

## ENTERPRISE, PLANNING AND INFRASTRUCTURE COMMITTEE

ABERDEEN, 31 May 2010. Minute of Meeting of the ENTERPRISE, PLANNING AND INFRASTRUCTURE COMMITTEE. Present:- Councillor Dean, Convener; Councillor McCaig, Vice Convener; and Councillors Adam, Allan, Boulton, Clark, Cormie, Crockett, Greig, Jaffrey, Milne, Noble (as substitute for Councillor Corall), Penny, Robertson and Kevin Stewart.

### 1 DETERMINATION OF EXEMPT ITEMS OF BUSINESS

Prior to considering the matters before the Committee, the Committee resolved, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude the press and public from the meeting for articles 26 and 27 only, so as to avoid disclosure of exempt information of the class described in the following paragraphs of Schedule 7(A) to the Act:- article 26 (paragraph 6 and 12); and article 27 (paragraphs 8 and 12).

### 2 REQUESTS FOR DEPUTATION

The Committee had before it, in accordance with Standing Order 10(1), the following requests for deputation:-

- (1) RSCDS Aberdeen Branch – in relation to item 8.3 (New Car Parking Orders – Extended Operational Hours) (article 28 of this minute refers);
- (2) The Bridge Club – in relation to item 8.3 (New Car Parking Orders – Extended Operational Hours);
- (3) Aberdeen Performing Arts – in relation to item 8.3 (New Car Parking Orders – Extended Operational Hours);
- (4) Reverend Scott M. Rennie – in relation to item 8.3 (New Car Parking Orders – Extended Operational Hours);
- (5) Mr. Martin Wilson – in relation to item 8.4 (Old Aberdeen, Sunnybank, Tillydrone and Seaton) (On-Street Parking Places, Waiting Restrictions and Associated Traffic Management) (article 29 of this minute refers);
- (6) Old Aberdeen Community Council - in relation to item 8.4 (Old Aberdeen, Sunnybank, Tillydrone and Seaton) (On-Street Parking Places, Waiting Restrictions and Associated Traffic Management);
- (7) Aberdeen University Students Association - in relation to item 8.4 (Old Aberdeen, Sunnybank, Tillydrone and Seaton) (On-Street Parking Places, Waiting Restrictions and Associated Traffic Management); and
- (8) Mr. Albert Craig - in relation to item 8.4 (Old Aberdeen, Sunnybank, Tillydrone and Seaton) (On-Street Parking Places, Waiting Restrictions and Associated Traffic Management).

The Committee also had before it a late request from the Northern Arts Bridge Club – in relation to item 8.3 (New Car Parking Orders – Extended Operational Hours). The

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Convener advised that this request had been submitted following the deadline within standing order 10(1), and recommended that the Committee suspend the Standing Order to hear the deputation.

**The Committee resolved:-**

- (i) to suspend Standing Order 10(1) and therefore to hear the late request for deputation from the Northern Arts Bridge Club; and
- (ii) to hear the remaining requests for deputation, along with the accompanying reports.

**3 MINUTE OF PREVIOUS MEETING**

The Committee had before it the minute of its previous meeting of 20 April, 2010.

**The Committee resolved:-**

to approve the minute as an accurate record.

**4 COMMITTEE BUSINESS STATEMENT**

The Committee had before it a statement of pending and outstanding Committee Business, which had been prepared by the Head of Legal and Democratic Services.

In relation to item 29, Mr. Mike Cheyne, Roads Manager, circulated the response received from the Minister of Transport, Infrastructure and Climate Change regarding the Committee's request that the Cycling, Walking and Safer Streets (CWSS) grant monies be unringfenced. The letter explained that as part of the concordat agreement between the Scottish Government and COSLA, the Scottish Government agreed to relax ring-fencing on some funding streams allocated to local authorities. However, the funding for the delivery of CWSS projects remained ring-fenced. Any extension to the relaxation of ring-fencing would be subject to agreement with COSLA.

Additionally, the letter highlighted that the Council had received £117,000 from the £5 million allocated to Scotland for roads maintenance due to bad weather earlier in the year. On that basis, the Minister was unable to agree to the request.

**The Committee resolved:-**

- (i) to delete items 1 (University of Aberdeen – Old Aberdeen Campus – Informal Consultation on Controlled Parking Zone), 2 (The Aberdeen City Council (Various Roads in Aberdeen) (Area South) (Traffic Management) Order 2008), 3 (Golden Square, Aberdeen – Car Parking Arrangements), 8 (Achieving Our

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- Potential : Tackling Poverty and Income Inequality in Aberdeen City), 19 (Glashieburn Flood Prevention Scheme), 20 (Furnishings Contract), subject to the matter being dealt with later on the agenda;
- (ii) to delete items 11 (Aberdeen City and Shire Economic Future Project Update);
  - (iii) in relation to item 10 (Peacock Visual Arts Centre/Northern Light) to request officers to ensure that the report back on this item include full details of the implications of the Council's decision on the original proposal submitted by other parties as well as the current position with the other proposals;
  - (iv) in relation to item 25 (Aberdeen Western Peripheral Route – Progress Report) to request officers to circulate a briefing note to all elected members regarding the legal challenges submitted to the AWPR and the implications of this;
  - (v) in relation to item 29 (Capital Budget Progress Report) to (a) note the response from the Minister of Transport, Infrastructure and Climate Change; (b) approve the continued expenditure of the £30,000 from the Cycling Walking and Safer Streets (CWSS) proposed programmes; (c) to request officers to write to COSLA asking that the CWSS monies be unringfenced; and (d) to delete the item thereafter;
  - (vi) to delete item 32 (Roads and Transport Related Budget Programmes); and
  - (vii) to otherwise note the updates contained within the statement.

## **5 MOTIONS LIST**

The Committee had before it a statement of outstanding motions under the Committee's remit, which had been prepared by the Head of Legal and Democratic Services.

With regards motion 3 by Councillor Boulton that requested:-

“That a report be brought to the Enterprise, Planning and Infrastructure Committee on the number of potholes caused by poor road repairs carried out by utility companies. The report should outline the number of potholes created by poor repairs to the area dug up by utility companies, the cost to the Council and suggestions on how monies could be redeemed from the utility companies.”

The Committee had before it a tabled report by the Director of Enterprise, Planning and Infrastructure in response to this matter and to the Committee's request that a report on the process by which road repairs undertaken by third parties were inspected and monitored be submitted.

The report explained that during the winter period surface around covers for both Council and utility companies had suffered damage, the damaged surfaces around the

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utility companies covers had been reported to them. An overview of the problem of surface damage was provided. Over the years, the Council had tried many different solutions to this problem; unfortunately none of the methods had been 100% successful.

With regards liability for the road repair, it was advised that at present utility companies had permanent liability for ironwork, as such they are required to maintain the ironwork and the immediate surrounding area. However, in terms of defective track work, it was advised that this area of work had two different time periods which were dependent on depth. Utility companies did not tend to repair potholes of a section of track was defective within the timescales then that section would be removed and reinstated, the liability period of 2 or 3 years would start again from this new repair date.

In order to carry out control of the works carried out by utility companies the service required staff to check on who was on the road what work they were carrying out and when the final reinstatement should be taking place. All of this information should be available through the Roadworks Register (symology), unfortunately because of deregulation, connection to properties could be carried out by independent contractors who did not always register the schemes. To try and improve inspection of utility operations and comply with the Transport (Scotland) Act 2005, a new structure had been developed, and approved by the Committee, and was currently awaiting for HR agreement of the grades for each position. Details of the current staffing position within this team were provided.

Finally, over the last two years the number of utility failures reported for the last two years were as follows:-

Defective Apparatus – 578 reported by ACC inspectors  
 Routine Inspection – 134 reported by ACC and public  
 Sample Inspection – 10 out of 547 tested  
 Coring - 18 out of 58 tested and 9 marginal of 58 tested  
 Total Failures = 749

In terms of performance, Aberdeen recorded 31% coring failures and 16% for coring marginal, whilst the Scottish average for both was 34% and 9% respectively.

**The Committee resolved:-**

- (i) to note that separate reports on motions 2 (Councillor Adam – Condition of Pavement during Adverse Weather Conditions) and 4 (Councillor Young – Requirement for a Suitable Crossing or other means of assistance for the

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- (ii) Residents of Clashieknowe Extra Care Housing) were to be considered later on today's agenda, and to delete subject to the decision taken at that point; and in relation to motion 3 (Councillor Boulton – Potholes caused by Poor Road Repairs carried out by Utility Companies), to note the written report tabled by the Roads Manager, in this regard and to delete from the motions list.

**6 MOTION BY COUNCILLOR GRAHAM - OPTION FOR THE HAUDAGAIN ROUNDABOUT**

**DECLARATIONS OF INTERESTS**

**During consideration of the following item the following members declared an interest in the matter by reason of their involvement with the North East of Scotland Transport Partnership (Nestrans):- the Convener and Councillor Boulton as Board members of Nestrans, Councillor Kevin Stewart as Chair of Nestrans and a resident of the Middlefield area; and the Vice-Convener as a substitute Board member of Nestrans. None of the members involved considered it necessary to leave the meeting during the Committee's deliberation on the report before it.**

The Committee had before it the following motion by Councillor Graham, for consideration:-

“That this Council calls on the Scottish Government (1) to identify its option for the Haudagain Roundabout; and (2) to provide a definitive time period for the works at the roundabout to begin; and that this Council also writes to NESTRANS and Aberdeenshire Council asking them to write to the Scottish Government in support of Aberdeen City Council.”

Councillor Graham was in attendance and spoke to his motion, explaining the rationale behind his request.

Thereafter the Committee heard from the Convener who advised that on the instruction of this Committee a letter was sent to the Minister for Transport, Infrastructure and Climate Change on 26 March 2010, regarding the Ministers' deliberations on improvements at the key trunk road Haudagain junction in Aberdeen. A letter of response from the Minister was received on 22 April, wherein he advised that now that the Aberdeen Western Peripheral Route Schemes and Orders had been approved by Parliament, consideration of the options against the planning and development

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background set out in your letter was being progressed by Transport Scotland prior to a decision being taken on a preferred option. He highlighted that he was aware that two of the options required the construction of a new link road through the Middlefield area and appreciated that there were sensitivities for the Council around the potential rehousing of local residents. He further highlighted that the Scottish Government should retain financial responsibility for the Haudagain roundabout until this work was complete. In light of the fact that a letter had recently been sent to the Minister regarding this matter, the Convener recommended that no further action be taken on this motion.

Councillor Graham, seconded by Councillor Adam, moved the terms of the motion.

As an amendment, the Convener, seconded by the Vice-Convener, moved:-  
That no action be taken.

On a division, there voted:- for the motion (6) – Councillors Adam, Allan, Boulton, Cormie, Milne and Graham; for the amendment (10) – the Convener, the Vice-Convener; and Councillors Clark, Cormie, Jaffrey, Noble, Penny, Reynolds, Robertson and Kevin Stewart.

**The Committee resolved:-**

- (i) to adopt the amendment; and
- (ii) to request officers to circulate to Councillor Graham the letter recently sent to the Minister for Transport on this matter, as well as the letter of response received.

**7 MOTION BY COUNCILLOR YOUNG - REQUIREMENT FOR A SUITABLE CROSSING OR OTHER MEANS OF ASSISTANCE FOR THE RESIDENTS OF CLASHIEKNOWE EXTRA CARE HOUSING**

With reference to article 18 of the minute of the meeting of the Enterprise, Planning and Infrastructure Committee of 20 April 2010, the Committee had before it a report by the Director of Enterprise, Planning and Infrastructure which provided information on the terms of the following motion submitted by Councillor Young:-

“That this Council fully explores the perceived need by the residents of Clashieknowe extra care housing for a suitable crossing or other means of assistance to allow them to cross the road safely to and from the bus stop which is situated opposite their housing complex.”

