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To: All Members of the Council

Town House,
ABERDEEN, 23 April 2013

COUNCIL MEETING

The Members of the **COUNCIL** are requested to meet in Council Chamber - Town House on **WEDNESDAY, 1 MAY 2013 at 10.30am.**

JANE G. MACEACHRAN
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

- 1 Admission of Burgesses
- 2 Members are requested to resolve that any exempt business on this agenda be considered with the press and public excluded
- 3 Requests for Deputations

BUSINESS THE COUNCIL MAY WISH TO CONSIDER IN PRIVATE

- 4(a) Property Disposal - Broad Street - Report by Director of Enterprise, Planning and Infrastructure (to follow)

MINUTES OF COUNCIL

- 5(a) Minute of Meeting of Council of 6 March 2013 - for approval (circulated separately)

- 5(b) Minute of Budget Meeting of Council of 14 February 2013 - for approval (circulated separately)
- 5(c) Minute of Meeting of Urgent Business Committee of 25 March 2013 - for approval (Pages 1 - 6)

MINUTES OF STANDING COMMITTEES

- 6(a) Pamphlet of Minutes - for information (circulated separately)

BUSINESS STATEMENT, MOTIONS LIST AND OTHER MINUTES

- 7(a) Business Statement (Pages 7 - 14)
- 7(b) Minute of Meeting of Guildry and Mortification Funds Sub Committee of 18 March 2013 - for approval (Pages 15 - 16)

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

- 8(a) Development Management Sub Committee (Visits) of 28 March 2013 - 34-36 St Peter Street - Demolition of existing buildings and redevelopment of site to provide student residential studio accommodation (Pages 17 - 52)

GENERAL BUSINESS

- 9(a) Appointment of a New Member to Aberdeen City Licensing Board - Report by Director of Corporate Governance (Pages 53 - 54)
- 9(b) Community Planning in Aberdeen - A Report by Audit Scotland - Report by Director of Corporate Governance (Pages 55 - 128)
- 9(c) Proposed Byelaw Regarding Camping in Designated Areas - Report by Director of Housing and Environment (Pages 129 - 134)

MOTIONS

- 10(a) Councillors Kiddie and Cormie

“In view of recent tragedies, that Council consults the NHS, Police Scotland - Aberdeen City Division and the Samaritans and calls for a report thereafter on possible measures to prevent access to the parapet of Union Bridge, which may involve placing decorative spikes, which would in turn require consultation with Historic Scotland given the bridge’s listed status.”

10(b) Councillor Jackie Dunbar

“That this Council requests the Housing and Environment Service to undertake a review on the way that the service currently charges and collects the rents due by our tenants, to try and end the cycle of some tenants who face being in arrears every month due to the difference in dates of when they are paid and the date that their rent is due, by giving more flexibility to our tenants so that they can start paying monthly (at a specific date chosen by the tenant) instead of four weekly as is the practice at present.”

BUSINESS THE COUNCIL MAY WISH TO CONSIDER IN PRIVATE

11(a) National Housing Trust Phase 2B - Report by Director of Housing and Environment
(Pages 135 - 140)

Website Address: www.aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Martyn Orchard, tel. (52)3097 or email morchard@aberdeencity.gov.uk

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Agenda Item 5(c)

URGENT BUSINESS COMMITTEE

ABERDEEN, 25 March 2013 - Minute of Meeting of the URGENT BUSINESS COMMITTEE. Present:- Councillor Young, Acting Convener; and Councillors Boulton, Cooney, Dickson, Jackie Dunbar, Lesley Dunbar (substituting for Councillor Laing), Forsyth, Len Ironside CBE (substituting for Councillor Crockett), McCaig, Malone, May, Noble, Taylor and Townson (substituting for Councillor Malone for item 8 only).

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

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=334&MId=3012&Ver=4>

APPOINTMENT OF CONVENER

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

ADDITIONAL ITEM

2. The Acting Convener advised that he had agreed to accept an additional item of business onto the agenda, namely a report by the Director of Corporate Governance entitled Extension to Enterprise Agreement, which was then circulated to the Committee (Article 9 of the minute refers).

DETERMINATION OF URGENT BUSINESS

3. In terms of Standing Order 28(3)(vi), and in accordance with Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, the Committee was requested to determine (1) that the items on the agenda were of an urgent nature; and (2) that the Committee required to consider the items and take decisions thereon.

Councillor McCaig moved as a procedural motion, seconded by Councillor Dickson:-

That the report entitled Senior Councillors was not of an urgent nature and should not be considered this day.

On a division, there voted:- for the procedural motion (6) - Councillors Dickson, Jackie Dunbar, McCaig, Malone, May and Noble; against the procedural motion (7) - Acting Convener; and Councillors Boulton, Cooney, Lesley Dunbar, Forsyth, Len Ironside CBE and Taylor.

The Committee resolved:-

- (i) to reject the procedural motion and thereby agree that the item was of an urgent nature and required to be considered this day, and a decision taken thereon; and
- (ii) to agree that the remaining items were of an urgent nature and required to be considered this day, and decisions taken thereon.

DETERMINATION OF EXEMPT BUSINESS

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

- Conference in Aberdeen - Report by Director of Enterprise, Planning and Infrastructure
- Extension to Strategic Enterprise Agreement - Report by Director of Corporate Governance

The Committee resolved:-

in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, to exclude the press and public from the meeting during consideration of the aforementioned items of business (Articles 8 and 9 of this minute refer) so as to avoid disclosure of exempt information of the classes described in paragraphs 6 and 8 of Schedule 7(A) of the Act.

SENIOR COUNCILLORS - OCE/13/015

5. The Committee had before it a report by the Chief Executive which presented a change to the Senior Councillor appointments agreed at the Statutory Council meeting of 16 May 2012.

The report recommended:-

that the Committee -

- (a) consider the changes suggested by the Administration and decide whether to approve them; and
- (b) should the changes be approved, resolve that the new arrangements come into force on 1 April 2013.

The Acting Convener moved, seconded by Councillor Taylor:-

That the Committee approve the changes to Senior Councillors, as outlined within the appointments below, and that the new arrangements come into force on 1 April 2013.

Post	Appointee	Remuneration	Senior Councillor
Lord Provost	Councillor Adam	£28,410	
Depute Provost	Councillor Reynolds	£21,308	1
Council Leader	Councillor Crockett	£37,880	
Depute Council Leader	Councillor Boulton	£28,410	1
Convener, Audit and Risk	Councillor McCaig	£28,410	1
Vice Convener, Audit and Risk	Councillor Malone	£21,308	1

Post	Appointee	Remuneration	Senior Councillor
Convener, Corporate Policy and Performance	Councillor Graham	£28,410	1
Vice Convener, Corporate Policy and Performance	Councillor Taylor	£21,308	1
Convener, Education, Culture and Sport	Councillor Laing	£28,410	1
Vice Convener, Education, Culture and Sport	Councillor Thomson	£21,308	1
Convener, Enterprise, Planning and Infrastructure	Councillor Crockett		
Vice Convener, Enterprise, Planning and Infrastructure and Convener, Development Management Sub Committee	Councillor Milne	£21,308	1
Convener, Finance and Resources	Councillor Young	£28,410	1
Vice Convener, Finance and Resources	Councillor Allan	£21,308	1
Convener, Housing and Environment	Councillor Cooney	£28,410	1
Vice Convener, Housing and Environment	Councillor Jean Morrison MBE	£21,308	1
Convener, Social Care and Wellbeing	Councillor Len Ironside CBE	£28,410	1
Vice Convener, Social Care and Wellbeing	Councillor Lesley Dunbar	£21,308	1
Convener, Licensing Committee	Councillor Forsyth	£21,308	1
Convener, Appeals Committee	Councillor Grant	£21,308	1
Convener, Licensing Board	Councillor Boulton		
Convener, Pensions Panel	Councillor Crockett		
Senior Councillor Totals		£411,950	17
Maximum allowed		£424,118	19

Councillor McCaig moved as an amendment, seconded by Councillor Dickson:-

That the Committee defer consideration of changes to appointments until the Council meeting in June 2013 pending the review of the committee structure, and agree to reduce remuneration for Conveners by 5% and Vice Conveners to £20,000 in line with the pay cuts taken by Councillors McCaig and Malone, and what was taken in the previous Council term with the exception of Councillor Crockett.

On a division, there voted:- for the motion (7) - Acting Convener; and Councillors Boulton, Cooney, Lesley Dunbar, Forsyth, Len Ironside CBE and Taylor; for the amendment (6) - Councillors Dickson, Jackie Dunbar, McCaig, Malone, May and Noble.

The Committee resolved:-

to adopt the motion.

APPLICATION FOR FINANCIAL ASSISTANCE 2012/13 - CG/13/040

6. The Committee had before it a report by the Director of Corporate Governance which presented an application from students of The Robert Gordon University for financial assistance towards the cost of organising a fashion show in support of CLAN.

The report recommended:-

that the Committee review the application and suggested funding level, and approve funding from the financial assistance budget as considered appropriate.

The Committee resolved:-

to approve the application and award £1,500 from the financial assistance budget.

CAR PARKING CHARGES 2013/14 - EPI/13/055

7. With reference to Article 33 of the minute of meeting of the Enterprise, Planning and Infrastructure Committee of 19 March 2013, the Committee had before it (1) a report by the Director of Enterprise, Planning and Infrastructure which sought approval to implement revised car parking charges for 2013/14 to deliver the budgeted income identified within the Council's five year business plan; and (2) the decision of the Committee, that, amongst other things, residents' parking permits be capped at 2009 levels, and that the associated financial implications be referred to the Urgent Business Committee.

The Acting Convener moved, seconded by Councillor Forsyth:-

That the financial implications associated with capping residents' parking permits at 2009 levels be met from the Council's contingencies.

Councillor McCaig moved as an amendment, seconded by Councillor Dickson:-

That the financial implications associated with capping residents' parking permits at 2009 levels be met from underspend in the Enterprise, Planning and Infrastructure budget.

On a division, there voted:- for the motion (7) - Acting Convener; and Councillors Boulton, Cooney, Lesley Dunbar, Forsyth, Len Ironside CBE and Taylor; for the amendment (6) - Councillors Dickson, Jackie Dunbar, McCaig, Malone, May and Noble.

The Committee resolved:-

to adopt the motion.

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

DECLARATION OF INTEREST

During consideration of the following item of business, Councillor Malone declared an interest by virtue of her position as a Council appointed Director to the Board of Aberdeen Exhibition and Conference Centre and left the meeting; Councillor Townson joined the meeting as her substitute.

CONFERENCE IN ABERDEEN

8. The Committee had before it a report by the Director of Enterprise, Planning and Infrastructure which sought approval for financial support towards a particular conference being hosted at the Aberdeen Exhibition and Conference Centre in April 2015.

The report recommended:-

that the Committee agree -

- (a) that the Council support the hosting of the conference in Aberdeen; and
- (b) to provide a maximum of £50,000 from the Enterprise, Planning and Infrastructure 2012/13 budget to support the organisation and delivery of the conference.

The Committee resolved:-

to approve the recommendations.

EXTENSION TO ENTERPRISE AGREEMENT

9. The Committee had before it a report by the Director of Corporate Governance which sought approval for a one year extension to an existing Enterprise Agreement (EA).

The report recommended:-

that the Committee -

- (a) authorise a one year extension to the EA to be funded from the existing approved budget for 2013/14;
- (b) approve the estimated expenditure of £252,720;

- (c) apply the provisions of Standing Order 1(6)(a) and exempt the contract from the provisions of Standing Order 4 - EU Procurement; and
- (d) instruct officers to undertake a review of the current architecture to determine the best long term value proposition for the Council.

Councillor McCaig expressed his extreme concern in relation to the report and the fact that it had only been circulated to the Committee at the start of the meeting, and requested that this be recorded in the minute.

The Committee resolved:-

to approve the recommendations.

- **WILLIAM YOUNG, Acting Convener.**

**COUNCIL
BUSINESS STATEMENT**

1 MAY 2013

Please note that this statement contains a note of every report which has been instructed for submission to Council. All other actions which have been instructed by the Council are not included, as they are deemed to be operational matters after the point of decision.

<u>No.</u>	<u>Minute Reference</u>	<u>Council/Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>	<u>Report Expected (if known)</u>
1.	Council 16.12.09 Article 19	<p><u>50m Swimming Pool</u></p> <p>The Council approved a number of recommendations regarding design and procurement issues relating to the 50m Pool. The Council agreed that the management of the project be transferred to Aberdeen Sports Village subject to (a) the provision of further legal and financial advice in respect of any potential risks to the Council; and (b) the other partners confirming their financial contribution to the project.</p> <p>The Council requested that Aberdeen Sports Village provide the Council with a report within four months on how they planned to drive the project forward. This is still awaited.</p>	<p><u>Please see Appendix for full information.</u></p> <p>The Education, Culture and Sport Committee of 2 June 2011 approved the following recommendations:-</p> <p>(d) to approve funding of up to £8 million and this be met from the Non-Housing Capital Programme for the construction of a 10 lane pool subject to:</p> <p>(iii) officers reaching an agreement with partners in regard to the use of the facilities in light of the potential migration of swimming clubs to the new facility; and</p> <p>(iv) officers reaching an agreement on a Transfer Agreement Document, which will</p>	Director of Enterprise, Planning and Infrastructure	24.03.10	

<u>No.</u>	<u>Minute Reference</u>	<u>Council/Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>	<u>Report Expected (if known)</u>
			<p>formalise the transfer of responsibility for the delivery and operational phases of the 50 metre pool project to ASV Limited.</p> <p>(f) to instruct officers to report back to the next appropriate meeting of the Council in regard to the progress on the negotiations on items d(iii) and (iv) above.</p> <p>A progress report was considered by Council on 6 October 2011, which dealt with the above matters, as well as the latest position regarding negotiations with Aberdeenshire Council. Council approved the recommendations contained within the report and instructed officers to arrange a meeting of the 50m Pool Project Working Group as soon as possible.</p> <p>The request for a report from Aberdeen Sports Village on how they planned to drive the project forward (as referred to in the Council Decision column on the previous page) has been</p>			

<u>No.</u>	<u>Minute Reference</u>	<u>Council/Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>	<u>Report Expected (if known)</u>
			<p>superseded by events given that construction works have begun.</p> <p>It was recommended to Council in December 2011 that this item be removed from the Business Statement in view of the above information; however Council agreed to retain the item in order that members could be kept informed of discussions with Aberdeenshire Council regarding their funding contribution.</p> <p>At the Council meeting on 4 April 2012, the Council requested that an update be provided on the impact if Aberdeenshire Council did not proceed with a financial contribution to the 50m Pool.</p>			
2.	Council 06.03.13 Article 8	<p><u>Freedom of the City Process</u></p> <p>The Council agreed to take no further action at this time on the three nominations for freedom of the city, which required Standing Order 22(1) to be suspended, and that the working group meet and report on a revised process for the nomination for, and conferral of, the freedom of the city.</p>		Head of Service, Office of Chief Executive	26.06.13	

<u>No.</u>	<u>Minute Reference</u>	<u>Council/Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>	<u>Report Expected (if known)</u>
3.	Council 06.03.13 Article 9	<p><u>Establishment of Halting Sites for Gypsies/Travellers</u></p> <p>The Council (i) approved the potential sites at (1) Blackdog; (2) Howes Road; (3) Scotstown Road Recycling Centre; and (4) the former Council depot at Springhill Road, and remitted to officers to consult the affected Community Councils and report back to the August Council meeting with the outcome of these discussions; (ii) instructed officers to establish a stakeholder working group for the purpose of using a scoring matrix to examine the viability and feasibility of each site option and report back to the August Council meeting with the results from this process; and (iii) noted the joint working continuing with Aberdeenshire Council.</p>		Head of Housing and Community Safety	21.08.13	
4.	Council 06.03.13 Article 13	<p><u>Roles and Responsibilities: Is Aberdeen City Council Getting it Right?</u></p> <p>The Council, amongst other things, agreed to establish a working group comprising four Labour members, one Conservative member, one Independent Alliance Group member, one SNP member and one Liberal Democrat member, to consider (a) any detailed proposals to change the committee structure, Standing Orders</p>		Director of Corporate Governance	26.06.13	

<u>No.</u>	<u>Minute Reference</u>	<u>Council/Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>	<u>Report Expected (if known)</u>
		and the Scheme of Delegation, reporting to Council in June 2013; and (b) the introduction of a Petitions Committee.				
5.	Council 06.03.13 Article 15	<u>Single Outcome Agreement</u> The Council noted that following submission of the final draft Single Outcome Agreement to the Scottish Government, a further report would be submitted to Council including the proposed final Single Outcome Agreement prior to formal agreement by 30 June 2013.		Head of Customer Service and Performance	26.06.13	
6.	Council 06.03.13 Article 16	<u>Welfare Reform</u> The Council, amongst other things, approved the steps taken by officers to develop a policy and practice to respond and agreed to receive further reports in due course as measures were implemented.		Director of Social Care and Wellbeing Director of Housing and Environment	26.06.13	
7.	Council 06.03.13 Article 29	<u>Aberdeen Western Peripheral Route (AWPR)</u> The Council, amongst other things, authorised officers to enter into further discussions with Transport Scotland and Aberdeenshire Council regarding		Head of Finance Head of Legal and Democratic Services	26.06.13	

<u>No.</u>	<u>Minute Reference</u>	<u>Council/Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>	<u>Report Expected (if known)</u>
		<p>the upfront capital contribution and authorised the Head of Legal and Democratic Services to negotiate the terms of a legal agreement to govern the payment mechanism, all subject to the approval of the Director of Corporate Governance, Head of Finance and the Director of Enterprise, Planning and Infrastructure, and to report back to the next appropriate Council meeting on the outcome.</p>				

APPENDIX

ITEM 1 - 50m SWIMMING POOL

At its meeting of 27 April 2011, the Council agreed to delegate authority to the Education, Culture and Sport Committee to make all necessary decisions at its meeting on 2 June 2011, in order to keep the project on track, and that officers report accordingly.

The Education, Culture and Sport Committee of 2 June 2011 approved the recommendations contained within the report, as outlined below, and added an additional recommendation at d(v) "subject to officers receiving clarification from Aberdeenshire Council that their revenue funding contribution remains intact".

The report recommended:-

that the Committee -

- (a) note the content of the report;
- (b) note that the development cost, based on the most economically advantageous tender for the 10 lane option is £21,918,104 and for the 8 lane option is £21,638,104 compared to the previously reported estimated costs of £23,347,259 for the 10 lane option and £22,726,794 for the 8 lane option;
- (c) note that the total funding available from the other partners as detailed in section 5.3 of the report has increased from the previous total of £10 million reported to Council on 15 December 2010 to £14 million. This being the result of the University of Aberdeen increasing their contribution from £5 million to £8 million and Aberdeen Sports Village Ltd. (ASV Limited) agreeing to underwrite the shortfall of £1 million for the 10 lane option to ensure that the funding package can be secured. The remaining balance of external funding coming from a £5 million grant from **sportscotland**;
- (d) agree to approve funding of up to £8 million and this be met from the Non-Housing Capital Programme for the construction of a 10 lane pool subject to:
 - (i) the Corporate Asset Group, on behalf of the Corporate Management Team, managing the overall spend of the Non-Housing Capital Programme in 2011/12 to stay within approved spending limits and to take into account the future capital demand for this project in the budget process for 2012/13 and 2013/14;
 - (ii) the revenue support for the ongoing costs of the project being capped at £250,000 per annum at 2010/11 prices with a review of future indexation once the facility is nearing completion of the construction phase;
 - (iii) officers reaching an agreement with partners in regard to the use of the facilities in light of the potential migration of swimming clubs to the new facility; and
 - (iv) officers reaching agreement on a Transfer Agreement Document, which will formalise the transfer of responsibility for the delivery and operational phases of the 50 metre pool project to ASV Limited.
- (e) note that the most economically advantageous tender for the 50 metre pool project was submitted by Contractor A, and subject to the Committee agreeing to approve funding on the basis of recommendation (d), to instruct officers to arrange, in conjunction with Aberdeen University and Aberdeen Sports Village Ltd., to appoint Contractor A as the Principal Contractor, based on their tender figure for the 10 lane option which results in an overall development cost of £21,918,104;
- (f) **to instruct officers to report back to the next appropriate meeting of the Council in regard to the progress on the negotiations on items d(iii) and (iv) above; and**
- (g) to note that the provision of a 50 metre pool has been included within the scope of the Water Management Plan currently underway, and will also be included within the report to Committee, due on 15 September 2011. The Committee should be aware that historically there has been a recognition that the city has a greater number of swimming pools for the size of population than elsewhere. **sportscotland** is providing support to model the existing water provision and future needs. The recommendations will also take full account of the reducing revenue and capital budgets and the costs associated with the 50 metre pool and are likely to include a reduction in the number and range of facilities.

At its meeting on 17 August 2011, the Council agreed that the above information be added back in to the business statement, and noted that a report would be submitted to the meeting on 6 October 2011.

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Agenda Item 7(b)

GUILDRY AND MORTIFICATION FUNDS SUB COMMITTEE

ABERDEEN, 18 March 2013. - Minute of Meeting of the GUILDRY AND MORTIFICATION FUNDS SUB COMMITTEE. Present:- Councillor Finlayson, Master of Mortifications, Chairperson; Councillor Noble; and Mr Frederick G.S. Dalgarno, Dean of Guild.

MINUTE OF PREVIOUS MEETING

1. The Sub Committee had before it the minute of its previous meeting of 2 April 2012, which had been approved at the Council meeting of 4 April 2012.

The Sub Committee resolved:-

to note the minute.

REVIEW OF ALLOWANCES

2. The Sub Committee had before it a paper by the Head of Finance which (a) provided information concerning (1) the amount of allowances paid from the Guildry Funds to Burgesses of Guild, Widows and Widowers of Burgesses and Children of Burgesses from 1995 to 2011; and (2) the number of people receiving allowances for the same period; and (b) proposed that the allowances be increased by 5% rounded up to the nearest £10 for 2012/13.

The Sub Committee resolved:-

to recommend that the following increases in annual allowances be approved by the Council with effect from 1 May 2012:-

Guildry Fund Allowance	Present Allowance	Proposed Allowance
Burgesses	£1,600	£1,680
Widows/Widowers of Burgesses	£1,600	£1,680
Children of Burgesses	£1,480	£1,560

UPDATE FROM THE DEAN OF GUILD

3. The Sub Committee received an oral update from the Dean of Guild regarding a number of matters.

Mr Dalgarno explained the history of the Burgesses Awards Scheme, commenting that very few applications had been received in recent years and that he was looking to reinvent the scheme, with the possibility of a scholarship link with the city's universities and the Saltire Society.

Mr Dalgarno highlighted forthcoming milestones, namely the 800th anniversary of the Burgesses Royal Charter in 2014 and the 700th anniversary of the granting of the Freedom Lands later in 2013, explaining that various events would be taking place and that he was investigating the possibility of a Burgesses coat of arms.

Lastly, Mr Dalgarno made reference to a recent enquiry by an external organisation in terms of whether a particular project within the city would be eligible for Guildry funding.

The Sub Committee resolved:-

- (i) to request the Dean of Guild to prepare a report for a future meeting regarding the Burgesses Awards Scheme and the forthcoming milestones referred to, including options for promoting the March Stones within the city;
- (ii) that the project referred to would not be eligible for Guildry funding; and
- (iii) to request officers to circulate a copy of the last annual statement of the Guildry Funds for information.

- ANDREW FINLAYSON, Master of Mortifications, Chairperson.

DEVELOPMENT MANAGEMENT SUB COMMITTEE (VISITS)

28 MARCH 2013

34-36 ST PETER STREET - 120946

1. With reference to Article 6 of the minute of meeting of the Development Management Sub Committee of 21 March 2013, wherein the Sub Committee agreed to visit the site, the Sub Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Sub Committee express a willingness to approve the application in respect of planning permission for the demolition of existing buildings and the redevelopment of the site to construct a five storey student accommodation building comprising 125 studio units and associated communal areas and outdoor garden/amenity space, subject to the following conditions but to withhold issue of the consent document until such time as the applicant has entered into an appropriate agreement regarding the payment to the Council of developer contributions towards the extension and/or enhancement of core paths in the locality:-

(1) That no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed; (2) That no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems (SUDS) has been submitted to and approved in writing by the planning authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme; (3) That the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing No. 950-P2-001-B of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval; (4) That no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting; (5) That all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority; (6) That, except as the planning authority may otherwise agree in writing, no construction or demolition work shall take place (a) outwith the hours of 7.00am to 7.00pm

Mondays to Fridays; (b) outwith the hours of 9.00am to 4.00pm Saturdays; or (c) at any time on Sundays, except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery]; (7) That no development shall take place unless it is carried out in full accordance with a scheme to deal with contamination on the site that has been approved in writing by the planning authority. The scheme shall follow the procedures outlined in Planning Advice Note 33 Development of Contaminated Land and shall be conducted by a suitably qualified person in accordance with best practice as detailed in BS10175 Investigation of Potentially Contaminated Sites - Code of Practice and other best practice guidance and shall include (i) an investigation to determine the nature and extent of contamination; (ii) a site-specific risk assessment; and (iii) a remediation plan to address any significant risks and ensure the site is fit for the use proposed. No building(s) on the development site shall be occupied unless (a) any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken; and (b) a report specifically relating to the building(s) has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out, unless the planning authority has given written consent for a variation. The final building on the application site shall not be occupied unless a report has been submitted and approved in writing by the planning authority that verifies that completion of the remedial works for the entire application site, unless the planning authority has given written consent for a variation; (8) That no development shall take place unless a scheme for external lighting has been submitted to and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme; (9) That the premises hereby approved shall not be used other than for the approved purpose as accommodation for students in full-time education, with the exception of any arrangements submitted to and agreed in writing by the planning authority in relation to short-term occupancy outwith normal term-times; (10) That no development shall take place unless there has been submitted to and approved in writing a detailed Green Travel Plan statement, which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets; (11) That none of the units hereby granted planning permission shall be occupied unless the cycle storage facilities shown on drawing number 950-P2-030A has been implemented in full accordance with said drawing; and (12) That the building hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full.

The Sub Committee heard from planning and roads officials in relation to the application, following which members asked various questions of the officers in attendance.

The Convener moved, seconded by Councillor Lawrence:-

That the application be approved in accordance with the recommendation contained within the report.

Councillor Boulton moved as an amendment, seconded by Councillor Finlayson:-

That the application be refused on the grounds (1) that the proposed development, by reason of scale and massing, represented overdevelopment of the site; and (2) that there was insufficient car parking provision which would have an adverse impact on surrounding streets and residential amenity.

On a division, there voted:- for the motion (6) - the Convener; and Councillors Corall, Cormie, Lawrence, MacGregor and Thomson; for the amendment (6) - Councillors Boulton, Delaney, Finlayson, Grant, Jaffrey and Jean Morrison MBE.

There being an equality of votes, in terms of Standing Order 15(5), the Convener exercised his casting vote in favour of the motion.

The Sub Committee resolved:-
to adopt the motion.

In terms of Standing Order 36(3), Councillor Boulton indicated that she wished the foregoing matter to be referred to Council for decision, and was supported by Councillors Delaney, Grant and Jaffrey.

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34-36 ST PETER STREET, ABERDEEN

DEMOLITION OF EXISTING BUILDINGS
AND REDEVELOPMENT OF SITE TO
PROVIDE STUDENT RESIDENTIAL
STUDIO ACCOMMODATION.

For: Scape Homes Limited

Application Ref.	: P120946	Advert	: Can't notify
Application Date	: 04/07/2012	neighbour(s)	
Officer	: Gavin Evans	Advertised on	: 13/02/2013
Ward: George Street/Harbour (A Morrison/N Morrison)	May/J	Committee Date	:
		Community Council	: Comments



RECOMMENDATION: Willingness to approve, subject to conditions, but to withhold issue of the consent document until such time as the applicant has entered into an appropriate agreement regarding the payment to the Council of developer contributions towards the extension and/or enhancement of core paths in the locality.

DESCRIPTION

This brownfield site, which is currently occupied by a construction firm and used as a builder's yard, extends to approximately 3225sqm and is located on the northern side of St Peter Street, facing onto the redeveloped First Bus Headquarters. The western and northern boundaries of the site are enclosed by St Peter's Lane, a poorly maintained and somewhat overgrown private lane.

The site currently makes little contribution to the streetscape on St Peter Street, with car parking and open storage areas enclosed by a combination of steel mesh fencing and harled blockwork walling of approximately 2.5m in height. Existing buildings are confined to the rear half of the site, and include a mix of flat-roofed and mono-pitched buildings of no great architectural merit, generally constructed using harled blockwork and not exceeding 2 ½ storeys in height.

To the west of the application site, on the opposite side of St Peter's Lane, are 3-4 storey residential blocks fronting onto the Spital. The ground rises to the west, with the Spital set several metres above the level of the application site. As a result, the residential blocks described above, which present 3 floors to the Spital but 4 to their rear elevation, have a degree of elevation and prominence when seen looking westwards along St Peter Street.

RELEVANT HISTORY

Application P111465, submitted in October 2011, proposes the construction of a flatted development comprising 28 units on land immediately to the east of the current application site, currently comprising industrial premises, a builder's yard and vacant land. This application has been signed off internally for conditional approval, subject to successful conclusion of a legal agreement relating to affordable housing and developer contributions, under the Council's current scheme of delegation. The relevant legal agreement has not yet been concluded, so no formal consent has been granted or issued.

PROPOSAL

Detailed planning permission is sought for the construction of a five-storey student accommodation building comprising 125 studio units and associated communal areas and outdoor garden/amenity space. All existing buildings on the site would be demolished.

The proposed development involves the construction of a single building on the site, with frontages on its southern and western boundaries, facing out onto St Peter Street and St Peter's Lane respectively. The new building would be built across five floors, although it is noted that the top/4th floor is much reduced in its footprint and accommodation, with 14 rooms/units compared to the 31 on the floor immediately below (3rd floor). Each room would have its own kitchen and shower/w.c. facilities, with shared facilities such as a common room, laundry, office, secure cycle-storage provision and mailboxes provided at ground floor level. The maximum height of the building would be approximately 15.8m, taken from its highest point at the eastern side of the site, where ground level is lowest. The highest point of the building would be approximately 38m above ordnance datum, with the adjacent 5-storey block facing onto the Spital achieving a height of 37.2m above ordnance datum, to its eaves.

Both vehicular and pedestrian access would be taken from St Peter Street, with a new road access opening onto 13 car parking spaces. Outdoor amenity space/garden grounds would extend to some 287sqm, and would be laid out adjacent to the eastern site boundary. As regards external appearance, the building would be of contemporary design, incorporating a mixed pallet of materials. At ground floor, the principal elevation to St Peter Street would feature natural granite and substantial areas of full-height glazing, with reconstituted granite block used along its secondary frontage onto St Peter's Lane. At upper floor levels, elevations would incorporate a combination of white and 'heather' coloured renders, aluminium windows and anodised aluminium louvres. The uppermost floor would be set back from those below and finished in a dark grey render.

