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To: All Members of the Council

Town House,
ABERDEEN, 25 February 2014

COUNCIL MEETING

The Members of the **COUNCIL** are requested to meet in Council Chamber - Town House on **WEDNESDAY, 5 MARCH 2014 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 agree that any exempt business on this agenda be considered with the press and public excluded
- 3 Requests for Deputations

MINUTES OF COUNCIL

- 3(a) Minute of Meeting of Council of 18 December 2013 - for approval (circulated separately)
- 3(b) Minute of Meeting of Council of 6 February 2014 - for approval (to be circulated separately)
- 3(c) Minute of Meeting of Urgent Business Committee of 14 February 2014 - for approval (Pages 1 - 4)

BUSINESS STATEMENT, MOTIONS LIST AND OTHER MINUTES

- 4(a) Business Statement (Pages 5 - 16)
- 4(b) Motions List (Pages 17 - 20)
- 4(c) Minute of Meeting of City Centre Regeneration Board of 10 February 2014 - for information (Pages 21 - 30)

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

- 5(a) Planning Development Management Committee of 16 January 2014 - Land Adjacent to 58 Whitehall Place (Pages 31 - 64)

GENERAL BUSINESS

- 6(a) Polling Places at the Scottish Independence Referendum - Report by Chief Executive (Pages 65 - 68)
- 6(b) Appointments - Report by Chief Executive (Pages 69 - 70)
- 6(c) First Minister's Professional Conduct: Aberdeen Donside By-Election - Motion by Councillor Young - Report by Chief Executive (Pages 71 - 82)
- 6(d) Revisal of Standing Orders Relating to Contracts and Procurement - Report by Director of Corporate Governance (Pages 83 - 128)
- 6(e) Treasury Management Policy and Strategy - Report by Director of Corporate Governance - referred by Finance, Policy and Resources Committee of 20 February 2014 (Pages 129 - 142)
- 6(f) Committee Orders of Reference - Amendment to Reflect ALEOs Governance Framework - Report by Director of Corporate Governance (Pages 143 - 152)
- 6(g) Unauthorised Camping - Joint report by Director of Housing and Environment and Director of Corporate Governance (Pages 153 - 156)
- 6(h) Street Begging - Report by Director of Corporate Governance (Pages 157 - 158)
- 6(i) Relaxation of Drinking in Public Byelaw for BP Big Screens 2014 - Report by Director of Enterprise, Planning and Infrastructure (Pages 159 - 166)

- 6(j) Broad Street Civic Square Assessment - Report by Director of Enterprise, Planning and Infrastructure (to follow)

MOTIONS

- 7(a) Councillor Thomson

“That this Council:-

- (i) acknowledges the concerns of communities across Scotland regarding the sale of so called “legal highs”;
- (ii) notes that in 2012 there were 37 legal high related deaths in Scotland;
- (iii) further notes with concern that these substances are sold openly from retail premises in locations in Aberdeen; and
- (iv) instructs the Chief Executive to write to both the UK and Scottish Governments asking them to ban these substances, take measures to proactively combat their sale and supply in Scotland, or as a potential way forward consider the licensing of premises where legal highs are available.”

BUSINESS THE COUNCIL MAY WISH TO CONSIDER IN PRIVATE

- 8 There are no items under this heading

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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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URGENT BUSINESS COMMITTEE

ABERDEEN, 14 February 2014 - Minute of Meeting of the URGENT BUSINESS COMMITTEE. Present:- Councillor Crockett, Convener; and Councillors Boulton, Cameron (substituting for Councillor Dickson), Cooney, Cormie (substituting for Councillor Jackie Dunbar), Greig (substituting for Councillor Yuill), Kiddie (substituting for Councillor McCaig), Laing, Noble, Taylor, Thomson (substituting for Councillor Forsyth), Townson (substituting for Councillor May) and Young.

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

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=334&MId=3319&Ver=4>

REQUEST FOR DEPUTATION

1. The Committee had before it a request for deputation from Mr Mike Shepherd in connection with the report on the City Centre Masterplan and Delivery Programme.

The Committee resolved:-

to refuse the request.

URGENT MOTIONS

2. The Convener advised that he had received two urgent motions in accordance with Standing Order 21(9), and that he had accepted these onto the agenda, the details of which were circulated at this juncture (Articles 5 and 6 of this minute refer).

DETERMINATION OF URGENT BUSINESS

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

The Committee resolved:-

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

CITY CENTRE MASTERPLAN & DELIVERY PROGRAMME - EPI/14/034

4. With reference to Article 8 of the minute of meeting of the City Centre Regeneration Board of 10 February 2014, the Committee had before it, by way of remit, a report by the Director of Enterprise, Planning and Infrastructure which

provided an update on the procurement options and programme for a Masterplan and Delivery Programme to secure the future of Aberdeen city centre.

The report recommended:-

that the City Centre Regeneration Board -

- (a) note the proposed restricted procurement approach outlined in sections 5.13 to 5.17 of the report;
- (b) agree to contribute as appropriate to a project team and evaluation team; and
- (c) note that the report would be referred to Council on 5 March 2014 for approval.

The City Centre Regeneration Board had resolved, amongst other things, to request that an Urgent Business Committee be convened to allow the procurement process set out in the report to be approved at an earlier date than the Council meeting of 5 March.

The Committee resolved:-

- (i) to approve the proposed restricted procurement approach outlined in the report; and
- (ii) to approve the report.

URGENT MOTION BY COUNCILLOR CROCKETT

5. The Committee had before it the following urgent notice of motion by Councillor Crockett:-

“That the Committee -

- (1) agrees that Council officers be instructed to work with the Scottish Professional Football League and Aberdeen Football Club in order to ensure that as many children and young people as possible from the city are able to see the Scottish League Cup Final on Sunday 16 March 2014; and
- (2) agrees that the sum of up to £50,000 be allocated from the Common Good Fund towards the costs associated with the proposal.”

The Convener moved, seconded by Councillor Taylor:-

That the terms of the urgent motion be approved.

Councillor Noble moved as an amendment, seconded by Councillor Townson:-

That the Committee do not agree to allocate £50,000 from the Common Good Fund towards the costs associated with the proposal.

On a division, there voted:-

For the motion (7) - Convener; and Councillors Boulton, Cooney, Laing, Taylor, Thomson and Young; For the amendment (6) - Councillors Cameron, Cormie, Greig, Kiddie, Noble and Townson.

The Committee resolved:-

to adopt the motion.

URGENT MOTION BY COUNCILLOR LAING

6. The Committee had before it the following urgent notice of motion by Councillor Laing:-

“That the Committee agree to suspend Standing Order 22 (Alteration or Revocation of Previous Decision) and instruct officers to conclude the current negotiations with Powis Gateway Community Centre Management Committee with a view to entering into the Council’s Lease and Management Agreement as previously agreed by the Education, Culture and Sport Committee.”

The Committee resolved:-

to approve the terms of the urgent motion.

- **BARNEY CROCKETT, Convener.**

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**COUNCIL
BUSINESS STATEMENT
5 MARCH 2014**

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 Education, Culture and Sport	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>			

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			<p>superseded by events given that construction works have begun. 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>A formal letter has been sent to Aberdeenshire Council requesting formal confirmation of their previous revenue commitment. Further updates will be provided to the Education, Culture and Sport Committee as required. <u>Authority is therefore sought to remove this item.</u></p>			
2.	Council 06.03.13 Article 16	<p><u>Welfare Reform</u></p> <p>The Council, amongst other things, approved the steps taken by officers to develop a policy and practice response and agreed to receive further reports in due course as measures were implemented.</p>	<p>The Scottish Welfare Fund has been successfully introduced and is operating well and meeting deadlines for decisions. Further changes to welfare reform are planned for later this year. The Hub joint project with the DWP is now open and being developed further over the coming weeks. Agreement has been reached with The Citizens Advice Bureau</p>	<p>Director of Social Care and Wellbeing</p> <p>Director of Housing and Environment</p>	As and when required	

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			<p>regarding the basis for a service level agreement. Claims for discretionary housing payments continue to be processed within the agreed scheme. The Financial Inclusion Manager has been appointed and took up his post on 1 July.</p> <p>A progress report was noted by the Council on 21 August 2013.</p>			
3.	<p>Council 01.05.13 Article 5</p>	<p><u>Property Disposal - Broad Street</u></p> <p>The Council instructed officers to provide progress reports to the Council at key stages of the project.</p>		<p>Head of Asset Management and Operations</p>	<p>As and when required</p>	
4.	<p>Council 26.06.13 Article 21</p>	<p><u>Service Review of Legal Services</u></p> <p>The Council instructed the Head of Legal and Democratic Services to report back to Council in twelve months advising of the outcomes of the implementation of the new structure.</p>		<p>Head of Legal and Democratic Services</p>	<p>25.06.14</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>
5.	Finance and Resources 12.11.09 Article 22	<p><u>Community Planning Partnership - Fairer Scotland Fund</u></p> <p>The Finance and Resources Committee instructed the Director of Corporate Governance to provide twice yearly updates in February and October to the Aberdeen City Alliance (now Community Planning Aberdeen) and the Corporate Policy and Performance Committee on the outcomes achieved through the investment of the Fairer Scotland Fund.</p>	This item now falls under the remit of the Council following the decision to disband the Corporate Policy and Performance Committee.	Head of Customer Service and Performance	14.05.14	
6.	Council 21.08.13 Article 9	<p><u>Establishment of Short-term Halting Sites for Gypsies/Travellers and Proposed Byelaw Regarding Camping in Designated Areas</u></p> <p>The Council instructed officers to commence without delay consultation with the Scottish Government on a potential byelaw to prohibit camping on sensitive areas such as public places.</p> <p>In addition, the Council (a) instructed officers to prepare a detailed design with cost estimates for construction and ongoing costs for a short-term halting site at Howes Road; (b) instructed officers to prepare a planning application including details</p>	<p>Officers will be attending meetings of the Heathryfold Residents Group and Northfield Community Council meetings to discuss, scope and agree the consultation events to progress the Howes Road site. A planning application will be prepared once architects complete a draft specification design for the site and any mitigation issues will be discussed with the community too. The Asset Management team are continuing to identify alternative and additional sites both in the public and private sector.</p> <p>The Council, at its meeting on 18 December 2013, approved an</p>	<p>Director of Housing and Environment</p> <p>Head of Legal and Democratic Services</p>	Every Council meeting	

<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>of costings (capital and revenue) for establishing the site; (c) approved the process for consultation as set out in the report acknowledging that strong views and opinions were likely to be part of the process; and (d) instructed officers to continue to conduct property searches with a view to establishing a further site or a more suitable site within the city.</p> <p>The Council instructed officers to report back to every Council meeting on the progress or otherwise on the consultation with the Scottish Government on the potential byelaw and on the suitability or otherwise of other potential sites.</p>	<p>indicative timeline in relation to the potential byelaw regarding camping in designated areas.</p> <p>A report is on the agenda.</p>			
7.	Council 21.08.13 Article 11	<p><u>Standing Orders on Contracts and Procurement</u></p> <p>The Council noted that the Standing Orders on Contracts and Procurement would be revised later in the year, which could entail further changes to Council Standing Orders, both of which would be reported back to Council.</p>	A report is on the agenda.	Head of Legal and Democratic Services	18.12.13	05.03.14

