

Council Meeting - 19th May 2010

Aberdeen City Centre - Developing a Vision for the Future - Report by Chief Executive and Corporate Management Team

Prior to considering the report a number of Councillors declared interests as follows:-

Councillor Yuill declared interests as a member of the Board of Peacock Printmakers Ltd and due to his external involvement with Aberdeen and Grampian Chamber of Commerce. Councillor Yuill left the meeting due to the first interest.

Councillor Hunter declared interests as a member of the Board of Peacock Printmakers Ltd and as a Council representative on the Peacock Visual Arts Project Board. Councillor Hunter left the meeting due to the first interest.

Councillor Adam declared interests as a member of the Board of Peacock Printmakers Ltd and as a member of the Board of Aberdeen Performing Arts. Councillor Adam left the meeting due to the first interest.

Councillors Jennifer Stewart and Kirsty West declared interests as Council representatives on the Peacock Visual Arts Project Board but did not consider that this required them to leave the meeting.

Councillor John Stewart declared an interest as a Council representative on the Aberdeen City and Shire Economic Forum (ACSEF) but did not consider that this interest required him to leave the meeting.

During the course of the debate, Councillor Kevin Stewart declared an interest as Chairperson of NESTRANS but did not consider that this interest required him to leave the meeting. Councillor Jennifer Stewart declared an interest as being on the Council waiting list for an allotment but did not consider that this interest required her to leave the meeting.

The report recommended:-

that the Council -

4.3

- (a) approve the key planning and design principles contained in section 5.3 of the City Centre Development Framework and highlighted in paragraphs 2.5 and 2.7.10 of the report as the basis for the Framework;
- (b) agree that the final draft City Centre Development Framework be reported to the Enterprise, Planning and Infrastructure Committee for

- approval for public consultation as Supplementary Planning Guidance to the new Local Development Plan;
- (c) approve Sir Ian Wood's offer of £50m based on ACSEF proposals, and go to the next steps in the process, subject to the following conditions being met:
- (i) that the costs of an international design competition be met up to 50% by Sir Ian Wood up to a maximum of £400,000, with the balance of the resource to be met by the private sector through ACSEF;
 - (ii) that the design brief for the competition take account of the following:
 - feedback from the consultation process
 - the engineering feasibility study
 - be able to deliver a project between £120-140m
 - that the design brief take account of, but not be constrained by, the existing planning permission
 - include walk on/walk off access from all sides
 - demonstrate how the project complies with the principles of the City Centre Framework
 - (iii) that the project provides at least £15m for a new cultural arts centre for Peacock Visual Arts (including £8.2m from the Project Funding, £4.3m from the Scottish Arts Council and £3m from Aberdeen City Council), to be incorporated as part of the overall development in an iconic building.

4.4 Should members vote against ACSEF's proposals and Sir Ian Wood's offer of £50m then to instruct officers to do the following:-

To enter into discussions with Peacock Visual Arts to:-

- (a) negotiate a lease for a site for their proposed development; and
- (b) seek the development and presentation of a business plan and a project plan by Peacock Visual Arts including
 - (i) sources of the funding required to deliver their proposals and that these are in place
 - (ii) cash flow forecasts and profit and loss forecasts proving that a viable business can be established on an ongoing basis
 - (iii) professional delivery of their new build project.

4.5 In either case a further report should be brought back to the next Council meeting, clearly setting out the detailed next steps as soon as possible.

The Council resolved:-

to approve recommendations 4.3(a) and (b).

Councillor John Stewart moved, seconded by Councillor Cormie:-

That the Council approve recommendations 4.3(c), in principle, and 4.5 as contained within the report.

Councillor Farquharson moved as an amendment, seconded by Councillor Milne:-

That the Council approve recommendations 4.3(c) and 4.5 subject to adding at (iv) within 4.3(c):

That Aberdeen City Council is not liable for any Capital expenditure in respect of the project, or for any consequential revenue spending in respect of payment of loan interest incurred by other public or private funders of the project. This condition specifically includes any subsequent failure by Aberdeen City Council to meet any funding conditions set by the Scottish Government in respect of any TIF funding agreement which may be entered into. Any such deficit should be underwritten by non-Council means.

Councillor Crockett moved as a second amendment, seconded by Councillor Ironside:-

That Council underlines its support for the Peacock Visual Arts Project and resolves, as previously agreed, to enter into early discussions with Peacock Visual Arts to:

- (a) negotiate Heads of Terms of Agreement with Peacock Visual Arts for the lease of the project site in Union Terrace Gardens in order to secure the continued offer of funding from the Scottish Arts Council;
- (b) enter into the appropriate documentation to enable the use of the Union Terrace Gardens site as a new cultural arts centre;
- (c) make available the funding of £3m agreed at the Finance and Resources Committee in 2008; and
- (d) all subject to Peacock Visual Arts presenting a viable business and project plan.