The proposal has undergone comprehensive re-design since its initial submission, as it was considered that the initial proposal did not make the most efficient use of the available footprint and would not have proven to be cost-effective to build. As a result, the revised proposal has been subject to re-notification of neighbours and re-advertisement in the local press, in order to provide further opportunity for representations to be made.

The applicants have stated that the studio layout is intended to cater for the post-graduate market. The applicant has shown a dedicated office for an on-site management facility, and it is the intention that the on-site manager would occupy the office and be available as the first point of contact for students. The management company responsible for the development will also be responsible for the soon to be opened Loch Street student accommodation development. In addition to the on-site manager, student wardens will be in residence, benefitting from a reduced rent agreement in return for out-of-hours duties.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?120946>

On accepting the disclaimer enter the application reference quoted on the first page of this report.

REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been referred to the Sub-committee because 19 representations have been received in relation to the proposed development (22 total, but 3 of these involved additions to previous representations by the same persons). Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Project Team – No objection to approval of the application. Recommend submission of further details in relation to adequate refuse collection points, surface water drainage, and provision of a Travel Plan statement.

Environmental Health - No objection to the approval of the application, but recommend the attachment of suitable conditions addressing the following matters – (1) provision of a noise assessment and implementation of any recommended works; (2) provision of a scheme to deal with contaminated land on site; (3) provision for the storage and collection of refuse, including recycling facilities; and (4) restriction on hours of construction.

Developer Contributions Team – Developer contributions are necessary in respect of the extension and/or enhancement of the Core Path network.

Enterprise, Planning & Infrastructure (Flooding) – No response

Education, Culture & Sport (Archaeology) – No response

Community Council – Objects to the proposed development on the following grounds: This is a considerable development within a Conservation Area, and therefore should be carefully considered by a Sub-Committee rather than a single officer; impact on sewage system has not been considered. There is potential for a major increase in demand; Mains water pressure already low in the area. This development may adversely affect water pressure; The height of the proposed 5-storey development warrants careful consideration in terms of its impact on the surrounding gardens, particularly in terms of sunlight.

Scottish Water – Advise that there is sufficient capacity in existing water infrastructure systems. While it is acknowledged that there are existing water pressure issues in the area, this should not necessarily impede connection to the network.

REPRESENTATIONS

A total of 22 letters of representation have been received, though it is noted that some objectors submitted two letters, following changes made to the proposal and the resulting re-notification and re-advertisement (19 for the purposes of counting towards the Council's scheme of delegation). The objections raised relate to the following matters –

1. Potential impact on amenity resulting from the increase in an already disproportionately large student population.
2. Insufficient car parking provision, resulting in increased demand for available on-street car parking.
3. Potential for noise nuisance arising from deck-access arrangements (original scheme).
4. Design of the proposed building is not in keeping with the traditional character and proportions of adjacent tenements on the Spital and further along St Peter Street.
5. The proposal represents over-development of a small site.
6. There would be an under-provision of outdoor amenity space for residents.
7. Concern that new openings formed in the wall bounding the rear gardens of properties on the Spital would encourage public access and infringe upon private property rights.
8. Concerns raised regarding potential for property damage and interruption of utility services during construction.
9. Concern that the re-surfacing and pedestrianisation of St Peter's Lane would restrict access to existing garages and preclude the possibility of new garages being built along the lane.

10. The height of the proposed building is excessive and not in keeping with its surroundings.
11. Loss of privacy to properties on Spital and their associated garden grounds.
12. Concerns regarding the anti-social behaviour of the student residents, based on experience of the existing student population in the area.
13. Loss of views
14. Devaluation of property
15. Loss of light to properties on the spital.
16. Inadequate access for emergency vehicles.
17. Residents of the development would be deprived of natural light due to the orientation of the building.
18. Potential for adverse impact on the character and appearance of the nearby Old Aberdeen Conservation Area.
19. Potential for residents of the new development to be disturbed by activity at the adjacent bus depot.
20. Potential for disturbance arising from light spillage from bus depot.
21. Concern regarding the absence of 24 hour supervision of students.
22. Potential for increased litter and refuse problems.
23. Residents of the new development would not enjoy adequate privacy at ground floor level.
24. Additional strain on drainage, sewerage and water systems.
25. All documents not made available at the start of the 21 day notification period.

PLANNING POLICY

Policy I1: Infrastructure Delivery and Developer Contributions

The level of Developer Contributions required for any given development will either relate directly to the development proposed or to the cumulative impact of development in the area, and will be commensurate to the scale and impact of the development proposed. Such contributions will be assessed using the criteria set out in the Infrastructure and Developer Contributions Manual.

Policy T2: Managing the Transport Impact of Development

New developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated. Maximum car parking standards are set out in Supplementary Guidance on Transport and Accessibility and details the standards that different types of development should provide.

Policy D1: Architecture and Placemaking

To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as scale, massing, colour, materials, details, the proportions of building elements and landscaping will be considered in assessing this.

Policy D2: Design and Amenity

In order to ensure that development provides appropriate levels of amenity for residents, development should be designed with regard to a stated set of principles, relating to matters such as privacy, provision of a public face to the street, access to sitting out areas, and 'designing out' crime.

Policy D3: Sustainable Travel

New development will be designed in order to minimise travel by private car, improve access to services and promote healthy lifestyles by encouraging active travel.

Policy H2: Mixed Use Areas

Applications for development or change of use must take into account the existing uses and character of the surrounding area and avoid undue conflict with the adjacent land uses and amenity. Where new housing is proposed, a satisfactory residential environment should be created which should not impinge upon the viability and operation of existing businesses in the vicinity.

Policy H3: Density

The City Council will seek an appropriate density of development on all housing allocations and windfall sites.

Policy R7: Low and Zero Carbon Buildings

All new buildings must install low and zero carbon generating technologies to reduce the predicted carbon dioxide emissions by at least 15% below the level set by 2007 building standards. This percentage increases as specified in the relevant 'Low and Zero Carbon Buildings' Supplementary Guidance, and presently stands at 30%.

Supplementary Guidance

The Council's supplementary planning guidance 'Low and Zero Carbon Buildings' is a relevant material consideration.

EVALUATION

Tesco Stores Ltd has submitted an appeal to the Supreme Court against the decision of the Inner House of the Court of Session to refuse its application to quash the Aberdeen Local Development Plan. Tesco has been unsuccessful regarding both an interim suspension and a full appeal in front of three judges in the Inner House and the Council has received robust advice from Counsel that the reasoning of the Inner House is sound and there are strong grounds to resist the appeal.

Planning applications continue to be determined in line with the Aberdeen Local Development Plan but the appeal is a material consideration and the Council has to take into account the basis for the legal challenge when determining applications. It should also be pointed out that the Court indicated that, even if Tesco's arguments had found favour, it would have been inclined to quash the plan only in so far as it related to Issue 64 (Allocated Sites: Woodend... Summerhill... etc.) and that it would be disproportionate to quash the whole plan.

This evaluation has had regard to and taken into account the legal challenge. None of the policies or material considerations which apply to this application would be affected by the terms of Tesco's challenge. The recommendation would be the same if the application were to be considered in terms of the 2008 Aberdeen Local Plan.

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that where, in making any determination under the planning acts, regard is to be had to the provisions of the development plan and that determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise

Principle of Student Accommodation Use

The principle of establishing student accommodation use on this site will be determined by its relationship with the uses and character of the surrounding area, as required by policy H2 (Mixed Use Areas) of the Aberdeen Local Development Plan, and by the quality of the environment created by the proposed accommodation.

Policy H2 requires that development proposals within mixed use areas must avoid undue conflict with the adjacent land uses and amenity. It is noted that there is a relative mix of uses in the area immediately surrounding the site at present. The site itself is in use as a builder's yard, with premises to the east including a car auction yard and a disused former builder's yard. Further to the east are traditional residential tenement blocks and the Liberty Living St Peter's Halls student accommodation development. To the south of the site, on the opposite side of St Peter Street, lies the redeveloped First Group headquarters, including bus depot and office accommodation. To the west of the site, on the opposite side of St Peter's Lane, lie the rear gardens of residential blocks fronting onto the Spital.

It is relevant to consider how student accommodation use would interact with these adjacent uses and identify any potential for conflict between the respective uses. Student accommodation in the form proposed is considered to represent a 'sui generis' use for the purposes of consideration against the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), which is distinct from ordinary residential use. Such dedicated student accommodation is generally relatively dense in its arrangement, with some variation as regards the extent of communal/private facilities. In this instance, the accommodation would be largely self-contained within compact individual units, each of which would benefit from kitchen and w.c. facilities. Laundry, garden grounds/amenity space and recreational/common room facilities would be located at ground floor level, with access shared amongst residents. Whilst concerns are raised by objectors regarding the potential for anti-social behaviour by the student residents, it is important to underline that the fact that the accommodation is specifically for students is relevant only insofar as requirements for car parking provision differ from those of mainstream residential accommodation, and the relative proximity of the site to the Aberdeen University campus. It is not appropriate for the planning system to pre-judge the actions or behaviour of residents solely on the basis that they are students.

The nearby First Group Headquarters site features a 2-storey office building along its northern boundary, and it is reasonable to expect that any noise arising from within that site would consequently originate from a reasonable distance into the site, and that the building would provide a degree of buffering of any noise. Officers in the Council's Environmental Health section have highlighted that

occupants of the proposed development may be exposed to noise arising from the remaining commercial premises and from the First Group site, but are of the opinion that any such noise can be addressed via the incorporation of appropriate mitigation measures. It is recommended that a noise assessment be provided in order to ascertain the impact of any noise nuisance, and that any appropriate mitigation measures are implemented in the development of the application site. This indicates a degree of confidence that any such issues can be overcome, ensuring an adequate environment for potential residents, so far as noise arising from adjacent uses is concerned. The proposed student accommodation is not considered to result in any fundamental conflict with the adjacent commercial uses and the First Group site, on the basis that an appropriate environment can be afforded to residents. As regards the nearby residential uses on the Spital, Merkland Road and St Peter Street, it is noted that the use of the proposed development is residential, albeit a specific type of residential use. Given the degree of similarity in use, it is not considered that the principle of student accommodation adjacent to existing residential development should be a matter of concern, notwithstanding the specifics of a given proposal. Taking these matters into account, it is considered that the proposed development would, in principle, accord with the requirements of policy H2 (Mixed Use Areas) on the basis that its use would not result in undue conflict with the adjacent land uses and amenity. The specific relationship between this development proposal and its neighbours remains to be assessed later in this report, both in terms of its impact on existing residential amenity and potential to impinge upon the viability and operation of existing businesses.

Design, Scale and Form of Development

Design quality will be assessed in terms of both Policy D1 (Architecture and Placemaking) and Policy D2 (Design and Amenity) of the Aberdeen Local Development Plan. Policy H3 (Density) is also of relevance. Policy D1 states that all new development should be designed with due regard for its context and make a positive contribution to its setting. In assessing this, matters including scale, massing, colour, materials, details and the proportions of building elements will be taken into account.

The proposed student accommodation development represents a high-density form of development, which seeks to make the most efficient use of the available site area by using a compact, self-contained unit the starting point in the design process. The building proposed would achieve a maximum height of approximately 15.5m, with four full storeys and a partial top floor, which is set back from the lower floors and finished in different materials in order to assist in minimising the massing and visual impact of the building. Elevations are broken up through the use of a range of materials, with sections of 'heather'-coloured render set against a white rendered background. The upper floor would be finished in a dark grey render, while the ground floor incorporates natural granite on the St Peter Street elevation and reconstituted granite on the secondary elevation to St Peter's Lane.

The height of the building is considered to be consistent with its context, achieving a height of approximately 15.5m (measured from ground level) to its highest point and 12.8m to the uppermost part of the third floor, above which the

massing steps back in a manner intended to replicate an attic floor. The application drawings show the adjacent block to the west, incorporating numbers 2-4 Spital and 38 St Peter Street, as reaching a height of 13.5m overall and 11m to eaves, while the current residential application to the east, at 22 St Peter Street would achieve a height of 14.8m to its highest point, stepping down to 11.3m, and incorporates a contemporary flat-roofed design. This is generally consistent with the height of buildings on St Peter Street stepping up from east to west, culminating in the 4-storey blocks facing onto the Spital, where the ground level is at its highest.

The building would present a contemporary frontage onto St Peter Street, with extensive use of glazing to ensure that the frontage is as 'live' as is possible. The principal entrance to the building is via its St Peter Street elevation, and the area fronting the street incorporates common room, letterboxes, office and laundry, with the result that much of the activity within the building will be at this frontage. In summary, it is concluded that the proposal would represent an enhancement of the existing site, and that the siting, design and external appearance of the building would be sufficiently consistent with its surroundings to demonstrate that due regard has been given to the context of the site. While the use of a flat-roofed design differs from the more traditional blocks on the Spital and St Peter Street, it is noted that there is already a degree of variety along the length of the street and that the proposal would sit comfortably alongside the adjacent scheme at 22 St Peter Street, which also took a contemporary design approach. The use of natural granite at the main entrance to the building and on its principal frontage helps in making a connection to the more traditional buildings in the area and reflects the vernacular building materials of the north-east. Taking these matters into account, it is concluded that the proposal demonstrates due regard for its context, and would make a positive contribution to its setting, as required by policy D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan.

The relative density of the proposal is considered to make efficient use of the site while retaining appropriate scale in massing in relation the surrounding buildings. Appropriate provision has been made for garden grounds and car parking, and to it can be considered that the proposal demonstrates an appropriate density of development for this site, as sought by policy H3 of the Aberdeen Local Development Plan.

Amenity Afforded to Occupants of Proposed Development

Policy D2 (Design and Amenity) seeks to ensure that an appropriate environment is created for the residents of new development. Factors for consideration include adequate privacy, the provision of a public face to a street and a private face to an enclosed garden or court, and appropriate access to sitting out areas, which may be provided by way of balconies, private gardens, terraces, communal gardens or other means appropriate to the site. In this proposal an area of communal garden ground would be laid out adjacent to the eastern site boundary, enclosed to the south and west by the L-shape of the new building. This area of communal garden extends to 291sqm in the current proposal, increased from 188sqm in the original submissions, and would be provided in one convenient, enclosed and useable block. The student accommodation units

within the block would benefit from appropriate privacy by virtue of their distance from adjacent buildings, which at 18-20m along the west-facing elevation is consistent with this urban context. As noted previously, the building would present a public face to St Peter Street, with much of the active/communal space arranged around the main entrance on that principal elevation. In summary, the proposal can be considered to accord with the terms of policy D2 (Design and Amenity) of the Aberdeen Local Development Plan.

Visual Impact of the Development

The visual impact of the proposed development would be largely a result of its height and composition, which have been addressed above. It is considered that the use of a variety of materials and the different treatment of ground and top floors helps to break up the massing of elevations, while the height of the building is broadly consistent with its context. Taking these factors into account, it is concluded that the appearance of the building and its associated visual impact are acceptable.

Traffic Impacts, Access Arrangements and Car Parking

Policy T2 (Managing the Transport Impact of Development) directs developers to the Council's Transport and Accessibility Supplementary Guidance, which sets out the parking standards for different types of development and land uses. Consultation with the Council's Roads Projects team concludes that the level of car parking provided by the development is acceptable, and also that adequate provision has been made for short-stay and long-stay cycle parking. Pedestrian and public transport accessibility is acceptable. It is recommended that conditions be attached to any consent to require further details in relation to the following matters: provision of an appropriate refuse collection point; details of sustainable urban drainage systems; and provision of a Travel Plan statement for review.

The potential for student accommodation in a location which is within close proximity to the University campus presents an opportunity to encourage more sustainable forms of travel by locating uses in close proximity to major trip sources. That the development site is conveniently located for the university will minimise traffic generation arising from the new development and encourage active travel via walking and cycling, in accordance with the terms of policies T2 (Managing the Transport Impact of Development) and D3 (Sustainable Travel) of the Aberdeen Local Development Plan.

Supplementary Guidance

The Council's supplementary planning guidance 'Low and Zero Carbon Buildings' is a relevant material consideration. No details of the incorporation of Low and Zero Carbon generating technologies have been provided in support of the application, and it will therefore be necessary to attach a condition to any consent in order to obtain such details and to ensure installation of equipment prior to occupation, should members resolve to approve the application.

Relevant Planning matters raised by the Community Council

Relevant planning matters raised by the Old Aberdeen Community Council can be summarised and addressed as follows;

Due to the significance of the development, the Community Council felt that the application would be better considered by the Sub-Committee.

Acknowledged. The Community Council's objection to the proposal is sufficient to require referral to the Development Management Sub-Committee under the Council's current scheme of delegation.

Impact on sewage system has not been considered. There is potential for a major increase in demand.

Consultation with Scottish Water regarding the proposed development has raised no concerns regarding the capacity of the sewerage system.

Mains water pressure already low in the area. This development may adversely affect water pressure.

Consultation with Scottish Water regarding the proposed development has acknowledged existing issues with water pressure, but notes that this is not an insurmountable issue, and would not preclude the granting of planning permission for the proposed development.

The height of the proposed 5-storey development warrants careful consideration in terms of its impact on the surrounding gardens, particularly in terms of sunlight.

As noted previously in this report, the height of the proposed building is comparable with those seen in the surrounding area, and can be integrated effectively into the existing streetscape. As regards its potential impact on adjacent garden, it is acknowledged that the building would be within approximately 6m of rear gardens pertaining to residential properties on the Spital, however the open aspect to the south enjoyed by these gardens would be unaffected. The extent of any overshadowing is considered restricted to a limited period within the day, and is not considered to result in a significantly adverse impact on existing residential amenity.

Relevant Planning Matters Raised in Written Representations

The matters raised in representations have been summarised previously in this report. The majority of these issues are addressed elsewhere in this report. Responses can be summarised as follows;

- Issues 1, 12 and 21 raise concerns regarding anti-social behaviour by student residents and the absence of supervision on-site. The 'Proposal' section of this report outlines the intended management arrangements and the provision of student wardens out of normal working hours. While the building would be occupied by students, it is highlighted that the on-site use is that of residential accommodation and any preconceived ideas about the potential for anti-social behaviour by residents are not relevant to this assessment.
- Issue 2 is addressed in the 'Access Arrangements and Car Parking' section.
- Issues 4, 5 and 10 are addressed in the 'Design, Scale and Form' section.
- Issue 6, relating to the appropriate provision of amenity space, is addressed in the 'Amenity Afforded to Residents' section of this report.
- Issues 3, 7 and 9 refer to the proposals as shown in the original scheme, and are no longer relevant to the proposed development following its re-design.

- Issue 8, relating to damage caused during construction, is not relevant to the assessment of this development proposal. Should any damage occur, it will be for the landowners and the parties responsible for causing damage to resolve this independent of the planning system.
- Issue 11 raises the prospect of a loss of privacy for residents in blocks fronting the Spital. The distance between the new building and the existing buildings on the Spital is in the range of 19-20m, which is sufficient to ensure adequate privacy where windows of habitable rooms are directly facing each other. The distance between the face of the new building and the adjacent communal garden grounds of these properties on the Spital is circa 6-8m. It is further noted that the gardens in question are in communal use and are currently overlooked by the neighbouring blocks on the Spital. Taking these matters into account, it is concluded that any overlooking is consistent with the existing arrangement, and that no unacceptable loss of privacy would arise from the distance between the habitable rooms of the respective buildings.
- Issues 13 and 14, relating to loss of view and property devaluation respectively, are not relevant planning considerations, and cannot be taken into account the planning authority's assessment of this application.
- Issues 15 and 17 refer to the potential for inadequate light levels within the development and loss of light to the rear of the Spital. This is understood to relate to background daylight, rather than direct sunlight, and in this regard the near 20m separation between the two properties is quite sufficient to ensure that adequate levels of light will be afforded to residents of the new development and those in adjacent homes and gardens.
- Issue 16 relates to concerns over appropriate access for emergency vehicles. Consultation has been undertaken with the Council's Roads Projects team, and no objection has been made, nor concern raised on this basis.
- Issue 18 highlights the potential impact on the character or appearance of the Old Aberdeen Conservation Area. It is noted that the site lies outwith the Conservation Area in question and in any case, due to the topography and level of the site, it is not considered that there would be any adverse impact on the character or appearance of the Conservation Area. The Council's Masterplanning, Design and Conservation team were consulted in relation to this application, and made no observations.
- Issues 19 and 20 cite the potential for nuisance by way of light spillage and noise arising from the adjacent King Street bus depot, however consultation with the Council's Environmental Health staff indicates that any noise nuisance is most likely capable of being adequately mitigated to allow residential accommodation. As regards light spillage, Environmental Health's consultation response raised no concerns on this basis, and it is understood that the Council has separate powers as regards control of nuisance caused by lighting.
- Issue 22 indicates that there may be increased littering and problems with refuse collection. Environmental Health have recommended that conditions be attached to require further details of refuse storage and collection arrangements to be agreed in consultation with the Council. Provided appropriate provision is made for such facilities on-site, that the occupants are students is of little relevance.

- Issue 23 raises concerns over the potential for adequate privacy for residents of the new scheme at ground floor level. The agent for this scheme advises in his supporting statement that the internal floor level for those properties fronting St Peter's Lane has been raised in order to avoid any loss of privacy arising from its proximity to the street frontage. It is noted also that St Peter's Lane is not a through route, so the potential for a significant level of pedestrian movement along this frontage is limited.
- Issue 24 raises concerns regarding the potentially limited capacity in the sewerage system and issues of water pressure. Consultation with Scottish Water has acknowledged existing water pressure issues, but notes that this issue is not insurmountable, does not preclude approval of the application, and that the further consent of Scottish Water will be required before connecting to the network.
- Issue 25 notes that the most recent versions of 2 drawings were not made available for public comment for a full 21 days. When re-notification was carried out, a full set of drawings were available online for comment, however further minor changes to 2 drawings were made. These changes were made in good faith as 2 drawings were erroneously submitted initially. The revisions made did not in themselves warrant further a further round of re-notification, and the up-to-date drawings were made available as soon as was practicable. It is noted also that there is no statutory obligation for documents to be made available online following notification.

Proposed Legal Agreement for Developer Contributions

Consultation with the Developer Contributions Team, a shared service between Aberdeen City and Aberdeenshire Councils, has highlighted that the proposed development would, in line with the Council's Infrastructure and Developer Contributions Manual, be required to make a contribution towards the maintenance and enhancement of the Core Path Network. The applicant proposes to pay this contribution prior to the release of consent via an agreement under section 69 of the Local Government Scotland Act, therefore avoiding the potential delay in entering into an agreement under section 75 of the Town and Country Planning (Scotland) Act for a relatively modest sum. In taking this approach, an exchange of letters will take place between the Council's solicitors and the solicitor representing the applicants, detailing the amount of the payment, its intended purpose, the timescale within which monies must be used for the stated purpose, and the circumstances under which the contribution must be refunded. This proposal has been agreed with the Council's solicitors in advance. The payment of such developer contributions as related to the development and its direct or cumulative impacts satisfies the requirements of policy I1 (Infrastructure Delivery and Developer Contributions) of the Aberdeen Local Development Plan.

Conclusion

In summary, it is concluded that the proposed development represents an appropriate form of development within this designated Mixed Use Area, and would not result in undue conflict with the adjacent land uses and amenity, as required by policy H2 (Mixed Use Areas) of the Aberdeen Local Development Plan. The design approach taken makes efficient use of the site, but demonstrates due regard for its context through appropriate height, scale, proportions and massing, and would make a positive contribution to its setting through replacing an existing industrial use in close proximity to residential

accommodation. This proposal is considered to accord with policy D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan.

The proposal provides an acceptable environment for prospective residents, presenting a clear public frontage to the street and a private face to an enclosed communal garden/amenity space area. The building would be sufficiently sited and orientated to ensure adequate privacy for those within the development and in adjacent buildings. In this regard, the proposal is considered to accord with policy D2 (Design and Amenity) of the Aberdeen Local Development Plan. The location of the site in close proximity to Aberdeen University's main campus lends itself well to student accommodation use, and minimises the need for travel by private car, thereby encouraging more sustainable modes of travel, in accordance with policy D3 (Sustainable Travel) of the Aberdeen Local Development Plan. The high-density form of the development is appropriate for this use, and represents an efficient use of the available site area, consistent with the aims of policy H3 (Density) of the Aberdeen Local Development Plan. The Council's Roads Projects team are satisfied with the level of car parking and access arrangements proposed, and it is concluded that the development would accord with the terms of policy T2 (Managing the Transport Impact of Development) of the Aberdeen Local Development Plan. The proposal has been assessed by the Council's Developer Contributions team, and the applicants propose to make an appropriate payment towards the extension and/or enhancement of the Core Paths network, commensurate with the scale and impact of the development. It is therefore concluded that the proposal demonstrates accordance with the relevant provisions of the development plan, and that no material considerations identified have been sufficient to warrant departure from the Development Plan. It is therefore recommended that members indicate a willingness to approve this application be approved subject to conditions as specified below, with consent withheld until such time as the applicant has entered into an appropriate agreement regarding the payment of developer contributions relating to Core Paths.

RECOMMENDATION: Willingness to approve, subject to conditions, but to withhold issue of the consent document until such time as the applicant has entered into an appropriate agreement regarding the payment to the Council of developer contributions towards the extension and/or enhancement of core paths in the locality.

REASONS FOR RECOMMENDATION

the development hereby approved demonstrates due regard for its context, and makes a positive contribution to its setting, as required by policy D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan (ALDP). The approved use would not result in any undue conflict with the adjacent land use and amenity, and represents an appropriate density of development, as required by policies H2 (Mixed Use Areas) and H3 (Density) of the ALDP respectively. The development provides appropriate car and cycle parking facilities and appropriate means of access, as required by policy T2 (Managing the Transport Impact of Development), and an appropriate level of amenity would be created for residents of the development, as stated in policy D2 (Design and Amenity) of

the ALDP. Appropriate developer contributions will be secured in relation to the enhancement and/or extension of the Core Paths network, as addressed in policy I1 (Infrastructure and Developer Contributions) of the ALDP. The installation of appropriate Low and Zero Carbon Generating technologies, as required by policy R7 of the ALDP, can be secured through condition. No material considerations have been identified which warrant determination other than in accordance with the Development Plan.

CONDITIONS

it is recommended that approval is granted subject to the following conditions:-

(1) that no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity.

(2) that no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Planning Authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

(3) that the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing No. 950-P2-001-B of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval - in the interests of public safety and the free flow of traffic.

(4) that no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.

(5) that all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become

seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.

(6) that, except as the Planning Authority may otherwise agree in writing, no construction or demolition work shall take place:

(a) outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays;

(b) outwith the hours of 9.00 am to 4.00 pm Saturdays; or

(c) at any time on Sundays,

except (on all days) for works inaudible outwith the application site boundary.

[For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery] - in the interests of residential amenity.

(7) that no development shall take place unless it is carried out in full accordance with a scheme to deal with contamination on the site that has been approved in writing by the planning authority.

The scheme shall follow the procedures outlined in Planning Advice Note 33 Development of Contaminated Land and shall be conducted by a suitably qualified person in accordance with best practice as detailed in BS10175 Investigation of Potentially Contaminated Sites - Code of Practice and other best practice guidance and shall include:

1. an investigation to determine the nature and extent of contamination,

2. a site-specific risk assessment,

3. a remediation plan to address any significant risks and ensure the site is fit for the use proposed.

No building(s) on the development site shall be occupied unless

1. any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken and

2. a report specifically relating to the building(s) has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out, unless the planning authority has given written consent for a variation.

The final building on the application site shall not be occupied unless a report has been submitted and approved in writing by the planning that verifies that completion of the remedial works for the entire application site, unless the planning authority has given written consent for a variation.

- reason: in order to ensure that the site is fit for human occupation

(8) That no development shall take place unless a scheme for external lighting has been submitted to and approved in writing by the Planning Authority, and thereafter implemented in full accordance with said scheme - in the interest of public safety.

(9) that the premises hereby approved shall not be used other than for the approved purpose as accommodation for students in full-time education, with the exception of any arrangements submitted to and agreed in writing by the planning authority in relation to short-term occupancy outwith normal term-times - in order that the premises are restricted to occupancy by students in full-time education during terms times, on the basis that the parking requirements of non-student use have not been met on-site, but that sufficient flexibility is permitted on a short-term basis outwith term-times.

(10) That no development shall take place unless there has been submitted to and approved in writing a detailed Green Travel Plan statement which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets - in order to encourage more sustainable forms of travel to the development.

(11) That none of the units hereby granted planning permission shall be occupied unless the cycle storage facilities shown on drawing number 950-P2-030A has been implemented in full accordance with said drawing - in the interests of encouraging more sustainable modes of travel.

(12) that the building hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full - to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

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From:
To: <pi@aberdeencity.gov.uk>
Date: 28/02/2013 19:42
Subject: Planning application 120946 – 34-36, St Peter St

Dear Sir or Madam

Planning application 120946 – 34-36, St Peter St

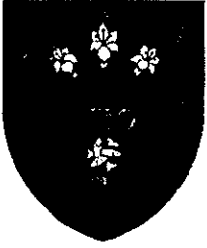
The Old Aberdeen Community Council would like to lodge a formal objection to this proposed development for the following reasons:

1. We consider this is a significant development within a conservation area and consider it should be carefully considered by a sub-committee rather than a single officer.
2. We note that while the application considers the impact of the application on parking and compliance with SUDS requirements, the impact on the sewage system has not been considered. This 100 bedroom development (plus a possible further 28 flats at 22-24 St Peter St ref. application 11465) will result in a major increase in demand on the sewage system which we consider should be properly evaluated prior to approval, so that any necessary upgrade work can be incorporated as planning gain.
3. We understand that mains water pressure in this area is quite low, and this might also be negatively impacted by a significant increase in demand. You may wish to obtain Water Board input as part of the application review process.
4. The proposed development is of 5 storeys and as such is as high as the buildings on the Spital and 3 storeys higher than the adjacent tenements at 18, 20 St Peter St. We ask that you evaluate the impact of this large building on the surrounding buildings, particularly access to sunlight in their gardens.

The OACC advises that we consider the provision of flats or student accommodation in this street to be acceptable in principle, but consider that more needs to be done to evaluate and if necessary mitigate the impact of this development upon the immediate neighbourhood as we have received a significant number of letter of objection and concern from residents in the area.