By way of background the report advised that the matter raised in Councillor Young’s motion, had been explored previously and at that time it was found that a pedestrian

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crossing could not be justified due to the small number of pedestrian crossings. However, as the previous surveys had been carried out some years ago, it was decided that further surveys would be carried out to ascertain the levels of pedestrian movements in the vicinity of the extra care home. The findings of the study of vehicular and pedestrian movements, as well as pedestrian related accidents at a 220 metre length of road on Scotstown Road opposite the housing complex was provided. In summary, the study had concluded that the crossing point in question at Clashieknowe to the adjacent bus stop did not generate a large amount of pedestrian movement with only 20 pedestrians crossing during the course of the day and only four residents from the care home. In addition to this, roads officers had contacted the Housing Improvement Officer from the Housing and Environment Service to ascertain the current status of the care home and were advised that the Council was actively considering the future of the care home given its age and the current design of the building, however, there was no current timescale for a decision on its future. Separately in terms of the pedestrian crossing at the existing location of the school crossing patroller, it was advised that the majority of pedestrian movement crossing Scotstown Road were occurring further south at the point where the school crossing patroller was situated.

As such, it was decided that the surveys be undertaken at this location also, however, it was appreciated that this route was much longer and the bus stop was some 300 metres away, compared with the 55 metres to the stop adjacent to the care home. The survey found that the volume of pedestrians at this location meant that the provision of a signalised puffin crossing could be justified to aid pedestrians at this location.

In conclusion, it was advised that given the low number of pedestrian movements at the original location identified by Councillor Young, it would be inappropriate to promote the installation of a controlled crossing at the particular location on Scotstown Road. However, the volume of pedestrians crossing was clearly far higher further to the south at the location of the School Crossing Patroller and therefore it was proposed to install an appropriate crossing facility at this alternative location in the future once the appropriate funding was identified.

**The Committee resolved:-**

- (i) that no further action was required in relation to a pedestrian crossing from Clashieknowe care home to the nearby bus stop; and
- (ii) to instruct officers to include on the current reserve list, a controlled pedestrian crossing on Scotstown Road at the existing location of the current School Crossing Patroller, when funds from future years' budgets become available;
- (iii) to remove Councillor Young's motion from the outstanding motions list; and

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(iv) to otherwise note the content of the report.

**8 PERFORMANCE MONITORING AND TARGET SETTING 2009/2010 - EPI/10/159**

The Committee had before it an update by the Director of Enterprise, Planning and Infrastructure Service performance as at March, 2010.

The report presented the key management information and performance indicators for the Enterprise, Planning and Infrastructure Service which consisted of the following four sections:- (1) a progress report from the Director; (2) a summary in the format of a performance indicators balance scorecard and detailed information supporting those indicators being considered this cycle; (3) a monitoring statement for the Non-Housing Capital Programme 2009/2010 as at 31 March, 2010; and (4) a table providing additional information on the performance of road defect repairs.

In relation to the Service's performance figures for average sickness absence, the Committee heard from Mr. Brian Wright, Human Resources, who advised that the Section had undertaken a review of the Council's indicator for sickness absence reporting and that they were very confident of the accuracy of the new arrangements for sickness monitoring that would be rolled out very soon. The figures for sickness absence were to be included within the Performance Report submitted to the Committee at its next meeting on 7 September, 2010.

**The Committee resolved:-**

- (i) to note that the Service's performance figures for average sickness absence would be contained within the performance report submitted to the Committee at its meeting on 7 September, 2010; and
- (ii) to otherwise note the performance to date.

**9 ENTERPRISE, PLANNING AND INFRASTRUCTURE DIRECTORATE BUSINESS PLAN 2010- 2013 - EPI/10/163**

The Committee had before it a report by the Director of Enterprise, Planning and Infrastructure which presented, for approval, the Enterprise, Planning and Infrastructure Service Directorate Business Plan for 2010-2013.

The Enterprise, Planning and Infrastructure Directorate Business Plan, which covered a three year planning cycle from 2010 – 2013, identified factors which influenced service needs, development and delivery. It also set the priorities which the Directorate would



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undertake in order to achieve the Council's key strategic objectives which were reflective of the National Priorities set by the Scottish Government, the Concordat and the Single Outcome Agreement. The Plan would be subject to a quarterly review as well as an annual update.

The Business Plan, which was appended to the report, had three appendices comprising of: - (1) the Directorates Non-Housing Capital Expenditure; (2) the Directorates Efficiencies and Savings; and (3) the Directorates Risk Management Register.

**The Committee resolved:-**

- (i) to approve the Enterprise, Planning and Infrastructure Directorate Business Plan for 2010-2013; and
- (ii) to request that the Director of Enterprise, Planning and Infrastructure submit quarterly progress reports to the Committee as part of the Enterprise, Planning and Infrastructure Directorate Performance Reporting Framework.

**10 ENTERPRISE, PLANNING AND INFRASTRUCTURE SENIOR MANAGEMENT RESTRUCTURE PROPOSALS - EPI/10/154**

The Committee had before it a report by the Director of Enterprise, Planning and Infrastructure which presented recommendations for the achievement of the Service's agreed 2010/2011 Revenue Budget Savings.

It was proposed that the Service's agreed savings be achieved through the creation of a revised structure for the Service and proposed responsibilities for Senior Management posts, as well as the continued restructure of the Service.

Throughout the development process for the proposed restructuring, staff had been consulted with and the feedback received from this process had been reflected in the proposals before members. Staff and their respective trade unions would continue to be kept informed of the process and developments moving forward.

With regard the specific restructuring proposals, it was highlighted that although currently reporting to the Director of Enterprise, Planning and Infrastructure, the post of Marischal College Programme Director was excluded from this process, and would remain unchanged. It was further highlighted that the proposed structure for the Asset Management and Operation Services differed slightly to that of Economic and Business Development, Planning and Sustainable Development and Support Services due to the volume of staff and the range of the service.

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In order to further implement the necessary changes needed to achieve the budget savings for 2010/11 delegated authority to the Director in relation to the continued restructuring of the Directorate was sought. This authority would allow the Director to implement the changes necessary in a timely and efficient manner. Subject to approval of this authority it was proposed that the Director report back to the Committee following completion of the appointment process with the final structure and resulting savings.

The Enterprise, Planning and infrastructure seniors management restructure proposals were attached at appendix one to the report. The proposals detailed the proposed remit and responsibilities of manager posts within Planning and Sustainable Development, Asset Management and Operations, Support Services and Economic and Business Development. Posts proposed for disestablishment were also detailed.

**The Committee resolved:-**

- (i) to approve the proposals to establish the new structure for Senior Managers within Enterprise, Planning and Infrastructure, as detailed at Appendix 1 to the report;
- (ii) to approve the disestablishment of the posts within Enterprise, Planning and Infrastructure, as shown at Appendix 1 to the report;
- (iii) to acknowledge the arrangements to use the Council's job matching process to fill the posts outlined in the proposals and where vacancies remain to use the appropriate selection process and the redeployment and redundancy process if required;
- (iv) to provide delegated authority to the Director of Enterprise, Planning and Infrastructure to continue with the remaining restructure of the Directorate in accordance with Council policies for Organisational Restructuring – job matching process; proper consultation with Trade Unions and staff to enable the Directorate to deliver agreed 2010/11 budget savings; and
- (v) to request that the Director of Enterprise, Planning and Infrastructure report back to the Committee with the complete final structure and savings at the Committee's meeting on 9 November, 2010.

**11 ACHIEVING OUR POTENTIAL - TACKLING POVERTY AND INCOME  
INEQUALITY IN ABERDEEN CITY 2009-2012 - EPI/10/133**

With reference to article 9 of the minute of the meeting of the Corporate Policy and Performance Committee of 10 September 2009, the Committee had before it a report by the Director of Enterprise, Planning and Infrastructure which provided an overview of the practical measures being adopted by the Service in supporting the Council's Anti-

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Poverty Strategy – “Achieving our Potential, Tackling Poverty and Income Inequality in Aberdeen City”.

By way of background the report advised that there were currently 16,299 people on unemployment related benefits in the city. The benefits could be broken down as follows:-

Jobseekers Allowance	3,529 (March 2010)
Employment Support Allowance	10,185 (August 2009)
Lone Parents	1,760 (August 2009)
Carers	825 (August 2009)

The areas of the City with the highest concentrations (over 600 people) were:-

Auchmill	794
Cummings Park	751
Mastrick	606
Seaton	713
Springhill	617
St Machar	636
Torry	619
Tullos Hill	941
Woodside	822

Further statistical analysis of unemployed individuals within the city was detailed at appendix 1 to the report.

An overview of the activity being undertaken by the Service which makes a significance contribution to the draft Anti-Poverty Strategy were provided namely:- Aberdeen Works, Linking Opportunity and Need Team, the Future Jobs Fund, Union Square, Retail Rocks, Town Centre Regeneration Fund, Investing in Ideas, Living and Working in Aberdeen, Supplier Development Programme and North Territory Hub was provided.

**The Committee resolved:-**

to agree that the actions detailed in the report were the Service’s contribution to the Council’s Anti-Poverty Strategy “Achieving our Potential, Tackling Poverty and Income Inequality in Aberdeen City”.

**12 ABERDEEN AND GRAMPIAN CHAMBER OF COMMERCE BOARD -  
EPI/10/154**

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The Committee had before it a briefing note from the Aberdeen and Grampian Chamber of Commerce, which advised that the Aberdeen and Grampian Chamber of Commerce Board were to hold an election for a minimum of two vacancies to the Board. As such the Chamber wished to encourage all Members of their Council to consider nominating themselves to serve on the Board.

The Committee heard from the Director who advised that at present Councillor Yuill was a Member of the Chamber's Council, and therefore proposed that the Committee agree that Councillor Yuill be nominated, by the Council, for a position on the Aberdeen and Grampian Chamber of Commerce Board.

Thereafter, Councillor Boulton asked officers to provide an overview of the powers and role of the Aberdeen and Grampian Chamber of Commerce.

**The Committee resolved:-**

- (i) that Councillor Yuill be nominated by the Council, for a position on the Aberdeen and Grampian Chamber of Commerce Board;
- (ii) to request officers to provide a briefing note on the role and remit of the Aberdeen and Grampian Chamber of Commerce to all members of the Committee; and
- (iii) to request the Aberdeen and Grampian Chamber of Commerce to provide a presentation to a future meeting of the Committee, when the level of business on the agenda permits sufficient time.

**13 APPLICATIONS FOR FUNDING FROM THE INTERNATIONAL TWINNING BUDGET 2010/2011 - EPI/10/035**

The Committee had before it a report by the Director of Enterprise, Planning and Infrastructure outlining applications for financial assistance from the 2010/2011 International Twinning Budget.

**The report recommended:-**

that the Committee:-

- (a) approve a grant of £1,600 to enable a small music group of up to four people to travel to Regensburg, to accept Regensburg's invitation to participate in the cultural programme marking the 55<sup>th</sup> anniversary of the twin city partnership; and

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- (b) approve a grant of £1150 for the invitation to three musicians from Stavanger to participate in Aberdeen's Highland Games festivities in June 2010, to mark the 20<sup>th</sup> anniversary of the twinning link.

**The Committee resolved:-**

to approve the recommendations.

