

# Public Document Pack

## ADDITIONAL CIRCULATION



To: All Members of the Council

Town House,  
ABERDEEN, 9 May 2014

## **COUNCIL MEETING**

The undernoted items are circulated in connection with the meeting of the **COUNCIL** to be held here in the Town House on **WEDNESDAY, 14 MAY 2014 at 10.30am.**

JANE G. MACEACHRAN  
HEAD OF LEGAL AND DEMOCRATIC SERVICES

### **BUSINESS**

- 4(e) Minute of Meeting of Urgent Business Committee of 24 April - for approval (Pages 1 - 4)

### **REFERRALS FROM COMMITTEES IN TERMS OF STANDING ORDER 36(3)**

- 6 Please see item 8(c)

### **GENERAL BUSINESS**

- 7(a) Polling Places at the Scottish Independence Referendum - Report by Chief Executive (Pages 5 - 10)

**Report updated to take account of the Chief Counting Officer's Directions**

- 7(d) Organisational Review (Phase One) - Report by Chief Executive (Pages 11 - 54)

- 7(e) Local Policing Plan 2014 - 2017 - Report by Chief Executive (Pages 55 - 74)  
**Updated Aberdeen City Local Policing Plan 2014 - 2017 - minor changes have been made**
- 7(g) Legal Highs - Motion by Councillor Thomson - Report by Chief Executive (Pages 75 - 86)  
**Report updated following correspondence from the Minister for Community Safety and Legal Affairs, the correspondence is also attached**
- 7(m) Proposed Byelaw Regarding Camping in Designated Places - Joint report by Director of Housing and Environment and Director of Corporate Governance (Pages 87 - 96)  
**Responses from Police Scotland - May 2014 and April 2013**

**BUSINESS THE COUNCIL MAY WISH TO CONSIDER IN PRIVATE**

- 8(c) Finance, Policy and Resources Committee of 6 May 2014 - Update on Transfer of Ownership of Thomas Blake Glover House - Report by Director of Enterprise, Planning and Infrastructure (Pages 97 - 102)

Website Address: [www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

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# Agenda Item 4(e)

## URGENT BUSINESS COMMITTEE

ABERDEEN, 24 April 2014 - Minute of Meeting of the URGENT BUSINESS COMMITTEE. Present:- Councillor Young, Acting Convener; and Councillors Carle (substituting for Councillor Crockett), Cooney, Dickson, Jackie Dunbar, Lesley Dunbar (substituting for Councillor Forsyth), Graham (substituting for Councillor Boulton), Laing, McCaig, Nathan Morrison (substituting for Councillor Taylor), Noble, Samarai (substituting for Councillor May) and Yuill.

**The agenda and reports associated with this minute can be found at:-**

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=334&MId=3369&Ver=4>

### **APPOINTMENT OF CONVENER**

1. It was agreed that Councillor Young chair the meeting in the absence of Councillor Crockett.

### **DETERMINATION OF URGENT BUSINESS**

2. In terms of Standing Order 28(5)(vi), and in accordance with Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, the Committee was informed that it had to determine (1) that the items on the agenda were of an urgent nature; and (2) that the Committee required to consider the items and take decisions thereon.

#### **The Committee resolved:-**

to agree that the items were of an urgent nature and required to be considered this day.

### **DETERMINATION OF EXEMPT BUSINESS**

3. The Committee was requested to determine that the following items of business, which contained exempt information as described in Schedule 7(A) of the Local Government (Scotland) Act 1973, be taken in private:-

- 3Rs Project
- European Airesis Project

#### **The Committee resolved:-**

in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, to exclude the press and public from the meeting during consideration of the aforementioned items of business (Articles 4 and 5 of this minute refer) so as to avoid disclosure of exempt information of the classes described in paragraphs 6 and 9 of Schedule 7(A) of the Act.

**In accordance with the decision recorded under Article 3 of this minute, the following items were considered with the press and public excluded.**

### **3Rs PROJECT - CG/14/057**

4. The Committee had before it a report by the Director of Corporate Governance which sought authority to investigate opportunities that had recently emerged in relation to the outstanding debt held against the schools built under the 3Rs project.

#### **The report recommended:-**

that the Committee -

- (a) invoke the provisions of Standing Order 1(6)(b) of the Standing Orders Relating to Contracts and Procurement, and in doing so agree to dis-apply the provisions of Standing Order 1(3) in relation to approval of estimated expenditure, and Standing Orders 4, 5 and 6 in relation to the need for a competitive tender process and thereafter appoint Caledonian Economics as financial advisers to the Council in relation to the opportunity set out in the report;
- (b) invoke the provisions of Standing Order 1(6)(b) of the Standing Orders Relating to Contracts and Procurement, and in doing so, agree to dis-apply the provisions of Standing Order 1(3) in relation to approval of estimated expenditure, and Standing Orders 4, 5 and 6 in relation to the need for a competitive tender process and thereafter appoint Brodies LLP as legal advisers to the Council in relation to the opportunity set out in the report;
- (c) instruct officers to enter into discussions with the Scottish Government, the Scottish Futures Trust, Landsbanki and any other relevant parties in relation to the opportunity set out in the report; and
- (d) instruct officers to report back to committee as required, and upon conclusion of the discussions set out at recommendation (c) above.

#### **The Committee resolved:-**

to approve the recommendations.

### **EUROPEAN AIRESIS PROJECT**

5. The Committee had before it a report by the Director of Corporate Governance which advised of an invitation to the Council by the University of Aberdeen to form a partnership in a bid for funding under the European Airesis Project, operated under the auspices of the European Regional Research and Innovation Network and which offered a platform to allow local communities to participate in direct democracy.

#### **The report recommended:-**

that the Committee agree in principle to collaborate in the project and authorise the Chief Executive to sign the letter appended to the report, noting that this would be amended slightly to reflect the University's role so that both partners would sign one letter.

**The Committee resolved:-**  
to approve the recommendation.  
**- WILLIAM YOUNG, Acting Convener.**

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## ABERDEEN CITY COUNCIL

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|                    |  |
|--------------------|--|
| COMMITTEE          | Council  |
| DATE               | 14 May 2014  |
| LEAD OFFICER       | Chief Executive  |
| TITLE OF REPORT    | Polling Places at the Scottish Independence Referendum |
| REPORT NUMBER      | OCE/14/013   |
| CHECKLIST RECEIVED | YES  |

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### 1. PURPOSE OF REPORT

At its meeting on 5 March 2014, the Council considered a report from the Chief Executive regarding Polling Places at the Scottish Independence Referendum (OCE /14/004).

It was noted within that report that the polling scheme for the Scottish Independence Referendum shows an increase in polling stations at a number of polling places. The report proposed changes to polling places in order to accommodate this increase.

The purpose of this report is to gain the final approval of the Council, following public consultation, for the proposed changes to polling places for the Scottish Independence Referendum.

### 2. RECOMMENDATIONS

That the Council

- i. agrees the proposed changes to polling places for the Scottish Independence Referendum as outlined;
- ii. notes that officers will make all necessary arrangements to ensure that the Chief Counting Officer's Directions are met in full; and
- iii. agrees that a report providing an update on the arrangements being put in place for the delivery of the Scottish Independence Referendum will be brought to the Council at its meeting on 25 June 2014.

### 3. FINANCIAL IMPLICATIONS

None.

#### 4. OTHER IMPLICATIONS

None.

#### 5. BACKGROUND/MAIN ISSUES

The Council considered a report from the Chief Executive on the matter (OCE/14/004) at its meeting on 5 March 2014. The Council i) agreed the recommended changes to polling places as outlined and iii) agreed to proceed to public consultation on the recommendations

##### Public Consultation

The public consultation was advertised on the Council website, with the Disability Advisory Group and with Dyce and Stoneywood Community Council. Braeside and Mannofield Community Council is not currently established.

The deadline for representations was Friday 4 April 2104. No representations were received and it is therefore proposed that the following changes to polling places for the Scottish Independence Referendum be made.

|  |   |  |
|--|---|--|
| <b>Polling District</b>  | DG0102 (Dyce North)   | SS1102 (Mannofield)  |
| <b>Normal Polling Place</b>  | Dyce Church Hall  | Mannofield Church Centenary Hall   |
| <b>Recommended Change for the Scottish Independence Referendum</b> | Dyce Church – Dr Cox Room   | Mannofield Church Hall   |
| <b>Reason for Change</b>   | Dyce Church Hall will accommodate 4 polling stations in total for polling districts DG0101 (Kirkhill) and DG0103 (Dyce South). This is the maximum number it can hold. Dyce Church – Dr Cox Room is located close by and across the road from Dyce Church Hall. | Mannofield Church Centenary Hall will accommodate 2 polling stations for polling district SS1103 (Broomhill West). The maximum number it can hold is 3. A further 2 polling stations are required for SS1102. Mannofield Church Centenary Hall and Mannofield Church Hall are part of the same building. |

##### Chief Counting Officer's Directions

Late on Friday 2 May, after the original version of this report had been submitted for circulation to members, the Chief Executive in her capacity as Counting Officer for the Scottish Independence Referendum in Aberdeen City received her copy of the Chief Counting Officer's Directions for the Referendum.



The Directions are concerned with ensuring consistency across Scotland in such matters as the colour of the ballot papers, the official mark, the ballot paper numbering system, dates for the dispatch of poll cards and postal ballot packs, the quantities of ballot papers to be printed and the timing of and method to be used for the count. All of these will be accommodated within the plans already in place for the delivery of the Referendum in the City.

The key Direction that will require an alteration to what is currently planned is the instruction to all Counting Officers to ensure that there should be a maximum of 800 electors, excluding postal voters, allocated to each polling station. The attached polling scheme which increases the number of polling stations in use for the Referendum to 174 from the 132 used for the European Parliamentary Elections is based on 1,000 electors, excluding postal voters, being allocated to each polling station.

Work is now underway to make the arrangements necessary to meet the requirements of the Direction and it is currently estimated that a further 90+ polling stations will now be required. The intention will be to ensure that the vast majority of these are housed within existing polling places, but it is likely that additional polling places will also be required.

The Direction will also mean that additional staffing will now be required in order to deliver the Referendum (for example each polling station requires a Presiding Officer and a Polling Clerk). The initial estimate is that in total up to 300 additional staff will now be required.

Members will be aware that it is the statutory duty of the Council to place at the disposal of the Returning Officer the services of officers employed by the Council to assist in the discharge of the Returning Officer's functions in relation to elections. For the Scottish Independence Referendum, the Council is under a similar duty to provide, or ensure the provision of, such property, staff and services as the Counting Officer may require to carry out her functions.

The Chief Executive in her capacity as Counting Officer will discuss with members of the Corporate Management Team the allocation of property, staff and services on 18 and 19 September to ensure the proper and effective conduct of the Scottish Independence Referendum in Aberdeen.

An update report on the arrangements being put in place for the Referendum will be brought to the Council at its meeting on 25 June 2014.

## 6. IMPACT

When identifying suitable polling places the aim is to put the interest of voters first and to ensure equality of access. The Returning Officer has a statutory duty to encourage electoral participation and selection of appropriate polling places is an important part of this. Feedback and requests from local communities are always considered and acted upon where possible and appropriate.

7. MANAGEMENT OF RISK

It is important that the designated polling places are determined in time for the Scottish Independence Referendum and that they are fit for purpose.

8. BACKGROUND PAPERS

Polling Places at the Scottish Independence Referendum, report to Council Meeting of 5 March 2014 (OCE/14/004)

9. REPORT AUTHOR DETAILS

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Proposed Changes to Polling Places for the Scottish Independence Referendum

14th May 2014

| Polling District Code | Polling District Name | Polling Place (Proposed changes for the Scottish Independence Referendum are highlighted) | Reason for Change |
|-----------------------|-----------------------|---|-------------------|
| <b>ABERDEEN NORTH</b> |                       |   |                   |
| DN0104                | NEWHILLS              | BEACON COMMUNITY CENTRE (Until August 2014)<br>BRIMMOND SCHOOL (From August 2014)         |                   |
| DN0108                | BUCKSBURN             | BUCKSBURN PRIMARY SCHOOL (Until June 2014)<br>BEACON COMMUNITY CENTRE (From July 2014)    |                   |
| DN0109                | MUGIEMOSS             | DANESTONE CONGREGATIONAL CHURCH   |                   |
| DN0209                | BRIDGE OF DON         | BALGOWNIE COMMUNITY CENTRE  |                   |
| DN0301                | KINGSWELLS CENTRAL    | KINGSWELLS COMMUNITY CENTRE   |                   |
| DN0302                | KINGSWELLS NORTH      | KINGSWELLS COMMUNITY CENTRE   |                   |
| DN0303                | SHEDDOCKSLEY EAST     | KINGSFORD PRIMARY SCHOOL  |                   |
| DN0304                | SHEDDOCKSLEY WEST     | SHEDDOCKSLEY COMMUNITY CENTRE   |                   |
| DN0305                | SUMMERHILL NORTH      | MUIRFIELD PRIMARY SCHOOL  |                   |
| DN0307                | WHITEMYRES            | SHEDDOCKSLEY BAPTIST CHURCH   |                   |
| DN0309                | DENWOOD               | SHEDDOCKSLEY BAPTIST CHURCH   |                   |
| DN0310                | SUMMERHILL CENTRAL    | SHEDDOCKSLEY BAPTIST CHURCH   |                   |
| DN0401                | SPRINGHILL NORTH      | HEATHRYBURN SCHOOL  |                   |
| DN0402                | HEATHRYFOLD           | L P HENRY E RAE COMMUNITY CENTRE  |                   |
| DN0403                | MIDDLEFIELD           | MANOR PARK SCHOOL   |                   |
| DN0404                | SPRINGHILL SOUTH      | NORTHFIELD COMMUNITY CENTRE   |                   |
| DN0405                | BYRON                 | NORTHFIELD COMMUNITY CENTRE   |                   |
| DN0406                | CUMMINGS PARK         | CUMMINGS PARK COMMUNITY CENTRE  |                   |
| DN0407                | MASTRICK WEST         | MASTRICK COMMUNITY CENTRE   |                   |
| DN0408                | MASTRICK EAST         | QUARRYHILL PRIMARY SCHOOL   |                   |
| DN0501                | HILTON WEST           | HILTON COMMUNITY CENTRE   |                   |
| DN0502                | HILTON EAST           | HILTON COMMUNITY CENTRE   |                   |
| DN0503                | WOODSIDE              | WOODSIDE COMMUNITY CENTRE   |                   |
| DN0504                | HILTON SOUTH          | HIGH CHURCH HILTON  |                   |
| DN0505                | ROSEHILL              | HIGH CHURCH HILTON  |                   |
| CN0506                | STOCKETHILL           | CAIRNCRY COMMUNITY CENTRE   |                   |
| CN0507                | CORNHILL              | CAIRNCRY COMMUNITY CENTRE   |                   |
| CN0508                | KITTYBREWSTER         | KITTYBREWSTER PRIMARY SCHOOL  |                   |
| CN0601                | TILLYDRONE            | RIVERBANK PRIMARY SCHOOL  |                   |
| CN0602                | DON                   | SEATON PRIMARY SCHOOL   |                   |
| CN0603                | SEATON NORTH          | SEATON PRIMARY SCHOOL   |                   |
| CN0604                | ST MACHAR             | POWIS GATEWAY COMMUNITY CENTRE  |                   |
| CN0605                | SEATON SOUTH          | ST MARY'S CHURCH KING STREET  |                   |
| CN0606                | PITTODRIE NORTH       | PITTODRIE STADIUM   |                   |
| CN0701                | RAEDEN                | THE MIDSTOCKET CHURCH CENTRE  |                   |
| CN0702                | MIDSTOCKET            | THE MIDSTOCKET CHURCH CENTRE  |                   |
| CN0703                | ASHGROVE              | ASHGROVE CHILDREN'S CENTRE  |                   |
| CN0704                | BERRYDEN              | SKENE SQUARE PRIMARY SCHOOL   |                   |
| CN0801                | CALSAYSEAT            | CATHERINE ST COMMUNITY CENTRE   |                   |
| CN0802                | SUNNYBANK             | SUNNYBANK PRIMARY SCHOOL  |                   |
| CN0803                | MOUNTHOOLY            | CATHERINE ST COMMUNITY CENTRE   |                   |
| CN0805                | ST NICHOLAS           | SEAMOUNT COURT - TENANT'S ROOM  |                   |
| CN0806                | PITTODRIE SOUTH       | HANOVER COMMUNITY CENTRE  |                   |
| CN0807                | CASTLEHILL NORTH      | HANOVER COMMUNITY CENTRE  |                   |
| CN0808                | CASTLEHILL SOUTH      | ABERDEEN CITADEL (SALVATION ARMY BUILDING)  |                   |
| SN1002                | CRAIGDEN              | HAZLEHEAD PRIMARY SCHOOL  |                   |
| SN1003                | SUMMERHILL SOUTH      | FERNIELEA PRIMARY SCHOOL  |                   |
| CN1005                | HAMILTON              | ST MARY'S EPISCOPAL CHURCH  |                   |
| CN1202                | PALMERSTON            | FERRYHILL COMMUNITY CENTRE  |                   |
| <b>ABERDEEN SOUTH</b> |                       |   |                   |
| DS0306                | KINGSWELLS SOUTH      | KINGSWELLS COMMUNITY CENTRE   |                   |
| DS0308                | WOODEND               | SHEDDOCKSLEY BAPTIST CHURCH   |                   |
| CS0705                | GILCOMSTON NORTH      | NEW LIFE INTERNATIONAL CHURCH   |                   |
| CS0706                | GILCOMSTON SOUTH      | ST MARY'S CATHEDRAL HALL  |                   |
| CS0804                | WOOLMANHILL           | CATHERINE ST COMMUNITY CENTRE   |                   |
| SS0901                | PETERCULTER WEST      | ST PETER'S HERITAGE CENTRE  |                   |
| SS0902                | PETERCULTER EAST      | PETERCULTER SPORTS CENTRE   |                   |
| SS0903                | MILLTIMBER            | MILLTIMBER COMMUNITY HALL   |                   |
| SS0904                | BIELDSIDE             | ST DEVENICK'S CHURCH HALL   |                   |
| SS0905                | CULTS WEST            | CULTS PARISH CHURCH HALL  |                   |
| SS0906                | CULTS EAST            | CULTS PARISH CHURCH HALL  |                   |
| SS1001                | HAZLEHEAD             | HAZLEHEAD PRIMARY SCHOOL  |                   |
| CS1004                | RUBISLAW              | ST MARY'S EPISCOPAL CHURCH  |                   |
| SS1006                | CRAIGIEBUCKLER        | CRAIGIEBUCKLER CHURCH HALL  |                   |
| SS1007                | SEAFIELD              | AIRYHALL COMMUNITY CENTRE   |                   |
| CS1008                | HARLAW                | QUEEN'S CROSS PARISH CHURCH   |                   |
| CS1009                | CROMWELL              | HOLBURN WEST CHURCH   |                   |
| CS1010                | ASHLEY                | HOLBURN WEST CHURCH   |                   |
| SS1101                | BRAESIDE              | SCHOOL - BRAESIDE PLACE   |                   |

