

ABERDEEN CITY COUNCIL

Town House,
ABERDEEN, 18 September
2023

MINUTE OF SPECIAL MEETING OF ABERDEEN CITY COUNCIL

Sederunt:

Lord Provost David Cameron, Chairperson;
Depute Provost Steve Delaney; and

COUNCILLORS

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
EMMA FARQUHAR
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
DUNCAN MASSEY
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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DETERMINATION OF EXEMPT BUSINESS

1. The Lord Provost advised that although the written request for the special meeting was a public document, the advice from officers was that the meeting should be held in private as it related to an ongoing legal case.

Councillor Malik moved as a procedural motion, seconded by Councillor Brooks:-
That the Council hold the whole meeting in public.

On a division, there voted:-

For the procedural motion (18) - Councillors Ali, Blake, Bonsell, Brooks, Crockett, Farquhar, Graham, Grant, Kuznir, Lawrence, Macdonald, McLeod, Malik, Massey, Mrs Stewart, Thomson, Tissera and Watson.

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

Declined to vote (1) - Councillor Boulton.

The Council resolved:-
to reject the procedural motion.

Councillor Boulton moved as a further procedural motion, seconded by Councillor Mrs Stewart:-

That the Council hold the meeting in public but consider certain parts in private subject to legal advice.

On a division, there voted:-

For the procedural motion (19) - Councillors Ali, Blake, Bonsell, Boulton, Brooks, Crockett, Farquhar, Graham, Grant, Kuznir, Lawrence, Macdonald, McLeod, Malik, Massey, Mrs Stewart, Thomson, Tissera and Watson.

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

The Council resolved:-

- (i) to reject the procedural motion; and
- (ii) to note that although the written request for the special meeting was a public document, to agree in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude the press and public from the meeting 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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DECLARATIONS OF INTEREST AND TRANSPARENCY STATEMENTS

2. Councillor Cooke advised that he had a connection in relation to the matter as an observer to the Board of Sport Aberdeen, 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

3. (A) The Council had before it the wording of the written request for this special Council meeting which had been signed by 17 members in accordance with Standing Order 8.2.2:-

“The business to be transacted relates to the case against the Council in relation to libraries closures and the Bucksburn Pool closure given Aberdeen Labour and others warned against these closures at the Budget in March 2023.”

(B) The Lord Provost advised that a request for a deputation had been received from Ms Laura Anne MacKay, however Standing Orders would require to be suspended in order to hear Ms MacKay as there was no report on the agenda.

The Council resolved:-

to suspend Standing Order 14.3 to hear the deputation.

(C) The Council received a deputation from Ms MacKay who spoke in furtherance of previous correspondence in connection with the matter.

Ms MacKay advised that she was a library user who had been impacted by the closures and as someone with a disability, she also knew how important an accessible swimming pool was. She emphasised that she was extremely angry by the decisions that had been taken and the advice that had been given by Council officers which led to those decisions.

Ms MacKay stated that she had been appalled by a lot of the rhetoric in the Chamber on all sides and she had grave concerns that today's meeting would turn into another slanging match. She implored Councillors to act as individuals and not as members of a political party, or with any other agenda. She stressed that the Council needed to act legally and make the best use of public funds to provide essential services to citizens, such as libraries and swimming pools.

Ms MacKay advised that the Council could not simply turn the clock back and re-open libraries immediately, but it could prepare solutions and a budget for a planned re-opening in 2024. She emphasised that the Council needed to learn from its mistakes, and noted that there had been previous attempts to close libraries as part of budget cuts, however these had not been taken in the end, albeit services and opening hours were greatly reduced. She stressed that all political parties had made mistakes when it came to libraries.

Ms MacKay added that she wanted to know if officers were giving Councillors all of the facts and information to help enable them to make informed decisions. She advised that

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the Save Aberdeen Libraries campaign group had presented Councillors with thousands of signatures and hundreds of letters from the public earlier in the year and questioned whether these had even been read.

Ms MacKay felt it was sad that the public felt they had no other option than to petition in the court of session before the Council would listen to them.

Ms MacKay highlighted problems with the ongoing library consultations which were confusing for the public in terms of there being multiple consultations ongoing at the same time, as well as the requirement for citizens to provide their name to take part and in terms of when details of the surveys and consultations were being publicised on social media. She also highlighted that a QR code and URL had just been published, however they were not working.

Ms MacKay reiterated that the public deserved to know how the Council came to its decisions and why solicitors had advised the Council to settle rather than proceeding to a costly court case. She questioned how much this legal advice had cost the Council.

Ms MacKay underlined that the public deserved to know the details of the settlement agreement and Councillors should too as they were ultimately answerable to the public and their constituents.

Members asked questions of Ms MacKay and thanked her for her deputation.

At this juncture, the Council moved into private session in accordance with Article 1 of the minute.