**14 VISITSCOTLAND FUNDING 2010/2011 - EP1/10/102**

The Committee had before it a report by the Director of Enterprise, Planning and Infrastructure which provided an overview of the services provided by VisitScotland during 2009/2010 and outlined the proposed split of funding and services for 2010/11. The report also outlined proposals for the relocation of the Visitor Information Centre to Marischal College and sought ongoing support for the establishment of a destination promotion unit to further drive the promotion of the city for tourism, inward investment and as a place to live, work and study.

The overview of the services provided by VisitScotland in 2009/2010 was split into two parts, firstly focusing on leisure tourism and secondly, business tourism.

With regard leisure tourism, it was advised the funding relationship with VisitScotland continued to evolve with further refinement of the Minute of Agreement (MoA) and its content. This included improved clarity on core and project spend as well as allowing a more targeted and partnership approach to be taken, which engaged both industry and consumers. Higher regional profile in national campaigns and bespoke international marketing and PR projects had provided positive results and a good platform for future activity. In terms of information provision, following unsuccessful discussions with the leasing agents for Union Square about potential relocation of the VisitScotland Information Centre (VIC), discussions had begun about the potential of relocation of the VIC to Marischal College (the existing lease on the current location on Union Street expires in July 2012). It was highlighted that some fundamental changes in the service provision may result from this relocation, all of which would be explored before final decisions are taken. VisitScotland continued to cover the deficit of the VIC operation in Aberdeen.

Turning to business tourism, it was advised that The Convention Bureau continued to promote the area as a conference destination. They had been successful in securing £9.5 million of confirmed business, over 52 conferences for the region, 20 ambassador led bids and over £31,000 of income from the private sector (full details were listed at appendix 3). This represented a slight decrease on the previous year, however this was

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to be expected due to the current economic climate. Finally, it was advised that a full review of destination promotion services would be undertaken in the next 6 months; this was with the intention of presenting the Committee with proposals for a new unit to be created to effectively promote Aberdeen City as a destination for business tourism, inward investment, events and as a place to live, work and study.

Appended to the report were:- (1) an overview of leisure tourism services provided during 2009/2010; (2) an outline of leisure tourism activity for 2010/2011; (3) an overview of the business tourism services provided during 2009/2010; and (4) an outline of the business plan for the Convention Bureau for 2010/2011.

**The Committee resolved:-**

- (i) to note the activity undertaken by VisitScotland during 2009/2010;
- (ii) to approve the overall funding of £380,000 (a reduction of 5%) to VisitScotland, and that the funding split be as follows:-

Aberdeen Convention Bureau	£213,750
VisitScotland Information Centre	£100,000
Publications	£10,000
Website	£5,000
Direct Marketing Activity	£51,250*;

\* funds for direct marketing activity would only be paid where suitable projects were identified. Projects might be undertaken directly by the Council.

- (iii) to instruct officers to progress with the relocation of the Visitor Information Centre to Marischal College; and
- (iv) to request officers to submit a report on the review of destination promotion services and on the establishment of a destination promotion unit for the city to the Committee at its meeting on 9 November, 2010.

**15 OFFSHORE EUROPE (OE) 2009 AND 2011 - EPI/10/102**

The Committee had before it a report by the Director of Enterprise, Planning and Infrastructure which outlined feedback from the Offshore Europe (OE) 2009 event and detailed the proposed direction for the Council's involvement in the Offshore Europe 2011 event.

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*Offshore Europe was the largest oil and gas conference and exhibition outside North America and was staged bi-annually in Aberdeen. The last four day OE event held in Aberdeen in 2009, attracted 49,000 delegates, up 20% on 2007 figures, and generated an estimated £27 million for the local economy. At the event 1500 exhibiting companies represented countries from around the world including 330 companies exhibiting for the first time. Further benefits of the event as well initiatives developed and comments received were highlighted.*

*Turning to the forthcoming event, which was to be held in Aberdeen at the Exhibition and Conference Centre from 6 – 8 September 2011, it was explained that a number of areas for review arose following OE09 including car parking, park and ride and city welcome. It was intended that these areas be addressed and developed prior to OE11 and for the benefit of the exhibition in the long term.*

*In terms of organising the event, it was proposed that the workload continue to be managed within the four well established work groups, each with its own core responsibilities but would increase the level of cross group communications and partnership working.*

*With regards financial implications, it was advised that Aberdeenshire Council would again be invited to contribute to the cost of staging the joint presence at the exhibition. Income from sponsors and companies who leased space on the stand would also offset the overall cost. The cost of the same prime position at Offshore Europe 2011 was £119,000. The exhibition organisers had indicated their desire to revisit the layout of the exhibition and maximise the floor space available on the site. Should exhibition halls change then both Councils would be advised in due course and offered the opportunity to review the stands position.*

*The cost of the design and construction of a similar exhibition stand to that previously used was estimated at current market costs to total £130,000. The use of technology solutions and innovative use of lighting would be considered to enhance the stands position. In addition, costs would be incurred in providing utilities on the stand, promotional material, and graphics and in implementing a programme of promotions/events for inward visitors. Based on costs incurred at Offshore Europe 2009, these were estimated to be in the region of £7,000. Again these monies had been identified within the existing Economic Promotion budget. As such, the total cost for Offshore Europe would be in the region of £300,000.*

*These costs would be offset by an estimated income of £110,000. However, it was highlighted that this income was dependent on whether cost to partners and stand companies were increased. Therefore, the overall cost to the Council could not be determined until the final stand design was approved.*

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**The Committee resolved:-**

- (i) to support the Council's involvement in the exhibition in 2011 and as such commit to the necessary funding being maintained in the budget for 2010/2011 and 2011/2012 subject to the budget process;
- (ii) to support the proposed direction for the promotion of Aberdeen City and Shire and Offshore Europe 2011; and
- (iii) to otherwise note the content of the report.

**16 PROCUREMENT FOR SOCIAL ENTERPRISES AND COMMUNITY BENEFIT PROVISIONS - CG/10/110**

With reference to article 20 of the minute of the meeting of the Housing and Environment Committee of 16 February 2010, the Committee had before it a report by the Director of Corporate Governance which provided a general background and explored options available to the Council in relation to the procurement of goods and services from Social Enterprises and also looked at the securing of community benefits via the procurement process.

Firstly, the report provided an overview of the legal and other issues which directly affected the Council's procurement procedures. It was advised that the Council's procurement procedures were governed by the Standing Orders relating to contracts and procurement, the financial regulations, and the Corporate Procurement Policy. However, it was highlighted that none of these documents precluded the procurement from Social Enterprises however, the law relating to procurement did not provide the Council with an unfettered discretion in terms of its procurement activity.

The key internal document governing procurement was the Council's Standing Orders (approved by Council in November, 2009 and came into force on 1 April 2010). These were up-to-date, complied with all relevant legislation, took account of the Council's internal structures and policies, and were fit for purpose and easy to follow. Most importantly, they complied with the regulations. In addition the Standing Orders provided real flexibility where a contract was under the European threshold and did not prescribe how Services must procure, so long as that process was fair and transparent.

In terms of regulations which governed regulated procurement in Scotland, it was advised that they set out the financial thresholds, procedures and timescales which must be adhered to by public bodies when tendering. They aimed to ensure that public bodies entered into contracts in a transparent and fair manner, that all potential tenderers were treated fairly and consistently and that one organisation was not favoured over any other. The transferring or purchasing of services by the Council



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must be done in compliance with both the regulations and with the Council's Standing Orders.

In particular, the report highlighted Regulation 7 of the regulations which covered procurements involving "supported businesses", "supported employment programmes" and "supported factories". A definition of each of these was provided within the report. Regulation 7 permitted the Council to restrict participation in the specific procurement which was covered by the main provisions of the regulations (in terms of the nature of what was being procured and the values) to supported businesses, supported employment programmes and supported factories. Only organisations of that type would be entitled to bid for that particular contract. It did not allow the Council to directly award a contract to a specific organisation. Instead, the procurement must follow the requirements of the regulation in terms of advertising and timescales, etc. Therefore, contracts could not be reserved for a specific organisation and all bids from supported businesses, supported employment programmes and supported factories submitted under the reserved contacts arrangements must be assessed in accordance with the regulations. In terms of the regulation, a contracting authority should award a public contract on the basis of the offer that either (a) was the most economically advantageous tender from the point of view of the contracting authority, or (b) offered the lowest price.

In deciding whether to reserve a contract, the Council must balance the obvious social benefits of doing so against the statutory obligation to achieve best value. The Council must have regard to the nature of its procurement need and the available market, in order to establish whether supported businesses etc. would be able to meet the Council's requirement, and at the same time deliver best value. All of these factors must be assessed prior to commencing the procurement process.

Turning to the power to advance wellbeing, the report advised that Part 3 of the Local Government in Scotland Act 2003 gave the Council a discretionary power to do anything it considered was likely to promote or improve the wellbeing of its area and/or persons in it. However, it was highlighted that this power was not without restriction. Details of the restrictions were provided.

Finally, the report highlighted the possibility of using community benefit clauses to achieve wider benefits from its procurements. Community Benefits in this context are contractual requirements which delivered a wider social benefit in addition to the core purpose of a contract. In particular, they might focus on requirements in relation to targeted training and employment outcomes. They could be secured either through the procurement itself or through contractual conditions flowing from the procurement.

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Further details regarding the development of community benefit clauses and the regulatory requirements were outlined.

**The Committee resolved:-**

- (i) to note the legal and Standing Orders position regarding the procurement of goods, works and services from social enterprises;
- (ii) to note the legal and policy issues surrounding the implementation of community benefit clauses within the Council's procurements; and
- (iii) to instruct officers within Corporate Governance to continue to work on the development of a robust corporate policy on the use of community benefit clauses within the Council's procurements, and that the policy be submitted to a future meeting of the Committee for approval.

**17 ABERDEEN LOCAL DEVELOPMENT - MAIN ISSUES REPORT  
CONSULTATION RESPONSE - EPI/10/150**

The Committee had before it a report by the Director of Enterprise, Planning and Infrastructure which outlined the comments received during the public consultation exercise carried out for the Main Issues Report of the new Aberdeen Local Development Plan and the response of the Development Plan Team to the issues raised.

Consultation on the Main Issues Report for the Emerging Aberdeen Local Development Plan was undertaken over an eight week period, during which just under 1,000 written submissions about the content of the document were received. Throughout the period, officers held evening community consultation events in different neighbourhoods of the city and also made presentations to groups such as the Youth Council and Civic Forums. The feedback from the meetings and the written responses received during the consultation period had now been reviewed by the Team and draft responses prepared for agreement to publish by the Committee.

A summary of the main changes officers were considering as a result of the consultation on the Main Issues Report was provided. The full consultation summary and responses to these issues were attached as appendices to the report. Finally, it was highlighted that the responses received and ongoing work on the site boundaries and policy direction would inform the preparation of the proposed Aberdeen Local Development Plan which would come before Council for approval later in the year.

Turning to the next stage in the process, it was advised that subject to Committee approval officers would publish the responses on the Council's website and write to everyone who submitted comments informing them of this. Thereafter, the next step

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would be to seek approval of the Proposed Aberdeen Local Development Plan by the Council. At this point in time, it was officer's intention to take the Plan to the Council meeting on 18 August 2010. The Plan would then be published and put out for consultation. The minimum period for consultation was six weeks but one of the changes to the planning system was the removal of the automatic right for objectors to provide additional information as part of the independent examination process – the Reporter might ask for additional information to be submitted but this was not guaranteed. This meant that people who object to anything in the Proposed Local Development Plan must ensure that their objection covered all the points they wish to be considered by the Reporter. Given this change officers had decided to allow a longer period of time for objections to be made. Additional information on how to object to the plan given the changes to the arrangements for independent examination of development plans would also be provided.

