs Stewart, Thomson, Tissera and Watson.

The Council resolved:-

- (i) to adopt the motion; and
- (ii) to note that officers would liaise with their counterparts at Dundee City Council with regard to RAAC and provide any updates as appropriate.

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ACCOUNTS COMMISSION FINDINGS - S102 REPORT COUNCIL TAX REFUNDS - A SIGNIFICANT FRAUD - CORS/25/031

4. With reference to Article 16 of the minute of its meeting of 17 April 2024, the Council had before it a report by the Chief Officer - Finance which sought approval to accept the Accounts Commission findings relating to the significant fraud perpetrated against the Council.

The report recommended:-

that the Council -

- (a) note the content of the Accounts Commission report and accept the Commission findings contained therein;
- (b) commend the individual who identified the fraud, with the Chief Executive writing to them to express the Council's gratitude;
- (c) note the Commission finding (4) in respect of the Internal Audit function regularly considering areas that might be perceived as low risk when developing audit plans and instruct the Chief Internal Auditor to consider this finding within the proposed Internal Audit Plan for 2025/26-2027/28, which was due to be presented to the Audit, Risk and Scrutiny Committee in February 2025;
- (d) ask the External Auditor to set out in their Annual Audit Plan for 2024/25 and future years how, in light of the Commission's findings, the tests of assurance they undertake may be revised in respect of the significant risks of material misstatement due to control weaknesses and fraud caused by management override of controls; and
- (e) refer the matter to the Audit, Risk and Scrutiny Committee, with the Chief Officer - Finance and Chief Internal Auditor providing a joint report on the implementation of the Commission findings and action plan no later than September 2025.

Councillor Greig moved, seconded by Councillor Al-Samarai:-

That the Council approve the recommendations contained within the report.

Councillor Malik moved as an amendment, seconded by Councillor Blake:-

That the Council -

- (1) agree recommendations (a) - (d) of the report;
- (2) agree recommendation (e) as follows:- Refer the matter to the Audit, Risk and Scrutiny Committee, with the Chief Internal Auditor providing a report on the implementation of the Commission findings and action plan no later than September 2025;
- (3) agree that no control system is fool proof and as section 3.15 of the report to Council in April 2024 highlighted, controls are designed on the basis that most people are honest and trusted, nevertheless this alleged embezzlement highlights failures on the Council's part over a 17-year period;
- (4) instruct the Chief Officer - Finance to continue to seek to use any relevant remedy available to recover as much money as it can from the individual concerned; and
- (5) instruct officers to identify proactive methods for expediting the return of money to the people affected and report the implications to the next meeting of the Finance and Resources Committee.

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On a division, there voted:-

For the motion (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, Mennie, Radley, van Sweeden and Yuill.

For the amendment (19) - Councillors Ali, Blake, Bonsell, Boulton, Brooks, Crockett, Cross, Graham, Grant, Kuszniir, Lawrence, Macdonald, McLeod, Malik, Nicoll, Mrs Stewart, Thomson, Tissera and Watson.

The Council resolved:-
to adopt the motion.

The Lord Provost advised that he was adjusting the order of the agenda to consider the remaining business in the following order.

GOVERNANCE REVIEW OF TRUSTS - 2024 UPDATE - CORS/24/350

5. With reference to Article 11 of the minute of its meeting of 11 December 2024, the Council had before it a report by the Chief Officer - Governance which sought approval to establish a new charitable trust ("Aberdeen Archives, Gallery & Museums Trust") and take specified actions in relation to the Alexander MacDonald Bequest, and provided an update on other activity in relation to trusts to which the Council is connected.