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8.	Council 21.08.13 Article 17	<u>Street Begging</u> The Council, amongst other things, instructed officers to commence without delay consultation with the Scottish Government on a potential byelaw to prohibit street begging, and report back to every Council meeting on the progress or otherwise of the consultation with the Scottish Government.	The Council, at its meeting on 18 December 2013, approved the wording of the proposed byelaw; approved the designated area; and instructed officers to take all necessary steps to complete the statutory process to seek confirmation of the byelaw from the Scottish Government. A report is on the agenda.	Director of Housing and Environment Head of Legal and Democratic Services	Every Council meeting	
9.	Council 31.10.13 Article 4	<u>Aberdeen Exhibition and Conference Centre (AECC)</u> The Council, amongst other things, authorised officers to continue to explore financial options to deliver the development at minimum cost to the Council, such options to be reported to Full Council within the next six months.		Director of Enterprise, Planning and Infrastructure	05.03.14	
10.	Council 31.10.13 Article 14	<u>Strategic Infrastructure Plan (SIP) - Key Goal 1: A step change to the supply of housing</u> The Council instructed officers to take forward a procurement process in accordance with the Council's Standing Orders in Relation to Contracts and Procurement, in order to appoint a Joint Venture partner(s)	The Council is progressing an OJEU procurement process to procure a suitable partner to deliver affordable housing. A Prior Information Notification (PIN Notice) was issued in December 2013. This was supplemented by an Information Day held on 11 February to clarify	Director of Housing and Environment	05.03.14	

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		<p>to deliver the affordable housing element identified in the SIP and report back to Council with the outcomes of the procurement process, and recommending a preferred bidder(s) prior to entering a contract(s).</p>	<p>the Council's intention to meet targets of delivering an additional 1,000 affordable housing by 2017 on its own land as part of its commitment in the SIP. The event was attended by more than 60 people representing potential partners, ranging from commercial developers, Registered Social Landlords (RSLs), Investors, Architects and other interested parties.</p> <p>The recruitment of an in-house team has taken place and we have a preferred candidate for the post of Housing Delivery Programme Manager.</p> <p>Officers will report back once in a position to recommend a preferred bidder(s) prior to entering a contract(s) as per the Council decision.</p>			
11.	<p>Council 31.10.13 Article 14</p>	<p><u>SIP - Key Goal 5: A better image for Aberdeen</u></p> <p>The Council approved the creation of a City Centre Regeneration Board and instructed the Board to report back to Council at its meeting on 25 June 2014 with recommended project(s) to regenerate the city</p>	<p>Minutes of meetings of the City Centre Regeneration Board will be on the Council agenda for information when available.</p>	<p>Director of Enterprise, Planning and Infrastructure</p>	<p>Every Council meeting</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>
		centre, and to provide updates on progress to Council each cycle.				
12.	Council 31.10.13 Article 17	<u>Community Planning Aberdeen - Development Plan</u> The Council agreed to receive six monthly updates on progress with the implementation of the Development Plan.		Head of Customer Service and Performance	14.05.14	
13.	Social Care, Wellbeing and Safety 07.11.13 Article 7	<u>Integration of Health and Social Care</u> The Committee, amongst other things, agreed that a future report be submitted to Council on the proposed Integration Plan for Aberdeen.	The Transitional Leadership Group held its first meeting and workshop on 17 February to begin the process of developing the Integration Plan for Aberdeen. It is expected that a draft Plan will be submitted to Council on 14 May.	Director of Social Care and Wellbeing	05.03.14	
14.	Council 18.12.13 Article 22	<u>Sistema Scotland and Aberdeen</u> The Council approved a report which, amongst other things, recommended entering into a long term partnership with Sistema Scotland and that a subsequent report be brought to Council which would include the business plan, financial costings, asset and other implications; and thereafter reports be submitted to the Education Culture and Sport, Enterprise, Strategic Planning and		Director of Education, Culture and Sport	14.05.14	

<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>
		Infrastructure and Social Care, Wellbeing and Safety Committees, to ensure that the introduction of a "Big Noise" centre in the city, its principles and experience could be integrated in other aspects of the Council's work.				
15.	Council 06.02.14	<u>Aberdeen Sports Village - Sports Pitch and Ancillary Services</u> The Council instructed the Director of Education, Culture and Sport to report back to Council with a proposal to further develop the sports pitch and ancillary services which would provide the North East with a true Olympic style village.		Director of Education, Culture and Sport	25.06.14	

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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**COUNCIL
MOTIONS LIST
5 MARCH 2014**

Please note that this statement tracks all Notices of Motion (relevant to Council) submitted by members, until the point of disposal. The motion will remain on the statement until the Council has agreed to remove it.

<u>No.</u>	<u>Motion</u>	<u>Date of Council Meeting</u>	<u>Decision of Council</u>	<u>Action taken / Proposed Future Action</u>	<u>Responsible Officer</u>	<u>Due Date</u>	<u>Is authority sought to remove motion from list?</u>
1.	<p><u>Motion by Councillor Young</u></p> <p>“Council instructs the Chief Executive to write to Sir Peter Housden Permanent Secretary to the Scottish Government demanding an investigation into the First Minister’s professional conduct during the Aberdeen Donside by-election looking specifically at:-</p> <ol style="list-style-type: none"> The First Minister’s unannounced visit and lecture on 17 June 2013 to school children at Bramble Brae School without reference to Aberdeen City Council Director of Education, Culture and Sport or the 	26.06.13	<p>The Council, at its meeting on 21 August 2013, resolved:-</p> <p>(i) to note the reply received from the Permanent Secretary in which he states that he has seen sight of the First Minister’s response to the Chief Executive, which includes reference to our complaint to the Permanent Secretary. To note with astonishment that the First Minister responds to the Chief Executive seemingly on behalf of the Permanent Secretary and to note that the First Minister has been allowed to write his own response to the formal complaint made to the Permanent</p>	A report is on the agenda.	Chief Executive	18.12.13	No

<u>No.</u>	<u>Motion</u>	<u>Date of Council Meeting</u>	<u>Decision of Council</u>	<u>Action taken / Proposed Future Action</u>	<u>Responsible Officer</u>	<u>Due Date</u>	<u>Is authority sought to remove motion from list?</u>
	<p>Head Teacher of the said school noting that the school is currently subject to statutory consultation regarding its future within the wider school estate.</p> <p>2. The First Minister's unannounced visit to Hazlehead Park on 17 June 2013 a park owned wholly by Aberdeen City Council again without reference to the said City Council in the middle of a by election and whilst welcoming the announcement of a £100,000 Scottish Government donation to the Piper Alpha Memorial Trust purdah rules seem to have been ignored.</p> <p>Instructs the Chief Executive to report back to the Council on the</p>		<p>Secretary. Indeed, it would appear that the Permanent Secretary has failed to investigate the complaint made, with no indication of an investigation, nor that any follow-up has taken place. The Permanent Secretary made no further contact with our Chief Executive prior to sending his response; (ii) to agree that the situation has escalated since the Chief Executive first wrote her letters to the Permanent Secretary as the First Minister is on record as saying that his visit to Bramble Brae School was "impromptu and not pre-planned". Given that the SNP issued a calling notice stating that the First Minister would be in attendance at the school and that there would be an opportunity for interviews and photographs, it would</p>				

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	<p>response received from the Permanent Secretary, in order for Council to determine its position on this matter.”</p>		<p>appear that the First Minister may have deliberately misled the Permanent Secretary on this matter;</p> <p>(iii) to therefore instruct the Chief Executive to write to Sir Bob Kerslake, Head of the Home Civil Service calling on him to carry out an investigation into the events which led to the complaint being sent to the Permanent Secretary to the Scottish Government, to establish whether or not the Ministerial Code was broken, whether or not there was an appropriate investigation undertaken by the Permanent Secretary and whether or not the complaint was managed in an appropriate and suitable way; and</p> <p>(iv) to instruct the Chief Executive to report back to the Council the response received from</p>				

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			the Head of the Home Civil Service in order that the Council may determine its position on this matter.				

CITY CENTRE REGENERATION BOARD

ABERDEEN, 10 February 2014. Minute of Meeting of the CITY CENTRE REGENERATION BOARD. Present:- Councillor Boulton, Chairperson; Councillors Boulton, Crockett, Forsyth, McCaig, Young and Yuill; and Robert Collier (Aberdeen and Grampian Chamber of Commerce), Steve Harris (Visit Aberdeen), Derek McCrindle (Scottish Enterprise), Richard Noble (Aberdeen Inspired) and Professor Ferdinand Von Prondynski (RGU). Officers in attendance:- Valerie Watts, Gordon McIntosh, Angela Scott, Rita Stephen, David Leslie, Sandy Beattie, Neil Bruce, Dr Maggie Bochel, Angela Taylor, Andrew Win, Anna Crilly, Vikki Cuthbert and Stephanie Dunsmuir. Also in attendance for article 8 – Councillor Ross Grant, Susan Bree (Aberdeen Inspired) and Nathan Farquhar (Momentum).

APOLOGIES

1. Apologies for absence were submitted on behalf of Sir Ian Diamond and Colin Crosby.

MINUTE OF PREVIOUS MEETING

2. The Board had before it the minute of its previous meeting of 2 December 2013.

With reference to article 4 (Smarter Cities Masterplan), Bob Collier referred to the retail seminar which had been held, and stated that it had been exceptionally good. He added that it would be helpful to get a progress report back to the Board from the seminar.

With reference to article 5 (AOCB – Communications Protocol), Mr Collier asked if the media protocol had been prepared. Angela Taylor, Communication Officer, circulated copies of the protocol to the Board.

The Board resolved:-

to approve the minute as a correct record.

REMIT OF BOARD AND ORDER OF AGENDA

3. The Chairperson reminded members of the role and remit of the Board, noting that the Council had agreed a sum of £20 million to facilitate city centre regeneration projects. She stressed how important the role of the Board was to ensure that projects were robust and costed, adding that it was crucial that sustainable funding solutions were available as the Board could not simply rely on the £20m which had been made available. The Chairperson explained that Board members could bring forward costed projects, and advised that Andrew Win, the new City Development Programme Manager, would meet individually with stakeholders to discuss the delivery arrangements around any suggestions. Projects would be evaluated, and the Board would then make recommendations to Council on what should be progressed. Derek

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McCrintle asked about the timescale for the individual meetings, and Andrew Win advised that he had already met with Aberdeen and Grampian Chamber of Commerce and planned to make contact with other members over the next couple of weeks.

The Chairperson also proposed that the running order of the agenda be amended to take the Strategic Infrastructure Plan as item 2, and the City Centre Masterplan and Delivery Programme update as item 6.