The Committee discussed the matter of Councillor responses to the Plan during which Dr. Bochel, Head of Planning and Sustainable Development advised that all contributions from Councillors had been considered and that members should contact her directly to discuss whether they wished their comments to be included within the public consultation report.

**The Committee resolved:-**

- (i) to note the officer responses to the Aberdeen Local Development Plan Main Issues Report; and
- (ii) to agree to the publication of these responses in order to provide feedback to people who attended the consultation events or submitted written comments as part of the Main Issues Report public consultation.

**18 CENTRAL TORRY PARKING MANAGEMENT MEASURES**

The Committee had before it a report by the Director of Enterprise, Planning and Infrastructure providing an outline of a proposed parking management scheme in the main commercial area of Torry to encourage turnover of parking in Victoria Road and surrounding streets.

A study had been commissioned by the Retail Rocks! steering group to assess parking pressures in the area, and the scheme now being recommended had been developed in the light of this study.

There were ten specific options under consideration, all of which were being recommended for approval in principle. These ten options would create thirty two

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additional parking bays for short-stay parking during the daytime. However, implementation would depend on the outcome of the statutory process for the necessary traffic order. Apart from this, there were also proposals to amend the use of the off-street car park at Crombie Road to provide further short-term parking opportunities (which could be incorporated within the next off-street order).

**The Committee resolved:-**

to begin the statutory procedures and report back on objections.

- 19 FONTHILL ROAD / GREENFERN DRIVE (SERVICE ROAD) / GREENFERN ROAD / HARENESS CIRCLE / MALCOLM ROAD - CROMBIE CIRCLE - JOHNSTON GARDENS / MARGARET STREET / MARKET STREET / NEW PIER ROAD / QUARRY ROAD - CAIRNLEE CRESCENT NORTH / SCHOOLHILL / UPPER KIRKGATE / WILLOWPARK CRESCENT / WINDMILL BRAE / WOODEND CRESCENT / WHINHILL ROAD**

The Committee had before it a report by the Director of Enterprise, Planning and Infrastructure providing an account of traffic management measures considered necessary at the above locations.

Waiting restrictions of different kinds were intended in each case except for Market Street, where a proposed prohibition of U-turns was being contemplated at the junction with the bus station. A one-way was being recommended for Hareness Circle, along with waiting restrictions. Windmill Brae and Whinhill Road would both have "POLICE" bays and regulatory "School Keep Clear" markings were planned at Woodend Crescent.

**The Committee resolved:-**

to request officials to carry out preliminary statutory consultation on legislation to provide for these schemes, to move straight to substantive statutory advertisement if there were no significant preliminary responses, and thereafter to report back.

- 20 THE ABERDEEN CITY COUNCIL (VARIOUS ROADS IN ABERDEEN) (CITY-WIDE) (TRAFFIC MANAGEMENT) ORDER 2010**

The Committee had before it a report by the Director of Corporate Governance dealing with a single objection received after the statutory advertisement of the above-named traffic order, which provided for a range of traffic management measures in different parts of the city.

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The objection (from Mr Alastair Stewart of 7 Binghill Crescent) related only to that road. The remaining double yellow lining at the location had already been reduced compared with an earlier proposal, and, in particular, the lines had been limited to the extent of the bend immediately west of the existing "School Keep Clear" markings.

Otherwise, though, the opportunity had been taken to add junction restrictions at the Binghill Road/Binghill Crescent junction, merely to reflect Highway Code guidance that no one should park within ten metres of a junction.

The intention was to deal with the worst of the parking issues during school hours. However, parking on the bend was not acceptable at any time since it presented the same hazard (in terms of forward visibility) regardless of time of day.

There might be similar bends on other residential streets in the city that did not have double yellow lines on them, but that was a historical observation. The broad emphasis here should again be on the Highway Code: drivers should exercise due care and not park on bends. It was natural to reflect this guidance in the provisions of a traffic order where attention had been drawn to a particular location. In this spirit, a restriction applicable only at certain times of day would seem incongruous, begging the question of how its significance could be confined to those times.

**The Committee resolved:-**

to overrule the objection and request the officials to have the order made and implemented as originally envisaged.

**21 REPLACEMENT AND RENEWAL BUDGET PROGRAMMES - EPI/10/157**

The Committee had before it a report by the Director of Enterprise, Planning and Infrastructure which presented and sought approval of the proposed replacement and renewal programme for the approved capital budgets for 2010/2011.

The provisional programmes for 2010/2011 would allow substitution of schemes, should it not be possible to implement any of the schemes on the primary list or should a statutory requirement arise. The appendices set out the proposed programme of works which would be funded through the approved Capital budgets of the Council. A capital budget of £7.78m had been allocated to allow the continued replacement and renewal work to be progressed. This work was specifically aimed at increasing the expected useful life of the buildings on which work was to be carried out. The proposed provisional programme was contained in Appendix A, whilst the reserve list of projects, which might be brought forward if there was a shortfall from the primary list or

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if certain projects from the primary list could not be progressed, was contained at Appendix B (this list would also form the basis of the 2011/12 replacement and renewal programme).

*In addition to the major works contained in the overall programme, a sum had been identified for minor works. These works were primarily related to health and safety, asbestos removal and Disability Discrimination Act projects. This list required to be flexible as works had to be carried out at short notice to address health and safety issues or to remove asbestos after it had been identified.*

**The Committee resolved:-**

- (i) to approve the schemes listed in the appendices to the report, as the detailed proposals for expenditure within budget headings;
- (ii) to instruct appropriate officials to implement the detailed programme;
- (iii) to agree for officers to amend the programme in consultation with local members and the relevant services, should priorities change during the year; and
- (iv) to grant approval to appropriate officers to award contracts on receipt of a valid tender submission subject to necessary funding in the approved capital budget.

**22 WINTER MAINTENANCE OPERATION 2009 - 2010**

With reference to article 3, of the minute of the meeting of the Enterprise, Planning and Infrastructure Committee of 12 January, 2010, at which point the Committee considered an emergency motion by Councillor Adam regarding the winter maintenance operation, the Committee had before it a report by the Director of Enterprise, Planning and Infrastructure which provided an overview of the strategy that the road service operated throughout the city during the winter of 2009/2010 and provided details of the rationale for the routes covered and detailed the types of cover that would be provided.

Overnight winter operations commenced on 14 November 2010, with early morning operations commencing on 23 November. Early morning treatments of the priority roads continued through November up to mid December when winter started in earnest with the onset of snow on the 18 December. What followed was prolonged periods of snow, along with very low overnight temperatures causing major problems for the next ten weeks. March was milder allowing only officers to revert to early morning operations except for one major snow operation on the 30/31 March. Specific details of the operations carried out over the period from November 2009 to March 2010, as well as the staff winter rota and resources were provided. It was highlighted that throughout the winter period the priority routes, for the majority of the time, were kept clear and travel along these routes was unrestricted.

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With regards footpaths, members were reminded that as part of budget savings in 2008-2009, it was agreed that footpath operations be reduced by reducing the size of the fleet by six footpath ploughs. This was achieved by not extending or buying the leased Kubotas. Another part of the saving was to stop standby operations for footpaths, and only commence footpath operations at 7.45am instead of 4.45am. This meant that the priority footpaths, as set out in the Winter Maintenance Operations Plan, were the only routes to be covered as part of the early morning operations. This reduction in Standby Staff meant that there were only 2 people on call for priority footpaths over the Christmas period. With the continued poor weather the Supervisors started to call in additional resources, and, even though they were on holiday, there was willingness by the men to assist. Resources were increase during most days during the holiday period allowing the majority of available Kubotas to be deployed.

It was highlighted that with over 1200km of footways, it was not feasible to have widespread coverage as anticipated by many members of the public. With a further 40% of remote paths and areas within our Council housing estates requiring treatment the widespread expectation of “black” roads, footpaths and car parks would not be achievable in the prevailing weather conditions. Details of factors impacting on the operation and effectiveness of the Kubota were provided. However, it was emphasised that the ability of the Kubotas to clear snow was demonstrated at the end of March when the snow remained ice free and the machines covered approx. one third of the city in one day. Details of the resources utilised throughout the period for this highly labour intensive operation were provided.

Thereafter, the report provided a detailed overview of the position over the winter with grit bins and salt and sand stocks. In terms of salt stocks, it was advised that a total of 25476 tonnes of salt were used during the winter period, approximately 70% more that in a standard winter.

Finally, the report provided an analysis of problems experienced throughout the winter operations.

Appended to the report were:- (1) Well Maintained Highways Code of Practice for Highway Maintenance Management Complementary Guidance; (2) Winter Maintenance Plan 2009-2010; and (3) Priority Definitions – Extract from the Winter Maintenance Plan.

**The Committee resolved:-**

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- (i) to instruct officer to continue with the comparison of other similar urban authorities Winter Services both in terms of operation and cost;
- (ii) to note the recommendations of Section 13 of the Well Maintained Highways and how Aberdeen City were already complying with the majority of these requirements;
- (iii) to incorporate, within the Winter Services Plan for 2010/2011, those recommendations in Section 13 of the Well Maintained Highways not already in the Winter Maintenance Plan 2009/2010;
- (iv) to request officers to report back to the Committee at its meeting on 7 September 2010, with the updated Winter Services Plan;
- (v) to remove Councillor Adam's motion from the outstanding motions list; and
- (vi) to otherwise note the contents of this report.

**23 ROADS AND TRANSPORT RELATED ADDITIONAL £2.5M CAPITAL BUDGET PROGRAMME - EPI/10/162**

With reference to article 8 of the minute of the meeting of the Enterprise, Planning and Infrastructure Committee of 20 April 2010, the Committee had before it a report by the Director of Enterprise, Planning and Infrastructure which brought together the proposed roads and transportation programme for the £2.5 million additional capital budget for 2010/2011.

The proposed split of the budget was as follows:-

Roads and Carriageways - £1,850,000  
 Drainage - £250,000  
 Footpaths - £200,000  
 Lighting - £200,000  
 Total - £2,500,000

The appendices to the report set out the proposed programme of works which would be funded through the approved additional Capital budget. The appendices were:- (1) the proposed street lighting programme; (2) the proposed additional capital footway programme 2010-2011; (3) the proposed capital works resurfacing programme 2010-2011; and (4) the proposed drainage operations.

**The Committee resolved:-**

- (i) to approve the schemes listed in the Appendices as the detailed proposals for expenditure within budget headings;
- (ii) to instruct appropriate officials to implement the detailed programme;



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- (iii) to agree for officers to amend the programme in consultation with local members should priorities change during the year;
- (iv) to grant approval to appropriate officers to award contracts on receipt of a valid tender submission subject to necessary funding in the approved revenue and capital budget; and*
- (iv) that the remainder of the programme to be submitted to the Committee on 7 September, 2010, by way of bulletin report.*

### 24 ALBURY MANSIONS ROAD UN-ADOPTION - EPI/10/135

The Committee had a report before it by the Director of Enterprise, Planning and Infrastructure which advised of a request which had been received from the residents of Albury Mansions for the access road to Albury Mansions to be un-adopted and removed from the list of public roads.

Albury Mansions was a short cul-de-sac serving a development of 62 flatted properties and took direct access from the northern end of Albury Road within the Ferryhill residential area. The road was currently adopted and formed part of the controlled parking zone of the Ferryhill area. Private car parking areas at the end of the cul-de-sac served the development and due to the close proximity of the site to the commercial area of the city centre, indiscriminate parking by non-residents had impacted on the availability of residents' parking and the general environmental amenity enjoyed by the residents of Albury Mansions.

