

Councillor Malik moved as a procedural motion, seconded by Councillor Tissera:-
That item 4.1 be considered in public.

On a division, there voted:-

For the procedural motion (16) - Councillors Ali, Blake, Bonsell, Boulton, Brooks, Crockett, Graham, Kuszniir, Lawrence, Macdonald, McLeod, Malik, Nicoll, 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 (1) - Councillor Grant.

The Council resolved:-

- (i) to reject the procedural motion; and
- (ii) in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude the press and public from the meeting during consideration of item 4.1 so as to avoid disclosure of exempt information of the class described in paragraph 12 of Schedule 7A of the Act.

Councillor Malik moved, seconded by Councillor Nicoll:-

That the Council -

- (1) agree that members not having written legal advice at Council meetings on important matters pertaining to possible legal challenge opens up the possibility of the Courts - final arbiters - determining that due process has not been carried out by the Council;
- (2) agree that, despite an Application having been lodged at the Court of Session under schedule 9 paragraph 35 of the Road Traffic Regulation Act 1984 as amended in relation to the Aberdeen City Council (City Centre, Aberdeen) (Traffic Management) (Experimental) Order 2023, Elected Members require more information about the Council's position regarding defending the action; and
- (3) agree that, even though Officers have Delegated Authority to deal with such matters, Elected Members ought to make the final decision on agreeing to defend or otherwise the proposed action. Therefore, instructs the Chief Executive to lay out the grounds for the Council's proposed defence, if any, and likelihood of success by bringing a report back to Council within 7 days of today's meeting.

Councillor Brooks moved as an amendment, seconded by Councillor McLeod:-

That the Council -

Given Officers' legal advice regarding the risk of £8m of grant funding being claimed back by the Scottish Government and the possible reimbursement of bus gate penalty charges paid during ETRO, if indeed the Council are ultimately found to be in breach of legislation when making the Aberdeen City Council (City Centre, Aberdeen) (Traffic Management) (Experimental) Order 2023,

instructs the Chief Executive to provide a written report to Council as soon as possible on the Council's compliance with relevant duties if the Council was to lose a court action and the bus gates had to be removed, i.e. how it would be paid for and the process that would be followed.

Councillor Allard moved as a further amendment, seconded by Greig:-

That the Council take no action.

During the course of debate, Councillor Malik advised that he was willing to incorporate Councillor Brooks' amendment within his motion and this was accepted by Councillor Brooks.

On a division, there voted:-

For the motion (15) - Councillors Ali, Blake, Bonsell, Brooks, Crockett, Graham, Kuszniir, Lawrence, Macdonald, McLeod, Malik, Nicoll, Thomson, Tissera and Watson.

For the amendment by Councillor Allard (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, McRae, Radley, van Sweeden and Yuill.

Declined to vote (1) - Councillor Boulton.

Absent from the division (2) - Councillors Grant and Mennie.

The Council further resolved:-

to adopt the amendment by Councillor Allard.