Dewi Morgan
On behalf of Old Aberdeen Community Council
107 High Street
Old Aberdeen AB24 3EN

P120946



OLD ABERDEEN HERITAGE SOCIETY

Planning Reception,
Aberdeen City Council,
Marischal College,
Aberdeen

62 Buckie Road,
Bridge of Don,
Aberdeen
AB22 8DN

7th August 2012

Development of 90 flats at 34-36 St. Peter Street, Aberdeen

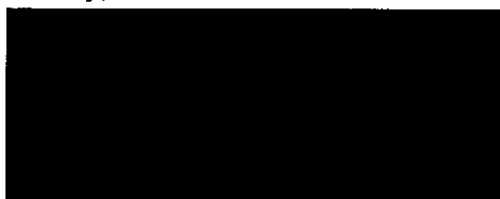
Dear Sir,

We wish to object to this application for the following reasons:-

- 1) The building is too massive - five storeys - for this very constricted site and constitutes a substantial overdevelopment.
- 2) It would intrude significantly on the privacy of neighbouring houses, namely 6-10 Spital and 24 Spital.
- 3) It would cut off light to the houses on the Spital and their gardens for much of the day.
- 4) There is not enough space for car parking, as recommended in City Council guidance documents.
- 5) Access for emergency vehicles to the back of these, and neighbouring properties, is inadequate, which is a public safety issue.
- 6) Residents of the proposed block with windows only facing north would be denied natural light during the day, and those with windows facing only west would have virtually none, due to the height of surrounding buildings. This is not acceptable.

We would therefore ask the City Council to refuse permission for this inappropriate application.

Yours faithfully,



Stephen, co-Chairman

Bank Cottage
[REDACTED]
Aberdeen
[REDACTED]

Development Management
Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

8 August 2012

Dear Sir

Proposed Flats, 36 St Peter Street, Aberdeen, AB24 3HU

I write as the owner of and occupied Bank Cottage, 6 Sunnybank Road for 27 years.

I was somewhat surprised to see the scale of this application for this site in St Peter's Street. The representation would lead one to believe that the structure would not dominate the surrounds; I disagree. A building sympathetic to the site and surrounding conservation area would be much smaller in size and blend in with the other granite buildings.

The area already has many students in Houses in Multiple Occupation. The local community needs to have a suitable mix to ensure its survival. It needs people who are willing to take an interest in its future and stay for the longer term. This development would not ensure this. The area has more crime than the average in Aberdeen.

The design is down market and a rather soulless.

The Old Aberdeen Conservation Area is struggling to keep its head above water. The drift away of families and permanent residents and the replacement of them by temporary residents is not going to help the area. The type of development next door in St Peter's Street, which has just gained planning permission, would be more acceptable. The design is to maximise profit for the developer rather than the general good.

I would be grateful if you would circulate this letter to all those involved in making the decision.

Yours faithfully

Elizabeth M L Wilson (Mrs)

From: Elizabeth Wilson [REDACTED]
To: <pi@aberdeencity.gov.uk>
Date: 08/08/2012 22:29
Subject: Letter of objection
Attachments: St Peter's Street flats.docx

Please find attached my letter of objection to the proposed flats in St Peter's Street, ref: 120946.

I would be grateful if it is circulated to all those concerned with making the decision re this application.

Regards

Elizabeth M L Wilson

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 26/07/2012 15:02
Subject: Planning Comment for 120946

Comment for Planning Application 120946
Name : Gaynor Clarke/Fred Nimmo/Neil Briody
Address : 4 Spital
GFL/TFL/TFR
Aberdeen

Telephone : [REDACTED]

Email [REDACTED]

type :

Comment : I write this on behalf of three residents of 4 Spital:

1.6-

issues in relation to build up of rubbish, recycling; seagulls are a major problem this will exacerbate the problem with 90 + peoples rubbish building up

1.7-

gym-privacy issues-facing onto St.Peters lane

2.5-

at this point no issue of notice of building application-further concerns in relation to increase in population and associated concerns

3.3-1-

Distance of build from buildings on the Spital-will be 12m and less in some instances, not as per document states

Blocking of sunlight/natural light to current residents

Privacy issues for all buildings facing on to St.Peters lane-student pods with balconies!!!

Height of building-5 storey high

3.3-2-

"Possible new openings formed in neighbouring boundary garden wall to improve access and amenity" this is not an option nor would we wish this to occur-higher risk of burglary/easier access to buildings!!

High jinx of students even further invading privacy-security risks

Privacy issues

3.3-3-

Sitting out space at the perimeter of St.Peters Lane???? - access on to St.Peters Lane-will become non accessible to businesses and in the event of emergency vehicle access required, will not be possible for all properties facing onto St.Peters Lane from Spital and Merkland Rd, alongside emergency access to rear of proposed build-already an ongoing issue in nearby student accommodation; emergency services regularly called due to fire risks

Balconies and terraces further increase noise pollution by students at all times of day and night high risk of loitering encouraged by these areas for less desirables who may wish to pose risk to area

3.3-4-

Lack of parking is already an issue, this will increase problem, people from out of area park daily with 90+ individuals potentially utilising new build increases risk, not including those working at units

3.3-5-

Local residents will NOT benefit from view nor sunlight as this will be blocked by proposed build

3.3-6-

Increased risk of access to current building by reducing deterrents, CCTV-concerns re invasion of privacy, recording and monitoring of private life

3.4-

Parking permits are not required in this area-therefore the pressure would be higher on the limited number of parking spaces in area

This ground is commonly owned therefore all participants would have to sign consent to build

Further concerns-

Noise pollution from students coming and going
Vandalism-already an issue with students damaging vehicles during high jinx-this will become tenfold worse

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 25/07/2012 13:43
Subject: Planning Comment for 120946

Comment for Planning Application 120946
Name : Mr Stuart Maitman
Address : 8 D Spital,
Aberdeen
AB24 3HS

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : TO WHOM IT MAY CONCERN

Application Reference: 120946

Local Authority Reference: 000043409-001

I have noted with interest and apprehension the planning application for the construction of 90 student studio flats at 34-36 St Peter Street as part of a five storey student residential complex. As a resident of 8 D Spital, one of the properties immediately to the west of the proposed development, I have a number of concerns. These concerns relate to the construction of the residential development and to the plans as they now stand, specifically regarding noise, privacy, light, access to land, and proposed changes to boundaries. It would be greatly appreciated if these concerns were noted, acknowledged, responded to and, if possible, addressed.

1. Construction

The details of the planned development do not appear to include information about the proposed length of its construction, any measures that will be taken to cause as little disruption to existing nearby residents, or consideration of any disruption or alteration to the existing supply of utilities (disruption to water mains and gas supply, or alteration to existing electricity pylons/cables for example). Details of the proposed means for supplying utilities, any foreseeable disruption to nearby residents, and details of the development's construction are therefore requested.

2. Noise

Currently, the rear of the properties at 6 & 10 Spital look out upon builders' yards. As these are underused during daytime hours, and largely unoccupied during night time, peace and quiet on this side of our property is consistently enjoyed. As the proposed development intends to create 90 student studio flats, with communal recreational facilities, this will unquestionably increase the level of noise to the rear of our property. Without meaning to demonise or unfairly characterise the student population of Aberdeen (but with the experience of being a student myself), I believe it is not unreasonable to raise an objection based upon the likelihood of excessive noise pollution.

3. Privacy

The proposed development's five storey plan, as can be seen from the Proposed Elevation document, will position dozens of new adjacent, private windows with clear sight of our flat. Currently, the nearest private windows capable of views of our flat are at the very far end of St Peter Street or on King Street. With the proximity of these new neighbours being around 20m, and the sheer number of on looking flats, it is felt that the issue of privacy, and the inevitable feeling of intrusion which will result from this development, is one of the most significant alterations which will affect the value of our property.

4. Light

The privacy of the rear of our property was a major positive we noted when purchasing 8 D Spital. Another benefit from having a largely open eastern vista is that early morning to late morning sun lights the property throughout the year. The construction of a five storey residential complex, as can be seen from the Proposed Elevation images, appears to almost exactly equal the height of the very top of the block of flats in which 8 D is situated. Having above our flat another storey of flats, and a large communal attic space, this means that the proposed development will tower above our eastern view. There will therefore be a substantial loss of our principal source of sunlight and it is felt that this may potentially adversely affect the value of 8 D Spital.

The proposed development's Supporting Statement emphasises that the construction of the studio flat complex would improve the eastern view from our block of flats. On the contrary, I must object strongly to the fact that the proposed development will block out our current view of much of Aberdeen, the harbour, Torry battery, the lighthouse, the sea and coastline, and even Pittodrie stadium. This is an unacceptable consequence of the proposed development.

5. Access to Land

The title deeds of the property at 8 D Spital include within them (in addition to communal ownership of the rear garden, attic and basement areas of the block) an exclusive area of land off of the lane coming off St Peters Street (St Peters Lane) and extending into the communal garden area of the 6-10 Spital block of flats. This piece of land, as stated in the deeds, can be used to construct a garage. It is therefore essential that any development made on the 34-36 St Peter Street site does not impinge upon vehicular access to St Peters Lane, running perpendicular to St Peter Street, or restrict the ability to construct and then access a garage on the plot mentioned. Indeed, in the Proposed Site Plan document, the plan appears to show a Bollard/tree arrangement to define roadway/boundary which runs outwith the boundary of the property owned by the developers, as indicated by the red line. It is extremely concerning that this document does not include information regarding the maintenance of vehicular access to the existing lane, and the plot owned by myself, which is connected to this lane and which is a potential garage. The existing garages, which my plot runs parallel to, can be seen in the Proposed Site Plan document opposite the Temporary and fixed seating areas, which themselves appear to extend beyond the boundary of the proposed development's property.

6. Proposed Changes to Boundaries

The same document, Proposed Site Plan, includes another objectionable aspect. Running along the boundary of St Peters Lane and the properties to its west are arrows (<->) which the document states indicate Possible new openings formed in neighbouring boundary garden wall to improve access and amenity. This suggests that the developer intends to landscape the whole area and request permission to join this to the existing gardens. This is objectionable for the reason given above concerning access to land for a garage. Furthermore, ownership of this property (the public lane (St Peters Lane) or the boundary walls) does not lie with the developer and to suggest that alterations could be made to these areas extends beyond the remit of the proposed development.

It is therefore essential that these concerns about boundaries, access to land, and the details of the proposed development, especially in the area of the public lane running off St Peters Street, are addressed and the objections made above taken into consideration. If they are not considered and addressed and the proposed development was to go ahead as presented in these planning documents then they would irreparably impinge upon the ownership rights of myself, and the other owners of flats in the 6-10 Spital block.

Additionally, the objections concerning light, privacy, noise, and the details of construction must be addressed. I look forward to a detailed response from those concerned.

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 08/08/2012 14:59
Subject: Planning Comment for 120946

Comment for Planning Application 120946

Name : Jacinta Birchley
Address : 24 Spital
Aberdeen
AB24 3HS

Telephone : [REDACTED]
Email : [REDACTED]
type :
Comment : Applebank
24 Spital
Aberdeen
AB24 3HS
[REDACTED]

7 August 2012

Aberdeen City Council
Planning and Sustainable Development
Marischal College
Broad Street
ABERDEEN
AB10 1AB

Dear Sir/Madam

Application No 120946 at 34 -36 St Peter Street, Aberdeen, AB24 3HU
Demolition of existing buildings and redevelopment of site to provide student residential studio accommodation.

We wish to object to the above proposed development on a number of grounds.

Size and Scale: The proposal is five stories high. The surrounding buildings are 3 stories high, not 4 and 5 as claimed. The surrounding buildings have basements but are only occupied on ground, first and second floor. To fit in with the surrounding architecture the proposal should only be 3 stories high. The size/mass of the building to the size of the plot is an over intensification. The CAD drawings bear little relation to reality.

Architectural quality. The assertion that the proposal is of striking architectural quality is debatable. The site borders the Old Aberdeen Conservation area with traditional granite architecture, even boasting a Category A listed building within 50 meters of the site. This contrasts with the comments of the applicant saying the surrounding buildings were of little architectural merit. It is an interesting concept in that the proposed construction materials would grow old gracefully;

Selective mention of neighbouring buildings. Our property at 24 Spital is 12 feet from the site and yet its architectural merit and the impact the proposed building would have on it is not taken into consideration in the proposal brief. No steps seem to be taken to stop the proposed building invading the privacy of the surrounding properties, for example using obscure glass as recently stipulated in 6,8,10 Spitals, Council funded refurbishment.

Location to bus station. Had the applicants done their homework; by contacting environmental health and the local MSP they would know that the bus station causes significant noise and light pollution for the local residents. Bus washing takes place from 10.30 pm till approximately 1.30 am in a building directly in line with the proposed development 7 days a week and is really noisy.

Bus maintenance also takes place during the night. Therefore the statement saying the proposed development is remote from the operational noise sources is incorrect. The bus station (including the employees car park) is illuminated all night with tall high luminosity lamps which would directly spill into the proposed development. The students sitting out alfresco would be subjected to the diesel emissions from the buses as evidenced by the monitoring stations. Exposure to diesel emissions causes serious health issues

Upgrading/opening up of St Peters Lane in proposed design brief/application details. This would need to have the permission of all stakeholders of the Lane before it could happen. This has not been done. During construction the Lane would not be accessible to those who have a right to use it.

Effect on neighbouring properties during construction. Many properties experienced shaking and cracking during the construction of the bus station. How is the proposed developer planning on indemnifying the surrounding properties?

Parking provision. Parking is a major issue in the area. The surrounding vicinity is the first unrestricted car parking area from the centre of the city and from the University. The area is full of parked cars from dawn to late evening. First Bus employees use the area to park despite having their own car park. The assumption that the majority of students do not have cars is incorrect. The allocation of car parking spaces to number of students is too low.

Provision of the sites own amenity. The development plans to parasitize the amenity provided by the surrounding properties, for example, the landscaped area for First Bus employees. Why should the development not provide its own green amenity?

Fire engine access. We are aware that fire appliances cannot access St Peter's Lane beyond the right angled bend at the northwest corner. Consideration should be given to this by stepping the building back or moving the proposed small green area on the north east of the site to this point.

Community make up. The area is already saturated with student accommodation. There is an imbalance in the area. Consideration should be given to permanent residents who have a stake in the area.

Supervision/Warden Service. There is no proposal to have the students and building supervised on a 24 hour basis. Aberdeen University provides this service in its halls of residence. Given the proposed density of students and the chance of issues occurring such as noise, not only to fellow residents in the block but the neighbours a provision for a permanent warden is needed within the building.

We urge the planning department to ask the developer to revise the plans and resubmit a building more in scale to the size of the plot and give more consideration to the effect it will have on the surrounding properties and neighbourhood.

Yours sincerely

Patrick and Jacinta Birchley

City Development Services Letters of Representation	
Application Number:	120946
RECEIVED	- 9 AUG 2012
Dev. (North)	<input checked="" type="checkbox"/> Dev. (South)
Cases Officer Initials:	CEE
Date Acknowledged:	9/8/12

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 26/07/2012 17:17
Subject: Planning Comment for 120946

Comment for Planning Application 120946
Name : Mr Richard & Mrs Teresa Harwood
Address : 37 Kings Crescent
Aberdeen
AB24 3HP

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : We object to the proposed development for the following reasons.

Old Aberdeen and in particular the Kings Crescent/ Spital area together with the environs already accommodates a huge student population who outnumber other residents and this development will exacerbate that precarious imbalance.

This is a very important historic area of Aberdeen and it is on the verge of becoming 'student land' with all its attendant problems. It is rapidly losing its character and as has happened in other cities, once lost will never be recovered.

Currently It is commonplace when walking around this area to find evidence of student antisocial behaviour and disregard for other residents and for the historic relevance the area holds for the City. Discarded carry-out meals, bottles and cans not to mention, stomach contents, are strewn onto pavements, streets and gardens on their return to their accommodation late at night or early in the morning following visits to 'the city centre to use the facilities and attractions it has to offer' and is usually accompanied by screaming, shouting, kicking over wheelie bins etc.etc

The students' inability to abide by local laws with regards to waste collection further exacerbates the area's decline. Waste bins are left overflowing on narrow pavements for days making difficult passage for pedestrians and encouraging further pollution by the gull population. An additional 90 students residing in St. Peter Street will have a detrimental effect on Old Aberdeen there are already too many students in this one small area.

Parking in this area is under pressure. Limited off street parking causes misery for current residents for various reasons not least the restrictions imposed during fixtures at Pittodrie Stadium and the area (a free parking zone) being used by college goers and town shoppers. The plans submitted show parking spaces for only 6 cars for a development catering for 90 residents, this cannot be considered.

A sympathetic planning strategy needs to be adopted for this area for the reasons above taking into consideration the residents who for many years have lived in and cared for this area and feel that we are being disregarded more and more with each new planning application.

Richard & Teresa Harwood
26/07/2012

4 Spital
Aberdeen
AB24 3HS
19th July 2012.

Planning & Sustainable Development
Aberdeen City Council

Dear Sir,

Planning Application 120946
(34-36 St Peters Street)

I wish to object to the proposed development on the following grounds:

1. The height of the building of 5 floor levels or 50 feet (16 metres) is out of keeping with the surrounding buildings. The developers boast of the view which the occupants of the new building will have, but it will destroy my view.
2. A solid phalanx of windows will face my rear window and will form an unacceptable invasion of privacy. The previous block of flats at 36 St Peters Street which occupied the site only presented a gable end (with no windows) towards me. Could not the layout be changed so that this wall of windows faced east and the courtyard faced west, a mirror image of the proposed scheme?
3. There is inadequate allowance made for car parking for 90 students. A neighbouring student development further down St Peters Street has 28 off-road parking places for a similar number of students. If only six parking places are provided at the proposed development there will be great competition for street parking in St Peters Street and the surrounding area.

Yours faithfully,



Fred Nimmo

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 17/07/2012 20:20
Subject: Planning Comment for 120946

Comment for Planning Application 120946
Name : Mr Alastair Thomson.
Address : 8A Spital
Aberdeen
AB24 3HS

Telephone :

Email :

type :

Comment ; While I don't have any objection to the principle of redevelopment of the site, I do have some specific concerns about the development that I want to express.

1. Overdevelopment of a small site, with lack of outdoor amenity space for residents.
2. The small number of new parking spaces is barely adequate for service vehicles and pick-up/drop-off for a development of this size. This will put further pressure on already limited parking space for residents in the Spital.
3. By way of comparison, the existing St Peter's Halls of Residence have a much greater amenity area and parking space per resident.
4. I note that the proposed Site Plan shows Possible new openings in neighbouring boundary garden wall; for properties in the Spital that back onto the site. I am concerned that due to lack of outdoor amenity space at the proposed development, the developer sees the back gardens of neighbouring properties as overspill amenity for the development. I believe that this wording should be deleted from the plans, as if approved, the developer may take this as permission being granted to use the garden space without the owners consent.
5. I request that the developer makes good any damage caused during construction, particularly to boundary walls of neighbouring properties.
6. I am concerned that with this development, pedestrianisation; of St Peters Lane may restrict vehicle access to the current and any future garages that use this lane for access. The deeds for the properties at numbers 6, 8 & 10 Spital show that the owners have the right to build garages in the garden space, and this could be denied if the lane was completely closed to vehicles.

20/07/12

Dear Sirs,

OBJECTION TO PROPOSED 90 STUDENT ROOM DEVELOPMENT AT ST PETERS STREET ABERDEEN

We as owners of the adjacent property at St Peters Street would like to lodge an objection to the aforementioned development for the following reasons.

- * This is a residential area and a concentrated block of student accommodation will affect the amenity of existing residents.
- * There is insufficient parking: the current standard seeks 1 space for every 5 persons students =18 or 33% is provided which is unacceptable.
- * The open access balcony is not a common feature in Aberdeen (albeit one of only examples in an established property is immediately adjacent) The potential noise nuisance from this open access balcony is unacceptable.
- * The design is not a high standard and shows no respect for the original tenements in the Spital and further along St Peter Street.
- * In the supporting design statement it is claimed that the development has a public face. This is not the case as the building does not fill the frontage of the site. The building will appear boxy as it has the same materials to practically all elevations.
- * The front door is not obvious and the desire to create a live frontage in the form of a gym is not consistent in an established residential area.
- * Item 5 in the design statement claims that "repeated standard units.....are not acceptable?. The design is of exactly this : repeated units side by side and on each floor.
- * We would also strongly disagree with the statement 4.3 that the St Peter Street frontage has been carefully considered and modelled to create a high degree of visual interest.

Yours sincerely,

[REDACTED]
(Director)

THE GALLERIA SHOPPING CENTRE
BON ACCORD STREET / LANGSTANE PLACE ABERDEEN AB11 6FB
TEL [REDACTED] FAX [REDACTED]
EMAIL [REDACTED]

ABERDEEN CITY COUNCIL

COMMITTEE:	Council
DATE:	1 May 2013
DIRECTOR:	Stewart Carruth
TITLE OF REPORT:	Appointment of a New Member to Aberdeen City Licensing Board
REPORT NUMBER:	CG/13/045

1. PURPOSE OF REPORT

The purpose of this report is to advise the Council that Councillor Jaffrey has resigned from the Licensing Board and to request it follows the statutory procedure for electing a new member to the Board.

2. RECOMMENDATION(S)

That the Council elect a new member to the Licensing Board.

3. FINANCIAL IMPLICATIONS

The cost of the new member's statutory training will be met from their training budget.

4. OTHER IMPLICATIONS

Once elected by the Council each new member of the Licensing Board must, within 3 months of being elected or re-elected complete training. A member of the Licensing Board must not take part in any of the proceedings of the Board until the member has produced to the clerk to the Board their Scottish Licensing Board Members' Certificate (SCLBM), within 1 month of the expiry of the relevant 3 month period.

Training requires to be arranged for the new member as soon as possible and may require travel to an appropriate training centre.

5. BACKGROUND/MAIN ISSUES

At its meeting on 16 May 2012 the Council determined to have 9 members of the Licensing Board.

Resignation from the Licensing Board may be given at any time by giving notice to the clerk to the Board. A Board member has resigned and the relevant notice was provided.

The resignation means that there is a vacancy in the membership of the Licensing Board.

Where there is such a vacancy the Council must, at its first meeting after the vacancy arises, hold an election to fill the vacancy. Members are therefore recommended to elect a new member to the Board.

6. IMPACT

Corporate – Election of a new member to the Licensing Board shall assist the Council in meeting its statutory requirements under the Licensing (Scotland) Act 2005 (“the Act”).

Public - This report may be of interest to members of the public as the Licensing Board discharges statutory functions under the Act regulating the sale of alcohol, regulating licensed premises and other premises where alcohol is sold and for connected purposes.

Equality and Human Rights - An Equality and Human Rights Impact Assessment was not prepared as the report has no impact in terms of the public sector equality duty or the equality strands.

7. BACKGROUND PAPERS

Schedule 1 to the Licensing (Scotland) Act 2005.

8. REPORT AUTHOR DETAILS

Christine McWhirter
Administration Officer
Litigation and Licensing Team

Email: cmcwhirter@aberdeencity.gov.uk
Tel: 01224 523411

ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	1 May 2013
DIRECTOR	Stewart Carruth
TITLE OF REPORT	Community Planning in Aberdeen - A Report by Audit Scotland
REPORT NUMBER:	CG/13/057

1. PURPOSE OF REPORT

The report presents:-

- i. a report by Audit Scotland concerning Community Planning in Aberdeen; and
- ii. a further report by Audit Scotland "Improving Community Planning in Scotland".

2. RECOMMENDATION(S)

It is recommended that the Council:-

- i. note the reports; and
- ii. note that Community Planning Aberdeen has put in place a Development Plan, to support the delivery of the new Single Outcome Agreement, which addresses the improvement items identified by Audit Scotland.

3. FINANCIAL IMPLICATIONS

There are no direct implications arising from this report.

4. SERVICE & COMMUNITY IMPACT

There are no direct implications arising from this report, however, the Community Planning Partnership's, management of the Single Outcome Agreement will have considerable impact on the community.

5. OTHER IMPLICATIONS

None.

6. Community Planning in Aberdeen Audit

6.1 Community Planning Aberdeen (CPA) volunteered to participate in a pilot programme of new audits of community planning in Scotland. As well as Aberdeen, pilot audits were also completed in Scottish Borders and North Ayrshire.

6.2 The findings of The Accounts Commission are in line with the partnership's expectations at the commencement of the audit. Those findings include acknowledgement of the partnership's self-awareness.

6.3 In summary, the report highlights:-

- the difficulties of demonstrating the impact which partnership working has had on outcomes for the city;
- the deep rooted and complex nature of the issues which all community planning partnerships are seeking to tackle;
- that Community Planning Aberdeen now has a good basis for meeting these challenges; and
- that further and sustained development work will be needed for community planning to realise its full potential.

3.4 The following table lists the improvement items identified and shows Community Planning Aberdeen's response to these:-

Improvement Item	Community Planning Aberdeen Action
Identify a limited number of strategic priorities on which the community planning partnership can make an impact	Delivered through new Single Outcome Agreement (SOA)
Ensure that CPA has a strategic oversight of all significant partnership working to help ensure that there is a match between resources and strategic priorities	Included in CPA Development Plan as review of "Governance"
Review the approach to community engagement to help avoid any duplication of effort by different organisations	Included in CPA Development Plan as review of "Communication and Engagement"
Review the level of representation of partner organisations, to help ensure that CPA Board members have sufficient seniority to contribute to decision-making.	Revised arrangements considered and agreed by CPA
Strengthen the scrutiny of performance, by regularly providing monitoring reports to Thematic Groups and to the CPA Board.	Included in CPA Development Plan as review of "Performance Management"
Hold partners to account for their	Included in CPA Development Plan as

contribution to shared objectives and use this to help drive improvements.	review of "Performance Management"
For each strategic priority, set performance targets that provide a stronger focus on outcomes and community impact.	Addressed through Single Outcome Agreement
Ensure that reliable performance data is available to match targets. Avoid setting targets that cannot be monitored.	Addressed through Single Outcome Agreement
Assess the impact made by Fairer Scotland and Challenge Funds.	This was ongoing. Further evaluation across all Community Planning Aberdeen funds is being undertaken.
Identify the total resources available to all partners and determine how resources can be targeted and aligned towards agreed priorities and outcomes.	Included in CPA Development Plan as review of "Budgeting and Pooled Resources"
Assess the impact of the Whole Systems Approach, currently being piloted in education and community safety	This was ongoing and will continue.

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Community planning in Aberdeen



Prepared for the Accounts Commission and the Auditor General for Scotland
March 2013

The Accounts Commission

The Accounts Commission is a statutory, independent body which, through the audit process, requests local authorities in Scotland to achieve the highest standards of financial stewardship and the economic, efficient and effective use of their resources. The Commission has four main responsibilities:

- securing the external audit, including the audit of Best Value and Community Planning
- following up issues of concern identified through the audit, to ensure satisfactory resolutions
- carrying out national performance studies to improve economy, efficiency and effectiveness in local government
- issuing an annual direction to local authorities which sets out the range of performance information they are required to publish.

The Commission secures the audit of 32 councils and 45 joint boards and committees (including police and fire and rescue services).

Auditor General for Scotland

The Auditor General for Scotland is the Parliament's watchdog for helping to ensure propriety and value for money in the spending of public funds.

She is responsible for investigating whether public spending bodies achieve the best possible value for money and adhere to the highest standards of financial management.

She is independent and not subject to the control of any member of the Scottish Government or the Parliament.

The Auditor General is responsible for securing the audit of the Scottish Government and most other public sector bodies except local authorities and fire and police boards.

The following bodies fall within the remit of the Auditor General:

- directorates of the Scottish Government
- government agencies, eg the Scottish Prison Service, Historic Scotland
- NHS bodies
- further education colleges
- Scottish Water
- NDPBs and others, eg Scottish Enterprise.

Audit Scotland is a statutory body set up in April 2000 under the Public Finance and Accountability (Scotland) Act 2000. It provides services to the Auditor General for Scotland and the Accounts Commission. Together they ensure that the Scottish Government and public sector bodies in Scotland are held to account for the proper, efficient and effective use of public funds.

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Commission findings



1. We are grateful to Community Planning Aberdeen for volunteering to take part in one of the three early audits of community planning, especially at this time of significant change.

2. These findings should be considered alongside the Commission's general conclusions on community planning in Scotland, published in our accompanying report. Community planning provides a clear opportunity to deliver a step change in the performance of public services. We have found that partnership working is well established and there are many examples of joint working that are making a difference for specific communities. But Community Planning Partnerships (CPPs) are not yet able to demonstrate that they have had a significant impact in delivering improved outcomes across Scotland.

3. The need to improve performance goes beyond individual CPPs. Delivering change to help meet the demanding requirements of the Statement of Ambition for community planning will require strong and sustained leadership at national and local level.

4. This will not be straightforward: the outcomes that CPPs are trying to improve are complex and deep rooted. CPPs therefore need to be clearer about their priorities for improving their area. They need to focus their efforts through using their combined resources, skills and expertise.

5. Community Planning Aberdeen has shown increasing self-awareness in recognising how it needs to improve. Recent improvements in governance structures have helped provide momentum, but commitment from all partners, particularly NHS Grampian, needs to be clear and consistent. The partnership needs to show better leadership to get more out of community planning for the city. We note the lack of evidence of significant impact that partnership working has had on outcomes for the city.

6. A new long-term vision for the city provides a good basis, but this vision needs to be supported by clear priorities that are reflected in an agreed plan of action and in partners' own plans.

7. The piloting of a new 'whole systems approach' is a potentially significant initiative, but we note that it is too early to assess its effectiveness. We welcome the increasing emphasis on preventative work. The partnership needs to complement such initiatives with a more effective approach to joint resourcing and a better focus on managing performance in relation to outcomes.

8. We are encouraged by the recent changes seen in the partnership, but this momentum needs strengthened and maintained.

The audit of community planning



Background

1. Community planning is the process by which councils and other public bodies work together, with local communities, the business and voluntary sectors, to plan and deliver better services and improve the lives of people who live in Scotland.

2. Community planning was given a statutory basis by the Local Government in Scotland Act 2003 (the Act). Under the Act:

- Councils have a duty to initiate, facilitate and maintain community planning.
- NHS boards, the police, the fire and rescue services, and the enterprise agencies (Scottish Enterprise and Highlands and Islands Enterprise) have a duty to participate in community planning. This duty was later extended to Regional Transport Partnerships.¹
- Community Planning Partnerships (CPPs) are required to engage with communities, report on progress, and publish information on how they have implemented their duties and how outcomes have improved as a result.²
- Scottish ministers, through the Scottish Government and its agencies, have a duty to promote and encourage community planning.
- Councils can invite other bodies such as colleges, higher education institutions, business groups, voluntary organisations and community groups to take part in community planning, although these are not statutory partners.

3. All councils have established a CPP to lead and manage community planning in their area. CPPs are not statutory committees of a council, or public bodies in their own right. They do not directly employ staff or deliver public services. Under Section 19 of the Act, it is possible for the CPP to establish the partnership as a legally distinct corporate body. Some CPPs have considered this option but, to date, none has taken it forward.