As such, a planning application was submitted in July 2009, on behalf of the residents for the erection of a gate across the access road leading to the car parks to ensure that they were only used by residents and the application was subsequently approved. However, the erection of a gate within the adopted public road required that the road be removed from the list of adopted roads. The planning permission did not in its own right allow for a change of status of the cul-de-sac and could only be implemented following the agreement of the Roads Authority to un-adopt the road which would then be seen to form a private access to the development. The report explained that due to oversights residents had not been made aware of this, however highlighted that this omission did not remove or diminish the responsibility of the applicant to make the appropriate pre-application enquiries.

Residents and their factor had now been fully appraised of the position and what would be required of them if the road was to be un-adopted. Following this discussion the residents agreed that the preferred solution to the problem was for the access road to be un-adopted and removed from the list of public roads so that the residents might erect a gate at the original location in line with the first planning permission. In addition

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residents agreed to accept any consequential expense resulting from the un-adoption of this road as they would have to take over the responsibility of all future maintenance of the road and lighting. However, it was highlighted that two postal votes from residents against the un-adoption of the road were received.

Finally, it was advised that it was generally recommended that an access road serving more than three properties was adopted by the Council so that the interests of the residents were looked after with regard to the maintenance of the road and lighting, access for refuse vehicles and snow clearing all of which could result in significant costs to residents if the road was not adopted. Roads officers had concerns and reservations with regard to the un-adoption of the road as this would place a potential future burden on the residents should maintenance issues arise. However, given the background to the matter, officers would not offer objection to the request for the road to be removed from the adopted list of roads due to the minimal extent of the adopted road and that the residents have clearly decided that they would rather have the access road un-adopted and were prepared to take over the management and maintenance of the road along with the associated financial responsibilities.

**The Committee resolved:-**

- (i) that the access road leading to Albury Mansions from Albury Road be un-adopted by Aberdeen City Council and removed from the list of public roads; and
- (ii) that the road might be removed from the list of public roads and to instruct to carry out the procedure in accordance with the Roads (Scotland) Act and if no representations were received to remove the road from the list of public roads without returning to Committee, however if representations were received a follow up report would be presented to the Committee for further consideration.

**25 AIR QUALITY ACTION PLAN UPDATE - H&E/010/40**

**DECLARATIONS OF INTERESTS**

**During consideration of the following item the following members declared an interest in the matter by reason of their involvement with the North East of Scotland Transport Partnership (Nestrans):- the Convener and Councillor Boulton as Board members of Nestrans, Councillor Kevin Stewart as Chair of Nestrans and a resident of the Middlefield area; and the Vice-Convener as a substitute Board member of Nestrans. None of the members involved considered it necessary to leave the meeting during the Committee's deliberation on the report before it.**

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The Committee had under consideration, upon a referral from the Housing and Environment Committee (article 21 of the minute of meeting of 13 April, 2010 refers), the decision of that Committee to approve the draft Air Quality Action Plan for public consultation and submission to the Scottish Government; and to instruct the Director of Housing and Environment to prepare a final Air Quality Action Plan for Committee consideration following the completion of the consultation; a report by the Director of Housing and Environment which presented the proposed. The reports which were before the Housing and Environment Committee and a draft of the relevant minuted articles had been circulated to the Enterprise, Planning and Infrastructure Committee, for information.

**The Committee resolved:-**

to note the draft Air Quality Action Plan and its links between air quality, transport and planning.

**26 54 PARK ROAD, ABERDEEN - PROPOSED LEASE - EPI/10/146**

**In accordance with the decision recorded under article 1 of this minute, the following two items only (articles 26 and 27) were considered with the press and public excluded.**

The Committee had under consideration, upon a referral from the Finance and Resources Committee (article 6 of the minute of meeting of 11 May, 2010 refers), the decision of that Committee to agree the proposed Heads of Terms of Lease for a five year internal repairing lease of the three warehouse units within the complex at 54 Park Road, Aberdeen, be approved in principle, subject to subsequent discussion and approval by the Enterprise, Planning and Infrastructure Committee. The report which was before the Finance and Resources Committee was before the Committee for approval.

The report had annexed a plan of the site the subject of the report; provided certain background information relating to the units and the current arrangements employed by the Council to store the wheelie bins and salt; advised also of the circumstances surrounding the leases currently entered into, which necessitate the sourcing of alternative arrangements; and highlighted the revenue savings likely to be achieved should the report recommendations be approved. The provisional Heads of Terms of

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Lease in respect of the units at 54 Park Road were outlined within the report, which also indicated that the Head of Legal and Democratic Services considered these to be acceptable in principle, subject to any qualifications required to protect the Council's interests.

**The Committee resolved:-**

to agree the proposed Heads of Terms of Lease for a five year internal repairing lease of the three warehouse units within the complex at 54 Park Road, Aberdeen.

**27 GLASHIEBURN FLOOD PREVENTION SCHEME - EPI/10/156**

With reference to article 20 of the minute of the meeting of the Enterprise, Planning and Infrastructure Committee of 12 January 2010, the Committee had before it a report by the Director of Enterprise, Planning and Infrastructure which informed of the work carried out to date to redesign the flood prevention scheme and that the estimated cost of constructing the redesigned scheme exceeds the approved scheme budget.

By way of background, the report provided an overview of the long standing flooding problem in Lochside Drive and of the design scheme installed to resolve this issue. It was advised that in 2006, the Council had employed a company to design and construct a flood prevention scheme for this area and that this was completed in November 2008. However, in September 2009, the scheme failed and the area was again flooded.

Following the flood in 2009, an investigation by Council engineers was undertaken and concluded that the flood prevention scheme was inadequate to deal with the volume of water in the Glashieburn on the morning of 04 September. The investigation also concluded that the scheme could not cope with the estimated 1 in 200 year storm event; the required standard in the design brief. Details of the failings of the scheme were outlined; in particular attention was focused on the limited capacity of the 900mm diameter culvert which ran from the new attenuation pond under the gardens of 28 to 38 Lochside Drive, discharging into the open burn east of Lochside Road. The culvert under the gardens lay almost flat and could not carry the volume of water discharged from the attenuation pond.

To give protection to the properties either the pond had to be considerably bigger or the culvert capacity has to be increased. The simplest and most effective solution would be to increase the culvert capacity. An additional 200m of 1200mm diameter culvert and connections to the existing system, was required. The provision of this auxiliary culvert would give the required discharge capacity to allow the attenuation pond to function

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without overflowing and to prevent flooding of Lochside Drive by surcharging of the 900mm culvert.

As such, the company responsible for the design of and the supervision of the construction of the scheme have redesigned the scheme in light of its failure to contain the floods of 2009. Their recommendations include the installation of a 1200mm diameter culvert as described in 6.2 above. The scheme differs from the earlier model in that the 900 mm diameter pipe which crosses Lochside Road was considered incapable of carrying the 1 in 200 year flood criteria and that a 1200 mm diameter pipe would need to be taken across the road discharging directly into the loch. Their estimated cost for the scheme including the above additional works is £275,000. Discussions were ongoing between the Council and the company, with a view to reducing the cost of the works to a minimum. A meeting had also been held with the residents of Lochside Drive and agreement in principal had been established to allow access to their gardens for the construction of the new culvert. Formal written agreements with the residents would now be progressed. It was also highlighted that in terms of the revised scheme approval from SEPA would be required to discharge the new storm overflow culvert into the loch and this is being progressed.

With regards financial implications for the Council, the report advised that a sum of £175,000 was included in the 2010/2011 capital budget for completion of the scheme. Although it was expected that some costs would be recovered from the company responsible for constructing the scheme, it was likely that these would comprise largely of payment in kind. Other costs were currently under discussion. Monies recovered from the company would be used to offset the rise in cost of the scheme but as these figures had not been agreed as yet and there was not currently a timescale on these monies it would be beneficial to have the total scheme costs available prior to tender. As such the Committee was requested to refer the report to the next meeting of the Finance and Resources Committee with a request for provisional gap funding of £100,000, to ensure that the scheme can be implemented at the earliest possible opportunity, provided the lowest competent tender was both within 10% of the pre-tender estimate and the approved scheme budget. The work would be awarded at the earliest opportunity thus limiting the exposure of affected properties to future flooding.

The Committee heard for Mr. Cheyne Roads Manager, who provided an update on the current negotiations and agreements made to date with regards financing of the new scheme.

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- (i) to note that the company responsible for constructing the scheme, had redesigned the Glashieburn flood prevention scheme in light of its failure to contain the floods of 2009 and had recommended significant enhancements;
- (ii) to note that the enhancements recommended were estimated by the company responsible for constructing the scheme, to cost £275,000 to construct, significantly more than the approved capital budget for 2010/11 of £175,000;
- (iii) to note that council officers were working with the company responsible for constructing the scheme, to streamline the design and reduce the cost of the improvements to a minimum.
- (iv) to note that the construction industry in the north east was competitive at present and that tenders for this work could be less than estimated;
- (v) to instruct officers to proceed to tender at the earliest possible opportunity;
- (vi) to refer the matter to the Finance and Resources Committee for consideration of the additional gap capital funding considered necessary at this stage to progress the scheme and to request that officers submit an updated report to that Committee detailing all negotiations and agreements made to date; and
- (vii) to authorise the Head of Asset Management and Operations to accept the lowest competent tender for the works, provided it was both within the approved scheme budget and within 10% of the pre-tender estimate.

**28 NEW CAR PARKING ORDERS - EXTENDED EVENING OPERATIONAL HOURS**

**DECLARATIONS OF INTEREST**

**Prior to considering the following item Councillors Adam and Milne declared an interest in the subject matter of the following article by virtue of being the Council's appointed representatives on the Aberdeen Performing Arts Board. None of the Councillors felt it necessary to withdraw from the meeting.**

**Also during consideration of the following item the following members declared an interest in the matter by reason of their involvement with the North East of Scotland Transport Partnership (Nestrans):- the Convener and Councillor Boulton as Board members of Nestrans, Councillor Kevin Stewart as Chair of Nestrans and a resident of the Middlefield area; and the Vice-Convener as a substitute Board member of Nestrans. None of the members involved considered it necessary to leave the meeting during the Committee's deliberation on the report before it.**

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- (1) THE ABERDEEN CITY COUNCIL (OFF-STREET CAR PARKS) ORDER 2010
- (2) THE ABERDEEN CITY COUNCIL (ASHLEY/QUEENS CROSS) (ZONE N) (TRAFFIC MANAGEMENT AND PAY AND DISPLAY) ORDER 2010
- (3) THE ABERDEEN CITY COUNCIL (CITY CENTRE – AREA IV) (TRAFFIC MANAGEMENT AND PAY AND DISPLAY) ORDER 2010
- (4) THE ABERDEEN CITY COUNCIL (KING STREET AREA – BEACH BOULEVARD TO ROSLIN PLACE, ABERDEEN) (TRAFFIC MANAGEMENT AND PAY AND DISPLAY) ORDER 2010
- (5) THE ABERDEEN CITY COUNCIL (ON-STREET PARKING PLACES) ORDER 2010
- (6) THE ABERDEEN CITY COUNCIL (AREA 2) (QUEENS CROSS / ROSEMOUNT/ MIDSTOCKET/ASHLEY AREA, ABERDEEN) (TRAFFIC MANAGEMENT) ORDER 2010
- (7) THE ABERDEEN CITY COUNCIL (1) ROSEMOUNT/QUEENS CROSS AREA – GENERAL TRAFFIC MANAGEMENT; (2) ROSEMOUNT PLACE/ SKENE SQUARE/GILCOMSTON STEPS/WOOLMANHILL/SKENE STREET/ ESSLEMONT AVENUE AREA – “PAY AND DISPLAY”) ORDER 2010

The Committee had before it a report by the Director of Corporate Governance dealing with objections received after the statutory advertisement of the above-named traffic orders. The orders provided for new operational arrangements in the City Council's on and off-street car parking regimes.