The report recommended:-
that the Council:-

- (a) agree the establishment of a new charitable trust (to be known as "Aberdeen Archives, Gallery & Museums Trust") and approve the proposed constitution thereof in Appendix F;
- (b) instruct the Chief Officer - Governance to submit the necessary application (including signed trustee declaration form and the constitution) to the Office of the Scottish Charity Regulator (OSCR) for its approval; authorise that Chief Officer, prior to such OSCR approval being obtained but following consultation with the Co-Leaders, to make any amendments to the constitution which that Chief Officer considers to be appropriate; and authorise that Chief Officer to take any other appropriate action in relation to the application and any action necessary to bring the constitution into effect;
- (c) instruct the Chief Officer - Finance to arrange for registration of the new charitable trust with HM Revenue & Customs (HMRC), and to take any other appropriate action, in order to allow for gift aid to be claimed on monetary donations to the trust;
- (d) appoint the Chief Officer - City Development & Regeneration to be lead Council officer (in terms of the Council's Powers Delegated to Officers) in respect of the new charitable trust; authorise that Chief Officer to approve the making of payments from the funds of the trust (in terms of the Council's Powers Delegated

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- to Officers) and to take any appropriate action in relation to the operation and management of the trust; instruct the Chief Officer - Governance to add the trust to the Council's list of Arts & Culture Trusts (the current version of which list is in Appendix D); and appoint the Chief Officer - Governance to be secretary to, and the Chief Officer - Finance to be treasurer of, the trust;
- (e) instruct the Chief Officer - Governance to submit an application to OSCR in respect of the Alexander MacDonald Bequest (charity number SC018568) in order to permit the expenditure of its total remaining funds (capital and revenue) on artworks in terms of the trust deed's provisions and the winding-up of this charitable trust; and authorise that Chief Officer to take any other appropriate action in order to facilitate such expenditure and winding-up;
 - (f) note the other activity, as detailed in this report, in relation to trusts to which the Council is connected; and
 - (g) instruct the Chief Officer - Governance to, as appropriate, bring a report to Council and/or provide a service update to elected members no later than December 2025 on future activity in relation to trusts to which the Council is connected.

Councillor Greig moved, seconded by Councillor Mennie:-

That the Council approve the recommendations contained within the report.

Councillor Malik moved as an amendment, seconded by Councillor Tissera:-

That the Council agree to take no action.

On a division, there voted:-

For the motion (26) - Lord Provost; Depute Provost; and Councillors Al-Samarai, Allard, Alphonse, Bouse, Brooks, Hazel Cameron, Clark, Cooke, Copland, Cormie, Cross, Davidson, Fairfull, Greig, Henrickson, Hutchison, Kuszniir, MacGregor, McLellan, McLeod, Mennie, Radley, van Sweeden and Yuill.

For the amendment (14) - Councillors Ali, Blake, Bonsell, Crockett, Graham, Grant, Lawrence, Macdonald, Malik, Nicoll, Mrs Stewart, Thomson, Tissera and Watson.

Declined to vote (1) - Councillor Boulton.

The Council resolved:-

to adopt the motion.

GUILDRY AND MORTIFICATION FUNDS COMMITTEE - 13 FEBRUARY 2025 - REQUESTS FOR FUNDING

6. With reference to the minute of meeting of the Guildry and Mortification Funds Committee of 13 February 2025, the Council had before it, by way of remit, a report by the Lord Dean which appended various proposals for funding from the Guildry and Mortifications Fund, as follows:-

- Flourish - £10,000 for 2 years
- Code the City - £4,000

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- Tall Ships Traineeship - £2,000 plus VAT

At the Guildry and Mortification Funds Committee, the Lord Dean summarised the proposals, explained the process that had been followed and confirmed that the funding was required from the 2024/25 budget, although the Flourish proposal was for 2 years, i.e. £20,000 in total.

The Guildry and Mortification Funds Committee resolved:-

to support the proposals and refer the matter to Council for approval of the funding.

The Council also had before it a report by the Chief Officer - Capital which sought approval of a recommendation for expenditure to be approved from the Rickart (Richard) Mortification Fund.

The report recommended:-

that the Guildry and Mortification Funds Committee consider the report and recommend that Council -

- approve expenditure of up to £30,000 on repair and renovation works to the Rickart's Tomb from the Rickart (Richard) Mortification Fund; and
- instruct the Chief Officer - Capital to undertake the necessary procurement and to approve the entering into of any contract(s) necessary for the repair and renovation works.