|  |                 |  |  |
|--|-----------------|--|--|
|  |                 |  | Mannofield Church Centenary Hall is the normal Polling Place. Mannofield Church Centenary Hall will accommodate 2 polling stations for polling district SS1103 (Broomhill West). The maximum number it can hold is 3. A further 2 polling stations are required for SS1102. Mannofield Church Centenary Hall and Mannofield Church Hall are part of the same building. |
| SS1102   | MANNOFIELD      | MANNOFIELD CHURCH HALL   |  |
| SS1103   | BROOMHILL WEST  | MANNOFIELD CHURCH CENTENARY HALL   |  |
| CS1104   | BROOMHILL EAST  | RUTHRIESTON OUTDOOR SPORTS CENTRE - PAVILION   |  |
| SS1105   | DEESIDE         | ST FRANCIS CHURCH HALL   |  |
| SS1106   | GARTHDEE        | KAIMHILL COMMUNITY CENTRE  |  |
| SS1107   | KAIMHILL        | KAIMHILL COMMUNITY CENTRE  |  |
| CS1108   | RUTHRIESTON     | RUTHRIESTON COMMUNITY CENTRE   |  |
| CS1201   | BON-ACCORD      | FERRYHILL COMMUNITY CENTRE   |  |
| CS1203   | FERRYHILL       | FERRYHILL COMMUNITY CENTRE   |  |
| CS1204   | GAIRN           | SOUTH HOLBURN CHURCH   |  |
| CS1205   | DUTHIE          | FERRYHILL CHURCH HALL  |  |
| SS1206   | TORRY WEST      | TORRY YOUTH AND LEISURE CENTRE   |  |
| SS1207   | TORRY EAST      | (OLD) TORRY COMMUNITY CENTRE   |  |
| SS1208   | BALNAGASK EAST  | TULLOS NEW COMMUNITY SCHOOL  |  |
| SS1209   | BALNAGASK WEST  | BALNAGASK COMMUNITY CENTRE   |  |
| SS1301   | ABBOTSWELL      | ABBOTSWELL PRIMARY SCHOOL  |  |
| SS1302   | KINCORTH        | KINCORTH COMMUNITY CENTRE  |  |
| SS1303   | TULLOS          | ALTENS COMMUNITY CENTRE  |  |
| SS1304   | CRAIGHILL       | ABBOTSWELL PRIMARY SCHOOL  |  |
| SS1305   | NIGG            | KINCORTH COMMUNITY CENTRE  |  |
| SS1306   | LOIRSTON        | LOIRSTON ANNEXE  |  |
| SS1307   | COVE            | LOIRSTON ANNEXE  |  |
| <b>GORDON (that part which lies within the Aberdeen City Council boundary)</b> |                 |  |  |
| DG0101   | KIRKHILL        | DYCE CHURCH HALL   |  |
|  |                 |  | Dyce Church Hall is the normal Polling Place. Dyce Church Hall will accommodate 4 polling stations in total for polling districts DG0101 (Kirkhill) and DG0103 (Dyce South). This is the maximum number it can hold. Dyce Church – Dr Cox Room is located close by and across the road from Dyce Church Hall.  |
| DG0102   | DYCE NORTH      | DYCE CHURCH - DR COX ROOM  |  |
| DG0103   | DYCE SOUTH      | DYCE CHURCH HALL   |  |
| DG0105   | STONEWOOD       | STONEWOOD PRIMARY SCHOOL   |  |
| DG0106   | DANESTONE NORTH | DANESTONE CONGREGATIONAL CHURCH  |  |
| DG0107   | BANKHEAD        | BEACON COMMUNITY CENTRE  |  |
| DG0110   | DANESTONE SOUTH | DANESTONE CONGREGATIONAL CHURCH  |  |
| DG0201   | JESMOND         | FOREHILL PRIMARY SCHOOL  |  |
| DG0202   | MUNDURNO        | GREENBRAE PRIMARY SCHOOL   |  |
| DG0203   | NEWBURGH        | GLASHIEBURN PRIMARY SCHOOL   |  |
| DG0204   | GREENBRAE       | GREENBRAE PRIMARY SCHOOL   |  |
| DG0205   | MIDDLETON       | MIDDLETON PARK PRIMARY SCHOOL for the European Parliamentary Elections in May 2014<br>THE JESMOND CENTRE for the Independence Referendum in September 2014 |  |
| DG0206   | PARKWAY NORTH   | MIDDLETON PARK PRIMARY SCHOOL for the European Parliamentary Elections in May 2014<br>THE JESMOND CENTRE for the Independence Referendum in September 2014 |  |
| DG0207   | BALGOWNIE       | BRAEHEAD PRIMARY SCHOOL  |  |
| DG0208   | SILVERBURN      | BALGOWNIE COMMUNITY CENTRE   |  |

## ABERDEEN CITY COUNCIL

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|                     |                                   |
|---------------------|-----------------------------------|
| COMMITTEE           | Council                           |
| DATE                | 14 May 2014                       |
| CHIEF EXECUTIVE     | Valerie Watts                     |
| TITLE OF REPORT     | Organisational Review (Phase One) |
| REPORT NUMBER:      | OCE/14/020                        |
| CHECKLIST RECEIVED: | YES                               |

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### 1. PURPOSE OF REPORT

The purpose of the report is to recommend changes to the Council's organisation structure (at top tier level) and to set the context for Phase two of the review which will impact primarily on existing Heads of Service.

The report provides the basis for the Council's organisational response to three key pieces of legislation:

- The Children and Young People (Scotland) Act 2014
- The Public Bodies (Joint Working) (Scotland) Act 2014 and
- The Community Empowerment Bill (2014).

### 2. RECOMMENDATION(S)

It is recommended that the Council:

- a) Approves the proposed top tier structural model as set out at Appendix 2,
- b) Approves the process for filling the top tier posts, as attached at Appendix 3, and
- c) Notes that proposals emanating from Phase two of the review will be reported to Council later in the year and that the Phase two report will also include a proposed committee structure to reflect the new management arrangements.

### 3. FINANCIAL IMPLICATIONS

Phases one and two of the re-structuring process will result in financial savings. The actual figure will be detailed in part two of this report, which will be presented to Council later in the year.

#### 4. OTHER IMPLICATIONS

The re-structuring process has been governed by a set of principles (see Appendix 4). These principles were formulated in light of experience of previous restructuring exercises and perceived 'best practice'. One of the main considerations in establishing the principles was a desire to ensure that the process was fair, objective and took cognisance of equalities and human rights impact.

#### 5. BACKGROUND/MAIN ISSUES

- 5.1 As Chief Executive and Head of the Paid Service, it is incumbent upon me to assure myself and Members that the Council is organised and its staff are deployed in the most effective and efficient way possible.
- 5.2 On my appointment on 1 March, 2011, I inherited an organisational structure which my predecessor had carefully developed following a particularly fraught time in the Authority's history, where the previous organisation structure and the Council's financial stability received critical external scrutiny. The functional distribution linked to that structure is attached at Appendix 1.
- 5.3 The existing organisation structure was established to deliver robust levels of accountability, clarity and financial stability; to enable the Council to meet its statutory duties, deliver Best Value and achieve sustainability and stability. In my opinion the structure has delivered on all of these objectives, particularly in relation to financial stability, albeit in the context of ongoing resource pressures.
- 5.4 Upon my appointment, I was made aware that, such was the number of re-structurings experienced by the workforce since 1996 (Aberdeen City being, arguably, the most re-structured Council in the Country), there was evidence of 'change fatigue' and a collective desire for at least a modicum of stability. This fact, allied to my confidence in the capacity and capability of our Senior Management Team to deliver on the Council's key strategic and operational priorities, dissuaded me from recommending significant organisational re-structuring until this juncture.
- 5.5 It is, however, worth stating that over the course of the last three years the Council's organisation structures have not been left to stagnate. Far from it. Each of the current five directorates has continuously sought to improve service delivery and performance levels by altering structural and job designs as appropriate. Making changes on this basis and seeking to 'future proof' the organisation is a fundamental part of the function of management.
- 5.6 It is my belief, however, that a number of external and internal drivers for change have emerged, or are emerging, which require more significant structural amendments (but not to the extent of the changes effected by the 2009 restructuring).

## 5.7.0 Contextual considerations and drivers for change

- 5.7.1 One major external driver for change is unquestionably the national agenda in relation to the integration of Health and Social Care (as required by the Public Bodies (Joint Working) (Scotland) Act) 2014. The integration programme seeks to ensure that health and social care provision across Scotland is joined up and seamless.
- 5.7.2 Every Council in Scotland has considered, or is considering, how best to amend its organisation structure to reflect the requirements of the legislation. The options in this regard appear to be determined by a number of key factors:
- The existing joint arrangements between Health and Social Work
  - The joint working model to be adopted from the options in the legislation
  - The impact of the chosen model on other services, and
  - Whether the Council wishes to minimise structural change or regards the legislation as an opportunity for wider change within the organisation.
- 5.7.3 I am strongly of the view that Aberdeen City should capitalise on the integration agenda by reviewing its structures in their entirety (an option being pursued by a number of other authorities).
- 5.7.4 The Council and NHS Grampian have already decided that the future integrated service will be governed by a Joint Board, supported by a Jointly Accountable Chief Officer. That Chief Officer will operate at close to director level and will report to the Chief Executives of both Aberdeen City Council and NHS Grampian.
- 5.7.5 NHS Grampian has usefully agreed that the recruitment and selection of the Joint Accountable Officer will take place after the Council's restructuring has been completed.
- 5.7.6 Clearly the financial landscape is a key driver for structural change, also. If the Council is to successfully confront the financial challenges predicted for the coming years, then the pace of organisational and operational transformation requires to be accelerated. The current organisational structure has proven to be far more conducive to organisational transformation than any of the preceding models (for example the successful implementation of Priority Based Budgeting) but I believe that further significant and sustainable transformation will be better achieved by more closely aligning and integrating certain key services.
- 5.7.7 In addition, the Council's 'Smarter City' vision and the six associated strategic priorities will, in my opinion, be better delivered by a revised organisation structure which clarifies accountability for, and assists with the delivery of Smarter: Governance; Living; People; Environment; Economy and Mobility.

- 5.7.8 One of the Council's most significant organisational development initiatives in recent years has been the introduction of 'Performance, Review and Development' (PR&D) for non-teaching staff. This has helped underpin our desire for a high performance culture – necessary if the organisation is to succeed in its transformational objectives and provide the level and quality of services expected by the citizens of the City.
- 5.7.9 The PR&D scheme sets out the core behaviours and attitudes expected of the workforce when performing their jobs and requires managers to review employee performance against those behaviours. The behaviours (at management level) include the need to engage effectively (creating a positive atmosphere which motivates people to perform at their best) and to be future focused – looking at the future of the organisation and its contribution to the City.
- 5.7.10 The Appointment Panel used all eight behaviours as part of the selection criteria for my successor as it is essential that the person at the top of the organisation exhibits the desired behaviours in order to encourage all staff to adopt and model them.
- 5.7.11 It would, therefore, have been remiss of me not to take cognisance of these behaviours as part of the restructuring process. In addition to the future focus which the proposed structural model seeks to promote, I therefore engaged with the workforce at an early stage in the process.
- 5.7.12 It is highly unusual for a Chief Executive to consult the workforce prior to presenting his/her preferred option for comment. However, I know that Members of this Council are as committed to the principles of employee engagement as I am so I believed it important to seek the views of the workforce at an early juncture.
- 5.7.13 In addition to an early briefing meeting with the trade unions, all employees were offered a variety of ways to convey their views on the operation of the current structural model and make suggestions for change. For example, a series of participative road shows were held and the opportunity to submit views in writing was given.
- 5.7.14 Approximately 500 employees took the opportunity to participate, which is encouraging on a number of levels. For example, it is a positive reflection on the engagement of our workforce – many employees providing clear and well thought out feedback on the structures.
- 5.7.15 Whilst there were many individual perspectives on the issue, a number of common themes emerged, including the need for:
- Greater integration, joined up working and collaboration
  - Co-location of related services
  - Clear lines of accountability and responsibility
  - Structure and processes which allow for the free flow of work and sharing of resources
  - Role clarity
  - The adoption of a 'one team' mentality
  - Cognisance to be taken of the national picture



- Visible management.

5.7.16 I have taken due consideration of the views from the workforce in the development of the proposed structural model. A summary of the staff consultation exercise is attached at Appendix 6.

5.7.17 Similarly, I have received several constructive responses from the trade unions and their input plus my responses are attached at Appendix 7.

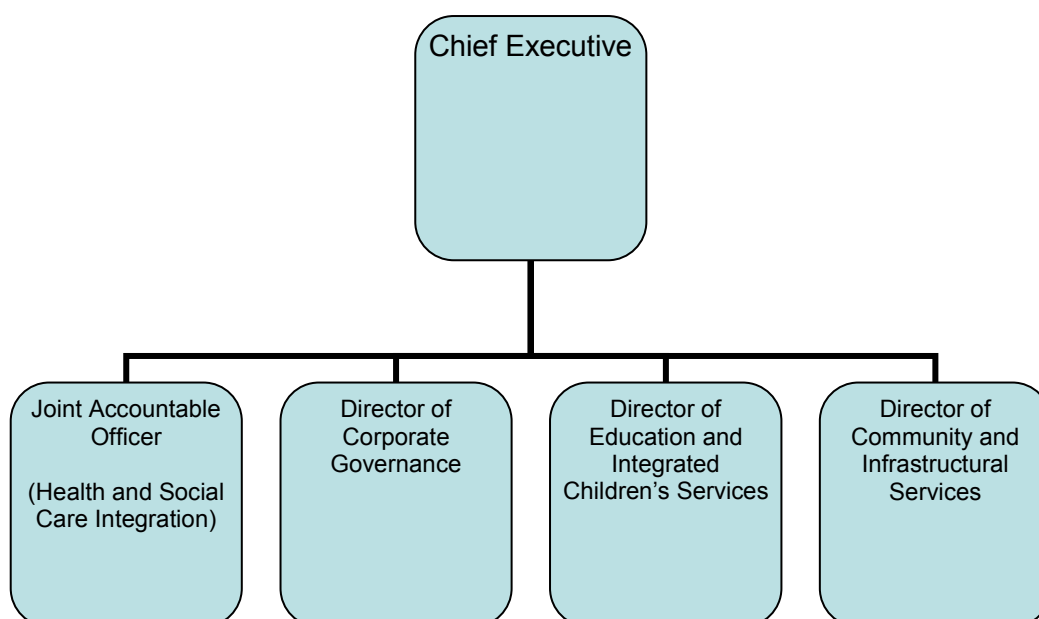
### 5.8.0 Proposed Management Structure

5.8.1 At the outset of the process, the CMT agreed that the structural re-design should accord with a series of key principles. These are attached at Appendix 4 and include stipulations that structures should:

- Be reflective of the Council's current and future strategic priorities
- Have clearly defined accountabilities and remits for each directorate (and postholder) to ensure clarity of job role and eliminate duplication of effort and the 'blurring' of service and job boundaries, and
- Facilitate service and council-wide transformational change by maximising the potential for business synergies and efficiencies.

5.8.2 The structure that I am proposing replaces a five directorate model with what might be described as a 'three plus one' model i.e. three substantive director posts and the Joint Accountable Officer (which will be shared with NHS Grampian).

The proposed structure is as follows:



An indication of the functional remits pertaining to each service is provided at Appendix 2. The generic job profile for the three substantive director posts is attached as Appendix 5. It should be noted that the profile for the Joint Accountable Officer will be developed in conjunction with NHS Grampian and presented to Members in due course. It is also envisaged that a more appropriate job title for this post will also emerge. Furthermore, the role and structural location of the Chief Social Officer will be a key consideration for Phase 2 of the review. It is anticipated that this role will acquire even greater significance in the context of the new structure.

5.8.3 In summary terms, the new structure:

- integrates the functions of the current Housing and Environment and Enterprise, Planning and Infrastructure Directorates within a new Directorate (Community and Infrastructural Services);
- integrates Social Work Children's Services within an Education and Integrated Children's Services Directorate;
- moves the remainder of Social Work Services under the direction of the Joint Accountable Officer (with the exception of Criminal Justice which would transfer to Community and Infrastructural Services); and
- consolidates responsibility for the delivery of the Strategic Infrastructure Plan within the new C&I Directorate.

5.8.4 I believe that this structure will enable the Council to deliver on three key pieces of legislation:

- The Children and Young People (Scotland) Act 2014
- The Public Bodies (Joint Working) (Scotland) Act 2014 and
- The Community Empowerment Bill (2014).

5.8.5 Importantly, the structure also addresses some of the key weaknesses identified by our staff in relation to the operation of the current structure i.e. that some parts of the existing structure support a 'silo mentality' and that clearer lines of accountability and responsibility are required.

5.8.6 The allocation of the functional groupings between the proposed new directorates should be regarded as indicative at this stage. It is anticipated that my successor and the new Directors, once appointed, will spend time finalising the functional distribution. It is not anticipated, however, that the final distribution will be radically different to that which is being proposed.

5.8.7 My successor will also draw up proposals for the structure of the Office of Chief Executive. This may involve the transferring in of some functions currently allocated to one or more of the new directorates.

5.8.8 Each Director will have clear 'Corporate' responsibilities as well as direct operational ones (eg as members of the Corporate Management Team).

5.8.9 The final allocation of functions between the new services will be presented to Council along with the proposed structure for second tier staff. Any grading implications arising from the review will be addressed

within the second phase report. It is anticipated that this report will be presented to Members in late Summer.

5.8.10 The second phase report will also contain proposals in relation to a revised Committee structure to enable alignment to the new management arrangements.

#### 5.9.0 Process for Filling Posts

5.9.1 The proposed process for filling Chief Officer posts during the restructuring process (i.e. phases one and two) is attached at Appendix 3.

5.9.2 It is proposed to fill the posts via a process of job matching. This is recommended for two reasons. Firstly, all current Directors and Heads of Service were appointed via a competitive process comparatively recently (including both internal and external advertisement) so the requirement for appointments to be merit based has been satisfied. Secondly, as the number of Chief Officers in the proposed structure will be less than the current number, the Council requires to mitigate the risk of redundancy. As the majority of the new job roles will be a variation on current roles (and identical in some cases) it is considered that 'matching' is the most appropriate process for filling posts on this occasion.

5.9.3 The proposed process is closely aligned to the Council's existing job matching process which has successfully supported numerous internal re-structuring exercises over the years.

5.9.4 As can be seen, the process deals with the scenario of displaced employees. As the proposed top tier structure envisages two fewer Director posts than the current structure clearly the Chief Executive will require to apply this element of the process and, where appropriate, the implications arising will be reported to Members separately.

The timeline for the Director job matching is as follows:

W/c 19 May – Current Directors invited to participate in matching process

W/c 26 May – Direct matches made and arrangements finalised for competitive selection in the event that more than one current Director is ring-fenced for a particular post.

## 6. IMPACT

The first tranche of the re-structuring process impacts primarily on the existing Directors of the Council. The second phase will impact primarily on existing Heads of Service. Thereafter there may be a requirement to review the remits of some posts below second tier level.

7. MANAGEMENT OF RISK

It is considered that a failure by the Council to amend its structures in response to the external and internal drivers for change outlined in this report would result in significant risk to the Council.