The Board resolved:-

- (i) to note that Andrew Win would arrange individual meetings with Board members to discuss delivery arrangements for proposed projects; and
- (ii) to agree the amended agenda running order.

STRATEGIC INFRASTRUCTURE PLAN - UPDATE

4. The Board had before it a report prepared by David Leslie which provided an update on the projects within the Strategic Infrastructure Plan (SIP) which related to the city centre, namely,

- City Centre Regeneration
- Marischal Square Development
- Central Road Infrastructure (Berryden Corridor and South College Street)
- Art Gallery Redevelopment
- Accelerate Aberdeen
- Mithers Kirk
- Aberdeen Arts Centre
- The Lemon Tree
- Music Hall

Mr Leslie advised that due to the number of projects in the SIP which related to the city centre, it was important that Board members were aware of projects which were already underway; to ensure that there was no overlap.

Gordon McIntosh introduced Andrew Win, the newly appointed City Development Programme Manager, and advised that this was a crucial role to ensure the delivery of city centre projects. Mr Win was very experienced in delivering individual projects as part of his previous role. Mr Win explained that he had been particularly involved with the Aberdeen Exhibition and Conference Centre and Aberdeen Hydrogen projects, and added that he would be able to assist stakeholders in identifying projects which would also support the masterplan.

The Chief Executive advised that a number of posts had been approved by Council as a result of its commitment to the SIP, and explained that new appointments had been

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made within the team of the Director of Housing and Environment. Interviews were to be held on 11 February for the SIP post which reported directly to the Chief Executive, and she suggested that a paper on the governance structure could be presented to the next Board meeting for information.

The Chairperson noted that the report was particularly helpful to ensure that all Board members had the same knowledge of the ongoing projects currently happening within the city. She added that the appointments would assist the Board in moving quickly on projects. Bob Collier agreed that the appointments showed great progress, and suggested that the retail seminar be added to the list of projects as this also demonstrated progress. He added that it was important to demonstrate pace and progress, as well as communicating this to the public following meetings of the Board. Dr Bochel advised that the retail study was being taken forward as part of the Local Development Plan and therefore there might not be much to report until the next stage of the Development Plan was presented.

The Board then received an update on the recent meeting between Gordon McIntosh and Network Rail. The Chairperson advised that the meeting had been very positive and Network Rail were keen to engage with the Council. Professor Von Prondynski asked if any specific proposal had been put to Network Rail, and Mr McIntosh stated that the purpose of the initial meeting had been to open dialogue and discuss a variety of projects, as well as highlighting the importance of the involvement of Network Rail in the masterplanning process. Mr McIntosh had written to Network Rail to confirm the content of the meeting and the next steps. Mr Collier asked if it would be possible to share the content of this letter with the Board, and Mr McIntosh undertook to find out if this would be possible, given the potentially commercially sensitive nature of some of its content. Councillor Young added that Network Rail could have a critical role in the masterplanning process and suggested that a representative from Network Rail could be invited to a future meeting of the Board.

The Board resolved:-

- (i) to note the project updates contained within the report;
- (ii) to request that the retail study be added to future progress reports;
- (iii) to note that a paper setting out the SIP governance structure would be presented to a future meeting; and
- (iv) to note that Gordon McIntosh would circulate the letter from the Council to Network Rail to Board members, provided it was acceptable to do so in terms of commercial sensitivity.

ACCELERATE ABERDEEN - PRESENTATION

5. The Board received a presentation from Rita Stephen in relation to the Accelerate Aberdeen project. Mrs Stephen explained the context of the project, noting

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that Aberdeen City and Shire had the highest number of broadband subscribers, but some of the lowest speeds. Mrs Stephen advised that the project had been established to provide the world class infrastructure required in the city and informed the Board that Aberdeen had been the successful winner of the UK Government Urban Broadband Fund to become a 'Super Connected City', receiving £5.5m of funding from the Department of Culture, Media and Sport (DCMS). Mrs Stephen explained the various streams of the project and the actions being undertaken to progress each one. Within this she highlighted areas of challenge and how the Programme Group aimed to address these areas.

Mrs Stephen also provided an update on the voucher scheme, which was to be used as a mechanism to enable small and medium enterprises (SMEs) to subsidise the connection fee for superfast services and ultrafast broadband services. She explained that various activities were being undertaken in order to advise and target SMEs. £4.2 million had been ring-fenced for the voucher scheme.

Mrs Stephen highlighted the other ongoing work in relation to in-building Wi-Fi. She explained that there would be no cost to the public purse in relation to this project, other than the officer time needed. The project would mean that Wi-Fi would be readily available within libraries and community centres. The other project – the Innovation Centre – was a first for Aberdeen and related to creating a technological accelerator programme in the city. Mrs Stephen advised that both Universities were working with the Council on this project to encourage new creative businesses in Aberdeen, while sharing access to enterprise knowledge.

Finally, Mrs Stephen appealed to the Board to promote the take-up of the voucher scheme to their members, particularly Aberdeen and Grampian Chamber of Commerce and Aberdeen Inspired.

The Board resolved:-

to thank Mrs Stephen for the presentation.

CITY CENTRE PLANNING APPLICATIONS

6. The Board had before it a report prepared by Dr Margaret Bochel which set out recent city centre planning applications which had been approved, and advised of potential sites which might be the subject of applications at a later date. Dr Bochel explained that the recent spate of developments in the city demonstrated that the Planning service was trying to process applications as quickly as possible. She added that there would potentially be 7000 employees in the new developments which would have an impact on spending in the city centre. Derek McCrindle noted that it was a very helpful report which demonstrated the annual take up for commercial space and would help to inform the masterplanning process.

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Gordon McIntosh advised that a draft paper was being prepared in relation to maximising the opportunities from city centre development and suggested that this could be brought to the next meeting of the Board.

The Board resolved:-

- (i) to note the report; and
- (ii) to note that a report in relation to maximising the opportunities from city centre developments would be presented to the next meeting.

CULTURE - ABERDEEN ART GALLERY REDEVELOPMENT

7. The Board had before it a report prepared by Neil Bruce which provided an update on the redevelopment of Aberdeen Art Gallery and the associated Museums Collections Centre.

Mr Bruce referred to the unsuccessful application to Creative Scotland's Large Capital Fund for £2 million towards the overall costs of the redevelopment, and the additional cost to the Council as a result. He also highlighted the delay to the work on the Museums Collections Centre as a result of the need to review the specification, and advised that he would provide an update on the delay to a future meeting of the Board and how it affected the overall programme.

The Board resolved:-

- (i) to note that Mr Bruce would keep the Board updated on the delay to the work on the Museums Collections Centre; and
- (ii) to note the content of the report.

CITY CENTRE MASTERPLAN AND DELIVERY PROGRAMME UPDATE

8. The Board had before it a report by Sandy Beattie which provided an update on the procurement options and programme for a Masterplan and Delivery Programme to secure the future of Aberdeen city centre.

Mr Beattie explained that there were three options for the preparation and delivery of the Programme, namely public procurement, private procurement, and the Council appointment of an internal masterplanning and delivery team dedicated to the city centre. He advised that the private procurement approach was not recommended, due to the risks in relation to control, funding and the legality of whether the Council could be involved in such a process. While an internal team could be assembled for the project, it was felt that there were risks in relation to salary structures, recruitment and

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the availability of the necessary skills to carry out the various work packages, and therefore this approach was also not recommended.

There were four main options for public procurement – open, restricted, framework and competitive dialogue. Mr Beattie talked the Board through the four options and the advantages and disadvantages of each. He advised that the restricted procurement process was recommended in order to appoint a team with the best chance of developing an appropriate masterplan and delivery programme, and referred to the procurement timetable set out in the report. He highlighted the tight timescale but advised that this would allow officers to report back to the Board prior to the Council meeting in June. Mr Beattie added that two representatives from the Board would be asked to join the Evaluation Team to assess the submissions from the pre qualification questionnaires and invitation to tender stages of the process. He advised that this would require a large time commitment from the two representatives, as they had to participate in the entire process and no substitutes could be allowed. Mr Beattie added that the report before the Board would be referred to the Council meeting of 5 March for approval.

At this juncture, it was proposed that an Urgent Business Committee be called for later in the week to allow the report to be considered at an earlier date and it was agreed that Councillor Crockett and the Chief Executive would meet separately outwith the meeting to discuss the arrangements.

Bob Collier referred to the agreed timescale of projects recommended by the Board being reported to the June meeting of Council, and asked how the timetable set out in the masterplan report would affect that decision. Mr Beattie explained that the report before the Board for consideration would not have an impact, as there would be two strands of work reported to Council in June, namely the finalisation of the procurement for the masterplan, and the statement of recommended projects from the Board. Professor Von Prondynski asked how the two strands would be co-ordinated, and Mr Beattie advised that the two key drivers for the masterplan were the Strategic Infrastructure Plan (SIP) and its consistency with the masterplanning process, and the City Centre Development Framework and the supplementary guidance for the Local Development Plan. He added that the masterplan would involve short, medium and longer term projects; however none of the projects mentioned to date contradicted any ongoing work. The Chairperson noted that Andrew Win, the new City Development Programme Manager, would have a major role to play in co-ordinating the project proposals from Board members.

Mr Collier referred to the procurement brief which had been prepared following workshops held in June and August, and asked if the revised version of this could be circulated to members of the Board. Mr Beattie advised that this would be included as part of the invitation to tender, and added that he would be happy to receive any further comments from the Board on the brief.

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Mr Collier asked for an explanation of the differing roles of the Evaluation Team and the Project Team and Mr Beattie advised that the Project Team would provide support and expertise throughout the process, but the Evaluation Team was specifically in place to evaluate any bids which were submitted. It was noted that the Evaluation Team would report to both the Board and Council. Mr Collier suggested that the scope of the programme was so large that it might be advantageous to look at the brief in terms of key city centre regeneration components. Once these were agreed, the focus could be placed on issues where no agreement had been reached. Mr Beattie stated that this was a useful suggestion but that it was important to keep the holistic nature of the masterplan in mind. Mr Collier further suggested that it would be helpful for an away day to be arranged to allow the Board to comment on the detail of the procurement brief. Mr Beattie agreed that this would be useful, and suggested that it could be arranged through the Masterplanning team prior to the invitation to tender. Derek McCrindle asked if the Board would sign off on the criteria and weightings for the procurement process and Mr Beattie proposed that the away day could be structured to allow discussion of these.

The Chief Executive referred to the procurement timetable, and requested that Board members take the opportunity to explain the timetable to their networks where possible in order to communicate the procurement regulations to which the Council had to adhere.

There was a short discussion around the two Board representatives for the Evaluation Team, and Mr Collier advised that he would take up one of the places, adding that he was also happy to serve on the Project Team.

Richard Noble referred to the industry day to be held on 10 March and the process to be followed for notifying companies, and Mr Beattie explained that the Council's procurement team would ensure that this was done.