Councillor Cassie moved as a third amendment, seconded by Councillor Young:-

That the Council -

- (a) thank Sir Ian Wood for his extremely generous financial offer to help raise Union Terrace Gardens BUT on this occasion regrettably decline said offer on the basis that:-
 - (i) the proposal would seriously damage the city's heritage by way of removing the green lung from the city centre;
 - (ii) it would undermine the result of the public consultation exercise, carried out by ACSEF for Sir Ian Wood and which produced a public majority against the proposal for raising the gardens;
 - (iii) progressing the proposal could have serious financial implications and considerable risk for Aberdeen City Council in the years to come;
 - (iv) the proposal in its current form would effectively kill off the Peacock development and if progressed may have a serious effect on the Peacock enterprise as a whole;
 - (v) there has been no demonstration by ACSEF or others of any economic benefit to Aberdeen of a city square; and

- (b) instruct officers to enter into immediate discussions with Peacock Visual Arts to:
 - (i) negotiate a lease for a site for their proposed development; and
 - (ii) seek the development and presentation of a business plan and project plan acceptable to the Council.

Councillor Kirsty West moved as a fourth amendment, seconded by Councillor Jaffrey:-

That the Council -

- (a) does not approve Sir Ian Wood's offer of £50m based on ACSEF proposals;
- (b) does not enter into discussions with Peacock Visual Arts;
- (c) immediately begins work on a design approach to strengthen the entire balustrade (from Union Bridge round to Denburn Viaduct) at an estimated cost of £1.5m;
- (d) looks into the possibility of building a wheelchair accessible ramp from street level into the base of the gardens; and
- (e) instruct that a further report should be brought back to the Council as soon as possible, clearly setting out the detailed next steps and providing costings for a wheelchair accessible ramp.

Councillor Boulton moved as a fifth amendment, seconded by Councillor Donnelly:-

That recommendation (c) within the report be replaced with "to instruct that officers proceed to the next stage with both projects, which will allow for and encourage further discussions to maximise the opportunities to improve and develop in a sympathetic manner, the gardens and the surrounding area."

That the original recommendation (c) within the report become (d) and be amended by inserting "in principle" between "approve" and "Sir".

That the following be added as (e):

- (e) seek the development and presentation of a business plan and a project plan by Peacock Visual Arts indicating:-
 - (i) sources of the funding required to deliver their proposals and that these are in place;
 - (ii) cash flow forecasts and profit and loss forecasts proving that a viable business can be established on an ongoing basis; and
 - (iii) professional delivery of their new build project.

That recommendation 4.4 be deleted and recommendation 4.5 be amended by deletion of the words "in either case".

There being a motion and five amendments, in accordance with Standing Order 12(9), the last amendment was put against that immediately preceding

and then the amendment which carried was put against the next preceding, and so on until only one amendment remained. A vote was then taken between it and the motion and whichever carried became the resolution of the Council.

On a division between the amendment by Councillor Kirsty West and the amendment by Councillor Boulton, there voted:-

9 votes for Cllr Kirsty West's amendment

Depute Provost Dunbar
Cllr Clark
Cllr Greig
Cllr Jaffrey
Cllr Leslie
Cllr Reynolds
Cllr Jennifer Stewart
Cllr John Stewart
Cllr Kirsty West

13 votes for Cllr Boulton's amendment

Cllr Boulton
Cllr Corall
Cllr Cormie
Cllr Donnelly
Cllr Farquharson
Cllr Kiddie
Cllr McCaig
Cllr McDonald
Cllr Milne
Cllr Robertson
Cllr Kevin Stewart
Cllr Wendy Stuart
Cllr John West

16 abstentions

Lord Provost Peter Stephen
Cllr Allan
Cllr Cassie
Cllr Collie
Cllr Cooney
Cllr Cormack
Cllr Crockett
Cllr Dean
Cllr Graham
Cllr Ironside
Cllr Laing
Cllr Malone

Cllr May
Cllr Penny
Cllr Wisely
Cllr Young

4 absent from the vote

Cllr Adam
Cllr Hunter
Cllr Noble
Cllr Yuill

On a division between Councillor Cassie's amendment and Councillor Boulton's amendment, there voted:-

15 votes for Cllr Cassie's amendment

Cllr Allan
Cllr Cassie
Cllr Clark
Cllr Collie
Cllr Cooney
Cllr Crockett
Cllr Graham
Cllr Greig
Cllr Ironside
Cllr Jaffrey
Cllr Laing
Cllr Leslie
Cllr Reynolds
Cllr Jennifer Stewart
Cllr Young