8. BACKGROUND PAPERS

The Public Bodies (Joint Working) (Scotland) Act 2014  
The Community Empowerment Bill (2014)

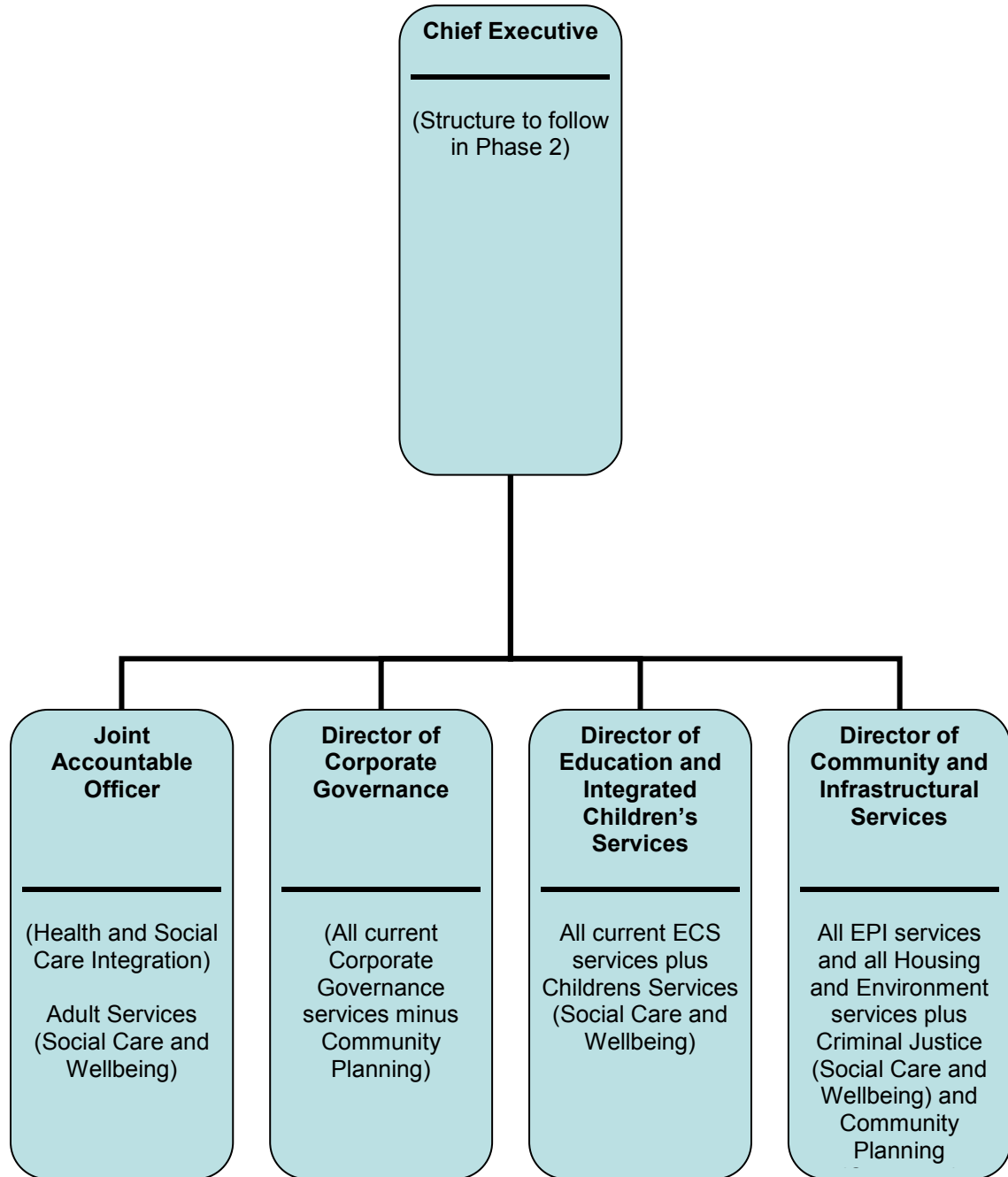
9. REPORT AUTHOR DETAILS

Valerie Watts, Chief Executive  
Ext: (52)2500  
E-mail: [vwatts@aberdeencity.gov.uk](mailto:vwatts@aberdeencity.gov.uk)

| Chief Executive  | Director of Social Care and Wellbeing  | Director of Education, Culture and Sport  | Director of Corporate Governance   | Director of Housing and Environment   | Director of Enterprise, Planning and Infrastructure  |
|--|--|---|--|---|--|
| Head of Service  | Head of Children's Services  | Head of Education Services  | Head of Finance  | Head of Environment Services  | Head of Asset Management and Operations  |
| <ul style="list-style-type: none"> <li>Business Support to Chief Executive</li> <li>Office of the Lord Lieutenancy</li> <li>Civic Office</li> <li>Elections</li> <li>Media Team</li> </ul> | <ul style="list-style-type: none"> <li>Family community support</li> <li>Alternative family care</li> <li>Young people's care and accommodation</li> <li>Children in need</li> <li>Children's Services Care Management</li> <li>Reception and protection</li> </ul>  | <ul style="list-style-type: none"> <li>Primary schools</li> <li>Secondary schools</li> <li>Offsite and specialist provision</li> <li>Additional support needs</li> <li>0-18</li> <li>Curriculum and quality development</li> <li>Service improvement</li> <li>Welfare rights</li> </ul>   | <ul style="list-style-type: none"> <li>Financial strategy</li> <li>Financial planning</li> <li>Financial systems</li> <li>Financial services</li> <li>Accounting</li> <li>Budget (management control)</li> <li>Accounts receivable</li> <li>Pensions</li> <li>Treasury</li> <li>Insurance</li> <li>Revenues and benefits</li> <li>VAT management</li> <li>Financial performance</li> </ul> | <ul style="list-style-type: none"> <li>Waste policy and planning</li> <li>Street cleaning</li> <li>Grounds maintenance</li> <li>Waste collection and disposal</li> <li>Environmental health</li> <li>Trading standards</li> <li>Laboratory of the Public Analyst</li> </ul>   | <ul style="list-style-type: none"> <li>Fleet management</li> <li>Estates management</li> <li>Asset and capital planning</li> <li>Investment management</li> <li>Traffic management</li> <li>Roads and lighting</li> <li>Facilities management</li> <li>Corporate landlord</li> <li>Coastal defence and flooding</li> <li>Professional property services</li> <li>Contract management</li> <li>City Centre Manager</li> </ul>   |
|  | Head of Adult Services   | Head of Communities, Culture and Sport  | Head of Legal and Democratic Services  | Head of Housing and Community Safety  | Head of Planning and Sustainable Development   |
|  | <ul style="list-style-type: none"> <li>Adult Services Protection</li> <li>Older Peoples Care Management</li> <li>Learning disability Care Management</li> <li>Learning Disability Resource management</li> <li>Mental health services</li> <li>Substance Misuse</li> <li>Criminal justice</li> <li>Out of Hours service</li> <li>Duty service</li> </ul> | <ul style="list-style-type: none"> <li>Early years</li> <li>Community learning and development</li> <li>Culture</li> <li>Sport</li> <li>Social and economic</li> <li>Regeneration</li> <li>Sustainable development</li> <li>Educational psychology</li> <li>Children's services joint working</li> </ul>  | <ul style="list-style-type: none"> <li>Legal services</li> <li>Licensing</li> <li>Archives</li> <li>Committee services</li> <li>Democratic services</li> <li>Registrar and registration</li> <li>Legal performance</li> <li>Members' services</li> </ul>   | <ul style="list-style-type: none"> <li>Housing policy and planning</li> <li>Estate management</li> <li>Allocations/selections</li> <li>Homelessness</li> <li>Commissioning</li> <li>Community safety</li> <li>City wardens</li> <li>Police/Fire liaison</li> <li>Civil contingencies: Category one response</li> <li>Financial inclusion</li> </ul>   | <ul style="list-style-type: none"> <li>Infrastructure strategy</li> <li>Infrastructure programmes and design</li> <li>Sustainable development</li> <li>Planning strategy</li> <li>Building standards</li> <li>Development management</li> <li>Master planning design</li> <li>Partnerships, projects and funding</li> <li>Business growth</li> <li>City promotions</li> <li>Marketing and design services</li> <li>Transportation planning</li> <li>Aberdeen Western Peripheral Route</li> </ul> |
|  | Head of Integrated and Joint Commissioning   | Head of Education, Culture and Sport Resources  | Head of Human Resources and Organisational Development   | Head of Regeneration and Housing Investment   |  |
|  | <ul style="list-style-type: none"> <li>Contracts and commissioning</li> <li>Health and social care integration</li> <li>PED Management</li> <li>Planning and development</li> </ul>  | <ul style="list-style-type: none"> <li>New educational development</li> <li>Performance and overall Service improvement</li> <li>Learning estate strategy</li> <li>Workforce planning</li> <li>Service resource and budget</li> <li>Management</li> <li>Quality assurance, Inspection and audit</li> <li>ICT policy and practice</li> <li>CPD for pre-school and Schools</li> </ul> | <ul style="list-style-type: none"> <li>HR strategy</li> <li>Employee relations</li> <li>HR policies</li> <li>Personal development</li> <li>Organisational development</li> <li>Training</li> <li>Health and wellbeing</li> <li>Recruitment and selection</li> <li>Payroll</li> <li>Equality and diversity</li> <li>HR performance</li> <li>Internal Comms</li> </ul>                       | <ul style="list-style-type: none"> <li>Regeneration policy and planning</li> <li>Regeneration programme management</li> <li>Neighbourhood community planning/joint working</li> <li>HRA asset policy and business planning</li> <li>New build</li> <li>Capital refurbishment and SHQS</li> <li>Programme delivery</li> <li>Housing repairs</li> </ul> |  |
|  |  |   | Head of Customer Service and Performance   |   |  |
|  |  |   | <ul style="list-style-type: none"> <li>Best value</li> <li>Internal audit</li> <li>Risk management</li> <li>Community planning</li> </ul>  |   |  |

|  |  |  |  |  |  |
|--|--|--|--|--|--|
|  |  |  | <ul style="list-style-type: none"> <li>• Corporate performance management</li> <li>• Customer relations</li> <li>• Customer service (CRM),</li> <li>• Contact centres,</li> <li>• Access points</li> <li>• ICT services</li> <li>• Business improvement</li> <li>• Shared services process redesign</li> <li>• Improvement management</li> <li>• Knowledge management</li> </ul>   |  |  |
|  |  |  | Head of Procurement (post shared with Aberdeenshire Council)   |  |  |
|  |  |  | <ul style="list-style-type: none"> <li>• Scotland Excel Regional Hub</li> <li>• Procurement policy, strategy and advice</li> <li>• Procurement performance</li> <li>• Electronic procurement and systems</li> <li>• Supplier and contract management</li> <li>• Whitemyres Centre (central stores)</li> <li>• Payments/creditors</li> <li>• Programme Management Office</li> </ul> |  |  |

Proposed Remits



## JOB MATCHING PROCESS – DIRECTORS AND HEADS OF SERVICE RESTRUCTURE

### Context of Job Matching Process

#### **Scope**

This process is solely for the purpose of matching employees to posts in relation to the Directors and Heads of Service restructure.

#### **Determining the management structure**

Once a new structure has been proposed it will immediately be shared with all Directors and Heads of Services.

#### **Consultation with Trades Unions**

Meaningful consultation with the Trades Unions will be undertaken throughout the process.

### Steps in the Job Matching Process

#### **Matching Pool - Eligibility**

Job matching pools for Director Posts will be restricted to current Directors.

Job matching pools for Head of Service posts will be restricted to current Heads of Service.

#### **Classification of posts for Job Matching**

There will be 3 classifications for job matching:

- i) **'Existing' Posts** - are the same or very similar to jobs in the former structure.

It should be recognised that, in some cases, all the functions of an existing post may appear in a proposed role, however this will not constitute a direct match where there are also other functions present within the proposed job.

- ii) **'Amalgamated' Posts** – are changed posts which still contain substantial functions (defined as more than half) of the job in the former structure. In this situation a 'significant link' will be established.



- iii) **'New' Posts** – may contain limited functions of jobs in the former structure but are significantly different, ie less than half the functions of the former job are contained within a new post.

In this situation no Director or Head of Service will be able to make a link to the new post which may be held for redeployment purposes or advertised.

### **Establishing a Claim**

Directors/Heads of Service who are within the relevant matching pool and considered to have a **direct match** would have a claim to **one** job in the new structure. This is also usually the case for most of those in the matching pool with a **significant link**. However, in very exceptional circumstances, where the functions of a job have been equally split in two, the current job holder may be eligible to make a claim to the two jobs into which those duties have transferred.

In the case of a **new post**, no Director or Head of Service will be able to make a 'claim' on that post.

Direct matches and significant links will be identified by the Human Resources & Organisational Development Service and the Directors/Heads of Service will be notified accordingly. Should a Director/Head of Service wish to make a further claim this will be done on the job matching form which will be attached to the notification of direct matches and/or significant links. The job matching form must be returned to the Chief Executive/appropriate Director within **three working days** of issue to allow them to be assessed.

### **How Identified Claims will be Progressed**

Where a Director/Head of Service has a direct match established they will be confirmed in the post without the need for an interview or assessment meeting.

Where a Director/Head of Service has a significant link to an amalgamated post, and they are the only candidate, an assessment meeting will take place. The assessment will discuss the new areas of the job portfolio to ensure that any development needs are identified. Following the assessment, and where there is mutual agreement that the identified gap in development is achievable, the Director/Head of Service will be confirmed in post.

For Directors - the assessment will be undertaken by the Chief Executive. For Heads of Service - the assessment will be undertaken by a Director.

Where a significant link has been established by two or more Directors/Heads of Service there will be a competitive interview.

### **Job Matching Interviews**

Where appropriate, competitive interviews will be arranged and conducted by an appointments panel including the Convener of Finance Policy & Resources

Committee, the Convener and Vice Conveners of the service committee and the Chief Executive (advised by an HR representative) within **10 working days** of receipt of job matching claim forms).

Successful and unsuccessful candidates will be notified of the outcome of their interview within **two working days**.

### **Displaced Employees**

For those who are displaced by the process, every effort will be made to redeploy them to other suitable roles and mitigate any risk of redundancy.

### **Right of Appeal**

A Director/Head of Service will have a right of appeal against the job matching decision. An appeal must be raised with the Chief Executive within **two working days** of being verbally informed of the decision by the interview panel. An appeal can only be based on grounds that the appellant considers that non-job related factors were taken into account in making the decision.

An appeal will be looked into and a response provided in writing within **five working days** following receipt of the appeal.

**Organisational Re-design – Principles**

Experience has shown that significant benefits are derived by agreeing a common set of principles for structural re-design (eg providing for consistency across Services).

It is proposed that the following principles should be applied in the 2014 re-structuring exercise.

Structures should:

1. Be as 'flat' as possible – minimising levels of hierarchy and allowing decisions to be taken near the point of the customer.
  - a) Clearly define accountabilities and remits for each Directorate (and each postholder) to ensure clarity of job role and eliminate duplication of effort and 'blurring' of job boundaries.
  - b) Describe services in a straightforward fashion so as to assist the public and other stakeholders associate service name with service delivery.
2. Be reflective of the Council's current and future strategic priorities and directly facilitate the achievement of these objectives.
3. Facilitate service and Council wide 'transformational' change by maximising the potential for business synergies and efficiencies.
4. Facilitate the delivery of customer focussed and cost effective services.
5. Provide for strong and sustainable corporate and performance management.
6. Consolidate the delivery of related activities/services within the same management structure – maximising scale economies and creating or strengthening centres of expertise.
7. Provide a more direct focus on 'Community and Place'.
8. Facilitate both integration and interaction with partner organisations, either as a result of legislative requirement or voluntary agreement.
9. Provide the platform for an engaged and motivated workforce and assist with the development of the desired organisation culture by facilitating the embedment of our core behaviours.

## ABERDEEN CITY COUNCIL JOB PROFILE

| 1 Job Details   |          |
|-----------------|----------|
| Job Title:      | Director |
| Job Profile No: |          |
| Directorate:    |          |
| Grade:          |          |
| Version Date:   |          |

| 2 Job Purpose  |
|--|
| <p>As an active member of the Chief Executive's Corporate Management Team:</p> <ul style="list-style-type: none"> <li>• provide strategic leadership and direction to deliver the policies and priorities of the Council in accordance with its core behaviours.</li> <li>• provide support and advice to the Chief Executive in the strategic management and development of the Council.</li> <li>• lead the portfolio of services the post is responsible for (see attached) ensuring at all times the effective delivery of high quality, customer focussed and cost efficient services.</li> </ul> |

| 3 Reporting Relationships  |
|--|
| <p>Reporting to the Chief Executive as a member of the Corporate Management Team.</p> <p>Key working relationships include Elected Members, Directorate and Service Management Teams, Trades Union Representatives, Employees, Community Partners and other Public, Private and Voluntary Sector Agencies and Bodies</p> |

| 4 Outcomes  |
|---|
| <p><b>The post holder will be expected to:</b></p> <p>Develop and implement strategies for the delivery of services provided by the directorate, taking into account anticipated developments in the external environment and to influence those developments where possible.</p> <p>Determine operational priorities and review functional activities across the directorate to ensure effective deployment of employees and all other resources in order to achieve high individual, team and organisational performance.</p> <p>Be responsible to the Chief Executive and to Committee for ensuring that the quality and delivery of service provision meets or exceeds customer expectations and that the statutory obligations of the directorate are fulfilled.</p> <p>Establish long term financial plans for the directorate as required and contribute to financial planning at a corporate level.</p> |

Communicate complex and potentially contentious information in a way that is tailored to meet the needs of a variety of audiences. This includes provision of advice and guidance to the Council and its Committees on all aspects of the services provided across the directorate.

Develop long term plans for the directorate's physical and information resources, including tendering where applicable, ensuring that resources required to achieve the overall aims of the Council are in place.

Lead, develop and coach a team of Heads of Service to plan and deliver exceptional performance.

Represent the Council to external bodies positively forging links and exploring collaborative/joint working/partnership opportunities that are of benefit to the Council.

**5 Knowledge**

**The post holder needs to be able to demonstrate an understanding or experience as follows:**

- Practical experience of one or more services within the service portfolio
- Record of achievement at senior management level in a complex, multi-functional organisation
- Proven extensive experience in:
  - o Strategic policy development and implementation
  - o Developing/managing strategic partnerships
  - o Service improvements
  - o Successful budgetary management and control
  - o Developing integrated services
  - o Working with Elected Members, Board members and other similar stakeholder groups
- Managing consultation forums and relationships with trades unions
- Managing and understanding a demanding client base
- Risk analysis, risk awareness, monitoring and management of risk
- Understanding key drivers in a business area and working in partnership with stakeholders to measurably improve service delivery
- Practical knowledge of engagement philosophies and application of these to lead complex negotiations
- Practical knowledge of setting strategy in a complex organisation.
- Sound understanding of the role of Elected Members and experience of working in a political environment and being politically astute.

**6 Job specific skills and competencies**

**The post holder is expected to demonstrate:**

- Sound business acumen with strong knowledge of the external environment and working in partnership
- Sound understanding of organisational change management philosophies, tools and techniques
- An ability to assess business needs from multiple sources, producing high level summaries and recommending appropriate interventions.
- Proven leadership and managerial skills

- Strong written and verbal communication skills and ability to tailor communications to the audience
- Relationship, influencing and negotiation skills
- Team working and team building skills
- Strong customer focus skills and the proven ability to continually anticipate and exceed customer expectations.

## 7 Organisational Behaviours

**The post holder is expected to display the following behaviours:**

**Communication** - Communicates in a way which is clear, open, honest and constructive; shares, listens and responds to information, options, ideas and instructions.

**Customer Focus** - Recognises customer service is part of everyone's job; takes into account customer needs and expectations; strives to meet expectations where possible, manages expectations where this is not possible; is proactive in improving the service.

**Professionalism** - Maintains the standards expected by the service and the organisation at all times; remembers that they are representing the Council.

**Respect** - Behaves in a way that demonstrates respect for people, property and policy.

**Creative/Innovative Thinking** - Looks for creative ways to continuously improve the service.

**Engagement** - Understands the importance of employee commitment; creates a positive atmosphere which motivates people to contribute to the task at hand

**Future Focused** - Looks to the future of the organisation and its contribution to the City; focuses on sustainability; has a business focus; is commercially aware – understands that everything has a cost and is able to make best use of all resources; understands how the organisation operates both formally and informally; demonstrates awareness of political sensitivity

**Team Leadership** - Provides active leadership to the team, service or organisation; demonstrates organisational values, is transparent in their approach, ethical, encourages trust and respect, is self-aware and self regulates their behaviour.

## 8 Requirements of the Job

**The post holder needs to hold as a minimum:**

Relevant degree or professional qualification and/or Member of Professional Institution/Association

## **9 Development**

**The post holder must have undertaken or be committed to undertaking the following within a specified period:**

- Data Protection Essentials – OIL Module (or equivalent)
- Protecting Children - OIL Module (or equivalent)
- For Your Eyes Only - OIL Module (for PC users only)

### **Work Portfolio**

This section of the job profile to contain additional information including

Functions within the directorate

Shared services where the director will take an active role

## Staff consultation on the CMT restructure ‘making the council better’

### 1 Methods of consultation

Employees were given four options to provide their views:

- By surveymonkey link on the Zone
- By sending in a written response to the communications email address
- By submitting written responses through TU reps
- By attending one of 6 drop-in sessions held over two weeks at various locations.

In each of the options participants were asked to consider themselves both as an employee and a customer of the council and to consider:

- What works well in the current structure
- What are the blockers – what hinders or makes it harder to get things done
- What could be done better?