Andrew Win advised that he would be looking into the governance of the process and the role of the Board in relation to the invitation to tender. Mr Collier explained that he had spoken to Sir Ian Diamond prior to the meeting, and he had been in agreement with the points he had raised today to the Board, and had highlighted that it would be necessary to have a plan in place for the next six months. An early meeting would be arranged between Andrew Win and Sir Ian Diamond to discuss matters.

The report recommended –

That the Board –

- (a) note the proposed restricted procurement approach outlined in sections 5.13-5.17 of the report;
- (b) agree to contribute as appropriate to a project team and evaluation team; and
- (c) note that the report would be referred to Council on 5 March 2014 for approval.

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The Board resolved:-

- (i) to request that an Urgent Business Committee be convened to allow the procurement process set out in the report to be approved at an earlier date than the Council meeting of 5 March, and to note that the Chief Executive and Councillor Crockett would meet separately to discuss arrangements for the meeting;
- (ii) to note that the Masterplanning team would arrange an away day for Board members as soon as possible to allow them to comment on the detail of the procurement brief;
- (iii) to agree that Board members would share and explain the procurement timetable within their networks;
- (iv) to note that Bob Collier would take up one of the two places available to the Board on the Evaluation Team; and
- (v) to note that Andrew Win would arrange an early meeting with Sir Ian Diamond.

ABERDEEN INSPIRED - WAYFINDING PROJECT

9. The Board received a presentation from Susan Bree, Chief Executive of Aberdeen Inspired, and Nathan Farquharson of Momentum Sign Consultants in relation to the Wayfinding Project.

Ms Bree explained that Aberdeen Inspired felt that there was a dire need for new signage in the city centre which would direct people towards various locations. She explained that there would be 58 map totems at key arrival and departure points, and five larger suspended lettering signs at key points in the city centre. Following a tender process, Momentum Sign Consultants had been appointed. A detailed design had been produced and it was planned to deliver the pilot stage of the project by April 2014. Funding had been made available through Aberdeen Inspired for the pilot stage, but Ms Bree advised that they were now approaching the Board to request funding for the full project.

Mr Farquharson then talked the Board through the proposed locations, which took account of where people arrived into the city. Most of the navigation would lead people between the retail hubs. He advised that the pilot scheme of four locations in a central hub in the city centre would allow the designs to be tested, and would enable user feedback to be obtained. Mr Farquharson advised that the map diagram on each totem would be specific to the location of the totem. The header on the totem would direct people to the most popular direction from that area. Each totem also included a contextual map which highlighted areas of interest such as the beach and Old Aberdeen. He stressed the benefits of the scheme, stating that Aberdeen was a great city but that it was hard for visitors to comprehend and navigate. It was also felt that the project would regenerate the quieter parts of the city.

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Ms Bree referred to the suspended signs, and suggested that the design of these could be produced in conjunction with the Universities.

Professor Von Prondzynski stated that the totems seemed very high with small writing. Mr Farquharson advised that the totems were 2.3 metres high. Professor Von Prondzynski added that it would be useful to have the Universities referred to on the totems.

The Chairperson noted that there had been concerns raised in the past by disabled people in relation to perceived 'street clutter' and asked if there had been any consultation with disability groups. Ms Bree advised that the Disability Forum had been involved in the early stages of the project, and Mr Farquharson explained that a walkabout had been undertaken to check locations and available space. He added that slim totems could be used in particular areas if required. Gordon McIntosh added that it would be necessary to allow enough space for street sweeper access.

Ms Bree explained that Aberdeen Inspired had approached a few government organisations but had been refused funding as a result of being a limited company. She stated that the shopping malls would be re-approached following the meeting to ask if they would be willing to contribute to the project. Dr Bochel highlighted the £735,000 capital cost of the project, and asked how much the revenue cost would be each year. Mr Farquharson advised that the revenue costs would be approximately £25,000 to £30,000 a year. The totems were expected to last for a minimum of 10 to 15 years. Councillor McCaig pointed out that the city centre maps might need to change significantly based on the discussions around city centre regeneration, and Mr Farquharson explained that the maps were designed to be updatable. Dr Bochel asked if the cost to amend the maps was included in the £25,000-£30,000 revenue costs and Mr Farquharson advised that this was the case.

The Chairperson asked if the totems would be illuminated at night, and Mr Farquharson explained that this was not planned based on the figures presented before the Board. He added that there were excessive costs for lighting and digitising the signs. Professor Von Prondzynski noted that many people now used digital products to find their way around an area, and asked if there was any way to connect the digital method with the physical totem. Ms Bree suggested that a QR code or something similar could be used.

At this juncture, Richard Noble and Bob Collier declared an interest as Chair and Board member of Aberdeen Inspired respectively. Mr Farquharson, Councillor Grant and Ms Bree left the meeting.

The Board discussed the proposal and agreed that 50 totems would be excessive, although there was general support for the overhead signs. The Board considered that

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there were merits to the proposal, but there were potential issues around the possible reconfiguration of the city centre, and the perceived difficulty of tying the physical totems in with digital solutions to wayfinding. Professor Von Prondzynski advised the Board that the University's IT team were currently working on the design of a wayfinding application which could potentially be used by the general public.

Mr Noble noted that a great deal of work had already been undertaken in relation to the proposal, and added that the number of totems could be reviewed if that was the only stumbling block. Councillor Yuill agreed that it was not necessary to have 50 totems, and added that he shared the concern around pavement clutter, but noted that the project would be a fast way to effect change in the city centre.

The Board discussed alternative funding sources for the project, as well as the evaluation criteria for the pilot phase. There were also concerns raised around the ongoing revenue costs for the project. The Board further discussed whether the £20 million City Centre Infrastructure Fund should be utilised for the project, and agreed that the funding should come from elsewhere, particularly until the overall spending plan for the £20 million had been agreed.

The Board resolved:-

to request that officers prepare a report on the project for the Council meeting of 5 March 2014, with particular emphasis on (a) suggestions for alternative funding solutions for the project; and (b) the proposal that the pilot scheme be evaluated before any funding commitment was given.

DATES OF FUTURE MEETINGS

10. The Board had before it the dates for future meetings in 2014, namely:-

- 11am, Wednesday 23 April 2014
- 11am, Wednesday 11 June 2014
- 11am, Monday 15 September 2014
- 11am, Friday 28 November 2014

The Chairperson advised that a date would be sought for the 'away day' in relation to the procurement process for the City Centre Masterplan. Bob Collier suggested that it might be helpful to identify an additional date for a potential Board meeting in May.

The Board resolved:-

to note the dates.

- **COUNCILLOR MARIE BOULTON, Chairperson**

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

16 JANUARY 2014

DECLARATION OF INTEREST

The Vice Convener declared an interest in regard to the following item of business by virtue of a personal connection and considered that the nature of his interest required him to withdraw from the meeting and take no part in the deliberations thereon.

LAND ADJACENT TO 58 WHITEHALL PLACE - 131045

3. The Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee approve the application in respect of planning permission for a proposed single dwelling house, including demolition of the existing garage and the formation of a new driveway to the existing house, subject to the following conditions:-

(1) 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. 1004 (Revision A) 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; (2) That notwithstanding the provisions of Class 1, Class 2 and Class 3 of the Schedule to the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 or any order amending, revoking or re-enacting that Order, no enlargement, improvement or other alteration to the dwellinghouse shall be undertaken without an express grant of planning permission from the planning authority; (3) 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; and (4) 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 response to questions, Mr Daniel Lewis, Development Management Manager, advised the Committee that the applicant was willing to remove the terrace and

planter from the proposal and replace this with a flat roof if this was preferred by members.

The Convener moved, seconded by Councillor Cormie:-

That the application be approved in accordance with the recommendation contained within the report subject to the removal of the terrace and planter and replacement with a flat roof as proposed by the applicant.

Councillor Jennifer Stewart moved as an amendment, seconded by Councillor Corall:-

That the application be refused on the grounds that the proposed development represented overdevelopment of the site; was not in keeping with the properties in the surrounding area; the quality of the materials proposed would be out of character with surrounding buildings; would result in a loss of on-street car parking; and would set an undesirable precedent for future development of a similar nature.

On a division, there voted:- for the motion (6) - the Convener; and Councillors Cormie, Donnelly, Grant, Jean Morrison and Townson; for the amendment (8) - Councillors Boulton, Corall, Greig, Jaffrey, MacGregor, Samarai, Jennifer Stewart and Thomson; absent from the division (1) - the Vice Convener.

The Committee resolved:-
to adopt the amendment.

In terms of Standing Order 36(3), the Convener indicated that he wished the foregoing decision to be referred to Council for decision and was supported by Councillors Cormie, Donnelly, Grant and Morrison.

Planning Development Management Committee

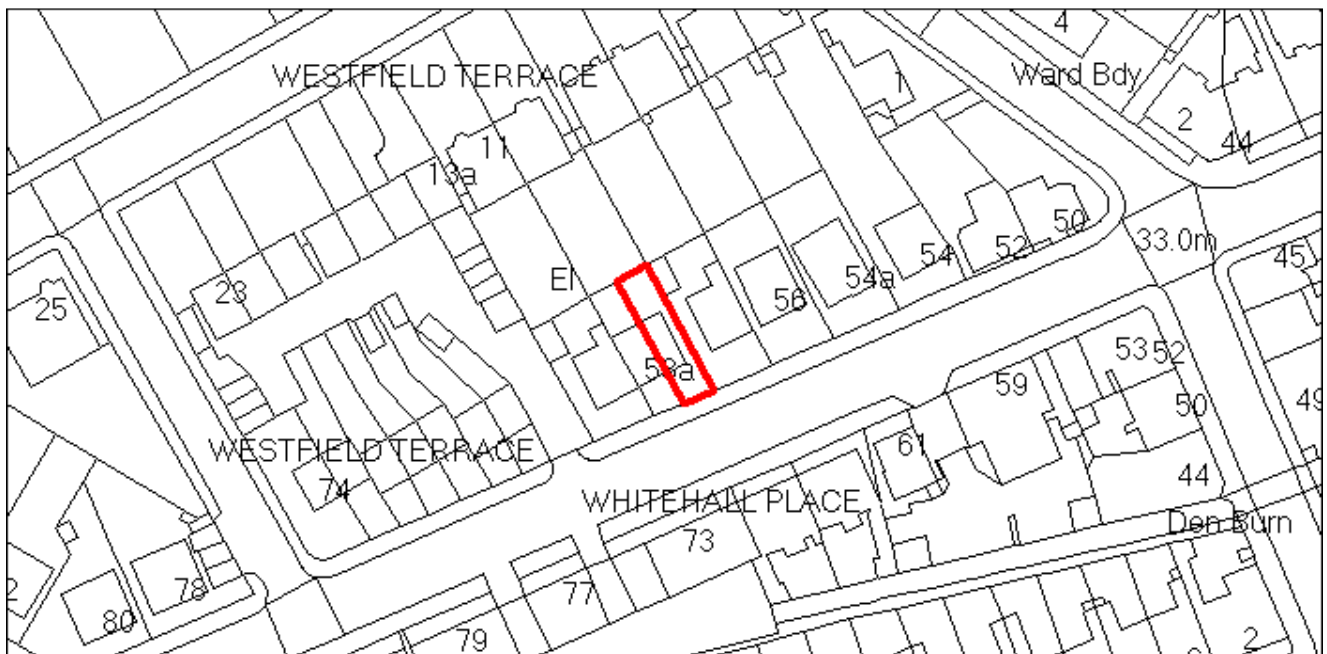
LAND ADJACENT TO 58 WHITEHALL PLACE,
ABERDEEN