13 votes for Cllr Boulton's amendment

Cllr Boulton
Cllr Corall
Cllr Cormie
Cllr Donnelly
Cllr Farquharson
Cllr Kiddie
Cllr McCaig
Cllr Milne
Cllr McDonald
Cllr Robertson
Cllr Kevin Stewart
Cllr Wendy Stuart
Cllr John West

11 abstentions

Lord Provost Peter Stephen
Depute Provost Dunbar
Cllr Cormack
Cllr Dean
Cllr Malone
Cllr May
Cllr Noble
Cllr Penny
Cllr John Stewart
Cllr Kirsty West
Cllr Wisely

3 absent from the vote

Cllr Adam
Cllr Hunter
Cllr Yuill

On a division between Councillor Crockett's amendment and Councillor Cassie's amendment, there voted:-

12 votes for Cllr Crockett's amendment

Cllr Allan
Cllr Collie
Cllr Cooney
Cllr Crockett
Cllr Donnelly
Cllr Graham
Cllr Ironside
Cllr Jaffrey
Cllr Laing
Cllr Leslie
Cllr Jennifer Stewart
Cllr Young

6 votes for Cllr Cassie's amendment

Cllr Cassie
Cllr Clark
Cllr Corall
Cllr Greig
Cllr Reynolds
Cllr John West

21 abstentions

Lord Provost Peter Stephen
Depute Provost Dunbar
Cllr Boulton
Cllr Cormack
Cllr Cormie
Cllr Dean
Cllr Farquharson
Cllr Kiddie
Cllr McCaig
Cllr McDonald
Cllr Malone
Cllr May
Cllr Milne
Cllr Noble
Cllr Penny
Cllr Robertson
Cllr John Stewart
Cllr Kevin Stewart
Cllr Wendy Stuart
Cllr Kirsty West
Cllr Wisely

3 absent from the vote

Cllr Adam
Cllr Hunter
Cllr Yuill

On a division between Councillor Farquharson's amendment and Councillor Crockett's amendment, there voted:-

14 votes for Cllr Farquharson's amendment

Lord Provost Peter Stephen
Depute Provost Dunbar
Cllr Boulton
Cllr Clark
Cllr Donnelly
Cllr Farquharson
Cllr Kiddie
Cllr McCaig
Cllr Milne
Cllr Reynolds
Cllr Kevin Stewart
Cllr Wendy Stuart
Cllr John West
Cllr Wisely

14 votes for Cllr Crockett's amendment

Cllr Allan
Cllr Cassie
Cllr Collie
Cllr Cooney
Cllr Crockett
Cllr Graham
Cllr Greig
Cllr Ironside
Cllr Jaffrey
Cllr Laing
Cllr Leslie
Cllr Robertson
Cllr Jennifer Stewart
Cllr Young

11 abstentions

Cllr Corall
Cllr Cormack
Cllr Cormie
Cllr Dean
Cllr McDonald
Cllr Malone
Cllr May
Cllr Noble
Cllr Penny
Cllr John Stewart
Cllr Kirsty West

3 absent from the vote

Cllr Adam
Cllr Hunter
Cllr Yuill

There being an equality of votes, in terms of Standing Order 15(5) the Lord Provost exercised his casting vote in favour of Councillor Farquharson's amendment.

On a division between Councillor John Stewart's motion and Councillor Farquharson's amendment, there voted:-

20 votes for Cllr John Stewart's motion

Lord Provost Peter Stephen
Cllr Clark
Cllr Corall
Cllr Cormack
Cllr Cormie

Cllr Dean
Cllr Donnelly
Cllr McCaig
Cllr McDonald
Cllr Malone
Cllr May
Cllr Milne
Cllr Penny
Cllr Reynolds
Cllr Robertson
Cllr John Stewart
Cllr Kevin Stewart
Cllr Wendy Stuart
Cllr John West
Cllr Wisely

7 votes for Cllr Farquharson's amendment

Depute Provost Dunbar
Cllr Boulton
Cllr Farquharson
Cllr Greig
Cllr Jaffrey
Cllr Kiddie
Cllr Noble

12 abstentions

Cllr Allan
Cllr Cassie
Cllr Collie
Cllr Cooney
Cllr Crockett
Cllr Graham
Cllr Ironside
Cllr Laing
Cllr Leslie
Cllr Jennifer Stewart
Cllr Kirsty West
Cllr Young

3 absent from the vote

Cllr Adam
Cllr Hunter
Cllr Yuill

The Council resolved:-
to adopt Councillor John Stewart's motion.

In terms of Standing Order 15(6), Councillors Allan, Cassie, Collie, Cooney, Crockett, Graham, Ironside, Laing and Young expressed their dissent at the above decision.