### 2 Responses to date

#### Survey monkey responses

|              |            |
|--------------|------------|
| <b>Total</b> | <b>302</b> |
|--------------|------------|

#### Forms emailed/mailed

|                   |          |
|-------------------|----------|
| Hard copies       | 2        |
| Electronic copies | 3        |
| <b>Total</b>      | <b>5</b> |

#### TU responses

|              |                          |          |
|--------------|--------------------------|----------|
| Unite        | Marischal and Town House | 5        |
| <b>Total</b> |                          | <b>5</b> |

#### Drop-in sessions

|              |                          |            |
|--------------|--------------------------|------------|
| 10 March     | Marischal and Town House | 33         |
| 12 March     | AECC                     | 45         |
| 14 March     | Marischal                | 50         |
| 17 March     | Tullos                   | 15         |
| 19 March     | Kittybrewster            | 13         |
| 21 March     | Harlaw Academy           | 10         |
| <b>Total</b> |                          | <b>166</b> |

|                                      |            |
|--------------------------------------|------------|
| <b>Overall total of participants</b> | <b>478</b> |
|--------------------------------------|------------|



### 3 Analysis of outcomes

The feedback received from the three questions falls into three main categories:

- **Behaviours** – things which could be improved by conscious changes in the way people behave/ treat each other;
- **Planning** – things which could be improved by changes in how we plan and deliver our services – i.e. changes in practices, processes, systems etc;
- **Structure** – things which could be improved by changes to the way we are set up/ the way services sit together.

A summary of the outcomes is presented below under these three headings.

#### 4 What works well in the current structure

##### a) Behaviours – how people behave/ treat each other

Feedback, comments and suggestions were received on:

- Staffing matters
- The need for collaboration
- The image of the council
- Improved effectiveness for both line and senior management.

##### b) How we plan and deliver our services – eg practices, processes, systems

Feedback, comments and suggestions were received on:

- Budgeting
- The effectiveness of communication
- The effectiveness of our working environment
- Customer service expectations
- ICT requirements
- The potential for more collaboration
- Management /senior management.

##### c) Structure – the way we are set up/ the way services sit together

Feedback, comments and suggestions were received on:

- What works well with the current structure
- Management.

#### 5 What are the blockers – what hinders or makes it harder to get things done?

##### a) Behaviours – how people behave/ treat each other

Feedback, comments and suggestions were received on:

- A lack of accountability and a resistance to change
- The potential to increase collaboration where it currently isn't working

- An over-reliance on email
- Making customer focus consistent across the council.

#### **b) How we plan and deliver our services – eg practices, processes, systems**

- Policies and procedures should be streamlined and online
- Committee process is complicated
- Communication
- Lack of availability of meeting rooms
- Pressures on ICT.

#### **c) Structure – the way we are set up/ the way services sit together**

- Centralised support for teams across the council
- Current structure and 'silo working'
- Management structure is complex
- Team Leader role is unclear.

### **6 What could be done better?**

#### **a) Behaviours – how people behave/ treat each other**

- Take the core values seriously
- Increase accountability and introduce consequences
- Increase trust
- Senior management to be more visible.

#### **b) How we plan and deliver our services – e.g. practices, processes, systems**

- Encourage greater collaboration, joined up working and sharing of resources
- Improve collaboration with Aberdeenshire Council
- Improve communication across the council
- Bring ICT services in-house
- Make more use of in-house experts/ specialist managers
- Speed up processes.

#### **c) Structure – the way we are set up/ the way services sit together**

- Get consistency across services in levels of responsibility
- Provide clarity to ensure services reflect their names i.e. social work, planning etc.

**Trade Union Responses to the Re-structuring Proposals**

1. EIS

2. GMB

3. Unison

4. Unite

1.

Grant

Thank you for your positive response to the re-structuring proposals - particularly the proposal to integrate Social Work Children's Services within an Education and Integrated Children's Services Directorate.

You will obviously be consulted further during Phase 2 of the review.

In the interests of transparency, I have appended your submission (and my response to it) to the final Restructuring Report (Phase 1).

Regards,  
Ciaran Monaghan  
Head of Service  
(on behalf of Valerie Watts)

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**From:** Grant Bruce  
**Sent:** 06 May 2014 12:55  
**To:** Ewan Sutherland  
**Subject:** RE: Re-Structure

Ewan

The EIS welcomes the proposal to integrate Social Work Children's Services within an Education and Integrated Children's Services Directorate. We feel this move will make multi-agency working more effective and help us move forward the GIRFEC agenda. Only by making the support we provide to the city's Children & Young People our main priority, will we ensure that all our young citizens in Aberdeen get the best possible start in life.

We note from paragraph 5.8.5 the need to break down a perceived silo mentality and with that in mind there will be the need for a new Head of Service Children's Services post sitting under the new Directorate post. This post will be crucial in encouraging a more collegiate approach between Social Work and Education. Regards

Grant  
Aberdeen EIS Secretary

2.

Mike

Thank you very much for your response to the re-structuring report.

I note your comments and would respond as follows:

Firstly, as the report indicates, these proposals concern themselves with establishing a top tier structure to enable the Council to respond pro-actively to a range of external and internal factors. Significant issues such as the structural placement and identity of the 'Chief Social Work Officer' will be a matter for the new Chief Executive and new CMT to discuss and clear proposals in relation to this will be contained in the Phase 2 report.

Similarly, clarity in relation to the proposed operation of the Criminal Justice function will be covered in Phase 2 but you will be aware that the future of this function is being considered at national level and the national position will clearly have a bearing on the ultimate structural details.

I note what you say in relation to your preference for in-house services as opposed to a commissioning model. As I hope you will agree, I have made my own commitment to in-house services very clear over the course of the last three years.

Thank you again for your response.

In the interests of transparency, I have appended your submission (and my response to it) to the final Restructuring Report (Phase 1).

Regards,  
Ciaran Monaghan  
Head of Service  
(on behalf of Valerie Watts)

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Hi Ewan

I have had very little feed back regarding this report however, there are a number of enquiries regarding ALEOS/ LATC, Where do they sit in the new structure, one suggestion was they may be best placed under Corporate Governance rather than by service.

Where does the CHIEF SOCIAL WORKER sit in the structure, given that it will still be a post that will be required we must ensure that the person in post is qualified.

The draft paper gives very little detail but I note that Criminal Justice is in the same service as Grounds and street sweeping, that service has used Criminal Justice before and it was not a success, I hope this grouping does not mean an increase in the use of that service as the quality was very poor.

I look forward to a more detailed report and note the proposed use of matching,

I am aware of the proposed savings and the need to be as efficient as possible, given the reductions in budgets and the savings required for 2015/16 I would earnestly hope that all services are in house and that commissioning is not a means used to deliver services.

### 3.

Karen / Deirdre

Thank you very much for the two responses you sent in relation to the re-structuring proposals.

Dealing firstly with Karen's e-mail of 2 May, and the proposal to locate the Community Planning function within the proposed Community and Infrastructure Services Directorate. Whilst I understand the feedback in relation to Community Planning's cross-cutting corporate role, one of the organisational design principles underpinning the structural proposals is to:

"Consolidate the delivery of related activities / services within the same management structure - to maximise scale economies and create or strengthen centres of expertise."

There are numerous examples within the re-structuring proposals of attempts to co-locate 'like' services and I would regard the proposed location of the Community Planning function as a case in point.

It may be that the new Chief Executive and CMT will wish to return to this proposal during phase two of the review and your comments will clearly assist them should this be the case.

In relation to Deirdre's e-mail of 1 May 2014, I would respond as follows:

I regret that it will not be possible for me to meet representatives of each aspect of Social Care and Wellbeing prior to 14 May. I have, however, had several meetings with senior staff within the service and believe that these discussions, in addition to your helpful information have given me a clear indication of the issues and concerns which appear to exist.

Having studied your member's comments and the notes of the Unison workplace meeting at Exchequer House on 25 April, it would appear that the substantive issues of concern are:

1. That the proposed structural model is similar to that which existed under the 2005 - 2008 'Neighbourhood Services' structure.
2. The role and structural location of the Chief Social Work Officer
3. That the professional status of Social Work will be minimised by the proposals
4. The proposed titles of the Directorate and the 'Joint Accountable' Officer
5. The impact on support functions
6. Consultation with relevant professional bodies

Clearly a number of additional points were made but the vast majority of these are relevant to phase two of the review and the consultation which will accompany the next phase will enable these additional points to be fully addressed.

1. In relation to point 1, what is proposed is virtually the polar opposite of the neighbourhood services structural model. Under this model there was a four way split of many services - including Social Work Services. Operational service delivery was split three ways - North, South and Central, whilst the strategic management and planning of these services was hived off to a separate directorate.

The three way operational disaggregation entailed many Social Work functions being dissected horizontally - allowing each Neighbourhood to be self sufficient in these key services.

The horizontal splitting of the services and the de-coupling of strategic management was unsuccessful and that experience has been duly noted.

What the proposed model seeks to do is: adhere to the minimum requirements of the Public Bodies (Joint Working)(Scotland) Act 2014 (which clearly visualises the potential disaggregation of Social Work services to provide synergy with the NHS); respond to the objectives and direction provided by the Children and Young People (Scotland) Act 2014; and locate the remainder of Social Care and Wellbeing services on a basis consistent with the principles which underpin the internal re-structuring.

Rather than dissecting the substantive elements of Social Care and Wellbeing (i.e. Children's Services, Adult Services and Criminal Justice), each of these elements will stay in tact and be structurally aligned in accordance with the aforementioned internal and external drivers.

2. It is expected that the Chief Social Work Officer will play a highly significant role going forward in ensuring that the appropriate professional and operational connections are maintained between the three key functional pillars. The retention of operationally connected strategic leadership within each of the functional areas should make this a more straightforward task than faced the Chief Social Work Officer who was in post during the neighbourhood services structural model (i.e. having to deal with the highly fragmented nature of social work operations and strategy).

One of the key decision points in relation to phase 2 of the review will be to determine the identity and structural location of the Chief Social Work Officer.

3. A key consideration of the Chief Social Work Officer will be to ensure that the professional status of Social Work is maintained going forward. There is absolutely no reason why the proposed structure would lead to an adverse effect in this regard but the CSWO would be empowered to act in response to anything that subsequently emerged which had the potential to create such an effect.

For example, it is noted from your response that a key concern is around 'communication'. On occasions where it is necessary or sensible on professional grounds to communicate to all Social Care staff across the three functional pillars, then the Chief Social Work Officer will have the authority to do so.

4. I note the concerns in relation to the proposed directorate title of 'Education and Integrated Children's Services' and 'Joint Accountable Officer'. With respect to the directorate title, it is considered that this best describes the component services and adheres to the structural design principle of:

"describing services in a straightforward fashion so as to assist the public and other stakeholders associate service names with service delivery."

Alternative directorate titles such as 'Integrated Children's Services' may create confusion in the minds of the public who are used to dealing with 'Education' directorates.

5. It is acknowledged that support functions across all of the existing five directors will be anxious to understand the implications of the 'three plus one' model on their future roles. It is, however, simply not possible to give the necessary clarity on this aspect at this juncture. Once the top tier structure is determined then the new CMT will be able to devote time to this matter and their deliberations will be consulted on in the lead up to the phase 2 report.
6. I can confirm that I have taken advice from the Association of Directors of Social Work (ADSW) who provided invaluable advice in relation to the structural options which may be available. In particular they were able to confirm their understanding that a number of large Councils have structural arrangements which deal with the future of Childrens and Adults Services on the basis envisaged within my proposals.

In the interests of transparency, I have appended your submission (and my response to it) to the final Restructuring Report (Phase 1).

I hope that this response is of assistance to you and your members.

Regards,  
Ciaran Monaghan  
Head of Service  
(on behalf of Valerie Watts)

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**From:** Karen Davidson  
**Sent:** 02 May 2014 10:05  
**To:** Ewan Sutherland  
**Cc:** Deirdre MacDonald  
**Subject:** unison private

Ewen

Can this be added to Unison comments please

comments from Community Planning staff is that there is a general concern that at this point in the restructure it would seem that the performance element is being retained within Corporate Governance and Transformational change whilst the Community Planning service is being moved to Communities and Infrastructure. There is no rationale for this shift contained within the report. Whilst it is recognised that this may change depending on what might happen with the OCE we feel that given our service and role is cross cutting then it either needs to be retained as a corporate cross cutting function across all services and from our experience would be best placed within the OCE.

Karen Davidson  
Branch Secretary  
Unison Aberdeen City Branch  
Tel 793780



Hi Ewan,

Please find attached the UNISON response to the Consultation on Restructuring. Thank you for asking for our views, and thank you for the additional two days added to the consultation period.

UNISON feel it would be helpful and would like to request that meetings be arranged before May 14<sup>th</sup> between Valerie and a representative from each aspect of Social Care & Wellbeing. Additionally we feel it would be very important for Valerie to meet with a representative from the business Management side.

Can you assure us that our comments as attached be added as an Appendix to the Report going to Councillors?

In addition, would it be possible for you to send us a copy of the comments gathered during the Staff Consultation Phase?

Thank you,

Regards

Deirdre

Service Conditions Officer  
UNISON  
74 – 76 Spring Garden  
Aberdeen City Council AB25 1GN

[demaconnald@aberdeencity.gov.uk](mailto:demaconnald@aberdeencity.gov.uk)

01224 538041

Please find below the response from many UNISON members at different levels within Social Care & Wellbeing;

- ☐ As an experienced Social Worker with 32 years of experience in Aberdeen city and Aberdeenshire, I am seriously concerned and disappointed that my profession might be split between two directors. I do not find this acceptable.
- ☐ I also feel deeply concerned at the proposed split; my professional qualification equips me to work with children and adults. Having two Directors would confuse matters.
- ☐ Communication is key in Social Work and separation would compromise this greatly. We work with people, not just either children or adults.
- ☐ Child Protection is at the core of Social Work. But so is Adult Protection. It is inappropriate to separate these.
- ☐ Anxiety runs high amongst all Social Workers; if there are failures to protect then the finger tends to be pointed at Social Workers rather than anyone else, irrespective of who is most responsible. Splitting our staff in two Directorates would undermine our morale greatly and increase anxiety.
- ☐ I feel Social Work needs to be recognised as a profession and this is not the case if we are split into two directorates.
- ☐ I feel it is essential that we have a Social Worker as part of the directorate given the extremely serious nature of the work.
- ☐ I have concerns about the impact on recruitment if social work is split; professional confidence in Aberdeen City Council would be undermined.
- ☐ Social work is a complex and tough enough job anyway, without being diluted within two directorates. I feel this would be a serious mistake, which ACC might go on to regret.
- ☐ Social Workers need confidence in our management and splitting the service would seriously undermine this.
- ☐ The fact that it is proposed to split our service tends to indicate a lack of awareness of the gravity of the social work task.
- ☐ There is enough anxiety about the integration of NHS and social care. It is true to say that at times social work services and values could be accepted more fully by some NHS staff. Splitting the social work service further would weaken social work.
- ☐ Social Work requires a strong and focussed leadership and communication is vitally important.

Notes of the UNISON Workplace meeting at Exchequer house on Friday 25 April 2014.

1. We questioned how the Chief Social work Officer would be able to fulfil her role and responsibilities when Social Work Services are divided between three directories?
2. Dividing Children and Adult Care Services between different directories could potentially undermine child protection policies and practices.

3. There is concern that if Directors do not come from a Social Work background they will not understand the complexities of Social Work practices and responsibilities. This could lead to Social Worker staff feeling more vulnerable and exposed.
4. SSSC Registration is dependent on the Chief SW Officer signing Social Worker's application forms. We are concerned that the Chief SW Officer will be unable to undertake this task for Social Workers belong to other directorates.
5. Social Work Services are already under enormous strain due to lack of resources and workload management issues, so that further change at a time when Children's Services and Criminal Justice Services are facing major changes can only lead to a deterioration in staff morale.
6. The report identifies financial savings accruing from the re-structuring process but is unable to state the amount. This reinforces the impression that the organisational review has been rushed and not properly considered.
7. The consultation period has been short for such a major re-organisation and has not allowed us the opportunity to discuss the changes with the majority of our members.
8. WE would want to study the evidence that support the new directorate model so that we can provide informed comment on the new structure.
9. It is important to recognise that previous attempts to divide up Social Work Services were unsuccessful and were heavily criticised in Government reports e.g. SWIA and Audit Scotland Commission reports.
10. We would call on the Council to defer decision on the new structure to allow more consultation to take place.

### **Concerns based upon recent history**

#### **SWIA Inspection Report 2008**

- |   |                |
|---|----------------|
| • Outcomes for the people who use the service                         | Weak           |
| • Impact for people who use the service                               | Adequate       |
| • Impact on staff   | Weak           |
| • Impact on the community   | Adequate       |
| • Delivery of key processes   | Weak           |
| • Policy and service development, planning and performance management | Weak           |
| • Management and support of staff                                     | Adequate       |
| • Resources and capacity building                                     | Unsatisfactory |
| • Leadership and direction  | Unsatisfactory |
| • Capacity for improvement  | Weak           |

This was the outcome when the Social Work Service was managed across a number of different Directorates. On what basis has the decision been taken to return to a model of service delivery that had such a devastating outcome for service users and staff previously?

#### **Management and Support of Staff**

#### **Recommendation 13**

Management should ensure that managers and staff are clear about the plans for the disaggregation of services. Management should work with staff to identify the possible benefits to being in neighbourhoods. Management should develop risk management plans to address any concerns raised by staff about service delivery where the service is disaggregated.

### **Leadership and Direction**

#### **Recommendation 19**

Health and social care services should ensure further work is undertaken with elected members to enable them to effectively exercise their responsibilities towards health and care service.

#### **Recommendation 20**

In accordance with the principals outlined in “Changing Lives”, the council should clarify the role of the chief social work officer and communicate these throughout the service.

What is being proposed is reminiscent of the neighbourhood model that is now accepted as creating a breakdown of service delivery and had a significant impact upon staff moral.

The SWIA report clearly lists the failing within the service that was being managed across a number of different Directorates. Professional standards were not valued and there was a lack of accountability for the poor decision that was made at that time.

### **Joint inspection of services to protect children and young people in the Aberdeen City Council Area**

#### **How effective is the help children get when they need it?**

|   |                |
|---|----------------|
| Children are listened to, understood and respected                          | Satisfactory   |
| Children benefit from strategies to minimise harm                           | Satisfactory   |
| Children are helped by the actions taken in immediate response to concerns. | Unsatisfactory |
| Children’s needs are met  | Weak           |

#### **How well do services promote public awareness of child protection?**

|   |              |
|---|--------------|
| Public awareness of the safety and protection of children | Satisfactory |
|---|--------------|

#### **How good is the delivery of key processes?**

|  |                |
|--|----------------|
| Involving children and their families in key processes | Satisfactory   |
| Information-sharing and recording                      | Weak           |
| Recognising and assessing risk and need                | Unsatisfactory |
| Effectiveness of planning to meet needs                | Unsatisfactory |

#### **How good is operational management in protecting children and meeting their needs?**

|   |                |
|---|----------------|
| Policies and procedures   | Weak           |
| Operational planning  | Weak           |
| Participation of children, families and other relevant people in policy development | Unsatisfactory |

|                                    |      |
|------------------------------------|------|
| Recruitment and retention of staff | Weak |
| Development of staff               | Weak |

### How good is individual and collective leadership?

|                                       |      |
|---------------------------------------|------|
| Vision, values and aims               | Weak |
| Leadership and direction              | Weak |
| Leadership of people and partnerships | Weak |
| Leadership of change and improvement  | Weak |

The report highlights significant failing in the management and leadership of services that were delivered via the neighbourhood service model. Having been managed by the Neighbourhood Director who had no professional background in social work it led to a dilution of the service. Accountability and understanding of the legal framework also led to an unsafe service.

There may have been benefits from bringing together Children's Services however the very clear emphasis on "Education" with the added "integrated children's services" gives a clear message of the priority. Is Education not part of an integrated service? Given the matching processes it is a given that Children's Social Work Services will be managed by the Director of Education.

The restructuring of the Directorate leads to the demise of the Social Work Service. This is a sad day for this city and a complete devaluing of the service and the profession.

It is important that all employees in each "directorate" are clearly held in equal status. It is also important that the titles of the directorates are understandable, logical and without bias. For these reasons I have the following comments to make on the proposals made:

1. "Three plus One" is confusing as a model. It is not made clear why 4 directorates would not do.
2. The Joint Accountability Officer is not a directorate but has responsibility for services with the same status as other services governed under the other directorates. This immediately builds in an inconsistency and inequality.
3. Joint Accountability Officer is a peculiar title/description of a directorate. It is easy to understand the "Joint" bit with the NHS, but what is an "Accountability Officer"?
4. Director of Corporate Governance and Transformation is a grandiose title. There is no need for the addition of the word "Transformation" as those that govern the corporate body (Corporate Governance, presumably) have responsibility for its development or "transformation".
5. It is illogical to have a directorate entitled "Education and Integrated Children's Services". This implies that Education is not part of Integrated Children's Services. Indeed there is no need for the word "Integrated" if the directorate is responsible for all services delivered to children across the City.
6. Further, the proposed title of "Education and Integrated Children's Services" is inconsistent as no other service is specifically named in any of the other Directorate titles. Apart from conferring a status above all other services, this has the potential to prejudice the matching process.
7. Aberdeen City may rue the loss of a readily identifiable and coherent social work service. Finally please note the following from wider workforce from within SC&W

The Business Management function in SC&W is unique as it manages Carefirst and other systems, does all the procurement and commissioning and can't be disaggregated. Concerns about Carefirst are about possible requirements for new service to access this system could lead to data protection issues thus putting the Council at risk.

e.g. who would complaints about Carefirst be addressed by and who would coordinate responses.