PROPOSED SINGLE DWELLING HOUSE
INCLUDING DEMOLITION OF EXISTING
GARAGE AND FORMATION OF NEW
DRIVEWAY TO EXISTING HOUSE

For: Rubislaw Estates

Application Type : Detailed Planning Permission
Application Ref. : P131045
Application Date: 11/07/2013
Officer: Gavin Clark
Ward : Hazlehead/Ashley/Queen's Cross(M
Greig/J Stewart/R Thomson/J Corall)

Advert : Can't notify neighbour(s)
Advertised on: 14/08/2013
Committee Date: 16 January 2014
Community Council : Comments



RECOMMENDATION: Approve subject to conditions

DESCRIPTION

The site is located within the grounds of a dwellinghouse at 58 Whitehall Place, which is located on the northern side of Whitehall Place, approximately 80m from its junction with Albert Street and Craigie Loanings. The existing dwelling on site is a detached two storey dwelling set within a large plot, which is constructed of facing brick, render, timber and tiles. There are two single garages on site, one to the side of the dwellinghouse and one to the rear, the garage which sits adjacent to 58A Whitehall Place would be removed to make way for the proposed dwellinghouse. The site is generally flat in nature, with the existing access located in the south-west corner of the site.

The application property is bounded by residential properties on all sides. The property to the immediate west is two and a half storeys in height and to the east by the two storey host dwellinghouse. The site is bounded by a four storey flatted development to the south and a one and a half storey dwellinghouse on Westfield Terrace to the north. The surrounding area is residential in nature and has a mixture of single storey, one and a half storey, two storey dwellinghouses and three and four storey flatted properties. The surrounding properties are of a variety of design styles.

RELEVANT HISTORY

Planning Permission (Ref: 90/1617) was approved in October 1990 for the erection of a garage.

On an adjacent site (58A Whitehall Place), planning permission (Ref: 94/1002) was refused by Planning Committee in September 1994 for the erection of a dwellinghouse, this was followed by Planning Application (Ref: 94/2388), which was approved by Planning Committee in January 1995 for the erection of a dwellinghouse. This application was not implemented. Planning Permission (Ref: 96/0035) was refused by Planning Committee in March 1996 for the construction of a dwellinghouse, this was followed by Planning Application (Ref: 96/1223), which was approved by Planning Committee in August 1996. This application was implemented.

PROPOSAL

Detailed planning permission is sought for the construction of a three storey three bedroom dwellinghouse within the grounds of the property at 58 Whitehall Place. The proposed house would be located to the west of the existing dwellinghouse and would adjoin a two storey dwellinghouse at 58A Whitehall Place. This would effectively create a small terrace of three dwellings. The house would include a kitchen, toilet and lounge of the ground floor, two bedrooms and a steam room on the first floor and a master bedroom with an en-suite and a small roof terrace on the second floor. The roof terrace would be accessed from the French doors on the top floor. The house would be of a contemporary design.

A variety of materials would be used in the construction of the dwellinghouse including granite cladding to the front elevation, zinc cladding to the third floor,

metal clad timber windows and patio doors, granite cope to the proposed chimney, a metal clad timber rooflights, a smooth render finish on the eastern elevation and metal clad rainwater goods throughout. The property would be bounded to the front and side by a timber fence. The property would have a flat roof, with a small roof terrace located to the front of the building. Whilst the dwellinghouse is three storeys in height it would sit at a lower ridge height than the two storey properties on either side (excluding the chimney – which would be located on the east elevation).

Access would be via a new driveway to the south of the site, with access taken from Whitehall Place, a new driveway would also be created for the host dwellinghouse and would sit to the immediate east. Two parking spaces would be provided to the front of the dwellinghouse. Waste facilities would be located to the rear of the dwellinghouse, and would be accessed via a gate to the rear of the dwellinghouse.

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?131045>

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

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because Rosemount and Mile End Community Council have objected to the application. In addition, 22 letters of representation have been received. Accordingly, the application falls out with the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – have advised their satisfaction with the proposal, subject to appropriate conditions in relation to the proposed driveway and informatives in relation to the proposed access and the removal of an off-street parking space. The response will be discussed in greater detail later in this report.

Environmental Health – no observations

Enterprise, Planning & Infrastructure (Flooding) – no observations

Community Council – Rosemount and Mile End Community have objected to the application for the following reasons:

1. The style and character of the proposed dwellinghouse is out of keeping with the properties in the surrounding area;

2. The materials proposed by the developer (including zinc) are not common to local architecture, would be visually intrusive and would be out of character with surrounding buildings;
3. The proposed flat roof does not complement the usual 30/35 degree pitched roof, which is common in surrounding properties;
4. The proposal would be considered as over-development, as detailed within the Supplementary Planning Guidance on Sub-Division and Re-Development of Residential Curtilages; and
5. The proposed development would have a detrimental effect on road safety and loss of on-street parking.

In conclusion they advised that the size, scale, style and character of the dwelling is of a major concern and that it would constitute overdevelopment of this particular site. A further letter of representation was received from Queen's Cross and Harlaw Community Council, whose boundary splits Whitehall Place; their response will be covered in the representation section of this report.

REPRESENTATIONS

22 letters of objection have been received. A number of these letters came from properties which are not located in the immediate vicinity of the application site. The objections raised relate to the following matters –

1. The proposed development fails to accord with within the Supplementary Planning Guidance on Sub-Division and Re-Development of Residential Curtilages – which includes privacy, overshadowing, privacy and overdevelopment;
2. The proposed development will have a detrimental effect on road safety, pedestrian safety, and on-street car parking;
3. The materials proposed by the developer (including zinc) are not common to local architecture, would be visually intrusive and would be out of character with surrounding buildings;
4. The proposal is out of keeping with the character and appearance of properties in the surrounding area;
5. The proposed flat roof does not complement the usual 30/35 degree pitched roof, which is common in surrounding properties;
6. The height of the proposed dwelling exceeds the height of the ridge of the properties at 58A and 60 Whitehall Place and the massing of the building by virtue of its stepped flat roof form, creates a visual barrier to the existing roofscape;

7. The proposal would set an undesirable precedent for future development of a similar nature;
8. The proposal fails to accord with the Aberdeen Local Development Plan;
9. Request for a site visit to be undertaken should members be inclined to approve the application; and
10. Errors relating to the submitted drawings.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP): Paragraph 115 of SPP highlights the importance of Conservation Areas, stating that these are areas of special architectural or historic interest, the character or appearance of which is desirable to preserve or enhance. It further states that a proposed development that would have a neutral effect on the character or appearance of a conservation area (i.e. does no harm) should be treated as one which preserves the character or appearance. Planning permission should normally be refused for development within a Conservation Area that fails to preserve or enhance the character or appearance of the area.

Aberdeen Local Development Plan

Policy D1: Architecture and Placemaking: states that, 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 siting, scale, massing, colour, materials, orientation, details, the proportions of building elements, together with the spaces around buildings, including streets, squares, open space, landscaping and boundary treatments, will be considered in assessing that contribution.

Policy D2: Design and Amenity: sets out a series of criteria for new development, intended to ensure that an appropriate level of amenity can be secured for residents of both that new development and neighbouring land and buildings.

Policy D5: Built Heritage: states that proposals affecting Conservation Areas or Listed Buildings will only be permitted if they comply with Scottish Planning Policy.

Policy H1: Residential Areas: Within areas zoned as H1: Residential Areas in the Local Development Plan, proposals for new residential development will be acceptable in principle provided they;

1. Do not constitute over-development;
2. Do not have an unacceptable impact on the character or amenity of the surrounding area;
3. Do not result in the loss of valuable and valued areas of open space, as defined in the Aberdeen Open Space Audit 2010;
4. Comply with the Council's supplementary guidance on Curtilage Splits;
5. Comply with the Council's supplementary guidance on House Extensions.

Policy T2: Managing the Transport Impact of Development: states that new developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated.

Policy R7: Low and Zero Carbon Buildings: states that all new buildings, in meeting building regulations energy requirements, must install low and zero carbon generating technologies to reduce the predicted carbon dioxide emissions by at least 15% below the 2007 building standards. This percentage requirement will be increased as specified in Supplementary Guidance.

Supplementary Guidance

Low and Zero Carbon Buildings

Sub-Division and Re-Development of Residential Curtilages

EVALUATION

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. Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas.

Principle of Development

The site is located within an area designated as residential in the Aberdeen Local Development Plan, which advises that proposals for new residential development will be approved in principle provided the criteria specified in Policy H1 (Residential Areas) (i.e. the proposal does not constitute overdevelopment, does not have an unacceptable impact on the character or amenity of the surrounding area and complies with the SPG on curtilage splits).

The proposal could constitute overdevelopment, given that it covers over 42% of the existing plot (compared to 40% at 58A Whitehall Place), however, for the reasons mentioned elsewhere in this report the level of development is

considered to be at an acceptable level. Whilst it is noted that the contemporary design of the dwellinghouse is dramatically different from what is found in the locale, the proposal would have a negligible impact on the surrounding area. For reasons mentioned elsewhere in this evaluation the proposal is considered to broadly comply with the Supplementary Guidance on Sub-Division and Re-Development of Residential Curtilages. The proposal is therefore broadly complies with the terms of Policy H1 of the ALDP.

Policy D1 (Architecture and Placemaking, Policy D5 (Built Heritage) and Supplementary Guidance

The proposed dwellinghouse would be of a modern design and includes a variety of materials including granite, zinc and timber elements. The surrounding area is characterised by a variety of design types including granite and rendered buildings, as well as traditional design types, and more modern architectural styles. Whilst it is noted that the proposed dwellinghouse would be significantly different to those properties in the surrounding area it is considered that given the variety of design types within the immediate vicinity a modern design could be accepted in this instance. The site itself is relatively small in nature, with density and overdevelopment issues being discussed later in this section. However, given the size of other plots within the surrounding area, and in particular the adjacent plot, it is considered that a dwellinghouse of this size on this plot could be accepted. The scale and height of the dwellinghouse is smaller than those that sit in the surrounding area, despite being three storeys in height, and it is therefore considered to be of an appropriate scale for the site and surrounding area.

The proposal is located within the Rosemount and Westburn Conservation Area. Whilst the proposed dwellinghouse is of a contemporary design it is considered that it would have a negligible impact on the character of the Conservation Area, therefore being in general accordance with Policy D5 (Built Heritage) of the ALDP given the variety of architectural styles and tree lined streets in the surrounding area. For the same reasons the proposal would also accord with Scottish Planning Policy (SPP) due to the proposals neutral impact on the character and appearance of the conservation area.