4. The structure of CPPs and the areas they cover vary considerably, depending on the size and geography of the council area, the local economy, local political priorities, and socio-demographic factors such as age, gender, and relative wealth.

The Christie Commission and the Scottish Government and COSLA review of community planning

5. Between 2011/12 and 2014/15, the Scottish Government's spending will fall by 5.5 per cent (£1.5 billion) in real terms.³ Reductions of this scale are a significant challenge for the Scottish public sector. The Christie Commission report on the future of public services highlighted the need for a new, more radical, collaborative culture throughout Scotland's public service. It called for a much stronger emphasis on tackling the deep-rooted, persistent social problems in communities across the country to enable public bodies to respond effectively to these financial challenges.⁴

6. The Scottish Government's response to the Christie Commission included a commitment to review community planning. That review led to the publication of a Statement of Ambition for community planning which stated that effective community planning arrangements will be at

the core of public service reform. CPPs will drive the pace of service integration, increase the focus on prevention and continuously improve public service delivery to achieve better outcomes for communities.⁵ The Statement of Ambition also emphasises the need for all partners to have collective accountability for delivering services. This includes being accountable for their own contribution to local planning.

Previous audits of community planning and partnership working

7. Audit Scotland's national report *Community planning: an initial review*, 2006, found that there had been some progress with community planning, but that important issues needed to be dealt with:

- The complexity of community planning structures and different accountabilities could be a barrier to effective working.
- Performance management and monitoring processes were not well developed.
- Community engagement could be more sustained and systematic.
- CPPs should be clearer about the resources required to achieve their outcomes.⁶

8. Audit Scotland's 2011 national report, *The role of community planning partnerships in economic development*, found that:

- CPPs had supported local economic developments
- the introduction of Single Outcome Agreements (SOAs) had improved how CPPs monitor and report progress

¹ Transport (Scotland) Act 2005.

² The Local Government in Scotland Act 2003 – *Community Planning: Statutory Guidance*, Scottish Executive, 2004.

³ Table 6.02 – Departmental Expenditure Limits, applying the following deflators: 2012/13 = 2.5 per cent; 2013/14 = 2.7 per cent; 2014/15 = 2.7 per cent, *Scottish Spending Review 2011 and Draft Budget 2012-13*, Scottish Government, September 2011.

⁴ *The Commission on the Future Delivery of Public Services*, Christie Commission, June 2011.

⁵ *Review of Community Planning and Single Outcome Agreements: Statement of Ambition*, Scottish Government and COSLA, March 2012.

⁶ *Community planning: an initial review*, Audit Scotland, 2006.

9. However, it also found that many of the problems identified in 2006 persisted.⁷

10. Audit Scotland's 2011 national report on Community Health Partnerships (CHPs) found that approaches to partnership working had been incremental and there was a cluttered partnership landscape. CHPs were set up in addition to existing health and social care partnership arrangements in many areas. This had contributed to duplication and a lack of clarity of the role of the CHP and other partnerships in place in a local area. Partnership working for health and social care requires strong, shared leadership by both NHS boards and councils. Differences in culture, planning and performance management arrangements are barriers that need to be overcome.

About the audit

11. The role of community planning in improving Scotland's public services has become increasingly important. The Scottish Government therefore asked the Accounts Commission to lead development work to prepare an outline case on how external audit and inspection might hold CPPs to account for their performance and help them to deliver better outcomes.

12. The Commission and the Auditor General for Scotland worked with their scrutiny partners (Education Scotland, Care Inspectorate, Her Majesty's Inspectorate of Constabulary for Scotland (HMICS), the Scottish Housing Regulator (SHR) and Healthcare Improvement Scotland). It worked with the Convention of Scottish Local Authorities (COSLA), the Society of Local Authority Chief Executives (SOLACE) and the Scottish Government. The Accounts Commission and the Auditor General developed an audit framework

designed to strengthen the accountability of CPPs and supporting improved performance.

13. Those proposals were submitted to the Cabinet Secretary for Finance, Employment and Sustainable Growth in June 2012.

14. Aberdeen, North Ayrshire, and the Scottish Borders CPPs agreed to participate in three early audits to help the Accounts Commission and the Auditor General for Scotland test the CPP audit framework. For the first time, these audits focus on the impact and effectiveness of individual CPPs, rather than community planning as a national process.

15. The overall aim of our audit was to assess the effectiveness of community planning in making a difference to local communities. We did this by gathering and evaluating evidence to allow us to answer the following four questions:

- **Strategic direction** – has the CPP set a clear strategic direction, with clear improvement priorities, agreed by all partners, which reflect the needs of the area, and are based on effective community engagement?
- **Governance and accountability** – does the CPP have effective governance and accountability arrangements, and is it able to demonstrate effective shared leadership which ensures improved outcomes for the area?
- **Performance management and use of resources** – has the CPP established effective performance management arrangements which are delivering performance improvements, including effective self-evaluation arrangements; and securing best use of public resources, including service integration?

- **Impact and outcomes** – can the CPP show its actions are making a difference for the area and improving outcomes for local people?

16. The audit of Aberdeen's CPP was carried out in September 2012, by a team from Audit Scotland, with support from the Care Inspectorate, Education Scotland and Her Majesty's Inspectorate of Constabulary Scotland (HMICS). We gratefully acknowledge the cooperation and assistance provided to the audit team by all the CPP partners and representatives involved in the audit. We are particularly grateful for the constructive approach adopted by the CPP to the audit process at a time of significant change and development for the CPP in response to the Scottish Government and COSLA community planning review.

7 *The role of community planning partnerships in economic development*, Audit Scotland, 2011.

Summary



17. Community planning has been established for almost a decade in Aberdeen. Over this period, partnership working between different parts of the public sector has steadily developed. Despite this, there is little evidence to show that community planning has had a major impact on people living in Aberdeen. Significant differences remain between the least and most deprived communities in aspects such as health, crime and education levels gaps. Community Planning Aberdeen (CPA) has recognised the need for improvements and has started to implement a series of ambitious reforms. It is, for example, piloting a greater emphasis on preventative work. CPA has shown that it is now starting to move in the right direction. However, it still has much to achieve before it will be able to meet the aspirations set out in the Statement of Ambition.

18. Aberdeen is a prosperous city. As the 'energy capital of Europe', its economy remains strong. Unemployment and benefits dependency are well below national levels and average earnings are relatively high. Reflecting this affluence, average life expectancy is higher than in other parts of Scotland.

19. Within this picture of overall prosperity, however, Aberdeen faces some important challenges. Some of these reflect national issues, such as managing the impact of the global recession and maintaining health and social care services for an ageing population. Others are more specific to Aberdeen, with sharp differences between affluent and deprived parts of the city, not just economically but also in terms of health and education. There are also high levels of drug and alcohol abuse, and relatively high crime levels.

20. It has long been recognised that tackling these complex and deep-seated issues requires strong and effective partnership working. In 2003, The Aberdeen City Alliance

(TACA) was established, consisting of Aberdeen Council and its local public and private sector partners, as the key group for improving outcomes for local people. TACA developed a series of community plans, setting out long-term plans for developing the local economy, reducing inequalities within the city, and improving health, education and community safety. These led to the first SOA in 2008, which aimed to establish a more structured approach to directing resources towards agreed improvement areas, and monitoring progress against local and national targets.

21. Over the past decade, joint working has steadily developed within Aberdeen. A series of Challenge Forums were established, bringing together local organisations and coordinating their work. A Community Health Partnership has been successfully established, designed to strengthen the links between health and social care services. In addition, other groups were established to address particular areas of concern, such as the Aberdeen Drugs and Alcohol Partnership and the Integrated Children's Services Partnership.

22. The challenges facing community planning partnerships are complex. Deep-seated social issues can take many years, if not decades, to resolve. In addition, with many factors at play, it can be difficult to match partnership actions and investments with subsequent changes in community outcomes such as health and deprivation. However, there is little evidence to show that this increased partnership working had any significant impact in tackling the sharp inequalities within Aberdeen. Together, local partners in Aberdeen spend over £866 million a year, with a further £451 million spent by the Department of Work and Pensions (DWP). But TACA has not had a significant impact on redirecting resources towards partnership priorities.

23. By 2011, there was a growing awareness by Aberdeen Council and its partners that they needed to make significant changes in their approach to community planning. Following an external review, TACA was replaced by CPA. This has led to a series of reforms. A CPA Board, consisting of eight members, has been created to help improve decision-making. Governance structures have been simplified, with the 14 Challenge Forums replaced by six Theme Groups. Needs assessments are being carried out to help identify the key community priorities which need to be addressed by CPA. And a new long-term Vision for Aberdeen has been established.

24. CPA has also started to put a greater emphasis on preventative work. It has piloted a new whole-systems approach, which aims to shift partner resources from dealing with social problems to preventing them. There are two pilot projects, in education and community safety. While it is too early to assess their impact, they do provide a potential model of how public organisations can work together more effectively.

25. Despite these significant changes, CPA knows that it still has much to do before it will be in a position to meet the challenging agenda set out in the joint Scottish Government and COSLA Statement of Ambition for community planning. A Development Plan has recently been approved by the CPA Board, aimed at improving performance management, governance and accountability, and community engagement.

26. In addition, there are other, more difficult issues, that the partnership is now planning to address:

- Ensuring that all key public sector leaders, particularly from NHS Grampian, are committed to CPA acting as the strategic coordinating group for partnership working and public service reforms locally.

- Agreeing a clear set of shared priorities that focus on what is important for Aberdeen, rather than try to meet every aspiration.
- Ensuring that shared community planning priorities are embedded in the strategies and resourcing plans of partner organisations.
- Developing a joint resourcing framework, underpinned by a better understanding of costs and service impact, and using this to shift resources towards preventative work which can generate long-term savings or improved outcomes.
- Establishing a strong focus on outcomes that will allow it to monitor the impact it is having on individuals and communities within Aberdeen and to hold partners to account for their performance.

27. There are also barriers at a national level which will need to be overcome. For example, there is a need for the Scottish Government to avoid short-term funding of initiatives aimed at addressing long-term issues. Similarly, there is a need to ensure that performance data that is collected nationally is regularly updated and collected at consistent ward or data zone levels to help monitor any progress in reducing deprivation and inequalities.

28. CPA has shown that it is now starting to move in the right direction. Its revised structures and processes provide a good framework to meet the more demanding expectations of community planning partnerships that are set out in the Statement of Ambition. However, it has a long way to go before it will be able to meet the aspirations set out in the Statement of Ambition. The CPA Board will need to provide sustained leadership, with all partner organisations aligning their work and, perhaps more importantly, their resources to achieve its wider community priorities.

Part 1. Local context



Community planning in Aberdeen

29. Aberdeen City Council, in consultation with other local organisations, published its first community plan in 2001. This was followed by the establishment of a formal Community Planning Partnership, known as The Aberdeen City Alliance (TACA). This included representatives from over 30 local organisations, such as NHS Grampian, Grampian Police, Grampian Fire & Rescue, and local colleges and universities. It also included representatives from the business and voluntary sectors.

30. In addition to TACA, several regional structures were also

maintained, recognising that some strategic issues, such as the economy or transport, needed to be addressed in a wider context. The Aberdeen City and Shire Economic Future (ACSEF) represents business interests. NESTRANS acts as the transport partnership for Aberdeen City and Aberdeenshire.

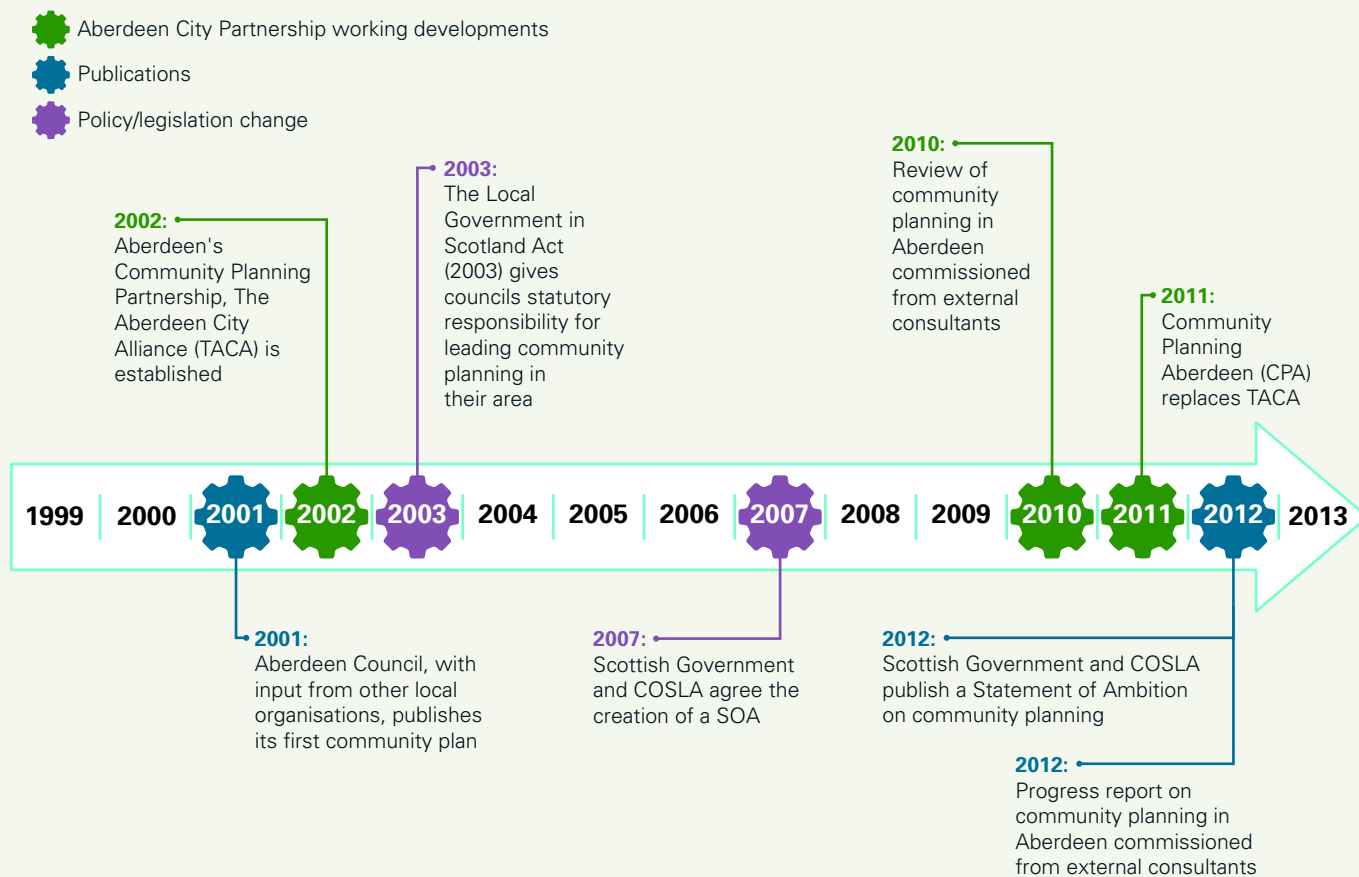
31. In 2008, following the national Concordat agreement between the Scottish Government and local authorities, TACA published a combined Community Plan and Single Outcome Agreement (SOA). This sought to combine local and national priorities and to provide a more structured approach to setting targets and monitoring progress ([Exhibit 1](#)).

32. A number of local initiatives were introduced during this period, such as the introduction of locality-based planning, the chairing of TACA by a community representative, and moves to make TACA an incorporated company. However, by 2011 there remained long-standing frustrations that community planning had not delivered significant changes for the people of Aberdeen. Following a locally commissioned review in 2010, TACA was disbanded and replaced by CPA. This started a series of reforms in community planning structures and management arrangements:

- A new Vision for Aberdeen has been agreed.

Exhibit 1

Timeline of community planning in Aberdeen



Source: Audit Scotland

- A CPA Board of eight members has been created.
- The 14 Challenge Forums, which supported TACA, have been replaced with six theme groups.
- Two whole-systems approach pilots have started to provide a greater emphasis on preventative work in community safety and education.

33. At the time of our audit, CPA was in the process of overseeing further changes in community planning within Aberdeen. A Development Plan, agreed by the CPA Board in October 2012, sets out plans to establish a new Community Plan and SOA. This is a clear response to the main themes in the Statement of Ambition, placing a greater emphasis on the preventative agenda, the best use of shared resources and a sharper focus on outcomes and their impact on the community.

Local economy

34. Aberdeen City is a major global centre for the oil industry. The energy sector provides a greater percentage of jobs in Aberdeen than in Scotland as a whole (ten per cent of jobs compared with two per cent for Scotland). In turn, this supports other areas of employment such as retail, wholesale and hotels (21 per cent), finance and business (21 per cent) and other service industries, such as public administration and education (30 per cent). With a large oil industry, the public sector makes up a significantly smaller proportion of the local economy than in other parts of Scotland.

35. Even in a time of general recession, Aberdeen's economy is relatively buoyant. A higher proportion of its population (67 per cent) are of working age compared with the Scottish average of 63 per cent. Only 5.4 per cent of Aberdeen's economically active population are

unemployed, compared with 7.9 per cent for Scotland. Similarly, a lower proportion of Aberdeen's working age population claim key DWP benefits (11.2 per cent, compared with the Scottish average of 16.5 per cent).

36. Gross average weekly earnings in Aberdeen are also high at £481, well above the Scottish average of £432.

Health

37. People in Aberdeen are relatively healthy. The average life expectancy for both males (76.3 years) and females (80.9 years) is slightly above the Scottish average (75.8 and 80.4 respectively).

38. Within this overall picture, however, there are areas of concern. The proportion of its population hospitalised for alcohol- and drug-related causes is significantly worse than the Scottish average. In 2010/11, Aberdeen had 842 hospital patients per 100,000 population with an alcohol-related diagnosis, compared with the Scottish average of 695. Similarly, Aberdeen's rate for diagnosis of drug misuse was 211 per 100,000 population, compared with 123 for Scotland as a whole.

School attainment levels

39. There is no consistent picture of educational attainment levels for Aberdeen's schools. At S4 level, attainment levels have improved significantly over the past decade. But they have remained consistently below the Scottish average. In 2009/10, the average S4 tariff scores for pupils in Aberdeen was 177, compared with 182 for Scotland as a whole.

40. In contrast, attainment levels for S5 pupils in Aberdeen are slightly higher than the Scottish average. In 2011, 27.2 per cent of pupils in Aberdeen gained three or more Highers, compared with 26.3 per cent in Scotland as a whole.

Crime levels

41. Aberdeen has relatively high levels of crime. While these have fallen significantly over the past decade, they have remained consistently above the Scottish average. In 2010/11, for example, 2,120 crimes per 10,000 population were recorded for Aberdeen, compared with the Scottish average of 1,634.

42. To some extent, this simply reflects the urban nature of Aberdeen. However, its crime rates are second only to Glasgow and are higher than those for Edinburgh and Dundee. Reported levels of domestic housebreaking are particularly high in Aberdeen (72 crimes per 10,000 population, compared with the Scottish average of 34). Domestic abuse and offences related to drugs and alcohol are also of particular concern.

Environment

43. Aberdeen has a direct economic interest in environmental issues. With an expected long-term decline in oil and gas reserves, the CPP has sought to encourage the creation of jobs in sustainable energy. The Department of Trade and Industry, for example, has based its renewables headquarters in the city. This aims to maximise jobs and investment in renewables worldwide.

44. Aberdeen's carbon footprint has been estimated at 12.9 tonnes per head of population, broadly in line with other Scottish cities.

45. Transport is a significant contributor to the city's impact on the environment, with many people commuting into Aberdeen from surrounding areas. Around 71 per cent of people use their car to travel to work. Major capital projects, such as a city bypass, are planned to help improve the transport infrastructure.

Deprivation levels in Aberdeen

46. Overall, as might be expected for a relatively prosperous city, Aberdeen does not have a high proportion of Scotland’s most deprived areas. It contains 267 data zones used to compile the Scottish Index of Multiple Deprivation (SIMD). Of these, only 22 (8.2 per cent) were in the 15 per cent most deprived data zones in Scotland in 2012.

47. Within this overall picture, however, there are some significant variations in terms of the individual components which make up the overall SIMD scores (Exhibit 2). Aberdeen has particularly low levels of deprivation for employment, income, and services and facilities. In contrast, significantly more parts of the city are in Scotland’s most deprived areas for crime, health, and housing.

48. These significant variations in deprivation levels, with sharp contrasts in local socio-economic indicators which tell a tale of two cities (Exhibit 3, overleaf). Some wards, such as Lower Deeside and Hazlehead/Ashley/Queens Cross, are among the most affluent in Scotland. Other parts of the city, such as the Northfield and Torry/Ferryhill wards, have high levels of deprivation which are accompanied by high levels of crime, low education performance, and significant health concerns. This represents a significant challenge for Aberdeen’s Community Planning Partnership which has a long-standing objective to reduce inequalities within the city.

Exhibit 2

Levels and types of deprivation in Aberdeen

Aberdeen has more data zones in Scotland’s most deprived areas for crime and health than for other domains.

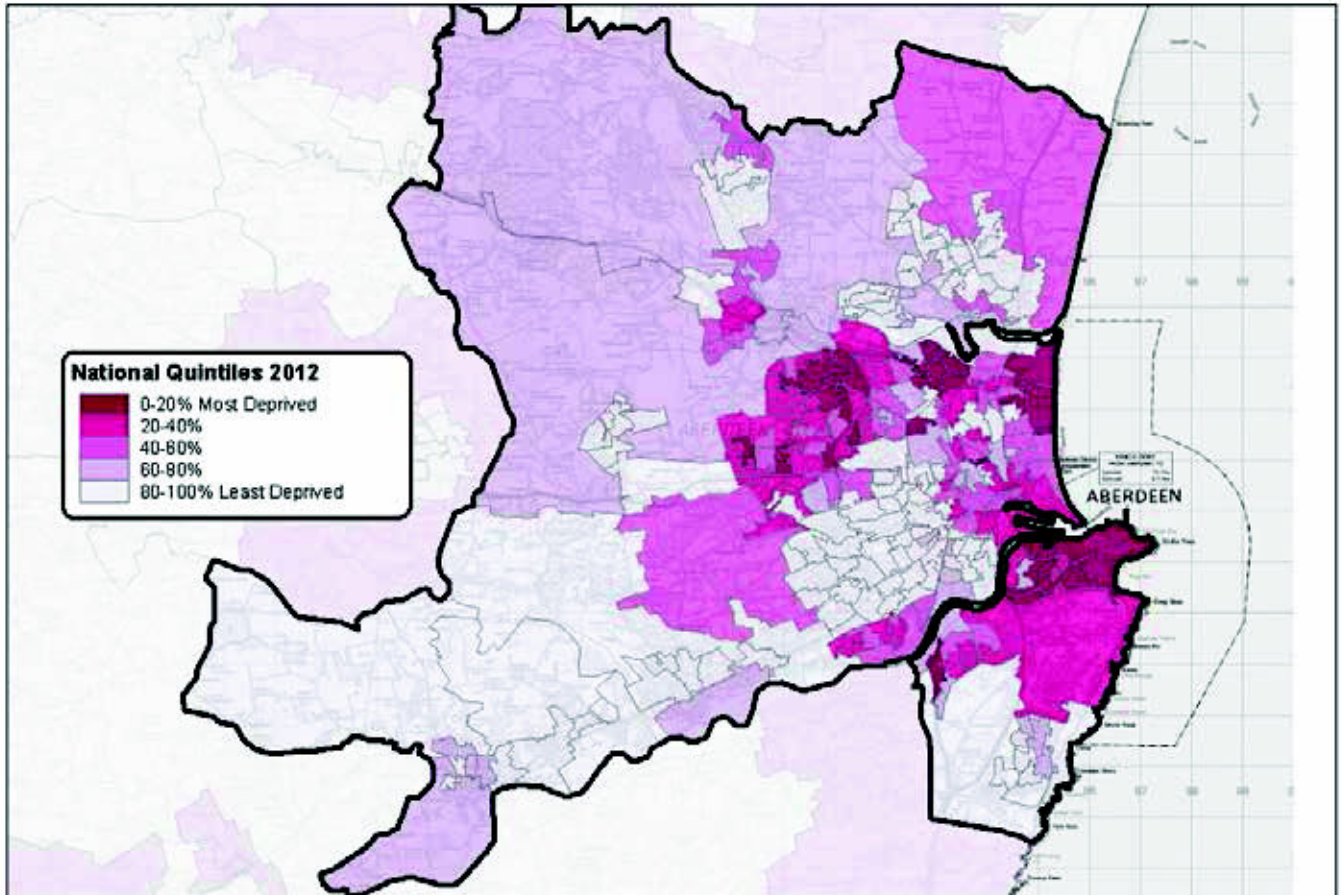
Number of Aberdeen’s 267 data zones which are in Scotland’s 15 per cent most deprived areas:

	Crime	49
	Health	48
	Housing	41
	Education	34
	Employment	14
	Income	12
	Access	10

Source: Scottish Government: Scottish Index of Multiple Deprivation (SIMD), 2012

Exhibit 3

Affluent and deprived areas in Aberdeen



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Source: Scottish Government: *Scottish Index of Multiple Deprivation (SIMD)*, 2012

Part 2. Leadership and governance



In previous years, the Aberdeen City Alliance did not provide strong leadership or decision-making

49. The Local Government in Scotland Act 2003 recognised the leading role of local authorities in relation to community planning. But it also indicated that the leadership role should be carried out by the organisation best placed to discharge this role and that participating partners should be encouraged to lead on appropriate themes.⁸ The Scottish Government and COSLA Statement of Ambition for community planning reinforces the importance of shared leadership, with its emphasis on CPPs being genuine boards, with all the associated authority, behaviours and roles that this implies, for both them and constituent partners.

50. When TACA was formed in 2002, it had 30 members. This helped to ensure a broad representation from Aberdeen's public, private and voluntary sectors. However, this wide membership did not promote effective decision-making. Increasingly, it became seen as a discussion forum, useful for developing organisational relationships and sharing information, but not for driving forward changes in service delivery and improving outcomes for local people.

51. In addition, membership of TACA was often not at a sufficiently senior level which meant individuals often had very limited delegated authority from their organisations to commit their organisations to actions. This hindered TACA's ability to make decisions and ensure these were implemented.

The strategic leadership of community planning in Aberdeen has improved, but there is still a need to strengthen NHS engagement

52. CPA has now established a new structure, aimed at improving decision-making and accountability. It retains a broad representation from the local public, business and voluntary sectors. However, it has also created a smaller CPA Board, supported by six theme groups. There are three formal tiers to this new structure but many other groups also operate outwith this structure:

- **Tier 1** – CPA. This brings together 30 representatives from a wide range of local public business and voluntary organisations.
- **Tier 2** – CPA Board. This has eight members: the leader and chief executive of Aberdeen Council, ACVO chief executive, Community Health Partnership NHS general manager, Police area commander, Fire area commander, Civic Forum representative, and a business sector representative. The creation of this smaller group is designed to provide greater strategic decision-making.

- **Tier 3** – Strategic theme groups. There are six groups, covering: healthier, wealthier, fairer, greener, smarter, and safer and stronger. These replace the previous 14 challenge forums. Their aim is to focus on issues that cut across all the services the partners deliver and oversee their operational plans and performance ([Exhibit 4](#)).

53. It is too early to say whether the new structure will be any more effective as it has only been set up in recent months and few meetings have been held to date. The CPA Board has recognised the need to ensure that it has representatives from all key sectors and with sufficient delegated authority from their individual organisations. The CPA Board is now seeking to strengthen its representation from Higher and Further education, the business sector and from NHS Grampian.

54. There is also a need to strengthen the role of elected members. They can play an important role in leading and promoting community planning. However, in earlier years, they have provided little leadership in community planning. This has started to improve. The council leader now chairs CPA Board meetings and it has been agreed to increase the number of councillors on the board.

Exhibit 4

The number of partnership structures has been reduced

	TACA in 2002	CPA in 2012
Tier 1	30 members	Wide membership
Tier 2	–	8 members
Tier 3	14 Challenge Forums	6 theme groups

Source: Audit Scotland

However, much work still remains. Councillors we met during our audit were interested in practical examples of partnership working in their local wards, but unsure of the relevance of the Community Planning Partnership.

CPA is establishing clearer governance and accountability arrangements, but these need to be extended to partner organisations

55. Good governance is critical to successful partnership working as it provides a framework for managing performance and risks, and ensuring accountability. Audit Scotland published *Review of Community Health Partnerships in Scotland* in 2011 which sets out several key principles for good governance for partnership working. CPA has recently used these principles to assess its own governance and begun to address some areas for improvement.

56. Since 2002, when TACA was established, community planning in Aberdeen has been supported by 14 challenge forums. These aimed to provide operational oversight of plans and to monitor progress. It is now recognised by all key partners that this structure was cumbersome and ineffective. TACA did not properly scrutinise the work of the forums and rarely asked for, or was provided with, progress reports on what they were doing. Some forums, such as the Community Safety Partnership met regularly and had a strong focus on setting objectives and monitoring progress. Others, however, did not meet regularly, did not have well-developed strategies and action plans, and had poor links with other challenge forums.

57. CPA has now taken steps to greatly simplify these structures. The 14 challenge forums have been replaced with six theme groups. There are now plans for the CPA Board to receive regular progress reports from each of the theme

groups, on a cyclical basis. More time is needed to see how these proposals develop, but this new structure does provide an opportunity for clearer lines of accountability and greater focus on the links between different priorities.

58. However, there may still be scope for some further rationalisation of structures. Below the six theme groups, some challenge forums still operate. In addition, there are a number of other partnership groups, such as the Drugs and Alcohol Partnership. It is not yet clear how all of these fit within the overall structure and how they have been accountable to the CPA Board. Further work is now needed to clearly identify the specific and distinct roles, membership, responsibilities and accountabilities of the various groups and indeed whether all of these add value. For example, there is still a need to clarify the distinct roles, membership, responsibilities and accountabilities between tier 1 and tier 2, as these currently overlap.

59. There is also a need to embed community planning activity into each partner's formal governance and decision-making structures. Some partners, such as Aberdeen City Council and the police and fire and rescue services, provide board members with progress reports on partnership objectives. In other organisations, such as NHS Grampian, these arrangements are less clear.

CPA needs to oversee local public service reforms such as health and social care integration

60. The Scottish Government and COSLA review of community planning is clear that CPPs should maintain strategic oversight of the local implementation of broader aspects of public service reform. This includes health and social care integration and the

local impact of the creation of a single police service and fire and rescue service for Scotland. Until recently, the CPA Board has been focused on developing its own vision and strategy for the area and strengthening its leadership and governance arrangements.