For these reasons it is difficult to understand why the specific function of Business Management in SC&W was not included when meetings were held with SMT as this is the aspect of the service tasked to carry out changes.

The impact on staffing was underestimated in the initial statement. There has been little or no opportunity to receive detailed information and this is stressful to staff.

The significance of statutory deadlines and legislation is fully understood in the current set but there is a concern this would not be recognised and acted upon appropriately when within another service. Therefore there is a perceived significant risk to the Council.

In the interim period May – July 14 what are the arrangements? What are the arrangements once Head of Service are in place?

Will there be one 'go live' date identified?

More importantly re timescales, what happens to the responsibilities of the role of Chief Social Officer between disestablishing the Director of SC&W and implementation of Integrated Care April 2015? Also this concern applies to the role and responsibilities of the Joint Accountable Officer role e.g. re Adult Services.

At last re-structure it required 5 consultants to facilitate the changes to ICT function.

Additional resources were also necessary for financial and HR aspects of the changes. How this type of requirement be met and while the changes take place who will be carrying out the routine functions and day-to-day business?

#### Staff Role

It is unclear about where Support and Supervision would come from and all the employment supports like PR&D. Would they still be provided by someone who understood their functions and was qualified to provide that support?

To summarise

Where did the discussions take place and with whom to arrive at the current proposals?

What other options were considered and why were they discarded? How widely did the Council consult with other Professional bodies who have a true understanding of risk in a Social Care context?

Lessons do not seem to be learnt from past experience. When the service was disaggregated in the past, it resulted in damning reports for the council. In other parts of Scotland where services have been disaggregated they are currently experiencing poor reports, specifically Dumfries & Galloway, Stirling and Clackmannanshire.

When there is damage to the reputation of the Council, recruitment becomes a problem and there already exist problems recruiting to some posts.

At no time did UNISON members express resistance to change. All are aware this necessary especially with the Integration of Social Work and Health. There is time to put these changes in place before April 15 and even into April 16.

#### PLEASE NOTE

ALL THE UNISON MEMBERS THAT WERE CONSULTED HAD MAJOR CONCERNS ABOUT THE SERVICE THEY PROVIDE AND THE RISK TO CLIENTS AND THE COUNCIL. IT WAS ALWAYS A SECONDARY CONCERN WHEN THEY TURNED THEIR ATTENTION TO HOW THEY WERE SUPPORTED AND PERSONAL CONSIDERATIONS.

4.

Steve

Thanks for your response to the re-structuring proposals.

With reference to the Directors' PAs, I can confirm that all five PAs were offered an individual meeting with a representative of the HR Service to discuss any issues or concerns. In addition, I am in the process of organising a group meeting with myself which will take place as soon as is practicable.

In the interests of transparency, I have appended your submission (and my response to it) to the final Restructuring Report (Phase 1).

Regards,  
Ciaran Monaghan  
Head of Service  
(on behalf of Valerie Watts)

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**From:** Steven Robb  
**Sent:** 25 April 2014 15:17  
**To:** Ewan Sutherland  
**Subject:** Re-structure

Hi Ewan,

I have been contacted by a member who believes she will be impacted on regarding Val's re-structure. I understand members of Unison have the same issue. The staff are employed as PA's to the current Directors and feel there has been little or no consultation with them. Can you update me please as to how their situation is to handled going forward ?

Regards,

Steve Robb

Unite Convener  
Aberdeen City Council  
74-76 Spring Garden  
Aberdeen  
AB25 1GN

Phone number 01224 538108

Tommy

Thank you for your e-mail of 29 April 2014.

As you indicated, Steve Robb has indeed been in touch with some specific feedback regarding the impact on Director's PAs in particular. In response, I have offered early individual meetings with an HR Adviser should they so wish and will personally meet the PAs as a group if there is a demand for such a meeting.

Regards,  
Ciaran Monaghan  
Head of Service  
(on behalf of Valerie Watts)

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**From:** Campbell, Tommy [mailto:Tommy.Campbell@unitetheunion.org]  
**Sent:** 29 April 2014 05:47  
**To:** Valerie Watts; Steven Robb; Joe Craig; Karen Davidson; Michael Middleton; Janet Adams (GMB) (Janet.Adams@gmb.org.uk); l.duncan@unison.co.uk; Sarah Duncan (Unison) (s.duncan@unison.co.uk); Ewan Sutherland; Willie Young  
**Cc:** Campbell, Tommy  
**Subject:** Restructure of ACC Corporate Management team

Val

**For the avoidance of any doubt UNITE do not and have not agreed with the restructure proposals.**

**We are aware that the proposals could have a significant impact on the PA staff and others.**

**Steve Robb along with other Unions Reps will no doubt be making written representations to you once they have consulted with union members and been informed by them on how the proposals will impact on staff.**

Tommy





# Equality and Human Rights Impact Assessment - the Form

There are separate guidance notes to accompany this form – “Equality and Human Rights Impact Assessment – the Guide.” Please use these guidance notes as you complete this form. Throughout the form, **proposal** should be understood broadly to include the full range of our activities and could refer to a decision, policy, strategy, plan, procedure, report or business case, embracing a range of different actions such as setting budgets, developing high level strategies and organisational practices such as internal restructuring. Essentially everything we do!

## STEP 1: Identify essential information

1. Committee Report No.

2. Name of proposal.

3. Officer(s) completing this form.

| Name          | Designation                          | Service  | Directorate          |
|---------------|--------------------------------------|--|----------------------|
| Keith Tennant | Team Leader – Policy and Performance | Human Resources and Organisational Development | Corporate Governance |

4. Date of Impact Assessment.

5. When is the proposal next due for review?

6. Committee Name.

7. Date the Committee is due to meet.

8. Identify the Lead Council Service and who else is involved in delivering this proposal (for example other Council services or partner agencies).

The proposal has been developed by the Chief Executive following appropriate consultation with stakeholders, with the Human Resources and Organisational Development Service assisting through the design and implementation of the job matching process.

9. Please summarise this Equality and Human Rights Impact Assessment (EHRIA). This must include any practical actions you intend to take or have taken to reduce, justify or remove any adverse negative impacts. This must also include a summary of how this proposal complies with the public sector equality duty for people with protected characteristics - see Step 2. **Please return to this question after completing the EHRIA.**

The impact of the proposal has been assessed in relation to the various protected characteristics, including gender.

The number of Director posts is to be reduced as a result of the restructure, meaning that there will be a threat of redundancy. However, a fair and transparent job matching process is to be applied to fill the posts in the new structure, which should ensure that there is no unfair discriminatory practice in selecting employees for the available posts and there is equality of opportunity. In addition, measures such as redeployment and/or the application of the voluntary severance/early retirement scheme may be applied to mitigate the effect of any potential redundancies.

It is possible that there could be a gender equality impact in terms of the proportions of males/females remaining, if more employees of a certain gender were displaced, in particular where there was an existing minority of that gender in post. Although gender balance would be desirable, this may be an unavoidable consequence of the process, with the selection criteria for the posts to be applied in accordance with the laid down job matching process.

There is not expected to be any negative impact in relation to the other protected characteristics.

10. Where will you publish the results of the Equality and Human Rights Impact Assessment? Tick which applies.

- Para 9 of EHRIA will be published in committee report in Section 6 "Impact"
- Full EHRIA will be attached to the committee report as an appendix
- Copied to Equalities Team to publish on the Council website

## **STEP 2: Outline the aims of the proposal**

11. What are the main aims of the proposal?

The main aim of the proposal is to review the structure of Director posts to meet the needs of the organisation going forward in relation to key policy commitments and

budget constraints, so that the Council can find the best ways of delivering services to citizens within available resources.

12. Who will benefit most from the proposal?

The citizens of the City should benefit as the new structure should result in the delivery of services that more closely meet the needs of the population.

The organisation as a whole should benefit from the proposal through having in place a structure that is 'fit for purpose' going forward that will assist the Council in meeting its key policy commitments, taking account of budget constraints and helping meet customer needs through the delivery of quality services.

13. You should assess the impact of your proposal on equality groups and tell us how implementing this proposal will impact on the needs of the public sector equality duty to: eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations.

The restructure proposal involves a reduction in the number of Director posts from 5 to 3, meaning that there is a threat of redundancy. A fair and transparent job matching process is to be applied to fill the 3 posts in the new structure, which should ensure that there is no unfair discriminatory practice in selecting employees for the available posts and there is equality of opportunity. In addition, measures such as redeployment and/or the application of the voluntary severance/early retirement scheme may be applied to mitigate the effect of any potential redundancies.

There is currently a slightly different proportion of male and female employees in the existing Director posts (see section 15 below). It is possible that there could be a gender equality impact in terms of the proportions remaining, if more employees of a certain gender were displaced, in particular where there was an existing minority of that gender in post. Although gender balance would be desirable, this may be an unavoidable consequence of the process, with the selection criteria for the posts to be applied in accordance with the laid down job matching process.

**STEP 3: Gather and consider evidence**

15. What **evidence** is there to identify any potential positive or negative impacts in terms of involvement, consultation, research, officer knowledge and experience, equality monitoring data, user feedback and other? You must consider relevant evidence, including evidence from equality groups.

The gender make up of the existing 5 Director posts comprises 3 female employees and 2 male employees. With a reduction in posts following the restructure from 5 to 3, it is possible that there could be a gender equality impact if more employees of a certain gender were displaced, in particular where there was an existing minority of that gender

in post.

However, any potential impact would not be due to unfairness, with an open and transparent job matching process to be applied to undertake selections to the posts, but could be a consequence of the restructure.

#### STEP 4: Assess likely impacts on people with Protected Characteristics

16. Which, if any, people with protected characteristics and others could be affected positively or negatively by this proposal? Place the symbol in the relevant box. Be aware of cross-cutting issues, such as older women with a disability experiencing poverty and isolation.

(Positive +, neutral 0, - negative)

| Protected Characteristics     |   |                         |                 |                        |   |
|-------------------------------|---|-------------------------|-----------------|------------------------|---|
| Age - Younger<br>Older        | 0 | Disability              | 0               | Gender Reassignment*   | 0 |
| Marriage or Civil Partnership | 0 | Pregnancy and Maternity | 0               | Race**                 | 0 |
| Religion or Belief            | 0 | Sex (gender)***         | -<br>(possible) | Sexual orientation**** | 0 |
| Others e.g. poverty           | 0 |                         |                 |                        |   |

Notes:

\* Gender Reassignment includes Transsexual

\*\* Race includes Gypsy/Travellers

\*\*\* Sex (gender) i.e. men, women

\*\*\*\* Sexual orientation includes LGB: Lesbian, Gay and Bisexual

17. Please detail the potential positive and/or negative impacts on those with protected characteristics you have highlighted above.

In making the assessment you must consider relevant evidence, including evidence received from individuals and equality groups. Having considered all of these elements, you must take account of the results of such assessments. This requires you to consider taking action to address any issues identified, such as removing or mitigating any negative impacts, where possible, and exploiting any potential for positive impact. If any adverse impact amounts to **unlawful discrimination**, the policy must be amended to avert this. Detail the impacts and describe those affected.

|  |   |
|--|---|
| Positive impacts<br>(describe protected characteristics) | Negative Impacts<br>(describe protected characteristics affected) |
|--|---|

|                  |   |
|------------------|---|
| affected)<br>N/A | It is possible that there could be a negative impact in relation to gender equality following the restructure if more employees of a certain gender were displaced, in particular where there was an existing minority of that gender in post. This could be an unavoidable consequence of the process. |
|------------------|---|

**STEP 5: Human Rights - Apply the three key assessment tests for compliance assurance**

18. Does this proposal/policy/procedure have the potential to interfere with an individual's rights as set out in the Human Rights Act 1998? State which rights might be affected by ticking the appropriate box(es) and saying how. **If you answer "no", go straight to question 22. No.**

- Article 3 – Right not to be subjected to torture, inhumane or degrading treatment or punishment
- Article 6 – Right to a fair and public hearing
- Article 8 – Right to respect for private and family life, home and correspondence
- Article 10 – freedom of expression
- Other article not listed above

**How?**

**Legality**

19. Where there is a potential negative impact is there a legal basis in the relevant domestic law?

**Legitimate aim**

20. Is the aim of the policy identified in Steps 1 and 2 a legitimate aim being served in terms of the relevant equality legislation or the Human Rights Act?

**Proportionality**

21. Is the impact of the policy proportionate to the legitimate aim being pursued? Is it the minimum necessary interference to achieve the legitimate aim?

**STEP 6: Monitor and review**

22. How will you monitor the implementation of the proposal? (For example, customer satisfaction questionnaires)

The proposal will be monitored through listening to any feedback from employees and/or trade unions on any unforeseen equality impacts emerging once the proposal

has been implemented, including in relation to workloads.

23. How will the results of this impact assessment and any further monitoring be used to develop the proposal?

The results of this impact assessment will continue to be borne in mind once the proposal is implemented. If through the monitoring of any feedback received a significant negative equality impact is identified in relation to a protected characteristic group, this will be considered and, where practicable, appropriate measures identified to address this.

### STEP 7 SIGN OFF

The final stage of the EHRIA is formally to sign off the document as being a complete, rigorous and robust assessment.

Person(s) completing the impact assessment.

| Name          | Date       | Signature |
|---------------|------------|-----------|
| Keith Tennant | 7 May 2014 |           |

Quality check: document has been checked by

| Name          | Date     | Signature |
|---------------|----------|-----------|
| Jeff Capstick | May 2014 |           |

Head of Service (Sign-off)

| Name            | Date     | Signature |
|-----------------|----------|-----------|
| Ewan Sutherland | May 2014 |           |

### Now –

Please send an electronic copy of your completed EHRIA - without signatures - together with the proposal to:

Equalities Team  
Customer Service and Performance  
Corporate Governance  
Aberdeen City Council  
**Business Hub 13**  
Second Floor North  
Marischal College  
Broad Street  
Aberdeen

Equality and Human Rights Impact Assessment – the Form.  
AB10 1AB

Telephone 01224 523039 Email [sandrab@aberdeencity.gov.uk](mailto:sandrab@aberdeencity.gov.uk)





**POLICE  
SCOTLAND**  
Keeping people safe

**Aberdeen City**  
Local Policing Plan 2014-2017



**ABERDEEN**  
CITY COUNCIL

# Aberdeen City

## Local Policing Plan 2014-2017

Police Scotland  
A Division Headquarters  
Queen Street  
Aberdeen AB10 1ZA

If you would like this information in an alternative format or language - please contact us to discuss your needs.

- 1. Polish** Jeśli chcieliby Państwo otrzymać niniejsze informacje w innym formacie lub języku - proszę się z nami skontaktować aby przedyskutować Państwa wymagania.
- 2. Romanian** Dacă doriți aceste informații într-un alt format sau într-o altă limbă, vă rugăm să ne contactați pentru a discuta ce anume aveți nevoie.
- 3. Urdu** اگر آپ یہ معلومات کسی متبادل صورت یا زبان میں حاصل کرنا چاہتے ہوں تو برائے مہربانی اپنی ضروریات کے بارے میں بات چیت کرنے کے لیے ہم سے رابطہ کریں۔
- 4. Punjabi** ਜੇ ਤੁਹਾਨੂੰ ਇਹ ਜਾਣਕਾਰੀ ਕਿਸੇ ਹੋਰ ਰੂਪ ਜਾਂ ਭਾਸ਼ਾ ਵਿੱਚ ਚਾਹੀਦੀ ਹੋਵੇ - ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਤੁਹਾਡੀਆਂ ਲੋੜਾਂ ਬਾਰੇ ਵਿਚਾਰ ਵਟਾਂਦਰਾ ਕਰਨ ਲਈ ਸਾਡੇ ਨਾਲ ਸੰਪਰਕ ਕਰੋ।
- 5. Hindi** 'यदि आप यह जानकारी किसी वैकल्पिक प्रारूप अथवा भाषा में प्राप्त करना चाहते हैं – कृपया अपनी आवश्यकताओं के बारे में विचार करने के लिए हमसे संपर्क करें'।
- 6. Czech** Máte-li zájem o tuto informaci v odlišném formátu nebo jazyce - kontaktujte nás, abychom projednali Vaše potřeby.
- 7. Arabic** إذا كنت تود الحصول على هذه المعلومات بشكل آخر أو بلغة أخرى فالرجاء الاتصال بنا لمناقشة احتياجاتك.
- 8. Kurdish** ئەگەر تۆم زانیاریەت بە شێوە یان زمانی تر دەویت، ئەوا تکایە پەیوەندیمان پێوە بکە بۆ ئەوەی کە گفتووگۆ سەبارەت پێویستیەکانت بکەین.
- 9. Russian** Если вы хотите получить данную информацию в другом формате или на другом языке, пожалуйста, обращайтесь к нам, и мы обсудим ваши потребности.
- 10. Slovak** Keby ste chceli dostať tieto informácie v inom jazyku alebo v inom formáte, obráťte sa na nás s takou požiadavkou a my ju v závislosti od Vašich potrieb zväžíme.
- 11. Lithuanian** Jei Jums reikia šios informacijos kitu formatu arba kita kalba, prašome susisiekti su mumis bei aptarti Jūsų poreikius.
- 12. Chinese simplified** 如果您希望以其他的格式或语言获得这些信息，请联系我们以讨论您的需求。
- 13. Chinese traditional** 如果您希望以其他的格式或語言獲得這些資訊，請聯繫我們以討論您的需求。
- 14. Gaelic** Ma tha sibh ag iarraidh an fhiosrachaidh seo ann an riochd no cànan eile, nach cuir sibh fios thugainn gus ur cuid fheumalachdan a dheasbad.

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## **POLICING PLAN FOR 2014-2017**

### **1. Introduction**

This plan sets out the local policing priorities and objectives for the local authority area of Aberdeen City for 2014-2017 and is a statutory requirement of the Police and Fire Reform (Scotland) Act 2012. It is produced as part of a planning process which takes account of the Scottish Government's overarching vision for public services, the Strategic Police Priorities set by Scottish Ministers, the Scottish Police Authorities Strategic Police Plan and the Chief Constable of Scotland's Annual Police Plan.

The Local Policing Plan for Aberdeen City represents a critical part of the delivery process for the service, demonstrating our commitment to local policing within the national planning framework and enabling us to respond effectively to the concerns of local communities as well as meet and tackle nationwide demands. This plan will be supported by 13 Multi Member Ward Level Community Policing Plans which respond directly to local needs and demands.

Aberdeen City is a diverse city perceived as being wealthy and economically buoyant, with a growing population, low unemployment and vibrant economy. Despite this, there are sharp differences between affluent and deprived areas of the city. Many of the city's regeneration areas feature heavily in the Scottish Index of Multiple Social Deprivation, and it is no surprise that these areas are the ones that contain the most significant health inequalities and wider social problems.

This plan sets out the key strategic priorities for policing the City of Aberdeen. These have been set by taking account of a range of information sources and reflect nationally set priorities and crime analysis, but more critically by consulting with local communities and partner agencies so that these priorities are focused on policing local communities across Aberdeen.

It is only by working together with you, the people of Aberdeen, that we can truly make a difference. Partnership working is key to delivering on the Single Outcome Agreement and Aberdeen Cities 2020 vision and we will continue to develop our work with the extensive network of agencies and organisations across all sectors of the economy. We will continue to look across Scotland for examples of best practice which will enhance the way in which we deliver our service.

The City of Aberdeen has never been safer. Violent crime and antisocial behaviour have been consistently reduced in recent years and the city regularly features highly in employers' global quality of life surveys. It is our commitment, working closely with partners and the communities themselves, to ensure that Aberdeen continues to be one of the safest and most welcoming cities in the country.