In terms of the Supplementary Planning Guidance on Sub-Division and Re-Development of Residential Curtilages a number of factors need to be considered including privacy, residential amenity, daylighting, sunlight, design and materials, density, pattern and scale of development, pedestrian/vehicular safety and car parking and precedent in the surrounding area.

Privacy: In terms of privacy, there should be a minimum separation distance of 18m between the windows of existing and proposed habitable rooms. In this instance there is a significant distance and elevational change between the rear elevation and the properties on Westfield Terrace. In addition there would be a minimum separation distance of approximately 24m between the property and the flatted dwellings opposite. The levels provided are considered to be acceptable, and would result in a minimal impact on these properties.

The guidance also advises that any windows to habitable rooms should not look out directly over, or down into, areas used as private amenity space by residents of adjoining dwellinghouse. This would not be the case, as the property would look directly over its own garden ground. This section of guidance is more relevant to flatted properties.

Amenity Space: In terms of amenity space, the proposal would have a public face to the street and would have a private face to an enclosed garden area.

Rear gardens of more than 2 storeys should have garden lengths of at least 11m. Garden grounds should also be conveniently located immediately adjoining residential properties, should be a single block in size, have a layout suitable for sitting out and also provide an acceptable level of privacy and amenity.

It should be noted that the property does not provide a rear garden ground of 11m (the distance between the rear of the property and the rear boundary of the site is approximately 7.7m). The properties on the northern side of Whitehall Place are characterised by small rear garden grounds, which range in size from 7.7m to 8.6m. Given the size of the rear garden grounds in this area, it is considered that this section of the guidance could be relaxed in this instance.

Design and Materials: The guidance states that high quality contemporary or modern design that enhances the appearance of the area, or that provides an attractive contrast to surrounding buildings will be encouraged where appropriate. It is clear that the proposed dwellinghouse would contrast with the properties in the surrounding area both in terms of design and materials. However, the contrast would result in a contemporary addition which would have an acceptable impact on the character and appearance of the area and is therefore considered to compliant with guidance in this instance.

Density, Pattern and Scale of Development: A number of properties in the surrounding area have been constructed on relatively small plot sizes, particularly the adjacent property, which was constructed on a similar sized site in the 1990s.

The SPG states that densities higher than 33% will only be allowed where similar densities are characteristic of development in the surrounding area. This is considered to be the case in a number of plots in the surrounding area (in particular those on the northern side of Whitehall Place from 54A to 60, whilst some of these have a plot coverage less than 33%, the surrounding plots have a higher level of development (between 31% and 42%), and for this reason this section of the SPG can be relaxed for this application. The proposed dwellinghouse would have a plot size of 122 sqm, whereas the adjacent plot (58A) sits on a plot measuring 120 sqm (and covers 40% of the plot). Other plots on the northern side of Whitehall Place vary in size between approximately 235 sqm and 277 sqm.

The proposed dwellinghouse would not sit forward of the established building line of dwellinghouses in the surrounding area. The scale and massing of the dwellinghouse is also considered to be of an acceptable level. Although three storeys in height, the dwellinghouse would also sit at a lower level than the existing dwellinghouse, due to the size of the site, it is considered appropriate to remove permitted development rights in this instance, should planning permission be granted.

Trees and Garden Ground: The loss of garden ground is not considered to be a contentious issue in this instance, as an acceptable level of garden ground will remain with the existing property and will be provided with the new dwellinghouse.

Pedestrian/Vehicular Safety and Car Parking: Acceptable levels of parking are to be provided to both the existing and proposed dwellinghouses. On-site parking is also considered to be of an acceptable level and in accordance with the relevant

roads standards. Safe sightlines would also be provided and the driveway would be 5m in length.

Precedent: It is not considered that an undesirable precedent for future development would be set by granting permission on this site. Sites in the surrounding area have been developed previously, and the proposal would not have a harmful effect on the character or amenity of the immediate area, or wider city.

Every application needs to be considered on its own merits and site specific circumstances vary so much other issues may be relevant to individual planning applications. Issues have been highlighted in this section which shows that the application does not fully accord with the guidance as set out in the SPG; however given the properties located in the surrounding area, and the design of the proposed dwellinghouse, it is considered that the proposal broadly accords with the terms of the SPG.

In conclusion, the proposal is considered to generally accord with the terms of Policy D1 (Architecture and Placemaking), D5 (Built Heritage) and the associated Supplementary Planning Guidance on the Aberdeen Local Development Plan.

Policy D2: Design and Amenity

It is important to ensure that an appropriate level of amenity is provided within each development. Privacy is something which should be incorporated into each development, for the reasons mentioned elsewhere in this report; it is considered that appropriate levels of have been achieved.

The development also has a public face as it fronts onto Whitehall Place; in addition, the residents of the property will have an enclosed rear garden ground, which would be of an adequate size. The development would not be dominated by hard standing, with only the driveway to the front being covered as such, additionally; appropriate views and sunlight will be afforded to the property. As a result of the above the proposal is considered to accord with Policy D2 (Design and Amenity) of the ALDP.

Access Arrangements and Car Parking

The Roads Projects Team has advised that an adequate number of parking spaces have been provided within the site. They have also advised that a

driveway measuring 5m x 5m must be provided within the curtilage of the dwellinghouse. The applicants have submitted documentation which indicates that this would be achievable, and a condition will be inserted ensuring that an appropriate driveway and parking area is provided. The gate must not project at any time onto the footway, the submitted drawings clearly show that this will not be the case, but a condition to this effect will also be inserted.

The applicants will also need to contact the Council's Road Maintenance Unit in relation to the construction of a new footway crossing/driveway and to discuss an amendment to the existing Traffic Regulation Order (TRO) due to the removal of one on-street parking bay. Both of these points will be confirmed via informative.

To conclude, the Council's Roads Projects Team have no objection to the application.

The application site also sits within close proximity of the city centre, and close to services/public transportation services on Albert Street, some 85m to the east. The proposal is considered to accord with the principles of Policy T2 (Managing the Transport Impact of Development) of the Aberdeen Local Development Plan.

Design Review Panel

The planning application, due to its contemporary nature and number of representations received, was presented to the Aberdeen City and Shire Design Review Panel on the 9th September 2013.

The Panel members were unanimous in their agreement that, whilst the proposed design of the house was clearly dramatically different from the rest of the street, it is a sophisticated design which would be a positive addition and lifts what is otherwise a relatively ordinary street where there already exists a mix of architectural styles. It was also observed that the rooms and spaces inside the house are also likely to be of a high quality.

The panel considered that the house would fit well with street and the adjacent houses, both in terms of height, scale and design.

One member praised the rectilinear design of the building and thought it was a refreshing addition to the pitched line of other roofs in the terrace. Another member noted that although the eaves were stepped up compared to the adjacent house, this was in-keeping with an already existing trend of stepped eaves in the street.

The following comments were also made with regard to the proposal's relationship to the existing street scene:

- Acknowledge the attempt to create a 'bookend'; however the upper floors appear quite bulky; consider setting the zinc third storey further back away from the parapet so it is less visually dominant, whilst still achieving the appearance of a 'dormer'.
- Potential privacy issues given the homes on the opposite side of the street are 3-storey tenements; however the presenting team confirmed that this is unlikely to be an issue given the width of the street.
- Concerns that the hard standing driveway at the front of the property may create a precedent for the loss of other front gardens; however there are already examples of front spaces being used for car parking elsewhere in the street. The project team also pointed out that the driveway will be designed as an attractive feature.
- The Panel were satisfied that zinc is an acceptable material to use for flat roofs and that there would not be any structural problems with the windows going right to the edge of the building.

- The project team confirmed the building would have a high level of air tightness, have a mechanical ventilation system and be constructed using high performance timber kit.

The Panel concluded that this is a well-designed proposal which is, whilst being dramatically different from the other houses on the street, a positive contribution to the street scene.

Policy R7 (Low/ Zero Carbon Buildings) and Low and Zero Carbon Buildings SPG

The application does not include any details to demonstrate how Low and Zero Carbon Generating Technologies will be incorporated into the residential properties, or alternatively how the buildings could achieve deemed compliance with the Council's published 'Low and Zero Carbon Buildings' Supplementary Guidance. On this basis it will be necessary to attach an appropriate condition to secure such information should planning permission be approved and to ensure compliance with Policy R7 (Low and Zero Carbon Buildings) of the ALDP and associated Supplementary Guidance.

Waste Management

The applicant has provided details for the storage of waste. Facilities are to be provided to the rear of the dwellinghouse, with access to the front of the site provided via a gate accessing the rear of the property. The location of these facilities is considered to be acceptable. The proposal is therefore considered to be compliant with Policy R6 (Waste Management Requirements for New Development) and its associated Supplementary Guidance – Waste Management.

Relevant Planning Matters Raised by the Community Council and in Written Representations

The matters shown in points 1-10, as highlighted in the "representations" section of this report, which also covered the issues raised by Rosemount and Mile End Community Council, can be addressed as follows:

- 1) The proposed development has been assessed in great detail, and it concluded that whilst the development did not accord with all elements of the supplementary planning guidance, it was considered to be an acceptable form of development in terms of privacy, overshadowing, privacy, overdevelopment and parking.
- 2) The proposal has been fully assessed by colleagues in the Roads Projects Team, who have advised their general satisfaction with the proposal, subject to the insertion of conditions and informative. The level of parking provided is acceptable. Indiscriminate parking in nearby locations may take place, but is not something that can be controlled by the Planning Authority. Pedestrian safety and access entrance has also been assessed as acceptable.
- 3) It has been noted elsewhere in this report that the proposed materials would be significantly different to any other property in the surrounding area, however those materials proposed are considered to be acceptable.

The design, whilst contrasting with properties in the surrounding area, is considered appropriate, as outlined through the discussions at the Design Review Panel.

- 4) For the reasons mentioned elsewhere in this report, the proposal is not considered to be out of keeping with properties in the surrounding area.
- 5) The flat roof proposal is considered to be acceptable in this instance. There are a number of properties elsewhere in the city which have utilised such aspects of design, and whilst there are none in the immediate locale, the design of the proposal is considered acceptable.
- 6) The scale and height of the dwellinghouse is considered to be acceptable. The proposal would sit lower (excluding the chimney) than the properties on either side, and significantly lower than the flats across the road. The massing of the building is also considered to be acceptable.
- 7) For the reasons mentioned in this report, it is not considered that the proposal would set an undesirable precedent for future development;
- 8) For the reasons mentioned in this report, the proposal is considered to accord with the terms of the Aberdeen Local Development Plan;
- 9) It would be up to the members of the Planning Development Management Committee to decide whether a site visit should be undertaken on the application; and
- 10) The errors in the original submitted drawings have been rectified.