Councillor Malik moved, seconded by Councillor Brooks:-

That the Council -

1. Note with disappointment, due to the SNP's first budget since 2012, in March 2023, 6 Libraries - Cornhill, Cults, Ferryhill, Kaimhill, Northfield and Woodside - were closed as was Bucksburn Pool, Aberdeen City Council has had legal proceeding taken against them which resulted in court action for an alleged breach of the Equalities Act.
2. Note despite the "Best Value" Audit public hearing of 2008 and Aberdeen City Council's accounts being qualified by external auditors in 2007/08 due to uncertainty regarding Bank transactions, Court action by its own citizens is a new low for Aberdeen City Council and this city, noting the common denominator in all of these events is, the SNP are in administration.
3. In contrast to 2 above note under the previous administration Aberdeen City Council was named UK Council of the year and won various prestigious awards.
4. Note with disappointment that no factual statement regarding the adopted position taken by the Council following agreement in Court has been made available to Elected Members, this has forced Elected Members to use their Statutory Powers to obtain information that should have been forthcoming given their overall responsibilities under various Acts of Parliament.
5. Note with disappointment that the Council issued a press statement confirming consultation on 15th September without notifying Elected Members and ask the Chief Executive to investigate how this was possible.

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6. Agree that the Convener of the Finance & Resources Committee, Councillor McLellan, at the budget meeting in March 2023 set out the budget with the SNP vision for Aberdeen. He said “the SNP vowed not to hide, not to delay and not to defer”, the reality we find ourselves in today is the Convener’s failure to instruct officers to bring forward a report shows the Convener of Finance is hiding, is delaying and is trying to defer a report until the December meeting of Council which is against the public interest in this matter.
7. Agree that at the budget meeting in March 2023 the Convener of Finance & Resources Committee, Councillor McLellan, moved the budget, refused an opportunity from Aberdeen Labour to reflect upon his budget. Councillor McLellan said “we sit here today with a balanced budget that cannot be unpicked line by line”, agree if the Council capitulates on any of the closures then Councillor McLellan’s budget has been unpicked line by line not by politicians but by a Court of Law.
8. Notes officers have reminded Elected Members of the delegated authority they possess which has been agreed on an annual basis. Agrees delegated authority exists as outlined in the Powers Delegated to Officers document.
9. Agree as part of that delegated authority, Elected Members agreed definitions, principles and interpretation noting 6 of such definitions, principles and interpretation which states **“The Council shall exercise all its powers and duties in accordance with the law and the Council’s constitutional documents. In particular, the exercise of any power contained within this Powers Delegated to Officers document shall be in accordance with the provisions of the Scheme of Governance and shall be subject to there being sufficient funding available to cover the costs of exercising that power. In exercising such a power, the relevant officers shall have due regard to relevant Council and relevant Integration Joint Board policy. In exercising such a power, the relevant officers should be mindful of the potential for political sensitivity or controversy and, where appropriate, should consider consulting with elected members or referring the matter to Council or one of its committees or sub committees.”**
10. Request that the Chief Executive should make a public statement giving reasons as to why Aberdeen City Council has got itself into this mess where the citizens it represents have been forced to go to Court to obtain justice for public services that the SNP deemed were not required.
11. Request the Chief Executive to make a public statement if the Council is in contempt of Court with its decision to carry on with the Aberdeen’s future Library and information service review which specifically excludes Cornhill, Cults, Ferryhill, Kaimhill, Northfield and Woodside. If it is in contempt of Court following its decision at Finance to remove funding for some of the closed libraries and Bucksburn Pool on the basis they were no longer operational.
12. Agree that the Council should not go through this charade any longer and agree to re-open the Libraries as soon as practicable, the money for reopening the libraries and pool this year should come from contingencies.

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

That the Council -

- (1) note that a confidential service update had been circulated to all Councillors on this matter; and

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- (2) note that a report was due to be on the agenda of a forthcoming meeting of Council.

Councillor Yuill advised that he had a connection, following a point raised in debate, in terms of being involved with the informal group established last summer regarding the Great Western Community Trust, however he advised that he was not a member of Holburn West Church, nor a member of the Trust. Having applied the objective test, Councillor Yuill did not consider that he had an interest and would not be withdrawing from the meeting.

Councillor Greig advised that he also had a connection by reason of being a Trustee of the Great Western Community Trust, however having applied the objective test he did not consider that he had an interest and would not be withdrawing from the meeting.

On a division, there voted:-

For the motion (18) - Councillors Ali, Blake, Bonsell, Brooks, Crockett, Farquhar, Graham, Grant, Kuszniir, Lawrence, Macdonald, McLeod, Malik, Massey, Mrs Stewart, Thomson, Tissera and Watson.

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

Declined to vote (1) - Councillor Boulton.

The Council resolved:-

to adopt the amendment.

- **DAVID CAMERON, Lord Provost.**