The main thrust of the objections was to do with the social impact of on-street controls being applied until 8.00pm in the evening (instead of the current cut-off point at 6.00pm). There were also concerns about the new proposed off-street arrangements, where charging would apply not only until 8.00pm but also (by way of a new overnight flat rate of £1.50) from 8.00pm until 8.00am the next morning (but not on Sunday evenings overnight to Mondays). Furthermore, *only if this overnight charge had been paid* would the duration of a prior period paid for run through into the following day's charging hours.

The new orders would also allow housekeeping matters to be tidied up, reducing the extent to which the current regimes depended on amendments of amendments, etc.

Some objections were about the impact which extended evening operational hours would have on a range of leisure activities in the central part of the city. Quite a number of them were from Bridge players, many of whom were members of The Bridge Club in Rubislaw Terrace. Other players attended a different club in Bon Accord

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Terrace. However, there were also many objections from people with different evening leisure involvements which they also believed would be seriously affected by on and off-street parking charges applicable in the evenings (and overnight in off-street car parks).

Predictably, a number of objectors had criticised the proposals as mere revenue-generating plans intended to make money where no public interest or accountable strategy could possibly be served. The report observed that that did not appear to be a reasonable criticism given that for several years the Council had been criticised strongly by people who believed that they were obliged to pay for residential permits to park near their homes but got no benefit from those permits at the times when they experienced the most severe difficulties in parking (i.e. some residential streets filled up with non-residential parking *in the evenings*).

A vivid example of this would be Dee Street, where there had been trenchant criticism that existing on-street controls did nothing to deter what was perceived to be intrusive parking by people heading for the Music Hall.

Nevertheless, one of the objections was from Mr. Duncan Hendry, Chief Executive of Aberdeen Performing Arts, who referred in particular to the Music Hall, His Majesty's Theatre and the Lemon Tree. Mr. Hendry made the point that the proposed changes could add £3.50 to the cost of (say) an evening concert at the Music Hall.

However, the Council had set out to respond to the criticism from residents in the likes of Dee Street, and to accept the possibility that some people, depending on the choices they made, might indeed find themselves paying evening parking charges in order to leave their cars relatively close to the Music Hall, perhaps rather than using an off-street car park with its attendant concerns about vulnerability late at night, etc.

It could also be speculated that a relatively small parking charge was neither here nor there if one was already committed to attending a concert for which the tickets might cost £30 each, but that the situation was very different when the leisure activity was playing bridge or amateur music-making, and might take place several times a week. Here, the burden of parking charges took on a different connotation vis-à-vis an activity that was otherwise largely or essentially free of charge. One objection (from Queen's Cross Church) referred to Boys Brigade and Girl Guides activities. The point appeared to be not that parents could not drop off and pick up their children without paying parking charges – by and large, that would not be true - but that adult volunteers leading evening activities would have to pay parking charges to park while they were doing whatever it was they did.



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However an air of scepticism might be appropriate if the case was pressed too strongly that someone motivated to pursue a civic involvement would simply recoil from that involvement if evening parking charges – which were by no means a particularly unusual symptom of city centre traffic management elsewhere – were introduced in Aberdeen for the first time. Here the report emphasised again the clear desire of many residents that there be evening controls to bring their residential permits into line with their expectation of them.

Local authorities necessarily implemented public policies in systematic ways. The caricature of “one size fits all” was easy to sketch but the Council’s critics might revert to it if charged with the burden of managing public policy. However, having said that, there was undoubtedly something to be said for the case being made by The Bridge Club in Rubislaw Terrace.

There were very few residents in Rubislaw Terrace and the best argument for the current policy did not really apply to that road unless one entered the domain of considering whether displacement from roads nearby would become an issue when extended evening operational hours kicked in there.

Although officers frequently reminded the Committee that the Council had previously regretted excising bits of controlled zones because of scepticism about displacement arguments, this concern did not appear to be distinctive in the present case.

The objectors from Rubislaw Terrace would aver that there was no imminent likelihood of displacement parking, and it was conceded that there was no existing evening pressure. In particular, the Bridge Club in Rubislaw Terrace believed that their street could be lifted out of the current legislation partly because, unlike other locations, the Council did not have to choose between competing interests there.

The roads officials were of the view that, if there were to be any relaxation in this case, it would be altogether best to take out not only Rubislaw Terrace but also Queens Terrace (obviously), Albyn Place (the main road in this sector but one with very few residential frontages), Albert Terrace, Albert Street, Rubislaw Place and a little bit of Carden Place. In the Council’s in-house terms of reference, this amounted to taking the “Zone P” element out of the relevant traffic order. From the point of view of public understanding, it would be easier to do this than to take one or two streets out but leave the others in.

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Yet there was a significant counter-argument. Local authorities did not ordinarily do this kind of thing. Even if a small number of streets could be identified where there was no competing interest, and in respect of which the best arguments for evening charges did not apply, it had to be remembered that taking those streets out of the legislation would be done publicly, as part of a public process, and would be reported in the local press. The Council would be making it very clear that extended operational hours were being introduced but that some streets were being left out, and people would become very aware that one could head for those streets to avoid evening charges.

The possibility of attracting a new problem was therefore a serious concern. However, it might occur in a slower manner than usual, allowing difficulties to be dealt with timeously in a future review. Also, taking out the whole Zone P sector would share any impact between a number of streets, not force it onto just one. Accordingly, the report acknowledged that there was intellectual respectability in the idea of dropping extended evening operational hours in Zone P, and also that such a move would help other objectors (e.g. Queens Cross Church). This raised the question of whether the same arguments might apply in other areas. Some objectors would probably say that they did, but the report expressed doubt about this. One objector suggested that there would be no harm in retaining free evening parking in Upper Denburn, but, if evening/overnight charges were introduced in the Denburn off-street car park, a displacement effect at this location was inevitable.

Wherever else one looked, there were competing interests (residents who felt they get no benefit from their residential permits at the times when they experienced the most severe difficulties in parking) or else genuine fears about displacement. All in all, the Zone P sector looked like the one location where there was a *provisional* argument for relaxation. But it would be a calculated risk.

Moving onto an entirely separate topic, there had been objections from Golden Square, where the old arrangements operated by the British Legion were to be replaced by the incorporation within the Council's new off-street car parking order of the "inner circle" at the location. There was nothing particularly compelling about these objections. At least one of them referred extensively to supposed legal questions, and suggested that the Council was acting outwith its powers in incorporating the area in a traffic order, but these issues had in fact been resolved long ago, and there was nothing in the objections to cause the Council to hesitate to implement the off-street legislation with Golden Square included in it. Further commentary on the objections had been circulated as the appendix to the report. This narrative was in the authorship of the roads officials in Enterprise, Planning and Infrastructure, and added a wide range of observations on points of detail.

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As agreed at the beginning of the meeting (see article 1 above), the Committee then went on to hear five depositions from objectors seeking to amplify their concerns about the new arrangements. The first of these was on behalf of the Aberdeen branch of the Royal Scottish Country Dance Society, for whom Ms. Jean Martin expressed the view that the society shared with the Council the broad strategic aims of “fun, fitness and friendship”, and regretted that the Council, having first of all impeded the society’s activities by withdrawing evening lets at Council schools, was now compounding the problem by introducing evening parking charges that would deter existing members and make it more difficult to attract new ones. At the moment, the society used the Boys Brigade halls in Crimond Place, and new parking charges in and around that location would become by far and away the most expensive aspect of its activities. Also, having acknowledged the on-street strategic objective of releasing kerbside space in the evenings for the benefit of residents who were complaining that they got little good from their increasingly expensive residential permits, Ms. Martin asked what comparable strategic objective could be at stake vis-à-vis the new arrangements in off-street locations.

The Committee then heard from Gilbert Reid, Chris Blunt and John Craig of the Bridge Club in Rubislaw Terrace, which had been in existence at that location since 1933 and had 284 members, roughly half of whom were old age pensioners. On the other hand, though, there was a unique and thriving school section involving 80 schoolchildren, and a significant number of members who came to play from outwith the city.

Car sharing already happened, and was probably already at an optimum. Notwithstanding the younger element, the club had many elderly members who did not feel comfortable about using public transport late at night. An evening session began at 6.30 for 7.00 and might well finish close to 11.00. Members might play as often as four times a week, and, on each occasion, they would have to pay £3.90 to park on an empty street.

Mr. Duncan Hendry, the Chief Executive of Aberdeen Performing Arts, then explained to the Committee that, in respect of the major venues he represented (the Music Hall, HM Theatre and the Lemon Tree) 40% of the audiences came from outside the city. Car use was an essential means of reaching those venues not only for those travelling greater distances but also for people within the city concerned about a sense of vulnerability late at night on Union Street, or in off-street car parks. In relation to the observations in the report that parking charges might seem negligible if someone was already committed to attending a concert at a cost of £30, Mr. Hendry offered the counter-example that a season’s subscription to one of the Scottish orchestras - the

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BBC Scottish Symphony Orchestra, the Royal Scottish National Orchestra and the Scottish Chamber Orchestra - could work out at little more than £7 a concert for an OAP, and implied that the commitment of this audience was not such that it would transcend the deterrent effect of parking charges adding around 50% to the cost of subscriptions at concessionary prices.

The Reverend Scott Rennie of Queens Cross Church then endorsed the suggestion in the report that consideration be given to the possibility of dropping the Zone P sector from the relevant order, explaining the very high level of evening activity at Queens Cross (every night of the week, with four or even six events each evening).

Finally, Margaret Alexander and George Gordon, representing the Northern Arts Bridge Club in Bon Accord Square, echoed much of what had been said by the Bridge Club in Rubislaw Terrace. The Northern Arts Bridge Club had existed since 1903. The organisation had started (as its name suggested) as an arts society, but, in time, Bridge had taken over. The membership was largely composed of elderly people, and so there were concerns similar to those expressed by Messrs. Reid, Blunt and Craig about using public transport relatively late in the evening. Again, many members played four times a week. Again, this was from around 6.30pm until 10.30pm or 11.00pm.

Having heard the depositions, Councillor Jennifer Stewart spoke (as a local member) about her concern over the proposals for Rubislaw Terrace and Queens Terrace, and asked the Committee to consider closely the possibility that these two streets be excised from the new legislation, and the position kept under review.

A full debate then ensued, in the course of which the point was made that, were Zone P to be excised from this traffic order, residents in Albert Terrace would be extremely critical of the relaxation, being sceptical about the suggestion in the report that a displacement effect in that zone might not have the immediate impact familiar from other parts of the city.

The Convener, seconded by the Vice-Convener, then moved that the objections be overruled and the orders made and implemented as originally envisaged - including the retention of the Zone P sector - but that, in response to a point raised by the Northern Arts Bridge Club, the one hour maximum periods of stay in the most inward central areas be altered to periods of two hours, but only after 6pm.

As an amendment, Councillor Boulton, seconded by Councillor Adam, moved that the orders be made and implemented with the Zone P sector excised and the new off-street overnight flat rate reduced to £1 (instead of £1.50), and also that the Committee receive

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a report back on how the extended evening hours might (in the future) be relaxed or relinquished in streets able to be characterised as less residential in their nature.