## **2. Foreword by:**

### **Sir Stephen House QPM, Chief Constable of the Police Service of Scotland**

The first year of Police Scotland has seen significant change in many aspects of the organisation, however, the delivery of locally-focused operational policing remains the bedrock of this service. I remain strongly committed to the principle that community-based policing, which responds to local need and demand, is crucial to delivering services that keep people safe and maintain public confidence.

One of the ways in which we can visibly demonstrate this commitment to local policing is by listening to communities and asking them to help shape our priorities. We have consulted widely across the council area with local people and other organisations to help identify our priorities. By combining the information we received through this consultation process with analysis of crime and other performance data we have established the priorities and objectives that are set out in this plan.

In developing this plan the Local Policing Team, led by the Local Commander, has worked closely with public, private and third sector organisations as well as directly with communities, because we recognise that partnership working is critical to making our communities safer. Importantly, this approach has also ensured that our planning process is aligned to the broader vision set out in the Community Plan and supports the Single Outcome Agreement. This plan is therefore a commitment to working across agencies to deliver better outcomes for communities as well as setting out how policing will be delivered in this area.

I am pleased to say that we have achieved much in the first year of Police Scotland to tackle crime and prevent harm - reducing the number of people who have been the victims of violence and the number killed and injured on our roads as well as addressing other crucial priorities for communities. This plan sets out an agenda to build on that success by tackling the issues that will improve the safety and wellbeing of communities across this local authority area.

### **Vic Emery OBE, Chair of the Scottish Police Authority**

I passionately believe that the establishment of Police Scotland and the SPA has created significant opportunities to strengthen the effectiveness of policing. We want you the public to have a real say on local priorities and for policing to listen to that public voice. This plan is where that comes together. It sets out what your local priorities are – identified from what local people are saying is most important to them, and underpinned by local evidence and intelligence gathered by policing in this area.

We want you to be able to question, and judge, how well the police are performing against those priorities. So we will expect your local commander to report publicly and regularly on how they are achieving the priorities set in this plan, so you and your community can assess for yourselves how policing is working for you.

We want residents to be able to see how money invested in policing is being used and what results it brings, and to understand better how national and local policing decisions are made and why.

Scotland is a country with reducing levels of crime, and a strong bond of trust between the Police service and the Scottish public. Local partnerships, a focus on prevention and collaboration, and genuine accountability at both local and national level underpin that bond.

Working together to turn this plan into results, as professionals and members of the public, is about making this part of Scotland a place of greater safety – and a greater place to live.

**Councillor Len Ironside CBE, Convenor of the Social Care, Wellbeing and Safety Committee, Aberdeen City Council**

To follow.

### 3. Priorities and Objectives

#### Priority - Antisocial Behaviour

Antisocial behaviour is the umbrella to a wide range of crimes and offences including youth annoyance, street drinking, public urinating, antisocial driving and vandalism, and is prevalent to varying degrees across the city. From the sobriety figures of those apprehended by the police in relation to crimes involving antisocial behaviour, alcohol can often be a contributing or exacerbating factor and this sort of disorder or annoyance can also sometimes be a precursor to more serious crime types. Like crimes of violence it is reported most frequently within the city centre as well as within Aberdeen's regeneration areas where a higher level of social deprivation tends to be present.

There is a clear correlation between excessive alcohol consumption and instances of disorder and analysis of problem premises and persistent offenders enables us to proactively target disorder 'hot spots'.

We are committed to reducing the number of people affected by antisocial behaviour and will continue to work closely with partner agencies to exploit all opportunities to prevent crime, manage offenders through our pioneering youth justice strategy and support victims through collaborative joint working. We will rigorously pursue the application and enforcement of Antisocial Behaviour Orders (ASBO), sharing relevant information with partners to assist in early eviction of problem tenants.

There has been a reduction in antisocial behaviour in recent years and we will continue to use intelligence analysis to proactively target and manage perpetrators of violence, disorder and antisocial behaviour, not only in the city centre, but throughout our communities, to ensure a better quality of life for all.

Focused activity through our successful 'Maple'<sup>1</sup> and 'Oak'<sup>2</sup> Strategies, with the addition of work under the 'Trinity'<sup>3</sup> Strategy, has seen overall reductions in all instances of antisocial behaviour throughout our communities. Throughout the forthcoming year we will continue to deliver these overarching strategies.

#### Objectives:

- Reduce the number of incidents of antisocial behaviour reported by members of the public;
- Decrease the number of complaints regarding youth disorder;
- Decrease instances of vandalism.

Our officers are dedicated to tackling all levels of antisocial behaviour, which are significant causes of concern for our communities as highlighted within our Community Policing Plans.

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<sup>1</sup> Maple – A multi-agency approach to tackle antisocial behaviour, alcohol related crime and violence.

<sup>2</sup> Oak – A long-term multi-agency strategy to tackle city centre crime and violence.

<sup>3</sup> Trinity – A strategy to combat the antisocial use of motorcycles.

## **Priority - Housebreaking**

Whilst there has been an overall reduction in all types of acquisitive crime throughout Aberdeen city over the past five years, it is acknowledged that Aberdeen continues to record a higher than average rate of crimes of dishonesty per head of population. Whilst there is a general longer term decrease in all forms of dishonesties, there has been a rise in all forms of housebreaking during 2013/14 and consultation indicates that this intrusive crime is a concern to communities.

Housebreaking refers to all crimes where property is stolen or attempted to be stolen from a secured home, business or outbuilding including sheds and garages and it affects, to varying degrees, all our communities and demographics. Crime analysis indicates a direct correlation between housebreaking and the theft of or from vehicles and that generally these crimes are opportunistic.

Evidence derived from custody debriefing and sources of information from partner agencies, generally shows a link with substance misuse, employability and the associated chaotic lifestyle. It is likely that the recent prolonged period of economic austerity and the changes to welfare reform has resulted in an increase in housebreaking. Consequently, all community planning partners understand the requirement to focus activity on tackling the issue with evidence-led policies advocating proactive, early intervention with a focus upon repeat victimisation and crime prevention.

We have established dedicated units focusing upon housebreaking and are working with criminal justice partners to ensure that our investigations are supported with bail conditions, curfews and other forms of interventions to reduce offending and influence behaviour.

To effectively deal with this priority we will continue to undertake intelligence gathering, conduct crime pattern analysis and deploy targeted police patrols. In addition, we will endeavour to heighten public awareness of the situation to achieve a reduction in the risk of them becoming a victim of this type of crime.

### **Objectives:**

- Reduce the level of all forms of housebreaking;
- Increase the detection rate for all forms of housebreaking.

We will focus our policing activity on detection opportunities, using our resources intelligently, collaborating with partners to reduce the opportunity for housebreaking and to effectively targeting those involved in this intrusive crime.



## **Priority - National Security**

Aberdeen City has several sites of critical national infrastructure, many of which are connected to the energy sector. The close proximity to the oil and gas fields of the North sea have resulted in Global Headquarters buildings, control rooms and key network points being located in Aberdeen. In addition, the city has a busy seaport, International Airport and a large number of high profile visitors including The Royal Family. The city also has large and diverse University population.

'Keeping People Safe' clearly includes protection from the threat of terrorism and we are committed to the aims and objectives of the United Kingdom Counter Terrorism Strategy (CONTEST).

CONTEST comprises of the 4 'P's:-

- Protect - strengthening our borders, infrastructure, buildings and public spaces from an attack;
- Prepare - where an attack cannot be stopped, to reduce its impact by ensuring we can respond effectively;
- Pursue - to disrupt or stop terrorist attacks;
- Prevent - to stop people becoming terrorists or supporting terrorism.

In line with the aims of the 4 'P's we have delivered inputs to the public, private and third sectors to assist in strengthening their protection against a terrorist incident and mitigating the impact should such an attack take place. We have also created a National Security Action Plan, and a Divisional CONTEST Multi-Agency Group which focuses National Security as a priority business issue for each Organisation across the four strands of 'CONTEST'. The Objective of the Group is to develop and co-ordinate a multi-agency response by reducing the threat posed by violent extremism and terrorism at a local strategic level.

The importance of community resilience in the fight against the threat of terrorism and violent extremism is crucial, and it is recognised that this can only be fully achieved with the support and co-operation of our communities. We will therefore maintain our focus on the themes contained within the CONTEST Strategy, with our partners and those in our communities, to maintain our resilience and reduce the risk from domestic and international terrorism.

### **Objectives:**

- Increase community engagement and intelligence in support of the CONTEST Strategy;
- Deliver training and briefings to organisations, community groups and partner agencies in support of the 4 'P's';
- Co-ordinate the work within the Divisional Action Plan through the Divisional CONTEST Multi-Agency Group.

The overarching desire of the strategy is to reduce the risk we face from terrorism so that people can go about their lives freely and with confidence.

## Priority - Protecting People

Protecting people is a key priority and we are committed to keeping people free from physical, sexual or emotional harm, irrespective of their age or social background. Addressing vulnerability and preventing harm are therefore core business for the police and community planning partners. It applies not just to adults who may be unable to safeguard their own well-being, property, rights or financial affairs through disability, illness, physical or mental infirmity, but equally also to children for whom the management of concerns is one of the Scottish Government's five strands of work for implementing the Getting It Right For Every Child (GIRFEC) approach.

Domestic abuse is an insidious issue often hidden from the focus of agencies that can provide support. Our priority is to robustly tackle domestic abuse by managing the risk of harm posed by dangerous offenders, while protecting and supporting victims and their families.

Tackling rape and other serious sexual offences is of utmost importance. We will continue to deliver a victim-centered approach whilst managing offenders to reduce the risk of harm through early and effective intervention together with the timely and appropriate sharing of information. In addition, dedicated officers will continue to proactively manage Registered Sex Offenders residing within Aberdeen. Acknowledging the importance of this work stream, dedicated Rape and Domestic Abuse Investigation Teams will feature as mainstream units within Aberdeen City Division.

Aberdeen, as the third largest city in Scotland is not immune from the presence of the sex industry. However, it is recognised that women involved in this lifestyle are often not there by choice. They are likely to have chaotic lives and are often drug dependent. Along with our partner agencies and through the Begonia<sup>4</sup> Strategy we are working on a dual approach to both divert these vulnerable women into rehabilitation programmes and also to proactively target those who seek their services.

### Objectives:

- Deliver and embed GIRFEC into the practices of Officers and Staff across Aberdeen City Division;
- Enhance child protection by ensuring police attend partner agency Child Protection hearings;
- Work together with partners to protect adults at risk as effectively as possible;
- Increase detection rates for crimes of domestic abuse and sexual offences.

The focus of police activity will be to ensure that the most vulnerable people in our communities are protected and feel safe. This will be achieved by identifying victims of crime and ensuring support mechanisms are in place for them.

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<sup>4</sup> Begonia – A strategy to combat Street Prostitution.

## Priority - Safer Roads

Road safety and road crime is a key priority and we will pursue all opportunities within Aberdeen City to positively influence driver behaviour in an effort to reduce road collision casualties and deny criminals the use of our road network. Our priority aligns to Scotland's Road Safety Framework to 2020 - Go Safe on Scotland's Roads it's Everyone's Responsibility - which articulates the desire of *“A steady reduction in the numbers of those killed and those seriously injured, with the ultimate vision of a future where no-one is killed on Scotland's roads, and the injury rate is much reduced.”* The multiagency Operation Whitebeam strategy has been locally devised together with partners to ensure that all opportunities are being exploited to reduce casualties. Police and Roads Safety partners meet regularly in support of the Single Outcome agreement objective.

In recent years, several targeted operations and problem based partner activities, focusing predominantly on vehicle users, has realised an overall reduction in fatal and serious injury collisions. In contrast, there has been an increase in pedal cyclist collisions, linked to prevalence of commuting cyclists, and child pedestrian casualties generally associated with urban areas. We now have a dedicated Roads Policing Unit with enforcement activity linked to schools, residential streets and areas of community concern with a strong emphasis on prevention and education.

Thefts of vehicles by young drivers who steal keys to vehicles have been rising within Aberdeen. This behaviour creates potential for harm to our communities and we will continue to proactively target this high risk behaviour through intelligence gathering and directed enforcement activity against those involved.

Enhancing the quality of the current road network through capital projects such as the Western Peripheral Route and the developments outlined in the Aberdeen Local Development Plan, will create both challenges and opportunities in how the roads network is engineered and we will ensure, together with partners, that Safer Roads are at the forefront of all these enhancements.

### Objectives:

- Decrease the number of person killed or seriously injured on our roads;
- Increase the enforcement activities and visibility on our streets and roads.

We will continue to work with partner agencies to ensure people using our roads are kept safe through adopting an intelligence led approach to the reduction of road casualties by targeting speeding motorists, uninsured and disqualified drivers, drink and / or drug driving, those not wearing a seatbelt and individuals who use mobile phones while driving.

## **Priority - Serious and Organised Crime**

Our priority is to keep people safe by reducing the risk of harm posed by Serious Organised Criminal Groups (SOCGs).

The vibrant Aberdeen economy is seen as a lucrative market for criminals profiting from the distribution of drugs. These groups often originate from major English cities and are facilitated in Aberdeen by the use of local and travelling 'couriers', targeting the young and vulnerable members of our communities. Local consultation confirms that the sale and supply of drugs on a local level severely impacts upon the quality of life of individuals and throughout communities. We will continue to focus policing resources and those of our partners through our 'Maple' strategy on identifying and targeting those criminals who supply drugs and support organised criminals. We will continue to work in partnership to reduce harm, identify antisocial behaviour and prevent access to illegal substances.

In line with the Scottish Governments 'Letting Our Communities Flourish - A Strategy for Tackling Serious Organised Crime in Scotland' we aim to embrace all opportunities for focused intelligence gathering and continued collaborative working with communities, public and private sector bodies and key partner agencies, to give serious organised criminals no place to hide. This strategy focuses upon the 4 key elements known as the 4 D's:

- Divert individuals (particularly young people) from engaging in or using the products of Serious Organised Crime;
- Disrupt the activities of Serious Organised Crime groups;
- Deter Serious Organised Crime by implementing measures to protect communities, businesses and the public sector;
- Detect; to give Serious Organised Criminals no place to hide by boosting capacity, improving coordination and detecting offenders;

Police in Aberdeen have access to a variety of resources, skills and experience from across Scotland to tackle Organised Crime. Locally we have established a dedicated team who are targeting those whose activities blight our communities and we are supported nationally to ensure that our interventions are effective and impactful.

### **Objectives:**

- Increase the use of the Proceeds of Crime legislation to deprive serious organised crime groups of assets
- Increase the detection for the supply of drugs

We will maintain the drive to actively decrease the impact of SOCGs on our communities through targeted enforcement and disruption of their criminal activities.

## **Priority - Violent Crime**

Violent crime affects all our communities but tends to be prevalent in city centres and areas of urban and social deprivation. Aberdeen is no exception in this regard. Although levels of these crimes have reduced in recent years, we continue to recognise this as a priority; tackling violence in all its forms whether it be in a domestic or public setting.

The excessive consumption of alcohol can often increase the likelihood of both perpetrating and being a victim of a violent crime. Misuse of alcohol is an obvious 'golden thread' throughout most of the 16 National Outcomes within the Single Outcome Agreement, and also features as a necessary priority within both the Community Planning Aberdeen and Community Safety Partnership Strategic Assessments.

Our continuing commitment to delivering tangible outcomes through our well established multi-agency Oak and Maple strategies are key to success in this area. These strategies focus on the problems caused by alcohol and drugs across all communities and tackle violence and disorder through a policy of early intervention and joint work alongside partners. Together, they allow us to deal with these issues throughout the city.

We remain committed to tackling Robberies within the city. We will continue to proactively disrupt criminal behaviour and use a variety of tactics, including stop and search activity to prevent crime, recover harmful drugs and remove knives and other weapons from within our communities.

In conjunction with the Single Outcome Agreement and Community Planning partners we have increased our focus upon those who commit Domestic Abuse, supporting and encouraging victims whilst targeting offenders who persistently engage in a crime type which is traditionally difficult to detect. Through proactive policing, supportive partnership interventions and supervisory investigative review we ensure that all investigative opportunities are rigorously pursued in an effort to bring the offenders to justice.

Early intervention work has been carried out in conjunction with partner agencies in relation to those in custody for violent offences to offer them support in respect of alcohol or drug consumption.

### **Objectives:**

- Decrease the number of Assaults;
- Increase the detection rate for crimes of violence;
- Decrease the number of Robberies.

We will use intelligence-led methods and systems to proactively target and manage perpetrators of violence across the city. In this way our efforts, and those of our partners, will together make Aberdeen a safer, welcoming and more prosperous city for all who live, work, visit or socialise here.

#### **4. How we identified our Priorities and Objectives**

The Scottish Policing Assessment sets out the priorities for the Police Service of Scotland to the year 2015. It is a key document for the police in the continuous process of meeting future challenges and ensuring that the service the police provide to the communities of Scotland is of a high standard.

The assessment draws on information and intelligence provided by all the Scottish Divisions and law enforcement agencies as well as information from key partner agencies including the Scottish Government, local authorities and the public. It is through this assessment that risk in relation to crime and disorder is prioritised.

Community Planning Aberdeen has recently developed a Strategic Assessment providing agreed city-wide priorities which are clearly outcome focused and very much in line with the national review of Community Planning and the Single Outcome Agreement.

The priorities identified in this plan have been identified through further analysis of local crime trends and information. The desire of key service providers detailed in the Aberdeen City Community Safety Partnership Strategic Assessment 2013 -16, has also been integral to the identification of the city's priorities, through partnership analysis, risk assessment and a shared vision of better outcomes for all.

Since 2010, we have adopted a Local Policing model across the Aberdeen area consulting listening and responding to feedback from communities across the city. We have developed our policing plan based on the ongoing consultation processes with community councils, key individual networks, elected officials and communities. This programme of engagement and consultation have made the critical contribution to identifying issues for local communities and these have been translated into the key policing priorities for Aberdeen City.

All of our work is underpinned by our commitment to equality and diversity, in our dealings with the public we serve as well as our own staff.

We recognise that effective and fair policing is about reflecting the needs and expectations of individuals and local communities. Survey results show that different communities have differing expectations and contrasting experiences of the service provided by the police. Our aim is to ensure that our service to all is fair and consistent, keeping those who are most vulnerable safe and enhancing their quality of life.

## **5. Local Policing Arrangements**

Our mission is to 'Keep People Safe'. We aim to deliver policing that is visible accessible and responsive to the needs of the communities across the city.

Aberdeen City Division services the major population areas and business and commercial environs of the city of Aberdeen. We also have responsibility for the operational policing of the North Sea energy sector, with 25,000 workers offshore at any given time, a vibrant city centre economy, a wide variety of international conferences and events including football and rugby as well as areas of the city which suffer from multiple levels of deprivation.

Local Policing is at the heart of our service delivery. Listening and responding to the changing needs of our communities is key and in response to this the 14 local Community Policing Teams are focused upon community issues. They are empowered and encouraged to work with partners to resolve local challenges and respond to incidents.

We continually strive to improve the accessibility of our services, either directly to the customer or through improved working practices with the public and partners to achieve solutions to issues identified through our consultation with communities. A multi-agency 'Safer and Stronger Aberdeen' Hub seeks to signpost those families that are assessed as benefiting from additional support and intervention. The hub has a focus on Community Safety issues, with the emphasis being squarely on reducing re-offending and enhancing community safety through tackling the identified priorities within the Community Safety Partnership's Strategic Assessment.

Individual multi member ward community policing plans are available at [www.scotland.police.uk](http://www.scotland.police.uk)



## 6. Local Contribution to National Outcomes and National Policing Priorities

The Scottish Government has 16 National Outcomes which demonstrate a commitment to improving all aspects of life within Scotland. Progress on achieving these outcomes is reported on annually by each Community Planning Partnership within Scotland.

Policing in Aberdeen City can make a significant contribution to improving these outcomes by contributing to the Community Planning arrangements across the city.

The priorities in this plan will be reflected in the Single Outcome Agreement for Aberdeen City which will also include a range of indicators and targets focused on delivering improved services.

Scottish Ministers have also established Strategic Policing Priorities and these reflect the contribution that policing can make to achieve the National Outcomes.