61. It is now important that the CPA Board begins to influence these major reforms, to ensure they align with its new vision and SOA. The CPA Board needs to delegate some of the detailed planning, coordination and management to more mature partnerships that already exist, while ensuring that it receives regular updates on the progress of these developments, while also retaining responsibility for strategic decisions. The Aberdeen Community Safety Partnership, which has a line of accountability to the CPA Board, is better placed to take on police and fire reform planning. Similarly, the newly established Aberdeen Community Health and Social Care Partnership (CHSCP) could take on the planning for health and social care integration. Before this happens, the CPA Board must put measures in place so there is clear accountability between it and the CHSCP.

62. We would expect to see the CPA Board overseeing these developments very closely through perhaps having these as standard agenda items at every meeting, and requesting progress reports from the two partnerships already mentioned. However, so far, CPA has had limited involvement in planning for health and social care integration. Over the last year, for example, the CPA Board has received only one verbal progress update on this. It now needs to ensure it is able to both influence and learn from this major reform to ensure integration plans align with and support the delivery of partnership objectives.

There is a need to clarify responsibilities and improve links between the city and broader regional partnership groups

63. Many of the issues facing Aberdeen go beyond the city boundaries and can only be properly addressed on a regional basis. There are a number of regional groups that have been established to take this wider perspective. The Aberdeen City and Shire Strategic Development Planning Authority is responsible for joint strategic planning between the two councils in the North-East. The Aberdeen City and Shire Economic Future (ACSEF) represents business interests. NESTRANS acts as the transport partnership for Aberdeen City and Aberdeenshire. There is also a Chief Officers Group which brings together the chief executives from a wide range of public bodies throughout the region. There are also many other cross-organisational groups which operate at a regional level.

64. There is a need for CPA to continue to work with its counterparts across the region to examine options for coordinating the work of the various regional groups and to clarify the responsibilities between Aberdeen and the wider region, particularly for issues such as economic development and transport.

Part 3. Managing performance



In previous years, Aberdeen's community plans and Single Outcome Agreements have lacked a clear focus.

65. The Local Government in Scotland Act 2003 requires the CPP to develop and set out a joint vision, with shared objectives for the area and jointly agreed, challenging performance outcomes relating to service improvements.⁹ The Scottish Government and COSLA Statement of Ambition highlights the importance of CPPs developing an explicit and binding 'plan for place', that will deliver improved local outcomes. The plan should be underpinned by a clear and evidence-based understanding of local needs and opportunities, drawn from robust and relevant data.¹⁰

66. A Vision for Aberdeen has been in place since 2001 and accepted by all partners. However, despite this, the partnership lacked strategic focus. This is because the Vision was supported by 14 broad priorities setting out ambitious plans to tackle a wide range of issues across all aspects of community life. Although the number of priorities was reduced to ten in the first SOA in 2008, many partners still felt that there had been too many priorities and that partnership resources were spread too thinly. There have been subsequent revisions to the SOA but priorities still do not reflect the key issues that need to be addressed by partnership working. Instead, the SOA has continued to act as a passive summary of existing plans.

A new Vision and Single Outcome Agreement plan is being developed to provide greater clarity and focus for the partnership

67. CPA is currently developing a new Vision and SOA covering 2013/14 to 2017/18. A good structured and inclusive approach has been taken to its development.

A Visioning day was held earlier this year, which was attended by over 40 stakeholders, including local partners, elected members and community representatives. A draft Vision has now been discussed by the CPA Board. This provides a recognisable picture of Aberdeen as an economically strong city with pockets of deprivation. It contains a number of broad aspirations, such as Aberdeen becoming a socially, economically, and environmentally sustainable global city by 2022. But it also sets out a clear intention to build on the oil and gas legacy to develop centres of excellence in renewable industries, while also developing tourism, maritime resources and culture. It also clearly expresses partners' intentions to tackle inequalities in communities, and improve digital connectivity and transport infrastructure to attract businesses to Aberdeen.

68. In support of this broad Vision, CPA took part in a facilitated workshop with an external consultant to identify the key drivers and enablers that would help deliver the Vision. These are shown in [Exhibit 5](#). There are now only four key priorities (city of culture, integrated transport, local families and digital city), indicating an intention to focus on fewer, but core, issues. These key priorities are consistent with the Vision for Aberdeen and appear reasonable at this stage. CPA now needs to develop a set of specific objectives for each of these priorities and explain how these will address the marked inequalities within Aberdeen.

69. Strategic needs assessments are now being carried out by each theme group to help ensure that all priorities are based on objective evidence. These needs assessments follow the approach used in earlier years by the Community Safety Partnership. It involves analysing data,

including analysing the relationship and connections between different data sets, such as crime and health statistics. Once completed, the strategic assessments will be used to confirm the priorities and work programmes for each theme group before they are formally approved by the CPA Board.

There is a strong commitment to engaging with local communities and using this to help inform priorities

70. The 2003 Act is clear that effective engagement with community bodies is an essential element of community planning, and that the purpose of community engagement should be to improve the planning and delivery of services, by making them more responsive to the needs and aspirations of communities. The Statement of Ambition emphasises the need for partnerships to work effectively with communities to allow them to help shape and co-produce better outcomes.

71. The Community Planning Partnership in Aberdeen, along with individual organisations, carries out a wealth of consultation with people in Aberdeen. For example:

- It operates a citizens' panel, known as **City Voice**. The board of City Voice has representation from all partners and is currently chaired by the representative of the voluntary sector. Three questionnaires are distributed each year to around 900 residents.
- It also supports a **Civic Forum** which includes representatives from community councils and communities of interest groups. The forum is represented on CPA and on each of the joint theme groups which support community planning. Representatives of the

⁹ *The Local Government in Scotland Act 2003 – Community Planning: Statutory Guidance*, Scottish Executive, 2004.

¹⁰ *Review of Community Planning and Single Outcome Agreements: Statement of Ambition*, Scottish Government and COSLA, March 2012.

community planning partners regularly attend the Forum to discuss service planning and provision.

- **Regeneration Matters** is a group of community representatives from the regeneration areas of Aberdeen who have a membership of approximately 30. Members come from all the regeneration areas and have been meeting monthly since November 2006.

- More recently, a **What Matters? Survey** was carried out in January/February 2012. The survey was designed to give people who live or work in Aberdeen the opportunity to help determine community planning priorities. Over 500 people responded to the survey.
- Aberdeen City Council undertook unprecedented engagement with the community and other key stakeholders to help develop

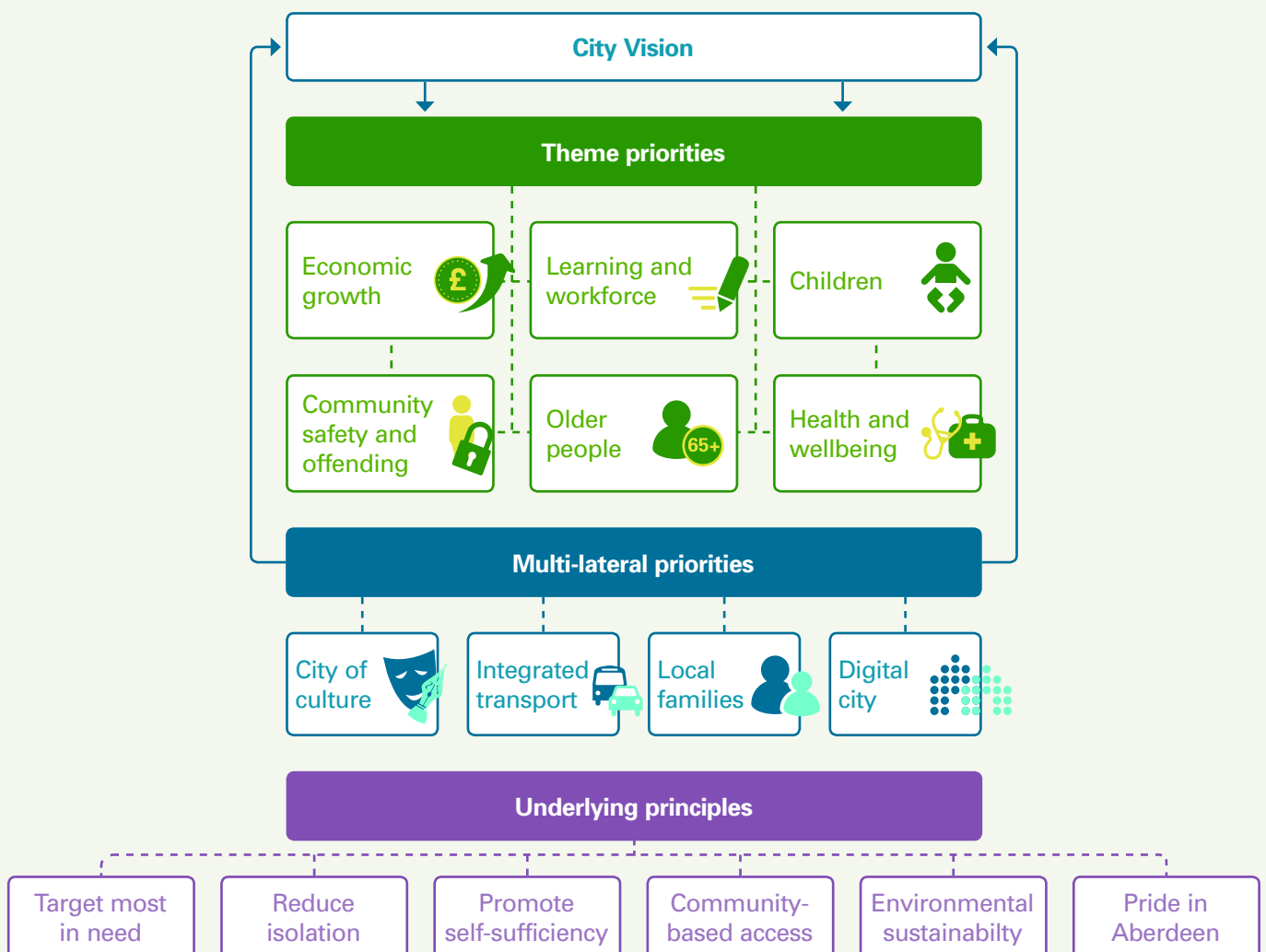
a **five-year Business Plan**, using a priority-based budgeting approach. This included more than 1,000 responses to a public questionnaire seeking views on what matters to the community.

72. The results of this consultation are considered and used to help shape community planning priorities. However, in its draft development plan, the CPA Board has recognised the need to improve its approach to community engagement, locality-

Exhibit 5

Planning framework for the new Single Outcome Agreement

Single Outcome Agreement



Source: Draft SOA, January 2013

based planning and service delivery, and support for civic representatives on a wide range of community planning forums. There is also a need for the CPA Board to coordinate this wide range of consultation activity to help ensure that it is focused on partnership priorities.

73. A key challenge for CPA will be ensuring it has sufficient resources not just to consult with communities but to work with them in a meaningful way to help shape and co-produce better outcomes.

Performance targets have focused on inputs and activities, rather than outcomes

74. Robust performance management is an essential component of an effective community planning process. The 2003 Act sets out the need for CPPs to monitor progress with regard to agreed outcomes, and to use that monitoring to improve local arrangements for the planning and delivery of services to deliver better outcomes. The Statement of Ambition places great emphasis on the CPP monitoring performance over time to drive and demonstrate continuous improvement.

75. There are clear difficulties in monitoring outcomes for long-term objectives in areas such as health, life expectancy, and deprivation. It can take many years before there are any significant changes in these community outcomes. Partnerships need to monitor the progress being made towards their long-term objectives but, in practice, this needs to be blended with monitoring inputs and medium-term proxy measures.

76. Performance targets have been set for each of the high-level objectives contained within Aberdeen's SOA. However, in most cases, the balance of these targets have focused on

activities and inputs, rather than outcomes. For example, targets are set for the number of staff trained in suicide assessment and prevention, rather than reducing the number of suicides in the area. Similarly, the number of children completing 'healthy weight intervention programmes' is monitored, rather than the number of children overweight or obese. These simply reflect NHS HEAT targets determined by the Scottish Government. In other cases, targets seem to be driven by the data that is available, rather than the data that is required. For example, the average number of seconds lost by vehicles travelling on the A90 is used to assess progress in Aberdeen having a fully integrated transport network. No other measures are used to assess how cars, buses and trains are actually integrated.

77. Our audit found that effective performance management is also hindered by a marked inconsistency in the data which is available locally and nationally. These reflect historic factors, with different data sets relating to different initiatives. In some cases, such as crime levels, performance data is available at police beat level, of which some of this can be aggregated to SIMD data zone level. However, there is a lack of consistent data available nationally at SIMD or police beat level to enable comparisons of crime figures with other parts of Scotland. A small number of health statistics are available at SIMD data zone level, while some are available at intermediate zone, CHP or NHS board level. Others, such as economic data, are mainly available only at council or regional level. This cluttered landscape of statistics makes it very difficult to form a clear and consistent picture of performance and to monitor any progress in closing the gaps between deprived and non-deprived areas.

The Community Planning Partnership has been poor at scrutinising performance and driving improvement

78. Scrutiny by board members of partnership performance has been poor. There has been no routine system for performance reports being provided to TACA or CPA Boards by the theme groups. The board's monitoring of performance has largely been limited to reviewing the annual SOA Progress Report, which is produced for the Scottish Government. This is not used to identify shortcomings in performance and to help drive improvements.

79. As part of its current Development Plan, CPA has identified the need to greatly improve its performance management. It is considering proposals to establish a cyclical approach, with each meeting of the CPA Board considering a performance report from one of the six theme groups. As the Board meets every two months, this would mean that theme groups would only report once a year. The board needs to consider whether this is sufficient to maintain oversight of performance, or whether an exception report could also be provided to each board meeting covering the key performance indicators across all theme groups.

80. Below board level, there has been an inconsistent approach to scrutiny. The Community Safety Partnership, which oversees the 'Safer' theme, has had a relatively strong approach to performance management. Some of its targets measure activity, but there is some focus on community outcomes. Moreover, performance monitoring forms a part of each of its meetings, with comparisons made against the previous month and year to help drive further improvements in performance. In contrast, most other previous challenge forums have had a weak approach to performance

management. Meetings have been held infrequently and performance monitoring has not formed a standard part of agendas. Where performance has been discussed, this has tended to focus on activities, rather than outcomes. The CPA Board is aware that the scrutiny role of the new theme groups needs further work. It has included this as an area for improvement within its development plan but it has still to agree actions to address this.

81. The Community Plan and the Single Outcome Agreement are not used by all partner organisations to routinely monitor their own contribution to the SOA or overall progress in achieving shared objectives. Instead, some partners focus their performance monitoring entirely on their own plans, which may include some of the same targets which are reflected in the Community Plan and Single Outcome Agreement.

The annual SOA monitoring reports do not provide a clear picture of performance

82. In 2008, as part of a national Concordat between the Scottish Government and local authorities, SOAs were established for each Community Planning Partnership. These were intended to help ensure that national priorities were properly reflected in each local community plan. They also aimed to improve the setting of targets and the monitoring of performance.

83. In accordance with these national arrangements, CPA published an SOA Progress Report in 2010/11. This is the only document which seeks to provide the CPA Board or the public with an overview of the progress being made towards local community planning objectives. This summarises its main activities over the previous year and seeks to provide a comprehensive account of its

performance. Although there is a lot of information in the 2010/11 report, there are major gaps in performance data. In many cases, this is due to the long delays in the availability of national data on areas such as transport, employment, and business start-ups. In addition, the format of the SOA can be confusing, with no clear links between partnership objectives and performance information. As such, the report does not provide a clear picture of the progress being made towards CPAs' strategic objectives.

84. The report was submitted to the CPA Board and to the Scottish Government. Some comments, aimed at improving the SOA, were provided to the CPA Board by managers within the Scottish Government, but these were on points of detail rather than seeking fundamental improvements in the underlying performance management arrangements.

Part 4. Use of resources



Aberdeen's public sector spends about £1.6 billion each year, but it faces cuts of over five per cent over the next few years

85. The 2003 Act was clear that effective participation in community planning obliged partners to identify and allocate the resources necessary to achieve agreed outcomes. More recently, the Statement of Ambition places an expectation on CPPs to have a clear understanding of respective partner contributions, and how total resources will be targeted to deliver agreed priorities.

86. An estimated £1.5 billion in cash terms will be spent by public sector bodies, including the Department for Work and Pensions, in Aberdeen in 2012/13 (**Exhibit 6**). The 2011 Scottish Spending Review and Draft Budget 2012–13 estimates that, between 2011/12 and 2014/15, Scottish Government spending will fall by 5.5 per cent (£1.5 billion) in real terms.

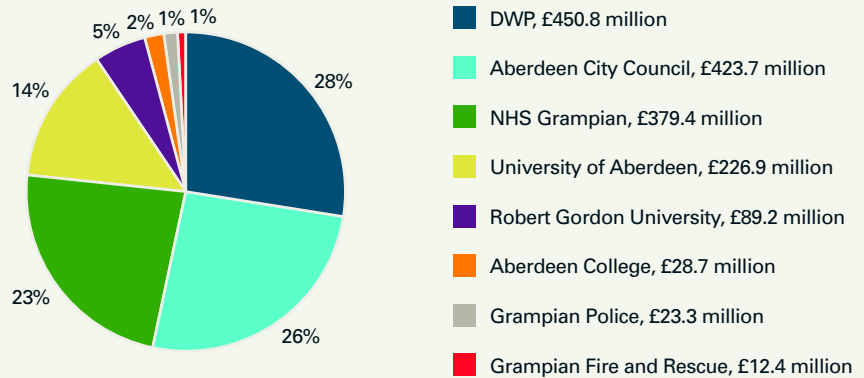
87. The council recently concluded an extensive priority-based budgeting exercise, which is the basis for its five-year business plan, approved in August 2011 and covering the period 2011–16. The plan sets out £71.5 million of essential savings which need to be achieved if the council is to deliver a balanced budget in the coming years. In addition, the partnership is also having to respond to the national reform of welfare benefits and services such as police and fire, and the integration of social work and healthcare.

88. NHS Grampian's 2012/13 revenue budget and capital budget outlines how over £930 million of resources will be used during 2012/13 and includes new resources of some £30 million which are offset by projected additional expenditure of £42 million. The most significant new expenditure commitments include £7.4 million associated with waiting times including vanguard/mobile theatre and £4.1 million non-pay inflation costs including energy costs. This has resulted in NHS Grampian

Exhibit 6

Public sector budgets in Aberdeen

Public sector bodies in Aberdeen have combined net budgets of about £1.6 billion.



Source: Audit Scotland, 2012

looking to achieve revenue savings of around £12 million in order to reach financial break-even.

89. There are broader pressures on Aberdeen's public sector. An ageing population is likely to lead to an increase in demand for NHS and social care services. In addition, the CPA Board will need to assess the financial implications for the national reform of welfare benefits.

90. These pressures create a strong impetus for CPP partners to identify opportunities for joint working and resource-sharing. In common with other CPPs, the CPA does not yet have an overview of the resources available to it or those required to deliver its SOA priorities.

It has proved difficult to align resources to shared priorities or to shift them from short-term targets to long-term preventative work

91. CPA aims to place a greater emphasis on preventative services. To do this effectively, resources will need to be moved between organisations, including money and staff, across their organisations to where it is needed most. It previously managed the Fairer Scotland Fund

and more recently the Change Funds, which are used to help support preventative initiatives. However, these ring-fenced funds only represent about two per cent of overall funding. With continuing pressures on Scotland's public finances and growing demands on services owing to factors such as an ageing population, there is a pressing need for organisations to work together, avoiding any duplication of effort, and placing a greater emphasis on preventative expenditure.

92. There is little evidence to show that TACA or CPA has had any strategic success in influencing individual partner organisations to align their mainstream funding towards community planning priorities. Almost inevitably, it is very difficult to persuade partners to shift resources from short-term targets to preventative work which might only deliver benefits in the long term for other public organisations.

93. Moving resources towards preventative services is extremely challenging to achieve. For example, NHS boards in Scotland are experiencing increased demand in hospitals. As a result, they are

finding it extremely difficult to release resources from acute services to invest in more community-based preventative services. In 2013/14, NHS Grampian has identified that it will also need £4 million additional one-off capital funding and about £8.3 million annual recurring revenue funding to ensure it has the capacity to meet and sustain waiting time targets. This will further impact on its ability to free up resources for preventative services.

There are several examples of joint appointments and training, but the CPP has not yet developed a cross-sectoral staff development strategy linked to its key improvement objectives

94. The Statement of Ambition highlights the importance of investing in the people who deliver services through enhanced workforce development and effective leadership. Similarly, the Scottish Government's response to the Christie Commission report identifies workforce development as one of its four pillars of public service reform. That document emphasises the key role that front-line staff can play in identifying how to make things work better and contains a commitment to invest in workforce engagement and development and support leadership collaboration across public service organisations. It states that the Scottish Government will look to leaders of Community Planning Partnerships across Scotland to disregard boundaries between public services and focus on the achievement of shared outcomes and cross-sectoral workforce development strategies.

95. While it is proportionately smaller than in other parts of Scotland, the size of the public sector workforce in Aberdeen is still significant, with over 10,000 people employed in the city by the council, the NHS, and the police and fire and rescue services. In addition, others are employed in Further and Higher education and in the voluntary sector.

96. Delivering improved outcomes in public services will be dependent not just on strong and effective strategic leadership, but will also require staff in managerial and front-line positions understanding the contribution they can make in improving local public services, having the skills needed, and feeling empowered to make change happen at the local level.

97. There are examples in Aberdeen of joint public sector posts and joint training, particularly between the NHS and social work, reflecting areas of shared interest, such as health and social care integration. Work has also been taking place within the CPP Board to raise awareness of the important role that it is expected to play in responding to the increased expectations of community planning contained within the Statement of Ambition.

98. A series of Collaborating for Outcomes seminars was also started in 2012, with the intention to establish these as an annual training programme for managers across the public sector in Grampian. These are overseen by the North-East Chief Executives' Forum, but viewed by CPA as an important part of its approach to workforce development that will ensure that staff across agencies are aware of key partnership objectives, what their contribution to meeting them will be, and staff are provided with the training and development needed to allow them to contribute effectively to local public service improvement.

99. It is important that as the CPP takes forward its local improvement it continues to develop a coherent and integrated approach to communicating its key priorities to staff, providing them with appropriate training and development opportunities and creating a climate where staff are able to identify and deliver local service improvements.

There is no clear understanding of the costs of SOA objectives or if they provide value for money

100. The matching of costs to activities and their subsequent impact on priorities, such as health and education, is particularly complex in community planning. Even at a broad strategic level, however, there has been little attempt in previous years to determine the costs or potential savings associated with the priorities set out in Single Outcome Agreements and Community Plans. As a result, it has not been clear if budgets have been sufficient or if money has been well spent.

101. During 2011/12, CPA participated in a Budgeting for Outcomes pilot project with the Improvement Service and the Scottish Government. Significant time and effort was committed to this project by all main partners with the objective of showing the relationship between partners' spending and impact on communities and on the outcomes set out in the SOA. However, this has not provided CPA with practical tools to help transfer funding to where it might have greatest impact. Rather than such a complex, high-level, exercise, CPA staff now feel that smaller-scale costing exercises will prove to be more practical. The 'whole-systems' approach pilots, on education and community safety, are hoped to provide a better understanding of the impact of preventative work on overall costs and the budgets of different organisations.

Part 5. Working together



There are many examples of joint working in Aberdeen, but there has been little strategic oversight of these activities or evidence on their effectiveness

102. The Statement of Ambition emphasises the need for Community Planning Partnerships to have a much stronger focus on making demonstrable improvements to people's lives, including reducing the outcome gaps between communities. To do this, the community partners must work more closely together, on preventative work, and pool resources, such as money and staff. There is growing evidence that these actions will improve outcomes for people across different services and help ensure that investment delivers value for money.

103. Partners in Aberdeen are involved in many joint working arrangements. There are examples where there are clear benefits, such as reduced costs through shared premises, while others are less tangible, for example older people feeling safer in their neighbourhoods. Most of these examples of joint working have evolved gradually to meet the needs of individual organisations. However, in previous years, there has been little strategic oversight of partnership working by TACA. As a result, it is not clear if it is properly aligned to community planning priorities. CPA has now started to rationalise joint working arrangements and, through the SOA, is planning to introduce this strategic oversight.

104. In addition, partners are often unable to demonstrate the benefits of these arrangements owing to a lack of evaluation. Therefore the evidence base to support the effectiveness of joint working interventions in improving outcomes or secure better value for money is often weak.

105. The scale of joint initiatives also significantly varies. Some of the examples of joint working arrangements include:

Case study 1

Community Healthcare Village

Aberdeen partners have secured £24 million capital funding from the Scottish Futures Fund Hub investment to develop a Community Healthcare Village. The construction of the Village started in April 2012 and is expected to take 18 months to complete and be ready to open in December 2013.

The village will accommodate a range of diagnostic and treatment services within a single location. This is expected to mean that many people will be able to receive care in a community setting rather than in the city's main hospital complex. Health, social work and police will be based in the new centre providing a range of services.

The North Scotland Hub approved the application for this project. To secure the investment, the partners had to prepare a full business case, including a financial appraisal to demonstrate value for money, and an affordability assessment. The business case also set out a plan for delivering the expected benefits. There are still outstanding financial risks with the project, although the latest financial implications have been included in NHS Grampian's five-year financial plan.

It is too early to say whether the Aberdeen Healthcare Village will deliver the intended benefits or provide value for money. However, the North Scotland Hub will follow this up after the facility has been operational for a suitable time period. There are, however, already significant learning opportunities from this development for public sector partners in Aberdeen and throughout Scotland.

Source: *Aberdeen Community Health and Care Village business case*, NHS Grampian, 2012

- Reshaping care for older people as part of the older people's change fund to develop preventative care, involving health, social work and voluntary sector.
- Youth Reoffending Development programme – a pilot programme which has now been completed which adopted a 'whole-systems' approach to youth offending, including early intervention and prevention support.
- Integrated Children's Services Partnership (various initiatives based on Getting it right for every child).
- Police officers based in schools to improve links between the force and communities.
- A major capital project to construct a new Healthcare Village in Aberdeen is under way which will co-locate health, social care and police staff ([Case study 1](#)).
- Community Safety Partnership – various initiatives to tackle antisocial behaviour, including one specific example of a pragmatic solution being taken by partners to secure a derelict building which had been causing difficulties for over ten years ([Case study 2](#)).

Aberdeen partners are piloting a new 'whole-systems' approach to tackle deprivation but progress is slower than expected

106. Since early 2010, public sector partners in Aberdeen, have been working to establish three separate pilot projects which aim to take a 'whole-systems' approach to

tackle deprivation issues in different parts of the city. The approach is based on lessons from the 'Total Place' initiative in England which aimed to put citizens at the heart of service design and shift the way services worked in isolation towards working jointly. It seeks to identify the total resources used by all local organisations to tackle certain issues and to then shift some of these resources towards more cost-effective preventative measures. In the case of tackling low educational attainment in deprived areas, for example, this might mean a greater emphasis on pre-school years and a transfer of resources from education to social work budgets. Similarly, in the case of older people's services, this might mean transferring money out of acute healthcare and investing the money to help older people live independently at home for as long as possible. There is some evidence to suggest that this focus on prevention can deliver long-term savings and better outcomes. However, it can take some time before these benefits are realised and partners must be willing to pool their resources.

107. Three pilots were approved by Aberdeen Council in June 2010 and subsequently supported by the CPA Board:

- Aberdeen-wide – 'whole-systems' approach to improving older people's services.
- Torry – 'whole-systems' approach to improving community safety.
- Northfield – 'whole-systems' approach to raising educational attainment.

108. However, earlier this year, the older people's pilot was cancelled owing to the planned integration of health and social care. Additionally, two years on, there is limited evidence of progress being made with the Northfield pilot ([Case study 3](#)).

Case study 2

Preventative action over a derelict building

For over ten years, the Maberly building, which is a derelict building in Aberdeen, had become a magnet for vandalism, persistent fire-raising and antisocial behaviour. In addition, the site presented physical hazards to intruders, including flooded lift shafts and unstable fittings. This was not only a safety issue and nuisance to people living in the area but also a drain on public resources owing to the high volume of call-outs from a number of agencies to the building each week. CPA took ownership of the issue and coordinated several actions from different partners which rendered the building inaccessible. The actions immediately had the desired result as, for the first time in over ten years, there were no call-outs to this building. The approach is now being applied to other derelict buildings across the city.

Source: Community Safety Partnership minutes, September 2012

Case study 3

Northfield 'Whole-Systems Approach' pilot on educational achievement

This pilot aims to raise educational attainment and achievement in Northfield which is an area of multiple-deprivation. The council's decision was based on information relating to low educational attainment, comparatively high absence and exclusion rates alongside a range of existing investments aimed at tackling disadvantage in the area. The pilot is being managed through the Integrated Children's Services Partnership Board (ICSPB) which is accountable to the CPA Board.

The initial work 'themes' were to:

- improve services to support families, young people and parents
- improve support to families, young people and parents to engage in lifelong learning
- provide an integrated programme to promote mental health and wellbeing, including services for children, young adults, parents and families
- find out how much services currently cost and review their effectiveness.

However, the work themes are very broad and there is no plan which sets out the aims and scope of this work or timescales for delivering these. Although the ICSPB routinely discusses the pilot at its meetings, it does not receive regular reports on progress. Similarly, CPA does not receive sufficiently regular progress reports on the project to maintain strategic oversight of this development.

Source: Audit Scotland

109. At present, there is also limited evidence of progress or benefits being achieved as a result of the community safety pilot (Case study 4).

110. These ‘whole-systems’ pilots received enthusiastic support from partners when we interviewed them during the audit. At least at an operational level, there is a genuine commitment to this new approach. However, if the ‘whole-systems’ pilots are to provide valuable learning as well as deliver sustainable service improvements, it is crucial that CPA examines the reasons for the slow progress to date, and addresses this. It also needs to monitor progress more rigorously and put a system in place to evaluate the success of the projects, including whether or not they offer value for money.

CPA needs to ensure short-term initiative funding supports long-term improvements

111. The Scottish Government has provided various short-term funding over the years to support local public sector bodies to tackle inequalities and change the way services are delivered. However, there are often short timescales for using these funds. As a result, local organisations can find it difficult to take a strategic approach to tackling the particular issue. CPA needs to ensure a more strategic approach is taken in the future to ensure short-term funding supports long-term sustainable improvements.

112. In 2008, the Scottish Government set up a Fairer Scotland Fund which aimed to help tackle inequalities. CPA was responsible for overseeing the Aberdeen allocation and it established a Fairer Scotland Board to manage the Fund on its behalf. The board’s membership was drawn from various public and voluntary sector partners and community representatives. The board established criteria for funding which included projects demonstrating that their activities aligned with the SOA.