On a division there voted:- for the motion (10) – the Convener; the Vice-Convener; and Councillors Clark, Noble, Cormie, Greig, Jaffrey, Penny, Robertson and Kevin Stewart; for the amendment (5) – Councillors Adam, Allan, Boulton, Crockett and Milne.

**The Committee resolved:-**

to adopt the motion, and also to affirm Councillor Kevin Stewart's view that, in conjunction with NESTRANS, the Council needed to begin moving towards a modernised parking strategy to take account of the shifting strategic landscape which the preceding discussions had brought into view.

**29 THE ABERDEEN CITY COUNCIL (OLD ABERDEEN, SUNNYBANK, TILLYDRONE AND SEATON) (ON-STREET PARKING PLACES, WAITING RESTRICTIONS AND ASSOCIATED TRAFFIC MANAGEMENT) ORDER 2010**

The Committee had before it a report by the Director of Corporate Governance dealing with objections received after the statutory advertisement of an order to provide for controlled parking in and around the King's College Campus, where the University of Aberdeen was building a new library to replace the existing Queen Mother Library.

*The University was providing £600,000 to the Council to fund the implementation of this zone. The estimated cost of the implementation plan now stood at £535,000. In terms of the legal agreement, the Council would be obliged to return the £65,000 surplus to the University, although there were grounds for caution about whether that estimate would hold true. It was based on current market forces, and on the tender return for the recent Zone X order.*

*The tender for that order had been much lower than expected, but not too much reliance should be placed on that. Another factor that would affect the final cost of the Old Aberdeen zone was the extent of the area affected. In the event that the Committee were to excise any part or parts of it, the cost would alter. Also, a scheme of this nature always had unknown factors that could only be identified once work commenced on site. The report went into all of this because of the known idea that the projected surplus might be made the subject of negotiations to use it to subsidise a "honeymoon period" to ease in permit charges more gently. However, under present circumstances, there was simply no funding available to subsidise cheaper (or free) permits.*

*The University funding had never been contemplated as a means of subsidising or eliminating permit charges in any respect. A somewhat extended honeymoon period for the Foresterhill area had ended a year ago, although a similar period continued at*

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***Garthdee. The scale and impact of the Foresterhill and Garthdee developments had been much larger, with a completely new campus having been established at Garthdee. The sense of completely new presences causing completely new impacts had been much more vivid in both cases.***

***Also, the Robert Gordon University had never directly subsidised the arrangements in Garthdee, in the sense of replacing the supposed revenue which permit charges would otherwise have generated. RGU had subsidised the administration of the zone in a much broader way - not least by funding an extra post of parking attendant – and, because of this very satisfactory agreement, the will had presumably existed at the time to relinquish whatever revenue might have accrued as a result of imposing permit charges, charges which, had they been introduced after all, would have been much lower back in 2003, and would have generated much lower income.***

***In any case, although there was an immediate appeal in the idea of a honeymoon period to ease in charges more gently, such a course of action only postponed the fateful day when the standard charging levels had to be reverted to. Also, people tended to resent the good fortune of others – in most controlled zones in the city, the option of a honeymoon period had never been available.***

***Furthermore, it could be argued with some conviction that a period during which permits were absolutely free would simply encourage some people to take up the option of non-car-specific permits to sell to non-residents.***

***And, finally, although it was a well-established principle that traffic orders could be made without re-advertisement if they were to be altered in terms of a diminution in stringency, and although the temporary reduction or removal of permit charges would clearly reduce the stringency of this traffic order vis-à-vis its most trenchant critics, non-residents with an interest in parking in the area might well take the view that the order had actually been fairer in its original form. Again, though, as things stood, the funding to subsidise cheaper (or free) permits was simply not there.***

***Moving on from this particular issue, the report then offered broad observations on the content of the usual informal meeting with statutory objectors. The first and the second appendices presented nine specific recommended adjustments to ameliorate various situations in the light of those discussions. The third appendix was in the authorship of the roads officials, and offered technical commentary on all distinctive themes to be found in the objections.***

***Straight from the outset, the informal meetings had yielded one recurring opinion; namely, if the zone could be larger than it was at the moment, have 24-hour application, and offer free residential permits, there would be little resistance to it.***

***Of course this was a broad-brush remark. Some criticism would remain about the limitation of two permits (only one of which could be non-car-specific) per household. For the avoidance of doubt, the permit charges of £80 for the first permit and £120 for the second one were indeed charges for “firstness” and “secondness”; that is to say, the higher charge was not for the flexibility of a non-car-specific option but simply for***

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*the taking out of a second permit. Someone who wanted to hold only a single permit could go straight for the flexible one at £80.*

*Unpacking the separate elements of this, and leaving the question of permit charges aside in the meantime, several objectors – most notably, Old Aberdeen Community Council – had emphasised that for some residents in this area the most intense parking difficulties occurred in the evenings - when the new zone would not apply. For these residents, the criticism was that they felt they needed to buy parking permits to see them through the exigencies of daytime parking requirements, but that, for the considerable expenditure at stake, they would receive no help in respect of their most pressing difficulties.*

*However there were other residents who said they had no evening problem and thought they could cope with the daytime one, and so saw evening controls as the only factor that would force them into buying permits.*

*This conveyed the complexity of such schemes, and the difficulties encountered by elected members and officials in trying to judge what the best public policy might look like in a situation where local people might quite understandably want completely different things.*

However, moving to 24 hour operation would entail the complete readvertisement of the zone and a re-examination of the costs attendant upon it. Accordingly, the 24 hour suggestion was intellectually respectable but altogether messier than its proponents might appreciate.

Inevitably, a common riposte was that the difficulty of 24 hour application disappeared if the context were to be that of free permits.

The new library would be very attractive and the University of Aberdeen held out hope that it would be of considerable appeal to people other than students and teaching staff. As had been discussed on a number of occasions during informal talks with objectors, the existing Queen Mother Library was by no means full of academic texts and journals – although few people outside the academic community were aware of this.

In fact, the building had a wide selection of literature that would be of interest to any bookish person or keen library-user. The appeal of the new library was likely to extend well beyond academic circles – especially given that it would be an attractive new building with a coffee shop, etc. – and so some of the parking intrusion in the area might eventually be caused by “literary tourism” from other parts of the city.

The report then went on to discuss a range of other issues raised by objectors. Some had speculated that the existing on-street pay and display charges (35p for 30 minutes, 75p for an hour, £1.50 for 2 hours and £2.30 for the maximum period of 3 hours) might actually be quite attractive to some students in some situations. In particular, £1.50 for

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2 hours covered a lecture and a cup of coffee. The charge might not be a deterrent if the cup of coffee was likely to be more expensive.

The point was a serious one, but there are two reasons to imagine that this effect would not actually occur. First of all, if students found the parking options acceptable (or even attractive) in themselves, they would still need to have some expectation that the spaces in question would actually be available, and that seemed unlikely. Also, the Students Association had come in for one of the informal meetings, and, in the course of that, the representatives of the Association had expressed doubt that there would be many students who would see the new parking options as an opportunity rather than a deterrent. Nevertheless, the Association representatives were of the view that certain areas of pay and display parking might be altered to provide for parking over a six-hour period rather than the advertised three.

On a different theme altogether, there had been talks with teachers from Sunnybank Primary School who had expressed concern that the significant recent expansion and development of the school had been such that the teachers merited special consideration.

The Council had heard of this kind of thing in the past, and had not previously believed that one of its own schools could adduce a trump card that would allow a special case to be made without begging questions about the virtues of many other cases. However, the officials remained open-minded about special cases (reference was made to an example in the George Street controlled parking area) as long as the distinctiveness of the case was easy to adduce.

On the other hand, the suggestion that the high incidence of vulnerable people (Tillydrone was a deprivation area and there were many elderly people both there and in Seaton) should attract reduced prices (or none at all) would be a difficult value judgement to open up in this context, and was one which the Council had declined to explore when similar arguments were advanced at the time of introducing permit charges for the first time in the Foresterhill zone.

A limited number of special permits were already in circulation for the likes of midwives and district nurses. Carers (by which term should be understood voluntary care) did *not* have access to parking permits, but exploration of this issue a few years ago had suggested that representative groups in Aberdeen recognised the difficulty of entering this territory, and were reticent about the inevitable extent to which they themselves would have to share the burden of regulating any new arrangements made.



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A different theme altogether emerged – understandably – in respect of the conservation area status of this particularly attractive part of the city, and it was important to say that the roads officials had worked hard to keep street clutter to an absolute minimum. Also, where yellow lines were necessary, they would be both thinner and paler than ordinarily seen (this was a statutory possibility) and pay and display machines would be situated at a minimum level, determined only by the need to be sure that penalty charge notices could not be resisted by complaints that there had been no machine immediately obvious at the location in question.

Moving on to something which had arisen at a number of the meetings, it was of course being said by many objectors that the University was causing this problem and that the planning condition associated with their development ought to have been the construction of a major new overground or underground car park. However, it was necessary to bear in mind how extraordinarily expensive that solution would have been. An underground construction would almost certainly have been judged disproportionate, both in terms of infrastructural difficulty and costs. An overground construction would have raised enormous questions of visual intrusion – and, again, costs – but, quite separately, supporters of off-street car parks needed to remember that all the cars in them had to get to them and then get away from them. That is to say, cars using such a facility would have to travel every day to Old Aberdeen and then later in the day leave Old Aberdeen, *all of them using the existing road network*.

Finally on this theme, there was the well-known notion that new roads and car parks filled up quickly by releasing latent desire to travel by car, desire that might have been dormant up to that point. Whatever differing views there might be on this, a major off-street facility was not a green solution.

The commentary prepared by the roads officials touched on all these matters, and picked up on smaller-scale points of detail which objectors had raised. Again, nine specific (minor) adjustments were shown on the plans comprising the *second* appendix, and were listed in the first. Putting all of that together with the broader observations of the Director of Corporate Governance, the question arose: was the case made for the implementation of this zone, or had the objectors demonstrated that it would be in the public interest to abandon, alter or defer the proposals?

The University had confirmed that it would not resist any proposal to delay the implementation of the controlled parking area until the new library came outstream, if this were to be a sympathetic response to the concern of local people. Unfortunately, the idea was difficult to recommend. There was a time bar vis-à-vis the traffic order which meant that it had to be operational within two years of its statutory advertisement,

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and the report suggested that the order would have to be made before the library was operational.

It was hardly good practice to implement an order more than a year after the public debate on it. Clearly, completely new prospective objectors could appear onstage in the intervening period, and might be aggrieved that the consultation opportunity had come so long ago. Although the opportunity for deferred implementation did exist, it was likely to be construed critically by some people even if welcomed by others.

In particular, as had already been emphasised, there were some streets in the zone where residents wanted parking controls as soon as possible. School Drive, School Avenue, Regent Walk, Hermitage Avenue, Orchard Street, Wingate Road and Wingate Place would all be in that category. There was also the possibility of increased costs emerging since contractors' prices had a tendency to rise year-on-year.

The report observed in passing at this point that mention of residential desire for parking controls in the above-named streets compelled a reference to the petition received from STAR – Seaton Taking Action for Regeneration – which had expressed opposition to the entire idea of a zone, and had featured a significant number of signatories from School Drive and School Avenue. However, in the course of the informal meeting with STAR, it had been acknowledged that those signatories almost certainly continued to support the controlled parking area, and opposed only the permit charges.