Our local priorities align to the Strategic Policing Priorities and the Government's National Outcomes as follows:

| <b>Aberdeen City Division Priorities</b> | <b>Strategic Policing Priorities</b> | <b>SOA National Outcomes</b>           |
|--|--------------------------------------|--|
| Antisocial Behaviour                     | Priority 1, 2, 4                     | Outcomes 5, 7, 8, 9, 11                |
| Housebreaking                            | Priority 1, 2, 4                     | Outcomes 1, 9, 10, 11                  |
| National Security                        | Priority 1, 2, 3, 4                  | Outcomes 4, 5, 6, 9, 10, 11, 12, 15    |
| Protecting People                        | Priority 1, 2, 3, 4                  | Outcomes 5, 6, 7, 8, 9, 11, 13, 15, 16 |
| Safer Roads                              | Priority 1, 2, 4                     | Outcomes 9, 11, 16                     |
| Serious and Organised Crime              | Priority 1, 2, 3, 4                  | Outcomes 5, 7, 8, 9, 11, 13, 16        |
| Violent Crime                            | Priority 1, 2, 4                     | Outcomes 9, 11, 13                     |

Further information on National Outcomes and Strategic Policing Priorities can be accessed at <http://www.scotland.gov.uk>



## **7. Performance and Accountability**

To support this plan, Police Scotland have developed a national performance framework which allows the service to measure progress, monitor activity, identify key areas where resources need to be focused and demonstrate how successful we are in meeting our key priorities and objectives as set out in this plan.

We are committed to publishing our performance information and will use this as the foundation for reporting to Aberdeen City Council and local communities. This information is available upon request or at [www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

In addition to the Local Policing Plan for Aberdeen City, each multi member ward will have an individual Community Policing Plan which will address the priorities specific to that area and is aligned to this plan. These plans will be delivered by having identifiable officers located in each geographic community, continuing engagement with the communities, and adopting a shared partnership problem-solving approach to dealing with issues.

## **8. Local Scrutiny and Engagement**

The Police and Fire Reform (Scotland) Act 2012, includes a framework for local scrutiny and engagement arrangements between local authorities and the police service.

In Aberdeen City, local scrutiny and engagement will ensure that the locally set objectives will deliver the statutory purposes of improving the safety and wellbeing of our communities. It will ensure that local priorities are understood and that community concerns are reflected. It will promote joint working to secure better outcomes and best value and will provide strategic leadership in order to influence service delivery and support continuous improvement by providing constructive challenge.

Local Policing will be overseen by members of the Social Care, Wellbeing and Safety Committee of Aberdeen City Council. This committee consists of 15 Elected Members from across the city. The council commenced shadow scrutiny arrangements from November 2012, as part of the Scottish Government Pathfinder Strategy and will monitor and provide feedback to the Local Policing Commander and their team with regard to:

- The committees views on any matter concerning or connected to the policing of its area and;
- Any recommendations for the improvement of the policing in its area that it thinks fit.

Our long standing Local Policing strategy means that we will undertake to regularly attend Community Councils and other community meetings holding surgeries and other events to ensure that the views of the local communities are considered in the way in which we police Aberdeen City. The commander and his team variously attend, chair and actively contribute in a number of partnership arrangements and make contributions towards achieving the wider vision for the city.

## 9. Equalities

All of our work is underpinned by our commitment to equality and diversity, in our dealings with the public we serve, as well as our own staff. This commitment is strengthened by our values of Integrity, Fairness and Respect.

We recognise that effective and fair policing is about reflecting the needs and expectations of individuals and local communities. Survey results show that different communities have differing expectations and contrasting experiences of the service provided by the police. Our aim is to ensure that our service to all is fair and consistent, keeping those who are most vulnerable safe and enhancing their quality of life.

## 10. Local Contact Details

Aberdeen City Division  
Queen Street  
ABERDEEN  
AB10 1ZA

Telephone Number: 101

For more detailed information about this plan and other services that Police Scotland provides, please refer to the Force website at [www.scotland.police.uk](http://www.scotland.police.uk)

We will continue to keep in touch with you to keep you updated on the ongoing work being done to tackle the issues that are affecting life for you and your community.

- Dial 999 for an emergency that requires urgent police attention;
- For non-emergency contact, call 101, the single non-emergency number;
- If you have information about crime in your area and wish to provide it anonymously, call CRIMESTOPPERS on 0800 555 111;
- Service users who are deaf or have a hearing impairment can contact Police Scotland via TextRelay in an emergency on 18000 or non-emergency on 18001 101.

We respect your right to confidentiality and will not visit you without checking first.

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## ABERDEEN CITY COUNCIL

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|                    |  |
|--------------------|--|
| COMMITTEE          | Council                                      |
| DATE               | 14 May 2014                                  |
| LEAD OFFICER       | Chief Executive                              |
| TITLE OF REPORT    | “Legal Highs” – motion by Councillor Thomson |
| REPORT NUMBER      | OCE/14/018                                   |
| CHECKLIST RECEIVED | Yes  |

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### 1. PURPOSE OF REPORT

The report brings before the Council an update on progress in relation to Councillor Thomson’s motion considered at the Council’s meeting on 5 March 2014.

### 2. RECOMMENDATION

That Council notes the progress made to date in addressing the terms of Councillor Thomson’s motion and instructs officers to report again to Council once a response has been received from the Aberdeen City Alcohol and Drugs Partnership.

### 3. FINANCIAL IMPLICATIONS

The report has no specific financial implications.

### 4. OTHER IMPLICATIONS

The attached briefing note details some of the legal implications relevant to the subject matter of the report.

### 5. BACKGROUND/MAIN ISSUES

At its meeting of 5 March 2014 the Council resolved to agree the motion by Councillor Thomson in the following terms:

That this Council:-

- i. acknowledges the concerns of communities across Scotland regarding the sale of so called “legal highs”;
- ii. notes that in 2012 there were 37 “legal high” related deaths in Scotland;

- iii. further notes with concern that these substances are sold openly from retail premises in locations in Aberdeen; and
- iv. instructs the Chief Executive to write to both the UK and Scottish Governments asking them to ban these substances, take measures to proactively combat their sale and supply in Scotland, or as a potential way forward consider the licensing of premises where “legal highs” are available.

In agreeing the terms of the motion, the Council also resolved:-

- v. to request officers to investigate if the Council had any powers under Trading Standards and Consumer Protection laws to take action against outlets selling “legal highs”; and
- vi. to refer the motion to the Alcohol and Drugs Partnership for detailed consideration and to instruct officers to report back to Council within one cycle.

Following the meeting of the Council on 5 March the Chief Executive wrote as instructed to both Norman Baker MP, Minister of State for Crime Prevention at the Home Office and Roseanna Cunningham MSP, Minister of Community Safety and Legal Affairs at the Scottish Government. Attached at Appendix 3 is the response received from Norman Baker MP. Appropriate officers will make contact with the Home Office Drugs and Alcohol Unit as invited to do so by the Minister. Attached at Appendix 4 is the response received from Roseanna Cunningham MSP.

Attached at Appendix 1 to this report is a briefing note prepared by colleagues in the Council’s Trading Standards team in response to the request to explore what powers the Council has to take action against outlets selling “legal highs”

With regard to the Alcohol and Drugs Partnership (ADP), the matter is to be on the agenda at the next meeting of the Partnership on 12 May 2014. Because of the timing of the meeting relative to the Council meeting, it is proposed that report on behalf of the ADP should be brought to the Council at its meeting on 25 June 2014. An interim statement has been provided by the Team Leader, ADP attached at Appendix 2.

## 6. IMPACT

The subject matter of the report relates to the Council’s policy statement in relation to quality of life in the City.

7. MANAGEMENT OF RISK

The report provides an update on progress in relation to a notice of motion and does not at this time seek a substantive decision of the Council.

8. BACKGROUND PAPERS

None

9. REPORT AUTHOR DETAILS

Ciaran Monaghan  
Head of service, Office of Chief Executive  
[cmonaghan@aberdeencity.gov.uk](mailto:cmonaghan@aberdeencity.gov.uk)  
01224 522293

## **Trading Standards Legislation & Novel Psychoactive Substances (NPS)**

Novel Psychoactive Substances (NPS) are causing great concern across the country not just in Aberdeen. There has been considerable media interest in this subject, not all of which has been well informed. The common term for NPS is “Legal Highs” which is unfortunate as it is misleading: ‘Legal’ implies proactive steps have been taken to approve or otherwise validate these products which is clearly not the case and they don’t necessarily get you ‘High’.

A more accurate description would be Unregulated Chemicals because that is what they are.

Under the current law, if a drug has been classified as Class A, B or C, it is prohibited under the Misuse of Drugs Act 1971 and is a police matter. If it was a medicine, food for human consumption, a cosmetic or animal feedstuff then specific regulations and controls apply and one agency or another would be able to bring those controls to bear. The problem with NPS is that they are not classified under the 1971 Act and are not ordinarily sold as any other kind of product; they are effectively unregulated. Consequently, there is no age restriction on supply.

One of the few options left open is the General Product Safety Regulations 2005 (GPSR) which is a general catch-all piece of criminal law applying to the safety of consumer goods and is enforced by Trading Standards Services in the UK. The principal requirement of these regulations is that any product supplied to a consumer must be safe. There are other technical requirements under these regulations for Importers into the EU and Distributors in the supply chain which also attract criminal sanctions.

The burden of proof in the 2005 regulations is on the enforcer, i.e. Trading Standards, to prove the principal offence is that the product is not a safe product. The issue with NPS is that they are so new and varied in their chemical construction that there are no tests currently available that will prove that they are unsafe. Consequently, expert witnesses cannot stand up in court and testify that a particular NPS is not a safe product. Some substances are chemically similar to those classified under the 1971 Act but sufficiently different that they are not caught by it. It is also impossible to tell if they are benign or dangerous.

### **Aberdeen City Trading Standards – Current Activities/Investigations**

Aberdeen City TS is acutely aware of the issue in Aberdeen and is one of three Scottish authorities actively looking at ways and means of dealing with NPS under the current legislative framework.



1. In recent months we have been working with TS colleagues in these other authorities, Police Scotland, Crown Office & Procurator Fiscal's Service, NHS Grampian and the Home Office to address the issue. This TS service recently test purchased 20 such NPS on sale in the city and had them tested by the Home Office as part of a UK-wide testing programme. All were labelled as 'Not for Human Consumption' and 'Experimental Substance' or similar disclaimers. We have just received the results. First of all, none of the 20 tested positive for Class A, B or C substances. The second step will be to determine if there is any evidence that any of the substances are unsafe.
2. Another investigation currently under way stems from the technical offences under GPSR, particularly those that relate to distributors in the supply chain. They must be able to show where they purchased the goods from so that the goods can be traced back to their source particularly if it becomes evident they are unsafe. Exactly the same rules apply to retailers of every other kind of consumer products - televisions, soft furnishings, golf clubs, etc.

Retailers are distributors for the purposes of the regulations and all NPS retailers in the City have been asked to produce documents that demonstrate the traceability of the NPS they sell. One retailer in particular has failed to produce documentation for the majority of the NPS they were selling. As a result, all of their NPS for which no paperwork could be produced was seized with a view to reporting the matter to the Procurator Fiscal.

Currently, and despite the best efforts of Aberdeen TS, it is becoming apparent that with the current legislative framework there is little that can be done to regulate the supply of NPS. They are not caught by the 1971 Act or any other specific regulation and GPSR is largely ineffective because it is not currently possible to prove that any of the vast array of NPS are not safe products.

### **Interim statement on behalf of Aberdeen Alcohol & Drugs Partnership**

The ADP is aware of the concerns of elected members regarding the impact that New Psychoactive Substances (NPS), commonly referred to as 'Legal Highs', are having on local communities. These concerns are undoubtedly increased when citizens see 'Head shops' opening within Aberdeen City who openly advertise and sell NPS. The ADP has been considering this matter as a priority. The national and local picture is described below.

1. The Misuse of Drugs Act 1971 is the primary legislation which controls the sale or supply of illegal drugs. This is not a devolved issue and as such the Scottish Government cannot directly legislate on this matter.
2. Under certain conditions, the UK Parliament, through the Home Secretary, has the power to invoke temporary banning orders for new drugs.
3. 'Head shops' and on-line retailers avoid legislation by labelling their products as 'Not for human consumption' and selling them as: plant food, bath salts, research chemicals, etc.
4. The UK Parliament and the Scottish Government are aware of the global growth of NPS and the effects that they are having across the UK. In response to this, the Home Office is currently carrying out a review on the legislation with a view to improving it so that the risk posed by NPS to the population is reduced.
5. The Home Office has, in the interim, produced an advice document: Guidance for local authorities on taking action against 'head shops' selling new psychoactive substances.
6. Intelligence indicates that although there are a number of 'Head shops' across the UK selling NPS, the majority of these type of drugs are purchased on-line via the internet.
7. There is a misconception that it is mainly the younger, inexperienced, experimental drug using population who are purchasing NPS. Intelligence would tend to indicate that these drugs are being purchased by a mix of people across a wide age range group and previous drug use experience.
8. The Scottish Government has made NPS a priority for ADPs, with an expectation that they are monitored and appropriate action taken in response to identified local need.
9. In June 2013, the Aberdeen City ADP was instrumental in setting up a pan-Grampian NPS group along with partners from Aberdeenshire and

Moray ADPs. The pan-Grampian group has a wide membership, which includes the Police and Trading Standards.

10. To date there have been two meetings of the pan-Grampian group, with a third scheduled to take place on 28<sup>th</sup> April 2014.
11. Aberdeen City Police and Trading Standards have been proactive in using all available legislation to address NPS sales from local 'Head shops'. Though constrained in their actions by the limitations of current legislation they have also been involved in the 'test purchasing' of specific items in order to help clarify contents of the products sold and highlight potential issues regarding consumer protection.
12. The ADP is trying to build up local picture based upon information from partners. The ADP therefore appreciates any intelligence from local partners on the impact of NPS. This includes anything that ACC Education service collects from schools. To this end, a number of detailed questionnaires on NPS have been recently circulated by the ADP to Primary and Secondary Schools as well as to Further Education establishments and ACC Youth Work teams.
13. The ADP works with NHS Grampian Public Health to ensure that health alerts are promptly circulated as soon as a known dangerous drug is identified. This information is cascaded widely through the partnership to specifically include non-NHS staff.
14. Over the last year, ADP and its partners have been instrumental in providing training and hosting public events in order to inform a range of stakeholders on NPS matters. Examples include:
  - Awareness session on 11<sup>th</sup> Dec 2012 in Aberdeen, hosted by CREW 2000 (a leading Edinburgh based drug charity) to update on NPS. 152 attended representing a wide section of services and interested parties across the city.
  - In 2012 and 2013, CREW 2000 held 'Train the Trainers' sessions on NPS, hosted by Aberdeen Foyer (2012) and ACC Social Work Department (2013) with 30 people in attendance.
  - ACC Social Work Dept is rolling out NPS training for their staff.
  - In 2013, ADP staff updated the Curriculum for Excellence (Substance Misuse) guidance pack for Education allowing teaching staff more detailed input and information on NPS. A number of training sessions took place for all secondary and primary schools.
  - For 2014, the three Grampian ADPs areas have identified NPS as the subject matter for their annual awareness raising media campaign and are in the early planning stages for this project.

The matter of 'legal highs' (NPS) will be on the agenda for the next ADP meeting, which takes place on 12<sup>th</sup> May 2014.

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Office of Chief  
Aberdeen City Council

14 APR 2014

Ms Valerie Watts  
Chief Executive, Aberdeen City Council  
2nd Floor, Town Hall, Broad Street  
Aberdeen  
AB10 1FY

Reference: M4120/14  
Your Reference: VW/CM

10 April 2014

Dear Ms Watts,

Thank you for your letter dated 17 March regarding the sale of chemical highs, sometimes inaccurately and unhelpfully termed 'legal highs'.

The Government shares your concerns about the deaths caused by new psychoactive substances and their open sale in 'head-shops'. Whilst I am also concerned regarding the deaths caused by these substances, it is important to note that even though some of the deaths are reported to be due to a 'legal high' we have found that they have actually been caused by new psychoactive substances that are already banned under the Misuse of Drugs Act 1971. In addition, retailers of these types of products may not always be certain of what they contain.

I can assure you that the Government is taking this matter seriously and this is an area that I have made my priority. On 12 December 2013 I announced that the Home Office is leading a review to look at how the UK's legislative response can be enhanced beyond the existing measures of the Misuse of Drugs Act 1971 to maximise its impact and improve the operational response to this market. At the heart of this is an expert panel drawn from law enforcement, local authorities, academia, and science. The expert panel consists of members with key expertise in new psychoactive substances and those that can provide a fresh look at this issue and solutions. The expertise covers the primary focus of the review, to look at the enhancement of the current legislative framework, as well as health and educational aspects where further recommendations can be sought from the panel. We are



working closely with the Scottish Government and both Home Office Officials and a representative from the expert panel plan to attend a summit that the Scottish Government is organising at the end of April to provide evidence for the review. I anticipate that the review will be completed by the end of Spring. The terms of reference can be found on the Home Office web-site

I wish to assure you that the Coalition Government has been far from inactive in tackling the challenges posed by new psychoactive substances. Our drug control legislation, the Misuse of Drugs Act 1971, including the new power to place a substance of concern under temporary control for up to 12 months, is key to our ability to disrupt the activities of those supplying harmful substances. So far, over 250 new psychoactive substances identified in the EU are already controlled drugs in the United Kingdom. I would also like to acknowledge the work already undertaken in Scotland to tackle the trade in new psychoactive substances. This includes the work of the Scottish Police Authority on the Home Office led forensic early warning system project to promptly identify new psychoactive substances being encountered in the UK and that of Police Scotland who contribute to the National Policing New Psychoactive Substance Working Group

I note that Aberdeen City Council is investigating the powers that are available under consumer protection and trading standards legislation. We are also committed to supporting enforcement partners in making full use of existing drug, consumer protection, intoxicating substances and medicines legislation to disrupt the activities of those involved in the new psychoactive substance trade. In December 2013, we published guidance for local authorities and other public bodies to help tackle 'head shops' in their area through the use of these laws.

You may be interested to know, that enforcement partners and trading standards have had recent success with using the full range of legislation available to them. There has been a recent successful prosecution in February 2014 in Belfast using the General Product Safety Regulations 2005. Under this, a head shop was forced to forfeit its stock of new psychoactive substances. This follows a similar case in Norfolk last year under the same regulations, when new psychoactive substances were forfeited and the traders fined for failing to mark their products with appropriate safety warnings. If Council Officers would like to discuss these powers further please contact my Officials within the Home Office Drugs and Alcohol Unit.

I hope this reply is helpful.

Yours sincerely

**Norman Baker MP**  
**Minister of State**



Ministear airson Slàinte Coimhearsnachd agus Cùisean Lagha  
Minister for Community Safety and Legal Affairs

Roseanna Chonaigean BPA  
Roseanna Cunningham MSP

F/T: 0845 774 1741  
E: scottish.ministers@scotland.gsi.gov.uk

Ms Valerie Watts  
Aberdeen City Council  
Aberdeen City Council, Office of th  
St. Nicholas House, Broad Street  
ABERDEEN  
AB10 1FY



08 MAY 2014

In 2014 Scotland Welcomes the World



Ur faidhle/Your ref: VV/CM  
Ar faidhle/Our ref: 2014/0011373  
6 May 2014

Dear Ms. Watts,

Thank you for your letter dated 17 March 2014 considering Scottish Government activity around banning or restricting the sale of legal highs or New Psychoactive Substances (NPS).

The impact of New Psychoactive Substances, these so called 'legal highs' poses challenges to Scotland. Without a doubt, the health implications of taking NPS can be just as serious as controlled drugs and this is a local, national and international challenge made more complex by an ever changing market. Working with partners the Scottish Government putting out the message that whilst these substances might be legal it does not mean that they are safe.

As you will be aware under current arrangements, **the treatment and prevention of drug problems is devolved to the Scottish Government, the control of drugs under the Misuse of Drugs Act is reserved to the UK Government.** With independence, responsibility for legislation on the classification of illegal drugs will also become the responsibility of the Scottish Parliament.

The Scottish Government will, however, continue to explore how we can best use devolved powers to tackle the supply and sale of, and demand for, these substances.