The Guildry and Mortification Funds Committee resolved:-

to approve the recommendations.

The Depute Provost moved, seconded by Councillor Allard:-

That the Council -

- approve the requests for funding from the Guildry and Mortification Fund;
- approve expenditure of up to £30,000 on repair and renovation works to the Rickart's Tomb from the Rickart (Richard) Mortification Fund; and
- instruct the Chief Officer - Capital to undertake the necessary procurement and to approve the entering into of any contract(s) necessary for the repair and renovation works.

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

That the Council -

- approve the requests for funding from the Guildry and Mortification Fund; and
- defer consideration of the request regarding the Rickart (Richard) Mortification Fund and instruct officers to report back to a future Council meeting with further information.

On a division, there voted:-

For the 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, McLeod, Mennie, Radley, van Sweeden and Yuill.

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For the amendment (18) - Councillors Ali, Blake, Boulton, Bonsell, Brooks, Crockett, Cross, Graham, Grant, Kuszniir, Lawrence, Macdonald, Malik, Nicoll, Mrs Stewart, Thomson, Tissera and Watson.

The Council resolved:-

to adopt the motion.

COUNCIL ANNUAL EFFECTIVENESS REPORT - CORS/24/349

7. The Council had before it a report by the Chief Officer - Governance which presented the annual effectiveness report for Council to enable Members to provide comment on the data contained within.

The Council resolved:-

to defer consideration of the report to the Council meeting on 16 April 2025.

TREASURY MANAGEMENT POLICY - CORS/25/013

8. The Council had before it a report by the Chief Officer - Finance which outlined the Council's Treasury Management Policy for 2025/26 to 2027/28 for approval.

The Council resolved:-

to defer consideration of the report to the Council meeting on 16 April 2025.

At this juncture, the Council agreed to suspend Standing Order 40.2 to extend the length of the meeting to consider the following item.

In accordance with Article 2 of the minute, Councillor Brooks left the meeting for the following item having declared an interest.

NOTICE OF MOTION BY COUNCILLOR ALI

9. The Council had before it a notice of motion by Councillor Ali in the following terms:-

"Treating citizens fairly at work is important for the wellbeing of Aberdeen as a community. Aberdeen City Council relies on our own staff to deliver vital services to the public, and our ability to serve the public fundamentally relies on valuing our own staff.

The Scottish Government's policy of "Fair Work First" highlights many important principles, and states that "Fire and re-hire" tactics do not align with the principles and expected practice of Fair Work.

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This approach is taken forward by the UK government's Employment Rights Bill which proposes 28 new individual employment rights, and includes proposals to severely restrict the "Fire and re-hire" of staff by employers.

We support the approach by the UK and Scottish governments and, we believe "Fire and re-hire" is a detriment to staff, and agree that officers must not use "Fire and re-hire" with our own staff. We note that the Council approved in its 2024/25 General Fund budget savings of up to £5m per annum from organisational redesign, and these savings should not be from "Fire and re-hire". To reassess the delivery of previously approved budget savings in future years, this should be referred to the 2025/26 budget meeting on 5 March 2025."

Councillor Ali moved, seconded by Councillor Tissera:-
That the Council approve the notice of motion.

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

- (1) note that Organisational Design savings options were agreed by Council in March 2024 and that the Partnership, Labour, and Conservative proposed budgets all included this option;
- (2) note that dismissal and re-engagement otherwise known as fire and rehire should only be considered as a last resort, in line with statutory guidance; and
- (3) note the Partnership's current commitment to 'no compulsory redundancies'.

On a division, there voted:-

For the motion (14) - Councillors Ali, Blake, Bonsell, Crockett, Graham, Grant, Lawrence, Macdonald, Malik, Nicoll, Mrs Stewart, Thomson, Tissera and Watson.

For the amendment (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, Mennie, Radley, van Sweeden and Yuill.

Declined to vote (4) - Councillors Boulton, Cross, Kuszniir and McLeod.

Absent from the division (1) - Councillor Brooks.

The Council resolved:-

to adopt the amendment.

- DAVID CAMERON, Lord Provost.