113. The Scottish Government Fairer Scotland funding allocation ended in 2010/11. Once the funding stopped, the council decided to continue to allocate a reduced amount of money to the fund every year. This meant the board could continue its work. Between 2009/10 and 2011/12, the board allocated funding of about £6.2 million to 314 projects. Approximately £1.8 million (28 per cent) of this funding was allocated to neighbourhood projects specifically tackling problems in the seven most deprived areas of the city.

114. We found some examples where these small-scale projects have clearly made a difference to peoples’ lives. The Homestart project, for example, used its budget of £7,000 in 2011/12 to support five

families under stress, helping to prevent family breakdown and future interventions from other public sector organisations. These projects have been subject to some evaluation, but this has mostly focused on the activities carried out rather than their impact. The partnership is now testing a more sophisticated Social Return on Investment methodology for partnership working in order to better assess the effectiveness of initiatives such as these.

115. CPA also has overall responsibility for Scottish Government Change Fund allocations:

- **Reshaping Care for Older People** – Responsibility for managing this fund has been delegated to the Aberdeen

Case study 4

‘Whole-systems’ approach pilot on community safety

The Community Safety Partnership prepared a business case for establishing a Community Safety hub which was approved by the CPA Board in May 2012.

The aim of the hub is to encourage greater levels of integration of community safety services by co-locating a number of agencies in one place, while increasing the partnership focus on prevention and early intervention. It is also expected to encourage closer working between analysts from different agencies, creating more opportunities to identify risks and emerging problems, while a daily tasking meeting is expected to provide an ongoing impetus for early and joint actions to tackle emerging problems.

A number of benefits have been highlighted from the approach, with early interventions and the delivery of more effective and sustainable solutions prominent. For example, by tackling antisocial behaviour early, it is expected that this will reduce young people’s behaviour developing into more serious antisocial behaviour and crime. A second phase of the approach is planned to start in 2013, which will involve working with a small number of priority families to tackle cross-cutting issues which impact on community safety.

As the hub only became operational in October 2012, it is too early to say whether the expected benefits will be delivered. The business case does not include details of the set-up or annual running costs. Each partner is expected to meet its own set-up costs, and the estimated annual estimated cost to non-council agencies is £2.5k–£3k per desk space per annum. While the concept of the hub seems sound, there is a risk that the uncertainties about the costs may lead to sustainability issues at a later date.

Source: Audit Scotland

Community Health and Social Care Partnership (CHSCP) – formerly known as the Community Health Partnership. The CHSCP is a committee of NHS Grampian but also acts as Community Planning Aberdeen’s ‘Healthier’ Theme Group. Aberdeen’s Reshaping Older People Change Fund allocation was £2.7 million in 2011/12 and £3.1 million in 2012/13. So far a wide range of projects have received funding but there is a lack of evidence on the impact these have made. Further work is now under way to improve monitoring and evaluation systems.

- **Early Years and Early Intervention Change Fund** – Aberdeen’s indicative allocation is worth almost £4 million between 2012/13 and 2015/16.¹¹ Aberdeen Integrated Children’s Services Partnership (ICSP) is expected to manage the Fund on behalf of CPA. The funding has still to be allocated, therefore it is too early to assess the impact of this fund.
- **Reducing Reoffending Change Fund** – Nationally, £7.5 million has been made available between October 2012 and March 2015. Two key aims of this Fund are to provide offenders with substantial one-to-one support through evidence-based mentoring schemes; and promote strong, equal partnership working between third and public sector organisations. Two types of funding are available: two-year funding for partnerships of third and public sector organisations (from April 2013 to March 2015), and shorter-term funding (from October 2012 to March 2013) either to support the development of partnerships or to support the expansion or enhancement of existing mentoring interventions.

11 13th Meeting, 2012 (Session 4), Education and Culture Committee, Scottish Parliament, 1 May 2012.

Part 6. Impact and outcomes



Gaps in data prevent a full assessment of the impact of community planning in Aberdeen

116. Community Planning Partnerships need to demonstrate that they have had an impact in improving outcomes for their local communities. The Statement of Ambition places CPPs at the centre of local public service reform, driving improved outcomes for local communities. However, measuring changes in community outcomes is not straightforward. It can take years, if not decades, for improvements to be made in areas such as life expectancy or deprivation levels. Measuring outcomes rather than simply inputs can be difficult. And, with so many factors affecting these broad outcomes, it can be difficult to attribute any changes to any specific activities.

117. As mentioned earlier in this report, however, there are also significant weaknesses in the performance management systems supporting community planning and the SOA in Aberdeen with serious gaps in the availability of reliable and consistent performance data, both locally and nationally.

118. In this section of our report, we have sought to comment on performance, based on the information provided in the partnership's SOA Progress Report 2010/11. We have also drawn from other sources, such as Scottish Neighbourhood Statistics (SNS) and the Scottish Index of Multiple Deprivation (SIMD), to find performance information which matches the targets and objectives set out in the SOA. Despite this, however, there remain significant problems in measuring outcomes and in attributing any changes to specific partnership activities. As a result, this section of the report can only seek to provide a high-level picture of trends over the past decade, rather than a comprehensive assessment of community planning's impact on Aberdeen's communities.

There has been some success in reducing the outcome gap between the least and most deprived areas in Aberdeen

119. The national Statement of Ambition emphasises the role of Community Planning Partnerships in reducing the outcome gaps between the most and least deprived communities. TACA and CPA have recognised that there are particularly sharp differences in health, education and crime levels within Aberdeen and, for many years, have aimed to narrow these gaps. Despite this, there has been little monitoring of any progress towards this goal within Aberdeen. SOA monitoring reports, for example, only provide broad references to SIMD data. Over the past year, CPA has developed a range of data on aspects such as deprivation, education and crime levels. This should help the monitoring of performance trends in future years.

120. Beyond the SOA Progress Report, the limited data that is available elsewhere shows a mixed picture, with no clear patterns, in terms of outcome gaps being reduced in Aberdeen (see Exhibit 7, overleaf). Progress has been made on some health measures. Similarly, some education indicators, such as S4 examination results and the proportion of school leavers going to positive destinations, suggest the gap has narrowed over the past decade. Others, such as S5 and S6 results, suggest the opposite.

Aberdeen continues to be prosperous, but there is mixed evidence to show progress towards the SOA's economic priorities

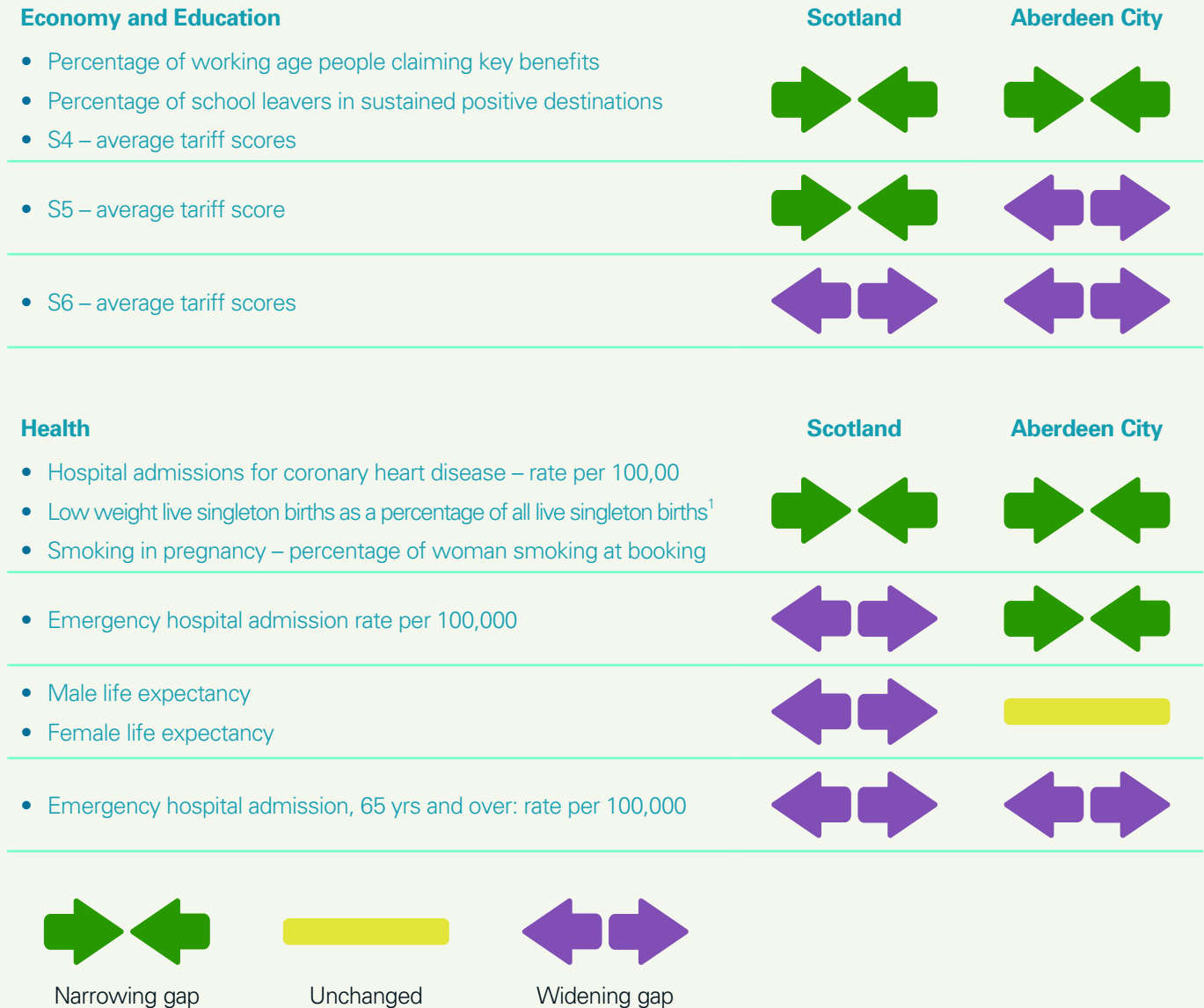
121. Aberdeen's SOA contains several broad aspirations on the continuing development of the local economy. There is clear evidence that, despite the general recession, Aberdeen's economy is still relatively strong. For example, while employment levels have fallen slightly since 2009, they are still significantly higher than in other Scottish cities (Exhibit 8, page 35).

122. The SOA contains a series of targets under National Outcomes 1 and 2 'We live in a Scotland that is the most attractive place for doing business in Europe' and 'We realise our full economic potential'. These are grouped into seven areas:

- 1. Deliver a fully integrated transport network.** The SOA provides no clear definition on what is meant by this objective. The only targets set relate to average journey times on the A90 and A96 trunk roads. There is no clear picture of performance against this narrow target, with journey delays increasing but targets for the time lost also being raised. There are no targets relating to public transport or, specifically, to the integration of transport. As a result, no conclusions can be drawn on any progress towards achieving an integrated transport network.
- 2. Anchor the oil and gas industry.** The SOA Progress Report shows that the number of companies attending seminars, workshops and trade missions hosted or co-hosted by Aberdeen Council is above target. This doesn't provide a direct measure of the health of Aberdeen's oil and gas industry, but does give some indication of council activity.
- 3. Diversification of the economy.** The number of local companies developing renewable technologies has steadily increased in recent years and is ahead of target. In contrast, the net number of new businesses has fallen sharply since 2007/8, from 595 to 50 and is well below target.
- 4. Improve the efficiency of planning decision-making.** Aberdeen has an up-to-date Development Plan, covering all parts of the city. The SOA also provides evidence that delays in processing planning applications have been reduced.

Exhibit 7

Outcome gap between most and least deprived areas over last ten years



Notes:

1. Very slight reduction for Scotland.
2. The above analysis uses indicators that are available at the data zone level to compare the average outcome results for the 20 per cent most deprived data zones and the 20 per cent least deprived. Where available this is based on data covering the ten-year period 2002/3 to 2010/11.

Source: Audit Scotland, 2012

5. High-quality employment opportunities. In general, performance in this area confirms the sustained strength of Aberdeen’s economy. Average earnings have continued to rise, although the gap between male and female earnings has widened. The number of people claiming a range of benefits has either fallen or, at a time of general recession, remained stable. However,

the number of people claiming Jobseeker’s Allowance has increased markedly and is now above target.

6. Providing affordable, quality childcare places. The SOA Progress Report does not provide a clear picture of performance in this area. No target has been set since 2009/10 and there appears to have been a sharp,

unexplained halving of the number of childcare places within the city. This suggests that the data is not reliable.

7. Sufficient skilled people to meet needs of local economy. The SOA Progress Report does not provide a clear picture of performance in this area. It includes a target based on job density and the number of

hard-to-fill vacancies. But no performance data is provided after 2009.

Limited progress has been made on Aberdeen's main SOA health priorities

123. Audit Scotland's report *Health inequalities in Scotland* highlighted the lead role that CPPs have in bringing together all relevant local organisations to address health inequalities. The report concludes that current performance measures do not provide a clear picture of progress and that CPPs' reports on delivering their SOAs are weak in the quality and range of evidence used to track progress in reducing health inequalities. It highlights that differences among SOAs mean that a Scotland-wide picture is hard to identify. The report recommends that CPPs ensure partners have a shared understanding of health inequalities, their respective roles and the shared resources available, and that they involve local communities in initiatives to tackle health inequalities.

124. Aberdeen's SOA Progress Report provides examples of the initiatives being carried out by NHS Grampian, Aberdeen Council and their partners to improve the health of the local population. However, most of the targets and performance measures focus on activities, rather than their impact on improving health outcomes.

125. The preface to the section of the SOA dealing with National Outcome 6, 'We Live Longer, Healthier Lives', identifies four key local priorities:

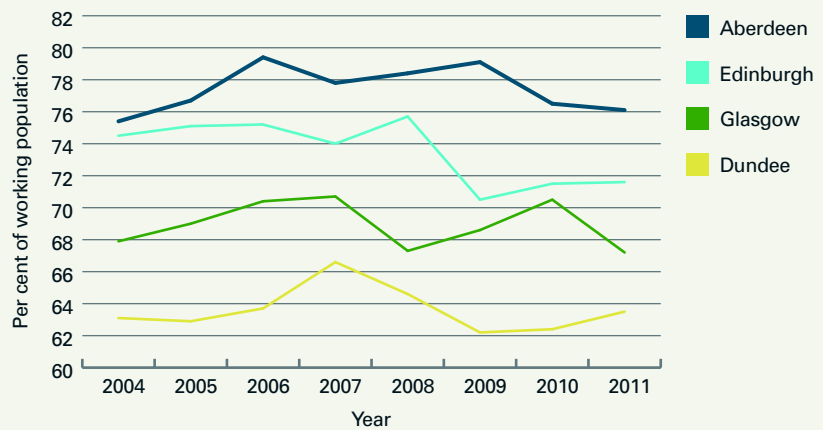
- 1. Responding to an increasingly elderly population.** The SOA recognises that an ageing population is an issue that needs to be addressed, with older people being more frequent users of health services. Two aspects are mentioned: delayed discharges and trying to ensure that patients can receive care in

their own home, rather than in hospital or in a care home. The number of delayed discharges, defined as when patients have to stay in hospital more than six weeks until appropriate home care or social care can be organised, has been held at minimal levels in recent years.

However, there is evidence that more needs to be done to help people receive care at home. There has been a significant rise in the proportion of people aged over 65 with intensive needs who receive care at home, but this still lags behind Scotland's other cities ([Exhibit 9](#)).

**Exhibit 8
Employment rate**

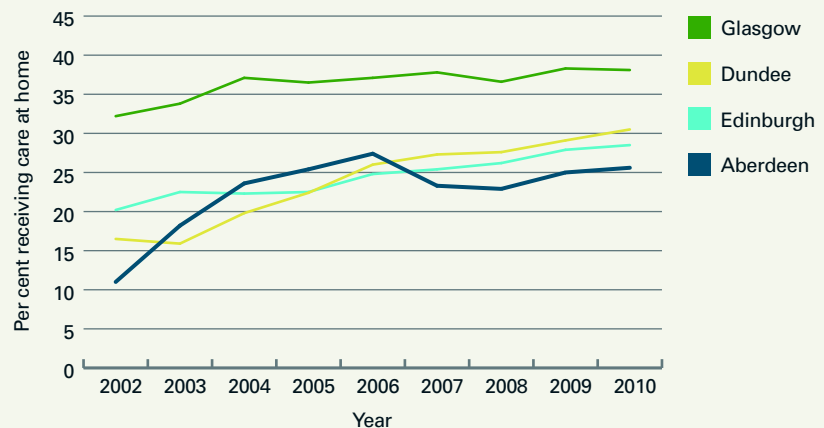
Aberdeen has maintained a significantly higher employment rate than Scotland's other cities.



Source: Scottish Neighbourhood Statistics/Audit Scotland, 2012

**Exhibit 9
Care at home**

Fewer people aged 65 or over, with intensive needs, receive care at home in Aberdeen compared with other Scottish cities.



Source: Scottish Neighbourhood Statistics/Audit Scotland, 2012

- **2. Reducing alcohol- and drug-related harm.** The Aberdeen City Drugs and Alcohol Partnership has published a Drug Strategy 2011–21 and an Alcohol Strategy 2009–19. These set out a wide range of actions, aimed at increasing awareness, reducing availability and improving treatments. However, neither strategy contains any measurable targets on reducing the impact of drugs and alcohol on people living in Aberdeen.

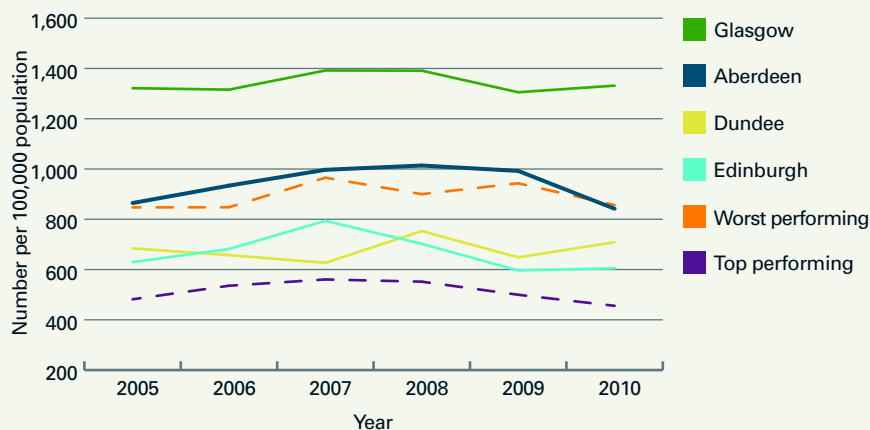
The SOA identifies that the proportion of the population hospitalised for drug- and alcohol-related conditions is worse than the Scottish average. However, it does not contain any targets for reducing the number of hospitalisations. Instead, it has some activity-based targets, such as reducing the number of people waiting for drug treatment services and increasing the number of alcohol brief interventions. The SOA Progress Report shows that there has been a dramatic increase in the number of alcohol brief interventions, although the impact of this is not clear. Evidence obtained by our audit also suggests that there has been some success in recent years in reducing the number of alcohol-related hospital admissions. After a rise in earlier years, this has now fallen back to the levels reported in 2005. However, this is still among the highest in Scotland and well above the rates reported for Edinburgh and Dundee (Exhibit 10).

- **3. Tackling health inequality.** The SOA identifies significant health inequalities within Aberdeen. However, it contains few targets that are directed at reducing specific health inequalities. Our audit has obtained evidence which suggests that progress has been made in reducing inequalities in areas such as smoking during pregnancy and in

Exhibit 10

Alcohol related hospital admissions

Rate of alcohol-related admissions per 100,000 population – city comparison.



Source: Scottish Neighbourhood Statistics/Audit Scotland, 2012

low weight births. Despite this, SIMD data for 2012 shows that health inequalities have worsened in Aberdeen, with the number of data zones that are among the 15 per cent most health deprived in Scotland increasing between 2004 and 2012 from 39 to 48. Clearly, it can take many years, if not decades, to address long-term issues. However, we found no evidence that the gap in life expectancy has closed over the past decade. On average, people living in the more deprived parts of Aberdeen still live about 5.6 years less than their neighbours in the least deprived parts of the city.

- **4. Addressing the needs of more vulnerable communities.** The SOA defines these vulnerable communities as including gypsies, travellers, people who are homeless, prisoners, and young people leaving care. But it contains no health targets or performance measures relating to gypsies, travellers, people who are homeless, prisoners, or young people leaving care.

Progress has been variable in relation to community safety priorities

126. The SOA identifies seven community safety priorities. The adequacy of targets and outcome measures related to these priorities is variable. Similarly, performance is mixed between priorities and outcome measures:

- **1. The organisation of child protection services.** The SOA set two targets for 2009 and 2010, aimed at supporting children and parents to stay together and being re-registered on the child protection register. The targets for both outcomes were not achieved in either year.
- **2. Controlled drugs.** The SOA includes three targets aimed at reducing the impact of drugs on community safety: increasing the number of recorded drugs offences year on year; increasing the weight of drug seizures; and reducing the number of drug-related deaths. The 2010/11 SOA Progress Report shows that drug deaths have steadily decreased since 2007, but performance against the other two measures has been less clear.

- 3. Antisocial behaviour.** The SOA aims to reduce the impact of antisocial behaviour on the community. A target was set to achieve a year-on-year reduction of antisocial behaviour crimes such as vandalism and underage drinking. Conversely, a target was also set to increase the number of racially motivated incidents reported to the police, which partners believe indicates an increase in confidence by victims of these crimes. The 2010/11 SOA Progress Report shows that most antisocial behaviour targets are being met. Longer-term trend data is not readily accessible for all of these measures. However, in June 2012, the Scottish Government published a crime statistics bulletin which shows that racial incidents significantly increased between 2004/05 and 2010/11.

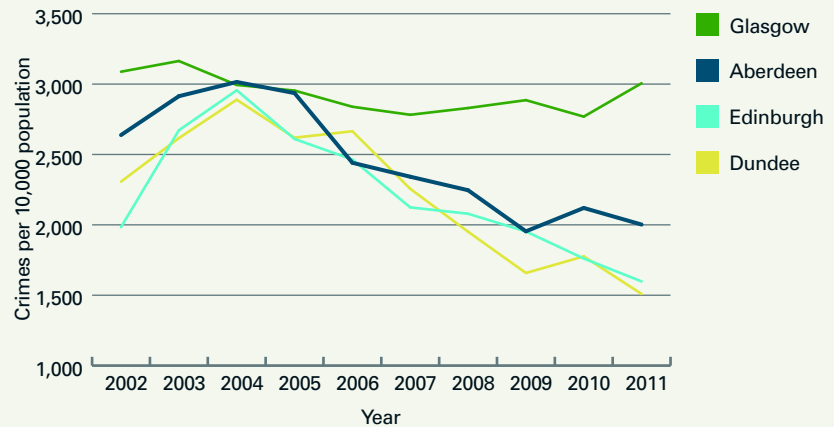
- 4. Domestic abuse and**

5. Serious and violent crime. The SOA includes a target to reduce the impact of serious and violent crime, including domestic abuse incidents. The SOA Progress Report shows that, since 2007, the targets to reduce serious and violent crime were met in each year, with the exception of 2009/10. However, it also shows that the number of reported domestic abuse incidents increased each year. It is argued that this reflects an increased confidence from victims in reporting these incidents.
- 6. Fire safety.** The SOA includes one local outcome which aims to collectively reduce the number and impact of accidental dwelling house fires, fire-related injuries and wilful fire-raising incidents. A direction of travel target was set to achieve a year-on-year reduction in the number of accidental dwelling house fires, wilful fires, home fires resulting in injury or death and fire-related injuries. The SOA Progress Report provides performance data for 2007/08 to 2010/11. This shows that the first

Exhibit 11

Crime rates per 10,000 population

Aberdeen's crime levels have decreased significantly – city comparison.



Source: National crime statistics, Scottish Government website

three targets were met in three out of four years, while the target for fire-related injuries was met only in one year.

- 7. Sex industry.** The Community Safety Partnership's strategic assessment outlines the health and community safety issues related to the sex industry. However, although the SOA includes this as a priority, it does not clearly identify outcomes, targets or performance measures.

127. In line with national trends, **overall crime rates** have fallen significantly over recent years (Exhibit 11). The results from the last two Scottish Neighbourhood Surveys also suggest that people in Aberdeen now feel safer from crime.

128. While the SOA identifies a link between alcohol and drug misuse and crime levels, it does not include targets to reduce drunkenness offences or drug crimes. Between 2002 and 2010, the number of recorded drunkenness offences increased significantly in Aberdeen, although this negative trend slightly improved in 2011. This contrasts with other Scottish cities, where drunkenness offences in 2011 have

either improved or are around the same level as they were in 2002 (Exhibit 12, overleaf). This increase is thought to reflect a more robust enforcement campaign by Grampian Police.

There has been limited success in raising attainment levels or reducing inequalities in education

129. The SOA contains a series of targets under National Outcomes 3 and 4: 'We are better educated, more skilled, renowned for our research and innovation' and 'Our children are successful learners, confident individuals and responsible citizens'. The preface to these sections is written in fairly general terms, referring to broad initiatives such as the Curriculum for Excellence and aspirations to develop the professional development of teachers. The SOA identifies five outcomes and related targets. We found that performance against these was mixed:

- 1. Attainment levels.** Three main targets are set for attainment levels in Aberdeen's publicly funded secondary schools. The SOA Progress Report for 2010/11 shows that one of these targets has been met. 92 per cent of S4

pupils achieve five or more level 3 awards. The other two targets, for the numbers of S4 pupils achieving English and Maths at level 3, and the numbers of S5 pupils achieving five or more level 5 awards, have not been met.

- 2. Number of school leavers in positive destinations.** The SOA set a target that, by 2010/11, 90 per cent of secondary school leavers would be going to positive destinations, such as employment, college or university. There is no reference to this target in the SOA Progress Report for 2010/11.
- 3. Skills shortages.** The SOA refers to 'well-documented' skills shortages and employers' concerns about a lack of core skills. No targets are provided in this part of the SOA for addressing these concerns. Elsewhere the SOA Progress Report shows that the number of hard-to-fill vacancies in 2009 was 27, within the target of 31.4. It is not clear what this means. Perhaps more importantly, there is no reference to feedback from employers on any continuing concerns.
- 4. Positive inspection reports.** The SOA set a target that 90 per cent of schools being reviewed by Her Majesty's Inspectorate of Education (HMIE) would receive positive reports. This target has not been met, with 67 per cent of schools inspected in 2010/11 receiving positive HMIE reports.
- 5. Reducing inequalities.** While the SOA identifies Aberdeen as among the most divided in Scotland for education outcomes, it sets no targets for reducing these inequalities. The SOA refers to the Northfield 'whole-systems' approach pilot, aimed at raising attainment levels in a deprived area, but contains no specific targets for the project.

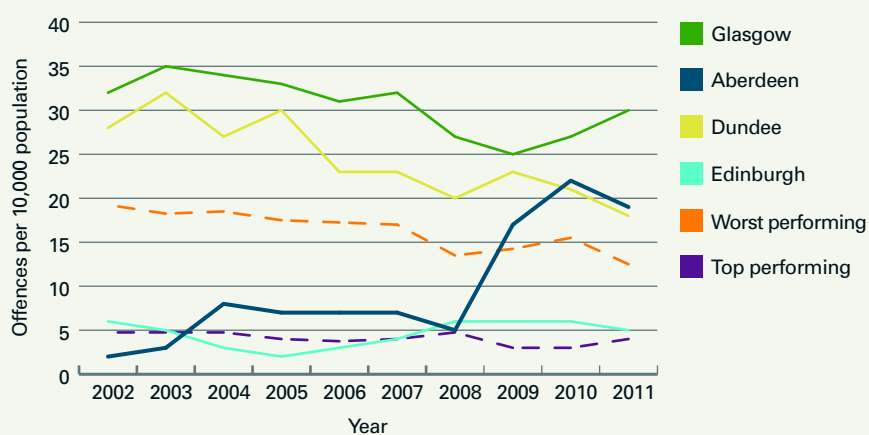
All the performance measures are provided for Aberdeen as a whole, rather than distinguishing between deprived and affluent areas of the city. There is little evidence that the gaps in attainment levels between

deprived and affluent areas have been reduced. Some progress has been made at S4 level, but the gaps in attainment levels for S5 and S6 are greater than they were in 2004/5 ([Exhibit 13](#)).

Exhibit 12

Drunkness offences per 10,000 population

The number of drunkness offences reported has increased significantly in Aberdeen since 2002 – city comparison.

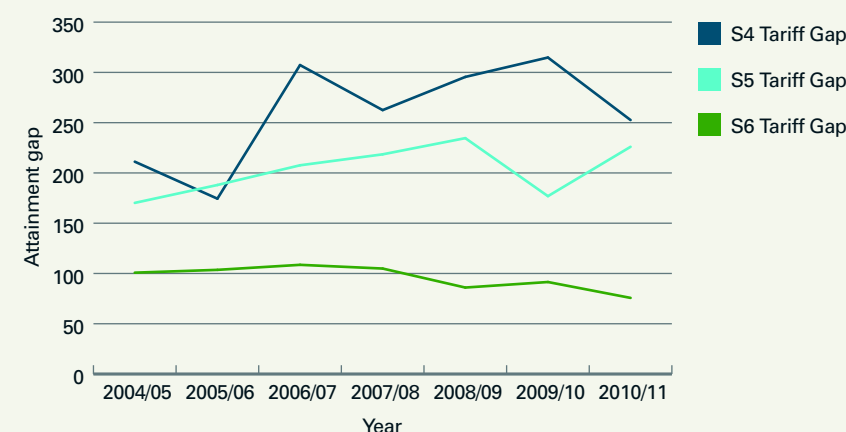


Source: Recorded Crime in Scotland publication (Scottish Government) obtained from Scottish Neighbourhood Statistics website

Exhibit 13

School attainment levels – gap between 20 per cent most deprived and 20 per cent least deprived

There is no clear evidence that the gap in attainment levels has narrowed.



Source: Audit Scotland, 2012

There is little to show that any significant progress has been made in achieving CPA's environmental objectives

130. The SOA contains seven targets relating to CPA's environmental objectives. In contrast to other SOA themes, many of these measures relate to high-level outcomes and community impact. However, in almost all cases, the SOA Progress Report for 2010/11 contains no up-to-date targets or performance information. For example, no data on the city's carbon footprint has been available since 2006. Similarly, data on the use of public and private transport has not been available since 2008.

131. There has been success in recycling domestic waste. Since 2007/08, this has almost doubled to 31.7 per cent, above the target set of 27 per cent. This is in line with improvements made by other councils throughout Scotland. It is also not clear how this target relates to partnership working with other public organisations.