I convened a summit in April 2013 that brought together police, health, community and youth organisations to discuss how NPS were affecting people in Scotland. Since then, the Scottish Government has been taking action to address the sale and use of NPS by:

- improving our data collection tools to provide more information about the use of these substances, for example, updating our surveys on drug use among young people, the general adult population and those being admitted to prison and for the first time reporting the number of drug related deaths where NPS were found in the body.



- raising awareness of the dangers of NPS by updating the prevention messages in our drugs information service Know the Score and funding outreach work at Scottish festivals. The Know the Score website can be accessed at: <http://knowthescore.info/>
- providing funding to Police Scotland and the Edinburgh-based drug service Crew to develop resources for teachers and schoolchildren.
- working with Police Scotland to understand the impact of enforcement activity.
- commissioning Crew and also the Scottish Drugs Forum to provide training and information to drug and youth services in Scotland to help build their capacity to respond.

I called for a debate on NPS to be held in the Scottish Parliament on the 6 February 2014 – the first ever debate in Scotland on this issue. At the debate, I announced the next phase of our work in this area including:

- New advice materials on NPS will be produced for Know the Score to ensure people have credible and factual information on NPS. A Facebook campaign on the dangers of NPS was launched on the 7 February; and
- New research will be commissioned in 2014 to help improve our understanding of who is using these drugs in Scotland and their motivations for use.

My colleague, the Cabinet Secretary for Justice, hosted a New Psychoactive Substances Enforcement summit on 25 April 2014, for experts in enforcement to discuss the full range of options available to tackle the sale and supply of NPS in Scotland.

The summit considered:

- what powers can be used – reserved and devolved - to address the supply and sale of these drugs;
- what can be learned from the use of enforcement powers internationally;
- the impact of enforcement action;
- what tactics can be used to dissuade sellers of these drugs;
- how enforcement agencies can work better together; and
- how local areas can share information and practices which could help others.

The outcomes of the NPS Summit on 25 April will feed into the Home Office New Psychoactive Substances Review which is looking at the legislative options for tackling NPS.

I hope you have found the above information useful.

Yours sincerely

**Roseanna Cunningham**



**Aberdeen City Division, Police Scotland**  
**Response to request for consultation in respect of Council Report Number**  
**H&E/13/090 (Proposed introduction of byelaw regarding camping in designated**  
**places)**

I refer to your email of 17 April 2014 with regard to the above and the copies of the relevant report and appendix detailing the proposed byelaw. We thank you for the opportunity to comment further on behalf of Police Scotland.

I also refer to our original response in relation to this matter, submitted to you on 22 April 2013 and would refer you to the content therein as a further point of reference. A number of the concerns we raised in this response remain valid, although we note that Aberdeen City Council has taken positive steps to address others.

With regard to the draft of Report Number H&E/13/090, dated 14 May 2014, we make the following observations:

Section 1

We note the absence of the maps delineating the areas to be designated as sensitive. However, we also note the list of areas listed under the section titled 'Byelaw' and assume a position that these will be the areas referred to, subject to definition of lawful boundaries.

Sections 2, 3 & 4

No further comment is required on these sections

Section 5

In paragraph one, it is specified that *'Members will be aware that there are clear links between the work that the Council is undertaking in respect of short term halting sites for Gypsy/Travellers and the development of a byelaw.....'*

It remains our position, as previously stated, that the development of halting sites is an entirely separate issue from the development of a proposed byelaw and the two are not inter-related. Introduction of a byelaw is not necessary to progress halting sites in the area and we believe that this could potentially be open to misinterpretation by Members and should be revised.

We note the aims of the byelaw as stated in paragraphs 2 and 3 and understand the wish on the part of the Council to discourage encampments on areas which will attract most adverse reaction and negative impact. We would also agree that positive steps taken to minimise tensions in respect of unauthorised encampments has the potential to improve perceptions of and reaction to the wider Gypsy/Traveller community and assist in promoting good relations between those to whom the protected characteristics apply and those to whom they do not. This will assist the Council in meeting its obligations under the Equality Act 2010.

Within paragraph 4, we note the acknowledgement that '*...there are existing provisions in law for dealing with problem individuals/groups/sites....*', which you believe are not working.

We would highlight that the challenges faced in respect of unauthorised encampment by Gypsy/Travellers is not unique to the north east of Scotland, but is replicated nationally. However, we do acknowledge in general terms that the scale of the issue in the Aberdeen and Aberdeenshire areas in particular far exceeds that faced in other areas of the country.

We would argue that the current legislative provision is sufficient to address the issue, but the applicability of the legislation most relevant to unauthorised encampments is undermined by the lack of adequate authorised site provision in the area. Whilst not applicable to all, a number of other Local Authority areas have some form of halting site provision, which allows them to apply the legislation accordingly where circumstances dictate.

In terms of other crimes and offences which may be committed by individuals or groups, these will be dealt with by Police Scotland in the same manner as any other reported to us, be they directed towards or committed by Gypsy/Travellers. We would highlight that the normal rules of criminal law apply in terms of identification and corroboration.

We would therefore query the effectiveness of the byelaw, as proposed, other than specifying particular areas where encampments would be discouraged and an increase from a Level 1 to a Level 2 fine in terms of disposal upon conviction.

We note the references within paragraph 7 to the challenges arising from issues such as Fly Tipping, waste deposits and human excrement. We agree with the comments that these cause a nuisance and can constitute a health hazard.

With regard to the final paragraph of this section, we would highlight that Police Scotland have received very few criminal complaints in this regard and that these matters are generally addressed by Aberdeen City Council. However, we remain aware of the issues and concerns arising from such actions. We agree that if a byelaw is introduced as proposed, then the impact of these issues on the designated sensitive sites would be reduced. However, we remain concerned that this would merely move the problem on to private landowners.

#### Byelaw (including Appendix)

We agree with the position stated that prior to any decision being taken to progress the proposed byelaw to the Scottish Government, the Council must approve the wording of the byelaw, taking cognisance of their equality obligations.

Within paragraph 2, reference is made to the repeated or historical usage of some sites and the impact thereon. We refer to our observations in previous consultations that the progressive blocking off of sites formerly used by Gypsy/Travellers in the Grampian area has undoubtedly contributed to the current position of encampments being established in increasingly high profile areas. Further restrictions in this regard have the potential to compound this further, albeit we understand the position of the Council in seeking to

protect public amenities.

We further acknowledge that the proposed byelaw would have a preventative aspect in terms of the designated areas. However, it would not prevent the same issues arising in other areas, which are likely to be predominantly on private land. Similarly, whilst this would reduce the number of eviction processes that Aberdeen City Council undertakes, these processes could merely be deflected to private landowners to whose land the Gypsy/Travellers are most likely to migrate.

Whilst this carries clear cost and resource benefits to Aberdeen City Council, in terms of addressing the issue of unauthorised encampments and their impact as a whole, introduction of the byelaw therefore potentially makes limited contribution to the wider issues arising.

Within paragraphs 8, 9 and 10, we note the varying perspectives with regard to the need for the introduction of the byelaw. In particular, we would highlight that several responses allude to the need for adequate halting site provision in the area, a position which we would support. This also appears to be the perspective offered by the Gypsy/Travellers consulted on this matter.

We also agree with the position offered by some that introduction of the byelaw as presented has the potential to create variance in the level of service that Police Scotland can provide to our communities. This is at variance with our service values of Fairness and Respect towards all we serve.

With regard to the final paragraph, we would refer you to our earlier comments regarding the issues faced in the north east of Scotland, but would again add that the most significant contributor to the creation of unauthorised encampments is the lack of adequate authorised site provision in the area.

Turning to paragraph 5 and the specific wording of the byelaw, we would offer the following observations.

Paragraph 5 specifies that consultation has been undertaken with Police Scotland and states that Police Scotland would be responsible for enforcing the byelaw, as it would constitute a criminal offence. We acknowledge that criminal law falls with the remit of Police Scotland.

As to the wording of the byelaw as presented in the Appendix, we note that significant changes have been made to the terms of the byelaw and the provisions therein since previous consultations were directed to Police Scotland.

In particular, we refer to Section 2(1)(d) where reference is made to an offence having been committed by any person '*.....to refuse to leave a Designated Area, after being requested to do so either by a Council Officer or by a Police Officer.....*'.

Section 2(1)(e) makes further provision for an offence to be committed by any person who '*.....refuse(s) to provide their correct full name, date of birth and address and registration in any vehicle in which they have travelled to or within the Designated Area to a Council Officer or Police Officer.....*'

These sections raise a number of points, which the Council may wish to consider as part of their reflections on this matter.

As you will be aware, the Lord Advocate for Scotland has issued guidelines to Procurators Fiscal in relation to unauthorised encampment by Gypsy/Travellers. The guidance is that there should be a presumption against prosecution of Gypsy/Travellers for unauthorised encampment. To date, this has had applicability to Section 3 of the Trespass (Scotland) Act 1865, as this was the most relevant offence attributable to this matter.

Whilst acknowledging that consultation has been undertaken with local Procurators Fiscal, we would ask if consultation has been undertaken with the Lord Advocate to determine if these guidelines will also have applicability to the proposed byelaw? This will have great relevance to the effectiveness or otherwise of any byelaw introduced. Our understanding is that the guidelines apply to unauthorised encampment as a whole and not specifically to Section 3 of the Trespass (Scotland) Act 1865, although this requires further clarification.

There are circumstances under which the presumption against prosecution may be overridden by other public interest considerations in favour of prosecution such as: in circumstances where a suitable alternative stopping place has been identified and the Gypsy/Travellers have refused to relocate within a reasonable time; or where the use of a particular site, or the excessive size of the encampment, causes a road safety or public health hazard; or where the same Gypsy/Travellers have been repeatedly moved from the same site only to return. In these circumstances, it will also be relevant to consider what action may have been taken by the Local Authority to prevent further access.

Critically, it should be noted that it is the responsibility of the Local Authority to identify a suitable alternative stopping place. Other than in those exceptional circumstances to which Section 61 and 62 of the Criminal Justice and Public Order Act 1994 apply, the Police are not empowered to remove or clear sites except where legislation empowers them to do so, nor do they have power to direct Gypsy/Travellers onto or from any land. It is the responsibility of the Local Authority to advise Gypsy/Travellers to move to a designated site, or stopover/stopgap or Transit site.

We note that the proposed byelaw would seek a position whereby the Police have authority to require Gypsy/Travellers to leave a Designated Area. However, we believe that nothing within the byelaw would give us lawful authority to do so.

Even were a position to be reached whereby the Police were given powers to require a person to move from a Designated Area, nothing within the byelaw or any other legislative provision gives them authority to physically remove an encampment. Therefore, the byelaw would be no more effective in this regard than current legislative provision and would leave the Police in a position where they could potentially caution and charge residents of an encampment and report them to the relevant Procurator Fiscal, but could take no further action.

Similarly, the byelaw makes no provision for any person in breach of the byelaw to be taken in to custody. No person could therefore be detained or arrested unless some other Common Law or statutory provision was present or applicable.

Section 2(1)(e) creates provision for the requirement of personal details to be provided by a person reasonably suspected of committing an offence to '.....a Council Officer or Police Officer.....' Clearly, this is within the remit of a Police Officer, but would question the applicability of Council Officers to make this requirement of any individual under the terms of the byelaw. Where a person suspected of committing an offence refuses to provide their details, Police Officers may arrest them without warrant using Common Law powers. However, this could not be enforced by a Council Officer.

Critically, removal of the encampment would still require a civil eviction process on the part of the land owner (i.e. the Local Authority).

We also note that a new offence '*..... is deemed to have been committed for each period of 24 hours during which any activity listed in subsection (1) takes place....*'

This raises the question of the applicability of 'failing to desist' from committing an offence, for which a person may be arrested and potentially put before a court on the next lawful day. If not already undertaken, consultation would be required with the Lord Advocate to identify the position of the Crown Office and Procurator Fiscal Service in this regard.

### Impact

Paragraph 3 identifies the challenges associated to the creation of official halting sites in not only the Aberdeen City area, but nationally. Police Scotland remains committed to supporting our partners in this regard with a view to identifying long-term sustainable solutions to this complex area.

Paragraph 4 alludes to the Council having provided additional stopover facilities in the short term at Clinterty Caravan site. However, we would highlight that these provisions have been made only for groups of two or three Gypsy/Travellers at a time and only in particular circumstances, generally assessed by the Local Authority Gypsy/Traveller Liaison Officer. Clinterty is not offered as a suitable alternative halting site to the groups responsible for the behaviour that the byelaw seeks to address. Additionally, the site is permanently full, with tenancy agreements in place with residents, and therefore does not have capacity to meet the need of the area.

### Management of Risk

We welcome the comments within this section of the risks associated to unrealistically raising public expectation that the byelaw will prevent all issues encountered in Aberdeen City. In particular, we note the recommended action with regard to the provision of alternative official accommodation.

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**Aberdeen City Division, Police Scotland**  
**Response to consultation request from Aberdeen City Council regarding**  
**introduction of bye-law to address unauthorised camping in Aberdeen**

We refer to the above and the draft report 'Proposed Byelaw for Gypsies/Travellers' (H&E/12/102) prepared by Pete Leonard for presentation to Aberdeen City Council on 1 May 2013. We thank you for the opportunity to comment on behalf of Police Scotland.

We also note that the emails dated 17 and 18 April 2013 from Martin Smith, Housing Manager, to Inspector Jim Hume advising of Aberdeen City Council's 'intention to introduce a byelaw to prevent overnight camping of caravans in council owned parks and other designated sensitive areas.'

As you will be aware, in 2004, the Scottish Government in their 'Guidelines for Managing Unauthorised Encampments by Gypsies/Travellers in Scotland' document held that Gypsy/Travellers have distinct characteristics, primarily based upon ethnicity, culture and/or a nomadic lifestyle and should therefore be regarded as a minority ethnic group. Furthermore, for the purpose of legislation, it was recommended that all policies relating to this group should be framed on this understanding and this position was adopted by all Scottish Public Authorities.

In October 2010, the Equality Act 2010 was enacted. As a consequence of this, all Public Authorities have a central role to play in improving the lives of all people in Scotland, which includes tackling disadvantage and inequality wherever they exist. The act established the public sector equality duties, known as General and Specific Duties. The General Duty requires Aberdeen City Council, in the exercise of their functions (i.e. everything they do) to have due regard to the need to:

- Eliminate unlawful discrimination and harassment and victimisation and other prohibited conduct,
- Advance equality of opportunity between people who share a relevant characteristic and those who do not, and
- Foster good relations between people who share a protected characteristic and those who do not.

To comply with the General Duty, Aberdeen City Council must have due regard to all three of these elements.

Aberdeen City Council recently published its Equality Outcomes and Mainstreaming Report 2013 - 2017, which was approved by full Council and details the obligations on the authority. We note that there are several specific references to Gypsy/Travellers in this report, particularly in respect of Outcomes 7 and 16.

Taking cognisance of the above, we wish to express our concern that in its current format, the proposal to introduce the byelaw and the report presenting this may be interpreted by some as an intention on the part of Aberdeen City Council to directly discriminate against Gypsy/Travellers. This is affirmed by the title of the report 'Proposed Byelaw for Gypsies/Travellers' and the title of the emails submitted by Mr Smith, 'Byelaw for GT's'. Therefore, the proposal may be construed by others as being contrary to the

Equality Act 2010, which could lead to Aberdeen City Council being challenged in respect of failing to comply with their General Duties.

Whilst we appreciate that it may be the case that Aberdeen City council wishes to widen the byelaw to cover all communities, rather than limit it to Gypsy/Travellers only, our understanding is that the evidence base used to inform the proposal is based exclusively on evidence of Gypsy/Traveller unauthorised encampments. Given this, it is likely that introduction of the byelaw will have a disproportionate impact on this particular minority community under the auspices of the protected characteristic of race.

We welcome the comments within Section 5 with regard to the on-going work by the Council to establish Short-term Halting Sites to alleviate the difficulties arising from Gypsy/Travellers unauthorised encampments and the recognition of the duty upon the Council to respond to the needs of Gypsy/Travellers who come in to the local authority area. We recognise the challenges associated to this and both support and endorse this on-going area of work. Police Scotland will continue to work with our partners to find long-term sustainable solutions to this sensitive area.

However, we note with concern the comments within paragraph 3 of this section, specifically the reference to '.....the very presence of Gypsies/Travellers on sensitive areas.....' and the position presented regarding the '.....fly tipping generated'. It is our belief that not all Gypsy/Traveller encampments result in fly-tipping activity, although we recognise that a number do. We also believe that both examples could be construed as discriminatory, potentially reinforce stereotypes and the terminology should be adjusted.

Furthermore, paragraph 4 again suggests that this byelaw is intended to impact specifically on Gypsy/Travellers and our comments as per above remain applicable.

In terms of the Draft Proposed Byelaw, we note that it refers specifically to

- (a) Set up, use or occupy a caravan
- (b) Sleep overnight outdoors or in a vehicle

within the restricted zone (Public Park, deemed sensitive)

We also note that the byelaw specifically applies to public land, owned or managed by the Local Authority.

This raises significant questions with regard to private land. Introduction of the byelaw does not in itself offer a solution to the challenges associated to Gypsy/Traveller unauthorised encampments within Aberdeen as a whole, but potentially displaces many of these challenges to private landowners. We recognise that it would remain the case that Aberdeen City Council would retain a degree of responsibility in the monitoring of encampments. However, civil eviction processes would defer almost exclusively to private land owners.

Additionally, if the byelaw applied only to public land, this creates inconsistency in the service Police Scotland could provide to our communities. The police could potentially take action with regard to some unauthorised encampments on public land, but would have limited powers with regard to those on private land, which could be damaging to



public confidence. However, we recognise the challenges associated to creating a byelaw which would be applicable to all areas within the boundaries of Aberdeen City for both public and private land, particularly in terms of the Equality Act 2010.

Returning to the Aberdeen City Council Equality Outcomes and Mainstreaming Report 2013 - 2017, we highlight the following Outcomes:

- Outcome 7 - Improved opportunities for people with protected characteristics to participate in public life. We note that this outcome details that the Council will ensure 'Increased participation from the Gypsy/Traveller Community.....' and would recommend that members of this community are involved in the development of this proposal. This is particularly relevant to those likely to be directly affected, predominantly English/Irish Travellers, or their representatives.
- Outcome 15 - Accommodation that meets the needs, culture and lifestyle of Gypsy/Travellers normally resident in, and visiting, the city of Aberdeen. Again, we acknowledge the efforts being made by Aberdeen City Council to identify suitable Short-term Halting Sites, but would suggest that, in the absence of these, the proposed byelaw undermines the commitment made in this recently published Equality Outcome.

Finally, we would wish to clarify what would be defined as 'sensitive areas' and how introduction of the proposed byelaw will impact on the current Aberdeen City Council policy for the management of unauthorised encampments?

Our understanding of Aberdeen City Council's current policy is that the authorities default position is that they will not evict Gypsy/Travellers without due cause from land that they own or manage, although the emphasis placed on this statement varies dependent upon the location.

In keeping with current and past policies, there are a variety of locations that Aberdeen City Council have deemed to be unsuitable to allow an unauthorised encampment to remain, where it would be anticipated that they would instigate immediate action to move the encampment on. This could include sites of special scientific interest, sites where pollution could damage water courses/the water supply, sites affected by land contamination, sites which present a serious threat to road safety or the safety of other users, operational council premises such as park & ride facilities and civic amenity/recycling centres, country parks, public parks and playing fields.

We note that, although the above list is extensive and would encompass most areas where an encampment would be most likely to be established on public land, the Council does not specify what may be deemed to be a 'suitable' location in the absence of adequate site provision.

In conclusion, the proposal to introduce the byelaw in its current format and the evidence used to support it requires further consideration. We recommend that before any decision is taken to progress this matter further, a full and robust Equality and Human Rights Impact Assessment is conducted with appropriate consultation undertaken.

This will ensure that decisions taken by the council in this regard can be justified in terms

of legality, proportionality and necessity, supported by a strong evidence base. Failure to do so, or to disregard appropriate evidence, could potentially render the Council liable to future legal challenge and reputational damage.

Exempt information as described in paragraph(s) 9 of Schedule 7A of the Local Government (Scotland) Act 1973.

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