Indeed, any recommendation that the order be made and implemented was bound to be tempered by awareness that there was real and understandable ill-feeling in the area about the need to pay for permits, the need to pay much higher prices for those permits than would have been the case just over a year ago, and the need to pay those prices because the University was growing in line with its aspirations but (so objectors might say) failing to take seriously the aspirations of its residential neighbours in surrounding streets.

In particular, some objectors had suggested that, when the planning process had been conducted, and the new zone made a condition of planning permission, the scale of local feeling about *parking* issues in particular had not been canvassed or rehearsed, and that the “solution” of a controlled parking zone had been allowed to pass without substantive public input. That input was now forthcoming, but some objectors thought that resistance had been left marooned with the right arguments at the wrong time.

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All of that was understandable, although some of it depended on the notion that planning permission should have been conditional upon an entirely different solution to parking and traffic problems. This, however, did not have to be a telling hypothesis. The planning process in this case had been conducted completely correctly and properly, and, as was entirely familiar, one of the conditions had been the promotion of a controlled parking area which now looked to represent good public policy in a situation where other solutions were thinkable but not realistic. Accordingly, the Director of Corporate Governance was suggesting that the implementation of the zone (except for the adjustments outlined in the first and second appendices) was objectively accountable.

As agreed at the beginning of the meeting (see article 2 above) the Committee then went on to hear three deputations from objectors seeking to amplify their views. The first to speak was Mr Martin Wilson, who was a trenchant critic of the way in which the traffic order process had been fairly transparent but had rested on a given; namely, that a controlled parking zone was the right solution to parking problems being caused by the University's development of a new library. By comparison, Mr Wilson believed that the planning process had not been transparent, and that other possibilities had been conceded in private transactions to which the public had had no input (this was the line of criticism referred to in the report where the Director of Corporate Governance had observed that some objectors believed that resistance had been left marooned with the right arguments at the wrong time).

Mr Wilson also expressed the view that, if the University was providing £600,000 to fund the implementation of the zone, the dictionary definition of the word "implementation" surely embraced its running costs as well as the initial stage of merely setting it up. However, during subsequent questions to officials, Mr David Wemyss (Senior Committee Services Officer – Roads Legislation) offered the opinion that the most important way of judging the meaning of an agreement was to look for the shared understanding of those who were party to it, and that there was no doubt that, in relation to this particular agreement between the University and the Council, neither party had envisaged that it covered future running costs.

The Committee then heard from Ms Christine Burgess of Old Aberdeen Community Council, who repeated the Community Council's feeling that 24-hour application, or perhaps application from 8.00am to 10.00pm, would be desirable, as would delayed implementation, subsequent review, and residential involvement in that review. Ms Burgess also suggested that the traffic order process had been transparent but that the planning one had not, although, again, during subsequent questions to the officials, it

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was emphasised that the planning process was closed and could not be reopened here.

At that juncture, the officials confirmed that the question of chicanes at College Bounds would be made the subject of a separate report in the future and that Ms. Burgess would receive an explanatory letter from the Head of Planning and Sustainable Development on the nature of the planning process.

The third and final deputation was in the name of Aberdeen University Students' Association, who were represented by Mr Robin Parker and Mr Sandy McKinnon. Mr Parker began by saying that the Association believed that the need for the zone had been overstated, and that public transport arrangements could deal with the problems if the will was there to pursue that solution. Those students who did use cars to come to the campus generally came from some distance, often outwith the city, and were sometimes non-typical (mature students, etc). He believed the University was more interested in easing parking arrangements for staff than for students, and wanted to see students treated more sensitively than being dismissed as mere "commuters". He also thought that delaying the implementation of the order would be desirable, and that consideration should be given to the possibility of student permits for the University areas. Proposed adjustments at Tillydrone Avenue and Bedford Avenue (outlined in the second and third appendices) were however welcomed. Finally, Mr Parker suggested that the Committee might wish to write to the University to remind it of its obligations to students as well as staff, bearing in mind the contribution of students to the vibrancy, culture and economic wellbeing of the city.

**The Committee resolved:-**

that the objections be overruled (where not cured by adjustment) and that the traffic order be made as originally envisaged, but that it be implemented not earlier than six months from the present time. Furthermore it was noted that, if the University were of a mind to continue to discuss possibilities for ameliorating the initial impact of the permit charges, any positive outcome could be reported back within that period, and also that, arising from the concerns of Old Aberdeen Community Council and others, the Head of Planning and Sustainable Development would write to Ms. Christine Burgess, Chair of the Community Council, to explain the aspects of the planning process which had been criticised by the deputations.

**30 GOLDEN SQUARE CAR PARK - EPI/10/160**

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With reference to article 56 of the minute of the meeting of 27 September 2009, the Committee had before it a report by the Director of Enterprise, Planning and Infrastructure which provided an update on negotiations with the Aberdeen Branch of the Royal British Legion (ARBL) in relation to their vacation of the car park in the centre of Golden Square.

Members were reminded that the Committee had previously approved the proposals and agreed that officers continue discussions with the ARBL on a range of issues arising from their traditional (but informal) involvement with parking arrangements at this location and to report back on these, but otherwise to prepare a bid for capital funding from the 2010/2011 capital plan on the basis of a spend to save to cover the cost of carrying out works to allow the enforcement of a traffic order.

Since that decision, officers had continued discussions with ARBL to ascertain various details around income levels, costs, allocation of donations and phasing of payments.

In terms of the phasing of payments to ARBL, officers had explored options for the as set out in the original report, based on a five year phased reduction and staying within the overall limits of 200,000 Euros. Appreciating that the exchange rate fluctuates at any time a preferred option based around an overall income level of £160,000/year has been set out to ARBL to meet these requirements. The preferred option for payments was as follows:-

<b>Year</b>	<b>Share</b>	<b>Payment</b>
1	25.0%	£40,000
2	23.1%	£37,000
3	21.3%	£34,000
4	19.4%	£31,000
5	17.5%	£28,000
	<b>Total</b>	<b>£ 170,000</b>

During the course of discussions representatives of ARBL had asked if it was possible to establish a level of payment beyond the five year period. It was believed they had conveyed similar requests to senior elected members. Given that it was unclear what the Council's financial position would be in 2015/2016, officers agreed that they would propose to Committee that such a request would be considered as part of the budget process at that time. By entering into discussions with ARBL in year four of the

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agreement the direction public finance was moving in at a national level and how this impacted on the available funding within the City should be clearer.

Subject to the Committee making a decision it was envisaged that the Council would take over the running of the Car Park during July 2010, which would allow time for the operation to be established on a clear legal footing. While it would be desirable to have a legal agreement formed between both parties prior to the Council introducing its operations, it was not absolutely necessary. The contents of the agreement would include much of the detail within this report but could also include any specific information that Councils would wish to see to ensure they were following the public pound e.g. details of where the monies provided had been used to ensure they were supporting local charities and ex-servicemen.

Appendix 1 to the report provided a briefing note provided by ARBL for members' information as to what the organization did and how it supported ex-servicemen and their families and other local charities.

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

- (i) to approve the proposed levels of donations to ARBL in lieu of their income from charitable donations for parking within Golden Square for a period of five years;
- (ii) that in year four officers commence discussions with ARBL as to the future of funding arrangements as the position regarding public finances would be clearer at that time; and
- (iii) to instruct officers to conclude legal agreements to this effect and to establish the car park operations as soon as resources permitted.

### **31 PARKING ENFORCEMENT - EPI/10/164**

The Committee had before it a report by the Director of Enterprise, Planning and Infrastructure which advised that the Scottish Government was presently consulting on proposals to issue revised guidance to local authorities in Scotland on a variation to the level of parking penalty charges and sought support for these proposals, and sought authorisation to implement existing powers in relation to the removal and impounding of illegally parked vehicles and to appoint a contractor to deliver the service.

The current levels of penalty charges levied by the Council were set in accordance with guidance issued by Scottish Ministers in 2001, the objectives being to secure a high level of compliance and a self-financing parking enforcement system. Current charge levels applied in Aberdeen and the two new levels proposed by the Scottish Ministers were as follows:-

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	Paid within statutory day period (50% discounted rate)	Paid within 14 day period (50% discounted rate)	Paid thereafter but prior to service notice owner	Paid between service of notice to and service of charge certificate	Paid after service of charge certificate
Current	£30	£30	£60	£60	£90
Proposed	£40	£40	£80	£80	£120
Proposed	£50	£50	£100	£100	£150

Scottish Ministers expected local authorities to introduce the lower of the two proposed levels. With regards implementation of the proposed increased charges, it was anticipated that traffic orders would not be required, however officers, by way of response to the current consultation, would seek confirmation that the level might be increased by notification by means of a statutory notice and that there was no requirement to advertise for objections through a traffic order process. Details of the current cost of delivering the Council's parking enforcement service were provided.

Turning to the powers of the Council to remove, store and dispose of vehicles illegally parked, it was advised that the Council had the power to implement such mechanisms, however these powers had not been used in Aberdeen in delivering its parking enforcement service. Use of the powers was desirable to reduce safety risks caused by dangerously-parked vehicles and to improve traffic flows affected by obstructive parking. It would also serve to deter persistent contraveners of parking restrictions and should also assist debt recovery by enabling officers to engage with vehicle owners with outstanding debts.

At present the Council did not have suitable recovery vehicles to remove vehicles or readily available premises in which to store removed vehicles, therefore it was proposed that these services were delivered by an external service provider selected through the appropriate procurement process. Removal services in other cities were contracted to external service providers and their experience was that the level of demand dropped as the power to tow away started to be used; as such it would be more appropriate to have an external provider to share risk. Following committee approval officers would develop operating procedures in liaison with Grampian Police.

**The report recommended:-**  
that the Committee:-

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- (a) support the Scottish Government's proposals to issue revised guidance to local authorities in Scotland on a variation to the level of parking penalty charges and instructs the Head of Asset Management and Operations to respond to the relevant Scottish Government consultation expressing such support for the reasons detailed in the report;
- (b) authorise in principle the setting of the £80 level of penalty charge should the Scottish Government implement its proposals following the conclusion of their consultation, on the proviso that this level could be set without the requirement for a traffic order consultative process, and to refer this matter solely to the Finance and Resources Committee for approval;
- (c) authorise the Head of Asset Management and Operations to arrange for implementation of existing powers in relation to the (a) removal, storage and disposal of illegally-parked vehicles where such vehicles were obstructively or dangerously parked or were apparently being used by persons whose parking had persistently resulted in the issue of penalty charge notices, and (b) immobilisation of illegally-parked vehicles where such vehicles were apparently being used by persons whose parking had persistently resulted in the issue of penalty charge notices;
- (d) authorise the Head of Asset Management and Operations to arrange for the taking of all other action which might be necessary or desirable in implementation of recommendation (iii) above; and
- (e) instruct the Head of Asset Management and Operations to commission a service for the immobilisation of vehicles, and for the removal, storage and disposal of vehicles, as mentioned in recommendation (iii) above.

The Convener, seconded by the Vice-Convener, moved that the moved that the recommendations be approved.

As an amendment, Councillor Crockett, seconded by Councillor Adam, moved:-

That recommendations (a), (c), (d) and (e) be approved, and that having noted the present consultation by the Scottish Government, that this Council take no action on any opportunity to increase the current level of the penalty charge until the collection rates of such charges had improved.

On a division, there voted:- for the motion (12) – the Convener, the Vice-Convener; and Councillors Boulton, Clark, Cormie, Greig, Jaffrey, Milne, Noble, Penny, Robertson and Kevin Stewart; for the amendment (3) – Councillors Adam, Allan, and Crockett;

**The Committee resolved:-**



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to adopt the motion.

- **COUNCILLOR DEAN, Convener.**