132. Overall, however, the general lack of performance data suggests that environmental matters have not been treated as a local priority.

Part 7. Improvement agenda



133. Continuous improvement in public services and strong local leadership and governance are central elements of the joint Scottish Government and COSLA Statement of Ambition for Community Planning. That document and the Scottish Government's priorities for public service reform in response to the Christie Commission report share common themes:

- A decisive shift towards prevention.
- Greater integration of public services at local level, driven by better partnership, greater collaboration and effective local delivery.
- Greater investment in the people who deliver services through enhanced workforce development and effective leadership.
- A sharp focus on improving performance.

134. This is a stretching and demanding agenda. It will require strong and sustained leadership from public sector leaders to deliver the ambitious step change in performance from community planning that are required to respond to:

- the financial pressures facing public services'
- rising demand owing to demographic change and public expectations
- the deep-rooted social problems that affect many parts of Scotland.

135. CPA has shown a high level of self-awareness, with two external reviews commissioned over the past two years. It has made many significant changes in recent months and now has many of the fundamental structures and processes in place. However,

it has set itself a demanding improvement agenda and much still needs to be fully established before it can demonstrate clearly how it is improving outcomes for its communities.

136. The audit has identified a number of areas where improvement is required by the CPP. These are set out below.

Strategic direction

- Identify a limited number of strategic priorities on which the community planning partnership can make an impact.
- Ensure that CPA has a strategic oversight of all significant partnership working to help ensure that there is a match between resources and strategic priorities.
- Review the approach to community engagement to help avoid any duplication of effort by different organisations.

Governance and accountability

- Review the level of representation of partner organisations to help ensure that CPA Board members have sufficient seniority to contribute to decision-making.
- Strengthen the scrutiny of performance, by regularly providing monitoring reports to theme groups and to the CPA Board.
- Hold partners to account for their contribution to shared objectives and use this to help drive improvements.

Performance management and use of resources

- For each strategic priority, set performance targets that provide a stronger focus on outcomes and community impact.
- Ensure that reliable performance data is available to match targets. Avoid setting targets that cannot be monitored.
- Assess the impact made by Fairer Scotland and Challenge Funds.
- Identify the total resources available to all partners and determine how resources can be targeted and aligned towards agreed priorities and outcomes.

Impact and outcomes

- Assess the impact of the 'whole-systems' approach, currently being piloted in education and community safety.

137. We will be liaising with the board to discuss this improvement agenda and will be monitoring the progress that the CPP makes in taking forward these improvement actions.

Community planning in Aberdeen

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Improving community planning in Scotland



Prepared for the Accounts Commission and the Auditor General for Scotland
March 2013

The Accounts Commission

The Accounts Commission is a statutory, independent body which, through the audit process, requests local authorities in Scotland to achieve the highest standards of financial stewardship and the economic, efficient and effective use of their resources. The Commission has four main responsibilities:

- securing the external audit, including the audit of Best Value and Community Planning
- following up issues of concern identified through the audit, to ensure satisfactory resolutions
- carrying out national performance studies to improve economy, efficiency and effectiveness in local government
- issuing an annual direction to local authorities which sets out the range of performance information they are required to publish.

The Commission secures the audit of 32 councils and 45 joint boards and committees (including police and fire and rescue services).

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The Auditor General for Scotland is the Parliament's watchdog for helping to ensure propriety and value for money in the spending of public funds.

She is responsible for investigating whether public spending bodies achieve the best possible value for money and adhere to the highest standards of financial management.

She is independent and not subject to the control of any member of the Scottish Government or the Parliament.

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- NHS bodies
- further education colleges
- Scottish Water
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Introduction



Introduction

1. Community planning is the process by which councils and other public bodies work together, with local communities, businesses and voluntary groups, to plan and deliver better services and improve the lives of people who live in Scotland.

2. It was given a statutory basis by the Local Government in Scotland Act 2003 (the Act) (Appendix 1). That Act, and the later statutory guidance, sought to establish community planning as the

key means of leading and coordinating partnership working and initiatives at the regional, local and neighbourhood level.¹ It should add value by:

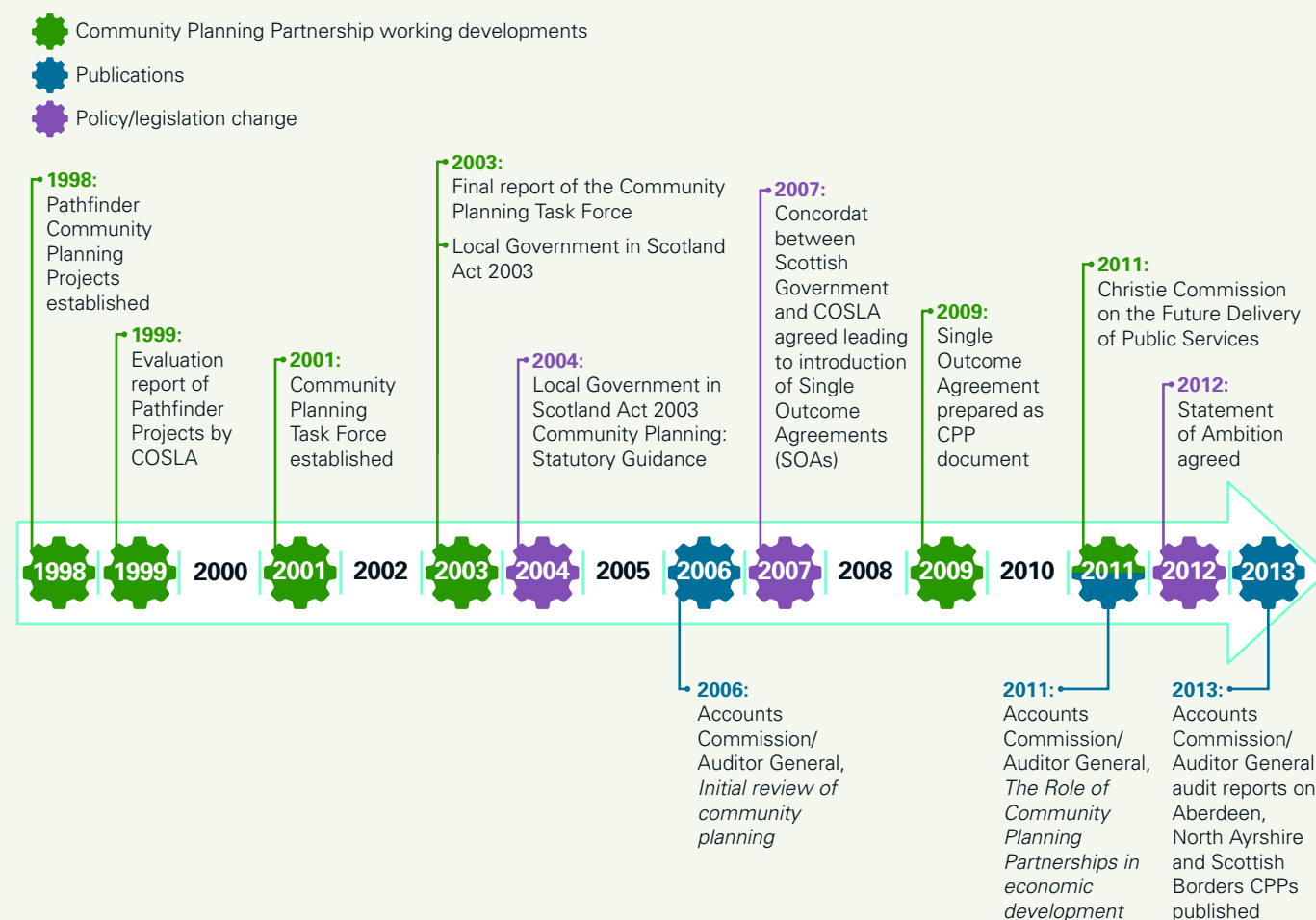
- providing a local framework for joint working
- building a culture of cooperation and trust
- improving public services
- making the best use of public money.

3. Community planning has gone through a series of changes and developments since its introduction in the late 1990s. The main developments are shown in Exhibit 1.

4. Between 2011/12 and 2014/15, the Scottish Government's spending will fall by 5.5 per cent (£1.5 billion) allowing for inflation.² Reductions of this scale are a significant challenge for the Scottish public sector. The Christie Commission report³ on the future of public services highlighted the need for a new, more radical,

Exhibit 1

Main milestones in the development of community planning in Scotland



1 *The Local Government in Scotland Act 2003 – Community Planning: Statutory Guidance*, Scottish Executive, Edinburgh, 2004.

2 *Scottish Spending Review 2011 and Draft Budget 2012-13*, (Table 6.02 – Departmental Expenditure Limits, applying the following deflators: 2012/13 = 2.5 per cent; 2013/14 = 2.7 per cent; 2014/15 = 2.7 per cent), Scottish Government, September 2011.

3 *The Commission on the Future Delivery of Public Services*, Christie Commission, June 2011.

collaborative culture throughout Scotland's public service. It called for a much stronger emphasis on tackling the deep-rooted, persistent social problems in communities across the country to enable public bodies to respond effectively to these financial challenges.⁴

5. The Scottish Government and the Convention of Scottish Local Authorities (COSLA) reviewed community planning and Single Outcome Agreements (SOAs) in 2012. They then published their Statement of Ambition.⁵ This sets out high expectations for community planning and puts the community planning process at the core of public service reform by:

- taking the lead role in securing integrated public services
- focusing more on potential problems and identifying ways to prevent them happening
- ensuring public bodies continue to improve the ways in which they manage and provide services
- achieving better outcomes for communities, such as better health and lower crime
- providing the foundation for effective partnership working, within which wider reform initiatives will happen.

6. The Statement of Ambition is clear that significant changes to improve community planning are needed to respond to the challenges of reducing public finances while demand for services increases. Community Planning Partnerships (CPPs) also need to be equipped to reduce the stark variations in outcomes experienced by different communities and implement a significant public service reform agenda.

7. The conclusions in this report draw on the three recent audits of CPPs in Aberdeen, North Ayrshire and Scottish Borders. The report is also based on our wider audit work on partnerships over a number of years. These range from our initial review of community planning in 2006⁶ and our *Review of Community Health Partnerships* in 2011,⁷ to the most recent audit of the role of CPPs in economic development.⁸

8. This report is designed to make a constructive contribution to the debate about how community planning in Scotland can, and should, be improved. It does not seek to provide 'the answer' to resolving all of the challenges that community planning in Scotland faces. Rather, it uses our collective experience of auditing community planning and partnership working to contribute towards how community planning in Scotland can be improved.

⁴ Ibid.

⁵ *Review of Community Planning and Single Outcome Agreements: Statement of Ambition*, Scottish Government and COSLA, March 2012.

⁶ *Community planning: an initial review*, Accounts Commission and the Auditor General for Scotland, 2006.

⁷ *Review of Community Health Partnerships*, Accounts Commission and the Auditor General for Scotland, June 2011.

⁸ *The role of Community Planning Partnerships in economic development*, Accounts Commission and the Auditor General for Scotland, 2011.

Summary



Summary

There is now a renewed focus on community planning which provides a clear opportunity to deliver a step change in performance. This will require strong and sustained shared leadership

9. Partnership working is now generally well established and many examples of joint working are making a difference for specific communities and groups across Scotland. But overall, and ten years after community planning was given a statutory basis, CPPs are not able to show that they have had a significant impact in delivering improved outcomes across Scotland.

10. Our audit work in recent years has found shortcomings in how CPPs have performed. These are widespread and go beyond individual CPPs. Community planning was intended as an effective vehicle for public bodies to work together to improve local services and make best use of scarce public money and other resources. Barriers have stood in the way of this happening. All community planning partners need to work together to overcome the barriers that have stood in the way of this happening. For example, shifting the perception that community planning is a council-driven exercise, and not a core part of the day job for other partners.

11. The need for change has been recognised and there is now a renewed focus on community planning nationally and locally. The Scottish Government and COSLA's Statement of Ambition sets out an ambitious and challenging improvement agenda for community planning. The Scottish Government and CPP partners must show strong and sustained shared leadership to deliver these improvements. If CPPs are to be at the core of public service reform then the Scottish Government will need to align its resources and

policy and performance frameworks in ways that reflect that ambition. This means ensuring that health boards and other public bodies are held to account for their contribution to CPPs and for the development and delivery of new SOAs.

12. CPPs have not been clear enough about the key priorities for improvement in their area. SOAs have tended to be summaries of existing planned actions, covering all national outcomes, without clearly focusing on things that matter most for the local area. Too often, everything has seemed to be a priority, meaning that nothing has been a priority. CPPs have not clearly set out how local partnership working is making a distinctive and additional contribution to improving public services and improving outcomes for local people.

13. Community planning has had little influence over how the significant sums of public money available, for example to councils and the NHS, are used. Governance and accountability arrangements for community planning have been weak. Much work is needed to improve planning and performance management by CPPs. Individual partner organisations have not been routinely or robustly held to account for their performance as a member of the CPP. As a result, there are no consequences for not participating fully. Nor are the incentives sufficient to change behaviours. Resolving this accountability deficit is one of the keys to improving how CPPs perform and ensuring better outcomes for local communities.

14. One of the aims of community planning was to help reduce social inequality. However, stark differences in outcomes for different groups still persist in Scotland. The reasons for many of these inequalities are complex and deep rooted, affected by many social, economic and

environmental factors. It is in these complex areas that CPPs can make a real difference if they focus their efforts and bring to bear the full weight of their combined resources, skills and expertise.

15. There is an increasing emphasis on CPPs planning and delivering services in preventative ways: that is, to prevent problems from arising. This is a long term and challenging process. The new SOA guidance to CPPs⁹ requires all new SOAs to include a specific plan for prevention that details what partners are collectively doing and spending on prevention and how the partnership will evidence its progress in:

- making a decisive shift to prevention
- improving outcomes
- reducing future need
- controlling costs and releasing savings.

16. The guidance also highlights national outcomes that have significant scope to reduce inequalities. Together these should help progress to be made in the area of prevention.

17. There is a risk that wide-ranging reforms of public services in Scotland creates tensions between national and local priorities for change. Significant changes are under way aimed at integrating health and social care services, creating national police and fire services and regionalising colleges, all of which are important community planning partners. It is essential that those who lead and manage local public services work together to ensure that they are providing public services in ways that make sense locally, while delivering the stated intention of the reforms. Equally, the Scottish Government has a key role to play by:

- ensuring 'joined-up' approaches to reform across government
- clearly and consistently setting out how it expects services to be provided in an integrated way
- streamlining policy guidance and arrangements for measuring performance across different parts of the public sector, and making sure they are consistent with each other.

18. At present, it is not clear how important aspects of the community planning review and health and social care integration developments are being integrated. For example, how policy guidance on governance and accountability arrangements is being coordinated and how performance reporting requirements will be aligned.

19. The Statement of Ambition sets out high expectations and a challenging programme of improvements for CPPs. It is clear that there is an appetite among CPPs for progressing this agenda. To implement the Statement of Ambition effectively, several important conditions for success will be needed.

- **CPPs** need to focus more clearly on where they can make the greatest difference in meeting the complex challenges facing their communities. They need to make their SOAs a true plan for the areas and communities that they serve. They also need to show clearly how they are using the significant public money and other resources available to CPP partners to target inequalities and improve outcomes. SOAs need to specify what will improve, how it will be done, by whom, and when.
- **CPPs** need to ensure that all partners align their service and financial planning arrangements with community planning

priorities. This means ensuring that budget setting and business planning decisions by CPP partners, such as councils and NHS boards, take full account of community planning priorities and SOA commitments.

- **CPPs** need to significantly improve their governance and accountability, and planning and performance management arrangements by:
 - successfully mobilising resources towards agreed goals and ensuring best use of public resources
 - showing that partnership working is making a significant difference in improving services, driving the move towards prevention, and delivering better outcomes for communities
 - clarifying roles and responsibilities for elected members, non-executives and officers
 - ensuring that CPP decision-making is reflected fully within the governance structures of all partners.
- **The Scottish Government** should ensure that the links between the various strands of its public service reform agenda are clearly articulated and well understood by all parts of Government and public services. For example, how the strategic oversight relationship between CPPs and Health and Social Care Partnerships, as set out in the Statement of Ambition, should operate in practice. This is key to supporting CPPs deliver on the Statement of Ambition expectation that they should have strategic oversight of, and be at the centre of, all public service reform.

- **The National Community Planning Group** has an important role in providing visible leadership and support for community planning in Scotland. That will mean:

- maintaining the pace of change in community planning reform
- ensuring that CPPs are provided with appropriate training and support to enable them to deliver on the ambitious changes expected of them
- promoting the effective sharing of good practice. For example, in relation to partnership governance.

Part 1. How well are Community Planning Partnerships doing?



How well are Community Planning Partnerships doing?

There are many examples of good joint working, with evidence of some of these delivering improvements at a local level

20. An important emphasis of the Statement of Ambition is for CPPs to strengthen joint working between partners. CPPs have a role to promote and share good practice, for example, about local initiatives, preventative services, and pooling resources.

21. There are many examples of good partnership working across Scotland, often with a strong preventative focus. These include:

- **Economic development:** The Glasgow Works Partnership Group aims to reduce the number of residents in Glasgow who are not in work. It was established in 2006 and between 2008 and 2011, received around £23.5 million of funding to deliver its employability programme which supported over 21,000 individuals. Almost 4,500 people gained full-time employment, 2,000 gained a qualification and 1,500 entered further or higher education.¹⁰
- **Health Inequalities:** The Mobile Alcohol Intervention Team aims to reduce alcohol misuse among under-16s in Fife. It increases awareness of the consequences of alcohol misuse and provides guidance on responsible drinking. The police, NHS Fife and Clued Up (a voluntary substance misuse organisation) worked in partnership, each having a clearly defined role and responsibilities. Between April 2011 and March 2012, the programme worked with 94 young people who were misusing

alcohol, 64 took part in follow-up assessments and of these 41 per cent reported that they had reduced their alcohol use.¹¹

- **Community Health Partnerships (CHPs):** NHS Forth Valley and Clackmannanshire Council established an integrated mental health service in 2003 before the Community Health Partnership was established. Having a pooled budget has helped the partners to radically change how they provide services by creating a single referral process for people to access the service. They have also been able to reshape their workforce by changing the skill mix of staff.¹²
- **Improving public services:** The Marr Community Planning Group brings together representatives from the community and from Aberdeenshire community planning partners. The group aims to identify communities' needs in the Marr area and work together to address these, or to help support people deal with them. Over 50 per cent of the members are community representatives. Achievements include a new dental facility in Huntly and the community management of Braemar Castle.¹³
- **Health and social care:** The Cheviot programme in the Scottish Borders aims to ensure individuals can live safely in the community for longer, reducing the need for hospital or residential care. Scottish Borders Council and NHS Borders are reshaping health and care services. The day service has been redesigned with the voluntary sector funded to provide three rural social centres. Joint working means a new day

service for people with learning disabilities is now being provided at Kelso Hospital.¹⁴

- **Community healthcare:** Aberdeen partners have secured £24 million capital funding to develop a community healthcare village. This will accommodate a range of diagnostic and treatment services within a single location. This is to enable people to receive care in a community setting rather than in the city's main hospital complex. Health, social work and police will be based in the new centre providing a range of services.¹⁵
- **Community safety:** The Multi-Agency Problem Solving Group in North Ayrshire works closely with local people to identify areas for preventative action. Partners can then target problem issues to improve local outcomes. Areas for potential joint action are identified through the Safer North Ayrshire Partnership. Partners summarise their views and knowledge about the area and contribute to developing a plan for action. Action plans are structured in phases. These include an intensive week of enforcement activity and a visual audit to identify environmental issues such as graffiti, vandalism and fly-tipping. Partners then develop a local plan to address these. The group has used mobile youth centres and portable sports facilities as diversionary activities and youth workers have worked with young people to encourage them to take part in local activities. Residents say the group's work has made a noticeable difference in local communities.¹⁶

¹⁰ *The role of Community Planning Partnerships in economic development*, Accounts Commission and the Auditor General for Scotland, 2011.

¹¹ *Health inequalities in Scotland*, Accounts Commission and the Auditor General for Scotland, December 2012.

¹² *Review of Community Health Partnerships*, Accounts Commission and the Auditor General for Scotland, June 2011.

¹³ *The Commission on the Future Delivery of Public Services*, Christie Commission, June 2011.

¹⁴ *Community planning in Scottish Borders*, Accounts Commission and the Auditor General for Scotland, March 2013.

¹⁵ *Community planning in Aberdeen*, Accounts Commission and the Auditor General for Scotland, March 2013.

¹⁶ *Community planning in North Ayrshire*, Accounts Commission and the Auditor General for Scotland, March 2013.

22. One of the challenges facing CPPs will be finding ways of translating effective local initiatives into new ways of working that can be delivered at scale across Scotland. Much of this joint working has been in response to specific funding opportunities, such as change funds,¹⁷ or has occurred through one or more partners identifying opportunities for improvement. Other important partnership developments, such as the introduction of Community Health and Care Partnerships (CHCPs), have come about because of legislative change.¹⁸

23. The introduction of community planning has helped to create a culture that now supports joint working. But, we have found that much of the local joint working that takes place is not being led by CPPs and its links with local improvement priorities set out in SOAs are not always clear. This means that CPPs are unable to demonstrate that they are learning the lessons from what worked well locally and applying them to their future partnership working.

CPPs cannot show clearly that they have made a sustained and significant difference in improving outcomes for their communities

24. Many factors that affect performance and outcomes are beyond the control or influence of CPPs. In addition, changing behaviours within communities is complex and takes time. For these reasons it is not straightforward to attribute either improved, static or deteriorating outcomes to the actions of CPPs. It is important that CPPs are clear about their key improvement priorities, direct resources to them, and gather the right information to assess whether their actions are making a difference in improving services and delivering better outcomes for local people.

25. Since their creation most CPPs have tended to focus on the same broad themes:

- **Economy and employment** – working to promote economic growth, deal with the impact of the global downturn, create jobs and provide local people with employment opportunities.
- **Education and life-long learning** – trying to ensure that young people get the best possible education to allow them to access the job market and fulfil their potential, and working to ensure that adults and older people are able to access appropriate training opportunities.
- **Health and social care** – improving the overall health of the local population and trying to ensure that health and social care services work well together to support people in their homes.
- **Community safety** – supporting local efforts to deal with issues such as antisocial behaviour.
- **Environmental sustainability** – working together to improve and protect the environment.

26. Despite their efforts and activity, many CPPs are unable to demonstrate:

- how local partnership working is being targeted to key local improvement priorities
- how community planning is adding value to existing public service delivery arrangements
- whether local partnership working is making best use of public resources
- if local partnership working is leading to significant and lasting improvements in outcomes for communities.

27. Our three local CPP audit reports found that gaps in data prevented a full assessment of the effectiveness of community planning in securing improved outcomes for local communities. The available local and national data indicated mixed performance across a wide range of outcomes such as the economy, health, and community safety.

28. CPPs need to get better at directing their efforts to reducing the gap between the life experiences and outcomes of those living in the most and least deprived areas of Scotland. Stark differences in outcomes for different groups still persist in Scotland. The reasons for many of these inequalities are complex and deep rooted, affected by many social, economic and environmental factors. It is in these complex areas that CPPs can make a significant and lasting difference if they focus their efforts and make effective use of their combined resources, skills and expertise.

29. There is an increasing emphasis on preventative approaches to planning and delivering services within CPPs. The new SOA guidance to CPPs requires all new SOAs to include a specific plan for prevention that details what partners are collectively doing and spending on prevention, and how the partnership will evidence its progress in:

- making a decisive shift to prevention
- improving outcomes
- reducing future need
- controlling costs and releasing savings.

¹⁷ Change Funds are specific funding streams created by the Scottish Government to support innovation and improvement in public services, such as early years services, reducing reoffending, and improving older people's services.

¹⁸ The NHS Reform (Scotland) Act 2004 and The Community Health Partnerships (Scotland) Regulations and Statutory Guidance, Scottish Executive, 2004.

30. The guidance also highlights national outcomes that have significant scope to reduce inequalities. Together these should help progress to be made in the area of prevention.

Stronger shared leadership is key to delivering improved community planning and it needs to be supported by effective governance and accountability arrangements

31. The Local Government in Scotland Act 2003 clearly sets out the importance of shared leadership in community planning. It states that leadership should be carried out by the organisation best placed to perform this role and that partners should be encouraged to lead on appropriate themes.¹⁹ The Scottish Government and COSLA's joint Statement of Ambition for community planning reinforces the importance of shared leadership. It emphasises that: 'CPPs should be genuine boards, with all the associated authority, behaviours and roles that this implies, for both them and constituent partners.'

32. We found inconsistent leadership across the three early CPP audits. We had particular concerns about the level and range of NHS and other national bodies' engagement with the CPP process. The Scottish Government is seeking to deal with this and has set out more clearly its expectations of how those national bodies should be involved in community planning. It also needs to take action, working with CPPs, to remove the barriers that are preventing community planning acting as a key driver of public service reform. Those barriers include complex and differing accountability arrangements for partners and tensions between a focus on local areas, that is at the core of community planning, and national policy and performance priorities with their much broader focus.

33. Further work is needed to develop the ability of CPP boards to take on their strategic leadership role. We found that, within CPP boards or executive groups, there is little challenge by partners of each other's performance even when there is clear evidence of underperformance and a failure to achieve targets. This may reflect the way in which community planning has evolved. Typically, it starts with building relationships, understanding and trust before developing a culture based on effective challenge and performance management. It means, though, that CPP boards need to develop a much stronger culture of collective challenge if they are to truly lead strategic change.

34. Greater clarity is needed about the roles that local elected politicians, non-executive board members, and officers are expected to take on as part of the community planning process. Many councillors and non-executive representatives from the NHS are unclear about their role in the CPP process. This lack of clarity is a barrier to providing effective leadership and challenge, weakening CPP governance.

35. The Statement of Ambition states that 'the unique responsibilities of CPPs require strong governance and accountability arrangements, which must complement other arrangements such as the accountability of NHS boards to ministers'. Our audit work has found that governance arrangements for CPPs are weak and there is little evidence that community planning is effectively integrated within the formal governance structures of CPP partners. This means that CPP boards have no real authority to make decisions that commit partners to action. This contributes to a more general picture of CPPs being places where issues are discussed but no real decisions are made. CPPs

will only be able to make real and significant changes to public services and ensure best value for public money if the representatives sitting on boards are able to commit their organisations to the decisions that boards make.

36. The lack of a clear accountability framework for CPPs continues to be a barrier to more effective partnership working. Individual partner organisations have not been routinely or firmly enough held to account for their performance as a member of the CPP. As a result, they face no consequences for not participating fully. Nor are the incentives sufficient to change behaviours. Resolving this accountability deficit is one of the keys to improving the performance of CPPs and ensuring better outcomes for local communities. More clarity is needed within CPPs about who is accountable to whom, for what, and by when.

37. Many CPPs are reviewing their governance structures in response to the clearer expectation that the Statement of Ambition sets of effective shared leadership. Various governance models are being established. While governance structures need to reflect local circumstances it may be useful for key principles of good governance for CPPs to be identified and published as most of the current good practice guidance focuses on single entities/bodies, rather than partnerships. Over time any good practice that emerges in this area should also be made available to CPPs. This is a task that the national community planning group may wish to pursue.

19 *The Local Government in Scotland Act 2003 – Community Planning: Statutory Guidance*, Scottish Executive, Edinburgh, 2004.

Community planning has been seen as a council-driven exercise in which partners participate but do not lead or drive change

38. Community planning has tended to be seen as a council-led exercise. This reflects both the legal position of councils as the bodies with the statutory duty to initiate, facilitate and maintain community planning, and the democratic nature of councils which carries with it an important community leadership role. The fact that only councils were formally held to account for their role in community planning through the Best Value audit also helped reinforce the perception that councils were responsible for community planning.

39. Furthermore, bodies such as the NHS and Scottish Enterprise have different accountability arrangements. Together, these meant that other statutory partners have participated with varying degrees of commitment to community planning. They have not seen it as a core part of the day job.

40. The position is changing. We have found evidence of community planning becoming more of a shared enterprise due to the clearer and more explicit expectations from the Scottish Government in the Statement of Ambition and through the National Community Planning Group. This now needs to be reinforced by establishing a clear set of expectations for how the NHS and other national bodies should take part in community planning that can be underpinned by statutory duties as part of the Community Empowerment and Renewal Bill.

41. Changing legislation does not necessarily change behaviours, so further work will be needed across government to send consistent messages to public sector leaders

in the NHS, non-departmental public bodies (NDPBs) and agencies. These messages should describe the important role that they must play in supporting community planning, making it clear that it should be part of their core approach to leading and managing their businesses.

Single Outcome Agreements have not been clear enough about the key improvements that community planning aims to deliver for the area. They have tended to act as a summary of existing planned actions covering all national outcomes rather than setting out a clear plan for the communities that each CPP serves

42. The development of SOAs since 2009/10 has improved the range and quality of information gathered to support the community planning process. However, we found that SOAs do not clearly set out the key improvements that community planning is seeking to deliver for the area. In many cases, because everything has been a priority, nothing has been a priority. SOAs tend to act as a summary of existing planned actions covering all national outcomes rather than setting out a clear plan for improving the local area. In addition, national priorities in areas such as NHS performance (and HEAT²⁰ targets) have diluted the extent to which SOAs have truly focused on things that matter for the local area.

43. SOAs have generally lacked a clear focus on the added value of CPPs and partnership working and tend to focus on process and inputs. They do not explain clearly enough the improvements in outcomes that community planning, and partnership working more generally, is seeking to achieve.

44. CPPs have recognised these difficulties and over time have been refining and streamlining their SOAs. While some have reduced the number of priorities, many partners still believe that there are still too many and that partnership working is spread too thinly across too many fronts. Priorities still do not reflect the key issues and challenges that partnership working needs to address locally. Performance measures and targets are clearer and more specific in different parts of the country. More effective arrangements need to be established to ensure that all CPPs can learn from each other and share best practice.

45. Since they were introduced in 2008 SOAs have been reviewed by the Improvement Service, COSLA and the Scottish Government.^{21, 22, 23} These reviews highlighted several challenges in improving the local outcomes approach, including the need for better information about performance.

46. Revised SOA guidance was issued jointly by COSLA and the Scottish Government in 2012. It was based on the expectations of community planning that the Statement of Ambition set out.²⁴ CPPs are currently drafting their new SOAs. They are due to be submitted as draft documents to the Scottish Government by 1 April 2013 with a deadline for the SOAs to be agreed with the Scottish Government by 28 June 2013.