Conclusion

In summary, the proposed dwellinghouse relates to the curtilage of an existing detached dwellinghouse, which is located within a well-established residential area, as identified in the Aberdeen Local Development Plan. The proposal has been assessed against Policy H1 (Residential Areas) as being consistent with the terms of this policy. Whilst the proposal in theory could constitute overdevelopment, the density of development is considered acceptable in light of the surrounding pattern of development. The proposal is also considered to be consistent with the terms of Policy D1 (Architecture and Placemaking), Policy D5

(Built Heritage), Scottish Planning Policy and associated Supplementary Planning Guidance. The Council's Roads Projects Team and other consultees have found the proposal to be acceptable, subject to appropriate conditions. For the reasons mentioned in this report the proposal is considered to be consistent with all other policies of the ALDP and its associated supplementary planning guidance. The proposal is therefore recommended for conditional approval.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

The proposed development is considered to be generally consistent with the terms of Policy H1 of the Aberdeen Local Development Plan, and provides an appropriate design, scale and form of development, in accordance with Policies D1 (Architecture and Placemaking) and D2 (Design and Density). The proposal, whilst not wholly in accordance, is considered to be acceptable given the circumstances of the development in terms of the Supplementary Planning Guidance in relation to the Sub-Division and Re-Development of Residential Curtilages. The proposal is also considered to have a negligible impact on the character and appearance of the Conservation Area, according with Scottish Planning Policy (SPP), and Policy D5 (Built Heritage). The proposal has been assessed by the Roads Projects Team, who have advised that appropriate levels of parking and access have been provided. In addition, appropriate waste provision has been provided in line with Policy R6 (Waste Management Requirements for New Developments) and an appropriate condition will also be inserted to ensure compliance with Policy R7 (Low and Zero Carbon Buildings).

CONDITIONS

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

(1) 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. 1004 (Revision A) 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.

(2) that notwithstanding the provisions of Class 1, Class 2 and Class 3 of the Schedule to the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 or any order amending, revoking or re-enacting that Order, no enlargement, improvement or other alteration to the dwellinghouse shall be undertaken without an express grant of planning permission from the Planning Authority - in the interests of visual amenity.

(3) 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'.

(4) 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.

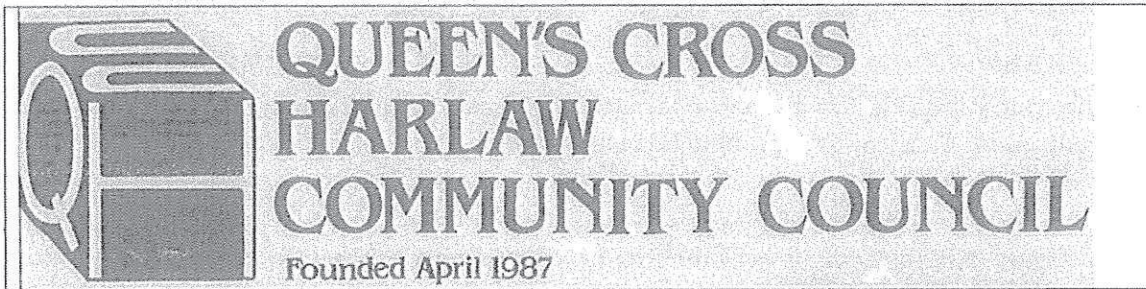
INFORMATIVES

Vehicular access to the site will be constructed by Aberdeen City Council. The applicant is responsible for all costs involved in construction of a footway crossing and should be advised to contact the Road Network Maintenance Unit (Tel 01224 241500) at least 6 weeks prior to any work starting on site, after planning permission has been granted to arrange for a detailed estimate for the cost of the works.

The proposed access would be formed on Whitehall Place where pay and display parking exists this proposal would result in removal of one parking bay. The amendment of the existing Traffic Regulation Order (TRO), revision of Road signs and carriageway surfacing may be required for the new access proposal and the applicant should be advised to contact Douglas Ritchie (Tel 01224 538055) with regard to this issue. The TRO process would take on the average 12 months to complete and it is advisable for the applicant to start the process as soon as possible.

Dr Margaret Bochel

Head of Planning and Sustainable Development.



██████████
██████████
28th August 2013

Tel.: ██████████

Mr Gavin Clark,
Planning and Sustainable Development,
Aberdeen City Council
Ground Floor North
Marischal College
Broad Street
Aberdeen, AB10 1AB

Application 131045: Proposal for 3-Storey Residence at 58 Whitehall Place.

Dear Mr Clark,

I am writing on behalf of Queen's Cross & Harlaw Community Council in connection with the above proposal. The site lies on the boundary between our Community Council and adjacent Rosemount and Mile-End Community Council; and we are writing in response to concerns expressed to us by residents on both sides of the boundary.

Following careful consideration of this planning application within the Community Council, we consider the proposal to be unsatisfactory in a number of areas, and wish to register objection accordingly.

Our comments are summarised as follows:-

1. What is proposed is a three-storey building in an ultra-modern, flat-roof design, finished in modern materials such as zinc and glass. While we welcome modern design and materials in a suitable setting, we are of the view that what is proposed would provide a stark, visual clash in this particular location where the other buildings in the street conform to traditional pitched-roof designs and are finished in traditional materials. In short, what is proposed would be incongruous in terms of architectural style and materials, and would impair the visual amenity of the area.
2. The foot-print of the proposed building would clearly exceed the recommended plot-ratio limits (33%) by a considerable margin, and we

therefore consider the proposal to be a gross over-development of this particular site.

3. There are serious issues of over-looking and privacy with this planning application. The proposed build would over-look the adjacent residence (no. 58A) resulting in a loss of privacy in both the master bedroom and private rear garden of the neighbouring property. This is unacceptable.
4. We agree with the comments of the Roads Development Control Engineer; namely, that provision of further, lowered-pavement vehicular access, in addition to existing access, would cause a safety hazard to pedestrians. We also agree that the resultant loss of existing on-street parking would have a further adverse impact on local amenity.
5. Our understanding is that this development would involve the splitting of a feu and the sub-division and redevelopment of a residential curtilage. Our understanding of policy relating to such matters (as documented in Supplementary Guidance to the adopted Aberdeen City Local Development Plan) is that in such circumstances, a presumption against the granting of planning approval will apply. The application should therefore be refused as a matter of policy.

The above is a fair reflection of the views of Queen's Cross and Harlaw Community Council, and we trust that you will give our comments due weight in the determination of this application. We are of the firm belief that this planning application should be rejected for the reasons outlined above. Should Committee Members feel in any way inclined to doubt our assessment however, then we recommend that a site visit be undertaken to resolve matters.

Should you require clarification on any of the above points, please do not hesitate to contact me.

Yours sincerely,

[Redacted Signature]

Planning Convenor,
Queen's Cross & Harlaw Community Council.

P&SD Letters of Representation	
Application Number:	131045
RECEIVED - 2 SEP 2013	
Ncr	Sou MAp
Case Officer Initials:	GAC
Date Acknowledged:	3/09/13.

58A Whitehall Place,
Aberdeen,
AB25 2PJ.

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

21st August 2013

Dear Sir,

Letter of representation against the proposal to build a new house and demolish the garage at 58 Whitehall Place, Aberdeen - Application Number 131045:

We acknowledge receipt of the Notice, application number 131045, served on us as notifiable neighbours in accordance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008. Having viewed the drawings submitted by the applicant's architects, we have concerns that the proposals fail to comply with the Supplementary Guidance to the Aberdeen Local Development Plan and the criteria against which the application should be assessed.

- 1) Contrary to 3.5 of the Guidance, a rear window to an open plan 2nd floor bedroom will look directly over and into the private amenity space which is our garden behind 58A Whitehall Place.
- 2) Contrary to 3.7 of the Guidance, the depth of rear garden afforded by the proposed design falls significantly below the 11 metres specified as that required for a house of more than 2 storeys. According to the proposed site layout plan, the depth even fails to meet the minimum of 9 metres required for a 2 storey dwelling.
- 3) Because of the size of the proposed development and the limited area of the site being acquired by the developer, the percentage of the site proposed to be built-on will be nearer 42% than the 33% restriction quoted in 5.2 of the Supplementary Guidance.

We should also like to make representations that the proposed development will have a detrimental effect on road safety and on-street car parking. As stated in the comments from Roads Development Control as a Statutory Consultee, increasing the number of consecutive pavement crossings to three will create more hazardous conditions for pedestrians, greatly increasing the risk of conflict between them and vehicles manoeuvring to enter or leave driveways. The addition of another house in this position will also increase the likelihood of vehicles exiting the 2 existing driveways, not being able to manoeuvre to the side and having to potentially reverse directly out into

the often very busy Whitehall Place. In the 8 years we have lived here, it is noticeable how much more traffic utilises this street as an alternative to Carden Place, to travel in and out of town and to drop off and pick up children at nearby schools.

Again, to the detriment of local amenity, the loss of another two on-street parking spaces in order to create a pavement crossing would have a significant effect on the already under pressure parking opportunities. This has also been negatively commented on by the Engineer from Roads Development Control.

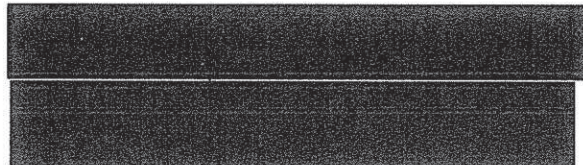
From an aesthetic standpoint, we object strongly to the proposed development firstly on the grounds that the proposals are starkly different from the style of houses existing in this part of Whitehall Place and detrimental to the character of the area. The proposed design utilises the materials, zinc, smooth polymer render, polished granite and glass in a curtain walling context. All of these finishes are alien to this street and utilised in the form indicated by the proposed elevations, diminish any style and character the existing properties have.

Because of its flat roofed form, the proposed design doesn't complement and contrast the traditional 30 and 35 degree pitched roofs of the other houses in the street. It ignores them and far from acting as a "bookend" to the 3 house terrace it would create, as described in the designer's Design Statement, it would spoil a perfectly acceptable city-scape.

We also have concerns that the height of the proposed structure exceeds the height of the ridge of the properties at 58A and 60 Whitehall Place which is contrary to the Supplementary Guidance to the Local Development Plan and the massing of the building by virtue of its stepped flat roof form, creates a visual barrier to the existing roofscape as one looks West from Albert Street.

On a site elsewhere, as part of a terrace of similarly designed properties utilising these modern materials and forms, I would applaud the design but my wife and I feel the design is wholly inappropriate in this location.

Yours faithfully,

A large black rectangular redaction box covering the signature area of the letter.

Derek and Fiona McWilliam.

Robert Vickers

From: [REDACTED]
Sent: 26 August 2013 14:28
To: PI
Subject: Planning Application 131045

M Stuart
52 Queens Highlands
Aberdeen
AB15 4AR

RE : PLANNING APPLICATION 58 WHITEHALL PLACE, ABERDEEN - Reference Number 131045

As a resident of the west end of Aberdeen and a person brought up in Osborne Place, I should like to object to the application for Planning Permission to demolish a garage and build a 3 storey town house in the garden of 58 Whitehall Place. The style of house proposed is totally out of character and alien to the existing residential landscape of traditional pitched roofed houses. It is flat roofed and employs materials not echoed anywhere else in the street and ignores existing styles. It conflicts with the Council's guide to the Local Development Plan in terms of rear garden size and plot ratio and surely must be regarded as overdevelopment of the site. I object to the proposed development in the strongest terms.