Community planning has had little influence over how mainstream public sector budgets and other resources are used to date

47. The 2003 Act was clear that, to take part effectively in community planning, partners had to identify and allocate the funding and other resources necessary to achieve agreed outcomes. More recently,

²⁰ HEAT: (H)ealth improvement, (E)fficiency and governance improvement, (A)ccess to services, (T)reatment appropriate to individuals.

²¹ Interim report from local government on the first phase Single Outcome Agreements in 2008-09, prepared by the Improvement Service on behalf of COSLA and SOLACE.

²² *Single Outcome Agreement Overview Commentary – Progress in 2008-09*, Scottish Government, February 2010.

²³ *Local Matters: Delivering the Local Outcomes Approach*, Scottish Government and COSLA, 2011.

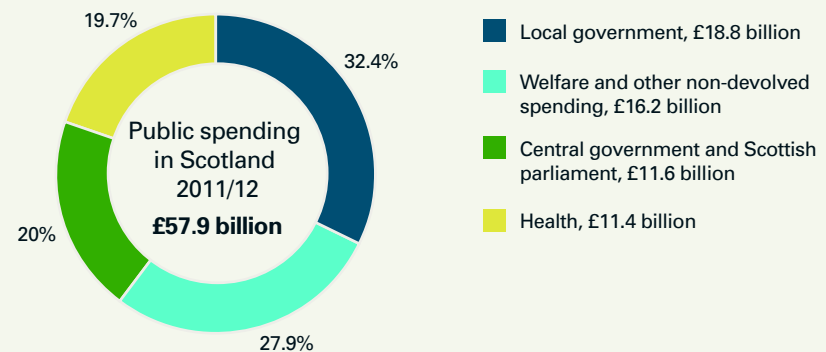
²⁴ *Single Outcome Agreements – Guidance to Community Planning Partnerships*, Scottish Government and COSLA, December 2012.

the Statement of Ambition stated that CPPs 'must have a clear understanding of respective partner contributions, how total resources will be targeted to deliver the priorities and how partners will be held to account for delivery'.

48. The pressures on Scotland's public finances are the greatest in living memory, but overall resources remain significant. The total devolved public sector in Scotland employs over 400,000 staff (full-time-equivalents)²⁵ and the main community planning partners in Scotland (councils, NHS boards, police and fire and rescue) have a significant combined annual budget. The Department for Work and Pensions (DWP) also contributes significantly to public spending, including income support, housing benefit, council tax benefit and state pension. Total public spending in Scotland (including DWP spending) is almost £60 billion (Exhibit 2). If CPPs effectively targeted these resources towards agreed improvement priorities, as the Statement of Ambition anticipates, then over time they should make progress in dealing with the complex challenges facing Scottish society.

49. Our audit work has found many examples of local, jointly funded projects. These projects are important. But, they are at the margins of public services and the short-term nature of the funding can create difficulties when thinking about applying change over much wider services. There is little evidence of CPPs using mainstream resources including money, people and buildings to support the agreed outcome priorities that are set out in SOAs. Barriers to sharing resources and integrating service can exist. For example, often changes that would require investment by one organisation can benefit other public bodies. But, there is little incentive for them to make those

Exhibit 2
Total public spending in Scotland



Source: Audit Scotland

changes at a time of increasing budgetary pressures. Improving public services therefore needs to have a 'whole-system' approach where costs and benefits are shared between partners. But, organisational boundaries and financial regulations can get in the way of making change of that kind.

50. If CPPs are to achieve the aspirations set out in the Statement of Ambition, a significant change is needed in their influence over how public resources are used. We have found that CPP partners are only in the very early stages of developing shared asset plans. We also found there is little evidence of the development of shared staff development strategies.

CPPs need to get better at managing performance

51. Strongly and effectively managing the performance of partnership working and the contribution of individual partners is an essential component of an effective community planning process. The 2003 Act sets out the need for CPPs to:

- monitor progress against agreed outcomes

- use that monitoring to improve local arrangements for planning and providing services to deliver better outcomes.

52. The Statement of Ambition strongly emphasises the importance of CPPs monitoring performance over time to ensure public services continuously improve and better outcomes are achieved for local communities.

53. Weaknesses in performance management arrangements within CPPs have been a regular finding in our previous audits of community planning. It remained a common feature in our three recent CPP audit reports. Even those CPPs that have established a performance management framework are not yet using it to drive improvement. SOA targets are often focused on processes not outcomes and effective performance management is also hindered by inconsistencies in the data that are available locally and nationally.

54. Public performance reporting (PPR) is an important aspect of public accountability. PPR by CPPs is improving, but remains very underdeveloped. Improving how

²⁵ Quarter 3 figures, 2012 (local government: 410,500, NHS: 131,800, total central government: 35,400, FE colleges: 10,600). *Quarterly Public Sector Employment Series*, Scottish Government, Office for National Statistics.

CPPs communicate with, involve, and are accountable to local communities will be one of the ways of making community planning more relevant to the communities it is designed to serve. As part of that process, CPPs will need to significantly improve their performance management arrangements. This means gathering and reporting clear and consistent performance data that describes how outcomes have improved due to their actions.

Community planning takes account of a wide range of consultation activity, but there is a long way to go before services are truly designed around communities and the potential of local people to participate in, shape and improve local services is realised

55. We found a strong commitment by CPPs to engage with and involve communities and there are many examples of individual CPP partners consulting communities. This reflects the broadly positive findings of our initial community planning audit in 2006. In some CPPs, consultation also takes place through the CPP itself.

56. But CPPs need to do further work to show more consistently how their consultation activity is influencing community planning priorities and leading to better outcomes for local people.

57. The Community Empowerment and Renewal Bill anticipates more participation by citizens in line with the expectations of the Statement of Ambition. This includes identifying solutions to local problems, and being involved in taking decisions about investing in services or local facilities, or withdrawing from them. CPPs may consider buying or commissioning local services rather than providing them directly themselves. In doing

this CPPs should take account of the ability of local communities and the third sector groups such as voluntary organisations and charities to provide the service.

58. Many CPPs are rethinking how they consult with local communities through neighbourhood planning structures or area forums. The aim of this is to tailor services around a clear understanding of local issues by involving local communities in identifying local issues and deciding how best to respond to them. However, much of the focus is still on consultation and getting people involved. There is a long way to go before services are truly designed around communities and the potential of local people to participate in, shape and improve local services is realised.

The Scottish Government has re-emphasised the central role that community planning should play in driving the reform of public services. But the broader public service reform agenda does not appear to be well 'joined up' when viewed from a local perspective

59. Scottish ministers have a statutory duty to promote and encourage community planning when discharging any of their functions. This includes promoting and encouraging the process of community planning as the overarching framework for improving how public services are planned and provided ([Appendix 2](#)).²⁶

60. Our initial review of community planning in 2006 found that CPPs were finding it difficult to achieve their potential in meeting local needs. This was due to the wide range of national policy initiatives and because these were not integrated and lacked prioritisation. The fragmented nature of Scottish Executive funding streams

was also creating an administrative burden for CPPs.²⁷ Our more recent audit of the role of CPPs in economic development found that five years on many of the problems identified in 2006 persisted.²⁸

61. The Scottish Government is making efforts to raise the profile of community planning across its various departments and agencies. It has asked NHS boards to consider the new guidance on SOAs alongside the guidance on NHS local delivery plans and has set a corporate expectation for all public bodies to engage with CPPs and deliver SOAs.²⁹

62. When SOAs were introduced, the Scottish Government assigned responsibility for liaising with individual CPPs to a number of its most senior managers. This 'location director' role was intended to provide a direct link between each CPP and the Scottish Government to:

- build and maintain strong links with local partners
- challenge Scottish Government's partners on their delivery.

63. CPPs found the location director role helpful during the early stages of implementing the SOA process. However, we found that the extent to which they were challenging CPPs varied. We also found that the turnover of staff in those roles had affected the opportunity for CPPs and location directors to establish effective working relationships.³⁰ More generally, there was a lack of clarity about the role.

64. The Scottish Government is committed to raising the profile and clarifying what it expects of the location director role. The Minister for Local Government and Planning has emphasised to location directors

²⁶ Section 16(8) of the Local Government in Scotland Act 2003.

²⁷ *Community planning: an initial review*, Accounts Commission and the Auditor General for Scotland, 2006.

²⁸ *The role of Community Planning Partnerships in economic development*, Accounts Commission and the Auditor General for Scotland, 2011.

²⁹ Paul Gray, Director-General Governance and Communities, letter to all Local Authority Chief Executives, NHS Chief Executives, Chief Executives of Public Bodies, the Chief Constable and Chief Fire Officer, University and College Principals, Third Sector Interfaces, 11 February 2013.

³⁰ *The role of Community Planning Partnerships in economic development*, Accounts Commission and the Auditor General for Scotland, November 2011.

their important role in building strong relations and acting as an important conduit between CPPs and the Government. This is in light of the expectations that the Statement of Ambition places on both CPPs and the Scottish Government. He has asked location directors to provide strong but constructive challenge to CPPs throughout the development of the new SOAs and in their continuing engagement with local partners.³¹

65. The Scottish Government is currently involved in a wide-ranging programme of public service reform. This includes reviewing community planning, integrating health and social care services, establishing national police and fire services, college regionalisation, and community empowerment. Several of these developments, such as health and social care integration and the review of community care planning, share a common focus on partnerships, place and integrating services. Others, such as police and fire reform have a significant national dimension. Others still, such as college regionalisation, have a regional focus. This complex network of reforms may present challenges in establishing local community planning arrangements that are the foundation within which wider reform initiatives will happen in line with the expectations of the Statement of Ambition. Overall, Scottish Government public service reform developments do not appear to be well ‘joined up’ when viewed from a local perspective.

66. The Statement of Ambition states that CPPs do not have to take direct responsibility for the delivery of outcomes or integration of services where specific fit-for-purpose arrangements are already in place or are being developed. The proposals

to integrate health and social care services are cited as a particular case in point. CPPs need though to have a strategic overview of any such arrangements and assure themselves that they are robust and appropriately joined-up, based on the principle that community planning and SOAs must be core to the implementation of proposals for the integration of health and adult social care services. These principles provide a framework within which local CPP and H&SCP governance arrangements can be established.

67. Aligning community planning and health and social care integration is essential if public resources are to be used to best effect and appropriate links made with the broader community planning service integration and improvement agenda. It is important that each CPP assures itself that the proposed arrangements for health and social care integration in their area:

- reflect local circumstances and priorities
- are clear about the respective roles and responsibilities of the CPP and H&SCP
- will improve the quality of care and outcomes for older people
- will deliver improved value for money.

68. While this is a local decision, national guidance and planned legislation will influence local approaches. But, at present, aspects of the community planning review and health and social care integration developments are not clear. For example, how, in practical terms, CPPs should exercise their strategic oversight of health and social care integration and what

should happen where there is either underperformance by the H&SCP or disputes over priorities.

CPPs have not been subject to comprehensive external scrutiny to date. External scrutiny bodies are committed to taking forward developments in a ‘joined-up’ way, identifying opportunities for aligning and streamlining activity

69. The primary responsibility for improving services lies with the organisations that provide them. However, external scrutiny can also be a catalyst for improvement, influencing the behaviours and culture of providers and leading to improvements in how services are delivered. Audit, inspection and regulation also has an important role in providing assurance to the public, ministers, parliament and others about the quality and effectiveness of public services, and is an important element of the public sector accountability framework.

70. The Accounts Commission and the Auditor General for Scotland have audited partnerships and community planning over a number of years.³² Until recently though, CPPs have not had comprehensive external scrutiny. Only councils were held to account for their role in community planning through the Best Value audit. The focus of that audit was largely on the management arrangements and processes that support community planning, not on the impact and effectiveness of CPPs in securing better outcomes for their communities. The absence of a comprehensive audit and inspection framework for CPPs contributed to weaknesses in the overall accountability framework for community planning.

³¹ Derek Mackay, MSP. Correspondence to Pat Watters, CBE, Chair of National Community Planning Group, 31 January 2013.

³² *Community planning: an initial review (2006)*, *Review of Community Health Partnerships (2011)*, *The role of Community Planning Partnerships in economic development (2011)*, Accounts Commission and the Auditor General for Scotland.

71. There have been a number of recent scrutiny developments requested by Scottish ministers that have a specific focus on partnership working and outcomes:

- The request that the Accounts Commission lead development work, with the Auditor General for Scotland and other scrutiny partners, on how CPPs might be held to account for their performance and helped to deliver better outcomes. This development work led to our three early audits of CPPs in Aberdeen, North Ayrshire and Scottish Borders. These have focused on how effectively the CPPs have:
 - agreed clear improvement priorities for their area
 - established effective governance and accountability arrangements
 - shown effective shared leadership
 - delivered better outcomes for local communities.
- The Care Inspectorate’s joint inspections of children’s services focus on how well local public bodies are working together to deliver effective outcomes for children and young people.
- The Care Inspectorate and Healthcare Improvement Scotland’s development of an approach to inspecting health and care services for older people. This will consider the effectiveness of local partnership working.

72. These developments reflect requirements from Scottish ministers about the level of independent assurance that they expect on services that protect vulnerable people, and on the effectiveness of CPPs as key drivers of public service reform. These new arrangements, have a shared interest in how CPPs are performing and in partnership working more generally. However, the scope that ministers are proposing for them creates the risk that CPPs may be subject to a complex and overlapping set of external scrutiny arrangements.

73. The scrutiny bodies that have been charged with taking forward these developments are committed to doing so in a ‘joined-up’ way, identifying opportunities for aligning and streamlining activity and eliminating potential duplication. That work has begun through the Strategic Scrutiny Group³³ and will need ministers’ support.

³³ The Local Government Scrutiny Coordination Strategic Group was established in 2008 to support the Accounts Commission in ‘facilitating and coordinating... scrutiny relating to the corporate and strategic role of local government’ at the request of the Cabinet Secretary for Finance and Sustainable Growth. This group includes the Accounts Commission, Audit Scotland, Education Scotland (ES), the Care Inspectorate (CI), Scottish Housing Regulator (SHR), Her Majesty’s Inspectorate of Constabulary for Scotland (HMICS), Her Majesty’s Fire Service Inspectorate in Scotland (HMFSI) and Healthcare Improvement Scotland (HIS). The Scottish Government, COSLA and SOLACE are also represented on the group.

Part 2. What needs to be done to improve performance?



What needs to be done to improve performance?

Community planning in Scotland stands at a crossroads. All those involved must now demonstrate shared leadership and ensure that community planning is an integral part of the day-to-day work of all CPP partners

74. The Statement of Ambition is clear that significant changes to improve community planning are needed to meet the challenges of reducing public finances at a time when:

- demands on public services are increasing
- complex public service reforms are under way.

75. The Scottish Government and COSLA have been clear that the status quo for community planning is not an option. Making the changes needed for community planning to implement the improvements set out in the Statement of Ambition will require sustained national and local leadership. Improvements need to be

made quickly, but everyone involved needs to be realistic about the scale of the challenges and the long-term nature of some of the changes that are needed.

76. Community planning is at a crossroads. This offers a significant opportunity to establish a system of leadership, governance and performance that ensures continuous improvement in community planning (Exhibit 3). This will not be easy. Barriers stand in the way, and this virtuous cycle will only be

Exhibit 3

A virtuous cycle of continuous improvement in community planning



Improved outcomes for communities and demonstrable impact of community planning

Source: Audit Scotland

achieved through a level of sustained leadership that is significantly stronger than we have seen to date.

77. The National Community Planning Group, which was established in June 2012, has a key role to play by:

- providing clear political leadership and encouraging innovation and change
- setting clear expectations for all CPPs
- ensuring that CPPs receive the support they need to improve both their skills and performance.

78. There are five areas for improvement that all parties should focus on to improve community planning in Scotland. These are:

- creating stronger shared leadership
- improving governance and accountability
- establishing clear priorities for improvement and using resources more effectively
- putting communities at the heart of community planning and public service reform
- supporting CPPs to improve their skills and performance.

79. For these improvements to happen, changes need to be made at national and local level. Here we set out a series of recommendations directed at those in a position to make these changes happen.

Strong shared leadership

- **CPPs:** Community planning needs to become a truly shared enterprise, rather than a council-led exercise. This will mean changes in behaviour and more effective engagement and participation by partners, both executive and non-executive. CPPs need to start acting as true leadership boards, setting a stretching ambitious programme for change and holding people to account for delivering them.
- **The National Community Planning Group** has an important role in providing visible leadership and support for community planning in Scotland. It needs to effectively challenge local and national politicians and public sector leaders to maintain the pace of change in community planning reform.
- **The Scottish Government** should ensure that the links between the various strands of its public service reform agenda are clearly articulated and well understood by all parts of Government and public services. In particular, how, in practical terms, the strategic oversight relationship between CPPs and Health and Social Care Partnerships should operate.

Governance and accountability

- **CPPs** need to significantly improve their governance and accountability, and planning and performance management arrangements by:
 - successfully mobilising resources towards agreed goals
 - showing that partnership working is making a significant difference in improving services and delivering better outcomes for communities
 - clarifying roles and responsibilities for elected members, non-executives and officers
 - ensuring that CPP decision-making is reflected fully within the governance structures of all partners.
- **CPPs** need to assure themselves that the proposed arrangements for health and social care integration in their area:
 - reflect local circumstances and priorities
 - are clear about the respective roles and responsibilities of the CPP and H&SCP
 - will improve the quality of care and outcomes for older people
 - will deliver improved value for money.
- **The Scottish Government** needs to implement effectively the ambition in the SOA guidance, to 'hold health boards and other public bodies to account for their contribution to CPPs and for the delivery and development of new SOAs'. This means using all of the levers available to it, including

aligning and streamlining national policies and performance management arrangements to focus more explicitly on local areas and outcomes. It also needs to ensure that appropriate arrangements are put in place to bind all CPP partners and their resources effectively to shared improvement priorities.

Clear priorities for improvement and use of resources

- **CPPs** need to focus more clearly on where they can make the greatest difference in meeting the complex challenges facing their communities. They need to make their SOAs a true plan for the areas and communities that they serve. They need to show how they are using the significant public money and other resources available to CPP partners to target inequalities and improve outcomes. SOAs need to specify what will improve, how it will be done, by whom, and when.
- **CPPs** need to ensure that partners align their service and financial planning arrangements with community planning priorities. This means ensuring that budget setting and business planning decisions by CPP partners such as councils and NHS boards take full account of community planning priorities and SOA commitments.
- **The Scottish Government** needs to clarify how CPPs' contributions to supporting improvements in relation to its national priorities (economic recovery and growth; employment; early years; safer and stronger communities, and reducing offending; health inequalities and physical activity; outcomes for older people) will be assessed and progress reported at national level.

Community engagement and empowerment

- **The Scottish Government** needs to clearly articulate its expectations of effective community engagement by CPPs in its forthcoming Community Empowerment and Renewal Bill legislation.
- **CPPs** need to extend and improve their approach to engaging with communities if the potential of local people to participate, shape and improve local services is to be realised.

Improvement support and capacity building

- **The Scottish Government and COSLA** need to work together to more clearly set out what successful community planning looks like, sharing good practice and supporting improvement at local level. A comprehensive programme of training and support for public sector leaders and front-line staff will be needed, drawing on the work already under way by the Improvement Service as part of the community planning reform programme.
- **The National Community Planning Group** need to ensure that CPP boards are provided with appropriate training and support to enable them to deliver on the ambitious changes expected of them. It also needs to ensure that appropriate arrangements are put in place for promoting the effective sharing of good practice. For example, in relation to partnership governance.

- **CPPs** need to establish effective self-evaluation arrangements that will allow them to target their local improvement activity (leadership, governance, service delivery, etc) appropriately and demonstrate continuous improvement in their operation. They also need to establish effective arrangements for learning and sharing good practice with each other.
- **The Improvement Service and the Scottish Government** need to work together to offer support to CPP boards to help them provide effective leadership and scrutiny of performance. This may involve offering support and guidance to public sector leaders in managing change across organisations. Support in improving the use of national and local data for both planning and performance management purposes may also be needed.

Appendix 1

Community planning in Scotland (excerpt from Local Government in Scotland Act 2003)

Community planning was given a statutory basis by the Local Government in Scotland Act 2003 (the Act). Under the Act:

- Councils have a duty to initiate, facilitate and maintain community planning.
- NHS boards, the police, the fire and rescue services, and the enterprise agencies (Scottish Enterprise and Highlands and Islands Enterprise) have a duty to participate in community planning. This duty was later extended to Regional Transport Partnerships.¹
- CPPs are required to engage with communities, report on progress, and publish information on how they have implemented their duties and how outcomes have improved as a result.
- Scottish ministers, through the Scottish Government and its agencies, have a duty to promote and encourage community planning.
- Councils can invite other bodies such as colleges, higher education institutions, business groups, voluntary organisations and community groups to take part in community planning, although these are not statutory partners.

All councils have established a Community Planning Partnership (CPP) to lead and manage community planning in their area. CPPs are not statutory committees of a council, or public bodies in their own right. The structure of CPPs and the areas they cover vary considerably, depending on the size and geography of the council area, socio-demographic factors, the local economy and local political priorities. They do not directly employ staff or deliver public services. Under Section 19 of the Act, it is possible for the CPP to establish the partnership as a legally distinct corporate body. Some CPPs have considered this option but, to date, none has sought ministerial approval to do so.

Statutory guidance, issued in 2004, set out clear expectations of CPPs in terms of their legal duties, joint planning and performance management, resource alignment and community engagement.² The purpose of the guidance was to ensure that CPPs were clear about how public bodies need to work together to provide better public services and to highlight the requirement that communities are genuinely engaged in the decisions made on public services which affect them.

¹ Transport (Scotland) Act 2005.

² *The Local Government in Scotland Act 2003 – Community Planning: Statutory Guidance*, Scottish Executive, Edinburgh, 2004.

Appendix 2

The role of Scottish ministers in community planning in Scotland (excerpt from community planning statutory guidance 2004)

Scottish ministers have a duty to promote and encourage community planning when discharging any of their functions.³ The community planning statutory guidance sets out what this duty entails. Scottish ministers will be expected to:

- promote and encourage the process of community planning as the key overarching framework to improve the planning and provision of services
- take into account the views of the collective Community Planning Partnerships in setting policy priorities, particularly on those issues requiring a joined-up approach between a number of bodies
- develop mechanisms within the Executive⁴ and its agencies to ensure:
 - that they are joined-up in developing policies and performance frameworks and indicators
 - that they are joined-up in communicating to agencies and/or Community Planning Partnerships the means of delivering these policies, whether this is through strategies and plans, sponsorship of its NDPBs or specific projects, funds and initiatives.

³ Section 16(8) of the Local Government in Scotland Act 2003.

⁴ The Scottish Executive is now known as the Scottish Government.

Improving community planning in Scotland

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ABERDEEN CITY COUNCIL

COMMITTEE Council

DATE 1 May 2013

DIRECTOR Pete Leonard

TITLE OF REPORT Proposed Byelaw regarding Camping in Designated Areas

REPORT NUMBER: H&E/13/039

1. PURPOSE OF REPORT

This report seeks agreement on the principle of attempting to establish a Byelaw to prevent camping on sensitive areas (such as public parks) and on the draft wording of the offence to be created thereby.

2. RECOMMENDATION(S)

- (a) Agree the wording of the draft proposed Byelaw offence contained within the body of this report; and
- (b) Request that the Convener for Housing & Environment writes to the Scottish Government to seek Ministerial approval for Byelaws creating such an offence.

3. FINANCIAL IMPLICATIONS

In as far as handling Unauthorised Encampments is concerned, definitive costs are difficult to estimate, given the ad-hoc nature of temporary encampments. None of these costs are currently built into budgets but are currently being met from budgets held by Housing & Environment on a reactive basis.

So far this financial year, the Gypsy Traveller Liaison Officer/Site Manager has handled 8 encampments. Over the last two years, we have had 86 such encampments on both Council and private land. Approximate clean up and legal costs amount to £20,000. Staff time and associated resources are not so easily quantified however.

There would be some costs in establishing the Byelaw, namely the installation of signage (supply and erection) for the identified areas and costs for the newspaper advertisement which is required to be placed as part of the Byelaw procedures under the Local Government (Scotland) Act 1973.

4. OTHER IMPLICATIONS

Legal – There is a procedure to be followed for making Byelaws, as set out in Appendix 1 of this Report. The Council has a continuing obligation to designate places where Gypsies/Travellers may camp, and failure to designate sufficient places may be a consideration for the Scottish Government. Even if a Byelaw is approved by the Scottish Government, this may prove difficult to enforce with regard to payment of fines, particularly when dealing with people without any fixed address.

5. BACKGROUND/MAIN ISSUES

Despite a review of our Policy which included a review of the Good Neighbour Code (which intimated that we would move for immediate eviction for any encampments arising on sensitive areas) and upgrading the Clintery site (including the creation of 4 Short-term plots), Aberdeen continues to experience Unauthorised Encampments on an unprecedented scale. These encampments invariably generate high profile attention and considerable controversy as to the rights of the settled community and the rights of Gypsies/Travellers. The camp sizes have grown over the last 4 years and we now require sites which are suitable for a large family group. Work has begun on the establishment of Short-term Halting Sites to assist with the inadequate provision within Aberdeen and the North East generally. This is crucial as, like any other local authority, Aberdeen City Council has a duty to respond to the needs of Gypsies/Travellers who come into the local authority area. By moving to a position of developing Short-term Halting Sites, not only will this increase site provision within the City but it should assist in the challenges being faced with Unauthorised Encampments. Developing Short-term Halting Sites should assist the taking of prompt action in order to move people on from unauthorised sites, encourage support from the Police and help the Council to present a stronger case in court. A court is more likely to grant a decree for eviction if it is satisfied that a suitable alternative site is available.

In the meantime and at the time of writing this report, the city currently has 8 encampments comprising 70 caravans. Our intelligence and evidence suggests that this is a year long problem now and not purely seasonal as in the past.

Section 201 of the Local Government (Scotland) Act 1973 permits a local authority to make byelaws “for the good rule and government” of the whole or any part of their area and “for the prevention and suppression of nuisances therein”. However, a Byelaw cannot be promoted under this Act for a purpose already provided for under other legislation. The purpose of promoting a Byelaw is to deal with the particular nuisances that are generated when such instances when Unauthorised Encampments arise. The Procurator Fiscal has been

consulted on this proposal and although wouldn't support a city wide Byelaw – due to the lack of alternative site provision in accommodating Gypsies/Travellers, has suggested that we target sensitive areas where we have intelligence and evidence of previously used 'hot spot areas'. Over the last two years, there have been 36 such Unauthorised Encampments on these areas and we are restricted to what we can do in terms of applying current legislation. The problems with such encampments, and the cause of many complaints from the public, are the assembly of rubbish, increased fly tipping, the associated damage and environmental and health risks, the prevention of public recreation and the disruption to events in our Public Parks.

Therefore, in an effort to prevent Unauthorised Encampments in our Public Parks and overnight camping generally as this will apply to all groups, it is proposed to create a Byelaw to introduce the following offence.

Draft Proposed Byelaw Offence;

“Any person who-

- (a) set ups, parks, occupies or uses a caravan or camper van,*
- (b) sleeps outdoors at any time between the hours of 10.00pm and 6.00am, or*
- (c) sleeps in a vehicle, or occupies a vehicle in circumstances whereby it is reasonable to infer that that person intended to sleep in that vehicle, at any time between those hours,*

within a designated place shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale”.

The definition of “designated place” would require to list the public parks (or parts thereof) to which the offence applies. These areas feature as part of our current Good Neighbour Code for Managing Unauthorised Gypsy/Traveller Sites. They are deemed unsuitable for occupation and therefore we move for immediate eviction when such situations arise.

Hazlehead Park
Lochinch Park
Westburn Park
Duthie Park
Stewart Park
Seaton Park
Calder Park
Bay of Nigg
Kingswells Park and Ride
Riverview Drive

Carnie Woods
Aberdeen Exhibition Centre
Queens Links
Kings Links
Alan Douglas Park
Eric Hendrie Park

All Public Car Parks/Playing Fields/Golf Courses

The byelaws would require detailing a number of other matters and may require defining terms such as “caravan” and “camper van”. These matters can be considered at a later date.

6. IMPACT

Public – this report will generate significant public interest given the previous attempts to address this contentious issue.

7. BACKGROUND PAPERS

None

8. REPORT AUTHOR DETAILS

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Appendix 1

MAKING A BYELAW

Drafting and Consulting

Byelaws must be made in accordance with the procedure set out in S202 of the Local Government (Scotland) Act 1973. In terms of best practice, it is prudent to carry out extensive preparatory work prior to commencing the formal procedure for creating byelaws. This includes determining the legality and scope of the proposed byelaw. An early dialogue with the Scottish Government is also essential in order to canvass whether the basic principle of the proposed byelaw is likely to be supported. It is generally a good idea to submit an early draft to the Scottish Government for comment. This can often be the lengthiest part of the process, however it is generally worthwhile insofar as it provides an opportunity for early reconsideration and adjustment of the extent of the proposed byelaw in order to ensure Scottish Government approval. It is also important to commence consultation with relevant stakeholder groups over the proposed draft.

Once the consultation exercise is complete, the draft byelaw will require to be approved by an appropriate meeting of the Council. Thereafter, it requires to be signed by a Proper Officer of the Council and sealed with the Council's Common Seal in order for it to be authenticated. The byelaws will not take effect unless and until they are confirmed by the Confirming Authority (Scottish Ministers).

Confirming the Byelaw

Byelaw Confirmation Process

At least one month before an application for confirmation of the byelaw is made (to the Scottish Ministers), notice of the intention to apply for confirmation must be published. This must be in a newspaper circulating in the area to which the byelaw is to apply, or in another manner that the Scottish Ministers determine sufficient. This notice must include details of the place where a copy of the byelaw may be inspected and the party to whom objections should be submitted (normally the Scottish Ministers). It should also detail the deadline for submission of objections. Generally, the Council makes a copy available at Council offices such as the Customer Service Centre in Marischal College. Access should be made available to the public during reasonable hours without payment.

Any person may make an objection to the draft byelaw within the one month notice period. Objections must be in writing and must be submitted within the applicable time period.

Once the notice period has expired, the Council may then apply to the Scottish Ministers for confirmation of the byelaw. The Scottish Ministers will assess the subject matter and extent of the byelaw and will give consideration to any objections lodged in response to the notice. The Scottish Ministers may, if they consider it necessary, hold a local inquiry or cause one to be held.

The Scottish Ministers have the power to confirm, modify or refuse the byelaw. Where a byelaw is confirmed then the Scottish Government shall fix the date on which the byelaw will become operational. Upon receipt of the confirmation of the byelaw, the Council is required to publish a further notice advising that the byelaw has been confirmed and the date it comes into operation. As with the original notice, this must be in a newspaper circulating the area the byelaw is to effect.

A register of all byelaws must be kept at the Council offices (usually in the Legal Department) and must be open for inspection by the public.

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

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