Regards,

Moray Stuart
Senior Architectural Technologist
Property
Transportation & Infrastructure
Woodhill House
Westburn Road
Aberdeen AB16 5GB

[REDACTED]
* [REDACTED]
; www.aberdeenshire.gov.uk

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www.aberdeenshire.gov.uk

Robert Vickers

From: Alexander McPherson [REDACTED]
Sent: 26 August 2013 16:14
To: PI
Subject: 58 Whitehall Place Planning Application

Reference Number 131045:

Application for Planning Permission to Demolish a Garage and Build a New House in the Garden of 58 WHITEHALL PLACE, ABERDEEN -

Although I live in Cottage Brae, I was brought up in the Albert Street area and spent my childhood around Craigie Loanings and Whitehall Place. I have visited the Planning website and looked at the proposals for the above new house. I would be very sorry to see such different and visually awkward building built in this area of mostly traditionally built houses and tenements. This monstrosity owes nothing to the styles and materials of the existing properties. It ignores all the pitched roofed houses and spoils the continuity of that side of Whitehall Place by virtue of it being flat roofed and clad in zinc! It is totally inappropriate for the proposed site and in my opinion looks too big for the area of land indicated in the site layout plan. Are you sure it complies with the Local Development Plan? There must be issues regarding privacy and light which make the building unacceptable in such close proximity to the existing house at 58A. I notice the proposal includes a terrace at 2nd floor level. Surely this is unacceptable when the roof windows of the existing house are so close?

From the parking point of view, I would imagine the already difficult parking problem will be detrimentally affected as more parking spaces are sacrificed to provide yet another pavement crossing. I would also be concerned for the safety of children and elderly people because they already run the gauntlet of cars arriving and leaving from the drives of existing houses. Another house will increase the likelihood of an accident.

I object to the proposed application in the strongest terms and would insist the Planning Officers consider my representations in their assessment of the submitted designs.

Sandy McPherson
3 Cottage Brae
Aberdeen
AB10 6DG

Robert Vickers

From: [REDACTED] on behalf of Nick NA
[REDACTED]
Sent: 25 August 2013 14:12
To: PI; gaclark@aberdeenvity.gov.uk
Cc: Jennifer Stewart
Subject: Objection to Planning Application at 58 Whitehall Place Aberdeen

131045

To whom this may concern,

I wish to express my opposition to this planning application. I feel it is not appropriate to carry out such work in the area, and will lead to both a shortage of parking spaces and an increase in traffic, in addition to being an increased risk to pedestrians - particularly children from the local school.

As a resident with a private car park, I am concerned that surrounding buildings would find themselves using our car park without permission. We only have a very limited number of spaces as things currently stand, and to introduce another large number of vehicles to the area would be detrimental in this respect. There are barely enough on-street spaces to accommodate those living in the area at present, so I feel it is a legitimate concern that there would not be sufficient space and this may spill over and affect our building.

Due to Whitehall Place serving place for a school, and being a morning route into town from Queens Cross, I feel the construction would result in an irreversible increase in traffic both during the build period and beyond. I selected this location for my flat because it is generally a quiet area - with regard to both noise and traffic level - but I strongly believe the outlined project would hugely compromise this.

Please take my and other local residents' concerns into consideration. I do not feel this project would bring any value to the area, and hope that you can understand and appreciate my reasons for objecting.

Kind regards,

Nick Atkinson
77C Whitehall Place

PI

From: webmaster@aberdeencity.gov.uk
Sent: 04 August 2013 20:47
To: PI
Subject: Planning Comment for 131045

Comment for Planning Application 131045

Name : Derek McWilliam
Address : 58A Whitehall Place
Aberdeen
AB25 2PJ

Telephone : [REDACTED]
Email : [REDACTED]
type :

Comment : My wife and I have been on holiday and have only recently received the Planning Notice in connection with the proposed development. I will submit our formal objections to these proposals before the expiry of the statutory period but I must make you aware immediately that the address of the proposed development is incorrectly recorded in the Planning Application as 58A Whitehall Place. That is the address of our home, determined by Aberdeen City Council 10 years ago when our house was completed. The use of 58A as the address by the applicant's agent has confused neighbours who have assumed that I am the applicant and am applying to extend our house. Firstly does this invalidate the application and secondly can I insist the neighbour notification process be redone so that all those notified are fully aware of the significance of the proposed development and that this is a substantial new property by a property developer and not an extension to our house?

Planning & Sustainable Development	
Mail ID	29476
RECEIVED	- 6 AUG 2013
REPLY	06 / 08 / 13
Section	AS7
Officer	DR

PI

From: scott warrander [REDACTED]
Sent: 27 August 2013 12:54
To: PI
Subject: Planning Application Reference Number 131045

Planning Application Reference Number 131045: The demolition of a garage and the construction of a new house at 58 Whitehall Place Aberdeen.

Dear Sir,

I would like to object to the application for Planning Permission for a new house at 58 Whitehall Place. I know this area of Aberdeen very well having lived close-by as a student. Although not grand, the properties in this area have a charm that would be spoilt by the addition of such a garishly modern building. The fact that it has no pitched roof seems to cause it to clash with the existing buildings and whilst contrast is not necessarily a bad thing, this proposed design is not sympathetic at all and seems to offend the functional simplicity of the houses nearby. I am a Building Surveyor and totally familiar with Architects' drawings. I have examined the proposed site layout plan and compared proposals to your own Council's Guidance to the Local Development Plan. I would say the proposals fail to comply in that the rear garden is too small. I can appreciate where a larger front garden can be provided that a compromise can be agreed but the site indicated is so small that the plot ratio of 33% cannot be met. The proposal must I would assume, be regarded as overdevelopment of the site.

I see from the drawings particularly the cross sections that the design incorporates a terrace at 2nd floor level. This would cause a serious loss of privacy to the family living next door, since their roof windows are less than two metres away from the edge of this terrace. There would also be a shading of their rear garden and overlooking from the upper windows of the proposed building. This again, is contrary to your own guidance!

Apart from these serious issues, the addition of this building and its pavement crossing access would reduce on-street parking in an area where demand is high. It would also increase the risk to pedestrians who use this pavement in great numbers. There is a large elderly population in this area and this street is used by large numbers of pupils travelling to the Grammar School, located along the street. I notice in the comments from Roads that they are content that 2 off street parking spaces are being provided. I do not feel that 2 cars can be parked in this site whilst still providing safe access to the front door. A wheelchair will not pass between two cars of an average size placed in the drive of this proposed house. I also notice Roads have reservations about the addition of another pavement crossing on the grounds of pedestrian safety!

In conclusion, I object to the proposals for the reasons I have given and I would like my comments taken into account in Planning's consideration of the application.

Regards,

Scott Warrander

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 20 August 2013 10:13
To: PI
Subject: Planning Comment for 131045

Comment for Planning Application 131045

Name : Neil Casey
Address : Ground floor right
67 Whitehall Place
AB25 2PD

Telephone :

Email : 

type :

Comment : I object to planning application 131045 on the grounds of safety - both entering and leaving the proposed site will be a risk to oncoming traffic - and also parking. The street is also very limited on parking spaces for residents.

Robert Vickers

From: [REDACTED]
Sent: 26 August 2013 15:26
To: PI
Subject: Planning Objection

Application for Planning Permission to Demolish a Garage and Build a New House in the Garden of 58 WHITEHALL PLACE, ABERDEEN - Reference Number 131045:

As a resident of the Aberdeen, I wish to object to the proposal to build a house in the garden of 58 Whitehall Place. In my opinion the site is too small and building a 3 storey house of the type shown in the Planning website is detrimental to the overall appearance of the street. In another location amongst equally modern housing, the design might sit nicely but certainly not here. I feel sorry for the people who live next to this property as they will suffer loss of privacy and definitely shading of their garden as the new house is bigger than the property it will abut. The addition of another house will also make it more dangerous for the school children and elderly of the area to use the pavement in this area as yet more cars struggle out on to the very busy Whitehall Place. I've also had a look at the Local Development Plan and I am pretty sure that these proposals are contrary to both the plot ratio figure of 33% and the minimum rear garden figure of 11 metres. This must be overdevelopment of the site.

I therefore object strongly to the proposals submitted for Planning Permission.

Regards,

Mike Bruce
Senior Quantity Surveyor Technician
Property & Facilities Management
Infrastructure Services
Aberdeenshire Council

Mon, Tue, Fri

Tel: [REDACTED]
Fax: [REDACTED]
www.aberdeenshire.gov.uk

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www.aberdeenshire.gov.uk

PI

From: webmaster@aberdeencity.gov.uk
Sent: 15 August 2013 00:08
To: PI
Subject: Planning Comment for 131045

Comment for Planning Application 131045

Name : Dr Richard Taylor
Address : 60 Whitehall Place
ABERDEEN
AB25 2PJ

Telephone :

Email : [REDACTED]

type :

Comment : Having considered the plans in detail, we feel that the design of this building is out of keeping with the surrounding properties in terms of materials and symmetry and proportion and regrettably we would like to notify you of our objection to the application as it stands. We object also, that the addition of a property to another two properties of very different style, is wholly detrimental to the overall look and harmony of the buildings as originally constructed. We also regrettably object on the basis that private gardens, driveway conversions of this nature may set a precedent for other applications to develop similar small spaces in existing residential property to be sold for housing or business development in the area.

Robert Vickers

From: karin forrest [REDACTED]
Sent: 26 August 2013 18:01
To: PI
Subject: Rejection of planning application

Dear gavin,

I am writing to you with regards to the planning application at 58 Whitehall place. This application is not in keeping with the area and is an area which is over developed already.

I also have concerns about the height of the building which will overlook all other properties front, back and sides and will take away people's privacy. The balcony will also look into neighbour's gardens, houses and bedrooms which again is a privacy issue to people who have lived in the area for many years.

Finally, the parking in Whitehall place is bad enough without another driveway taking up space. This is also dangerous for reversing out of these driveways as it is a busy road.

I hope you take on board these issues when making a decision.

Karin Forrest
Aberdeen City resident

Sent from Yahoo! Mail on Android

Robert Vickers

From: Fiona McWilliam [REDACTED]
Sent: 25 August 2013 19:17
To: PI
Subject: Planning Application 131045

Dear Mr Clark

I am writing to you about the planning application reference 131045. I am 86 years old and am registered blind. I am also in failing health and frequently have to use a wheelchair which my Occupational Therapist has provided. I have dictated this letter to my daughter as I am unable to see to write anymore.

My family lives in Whitehall Place and often invite me down to their house for meals and to spend time with my grand-children. Parking close enough to the house is often problematic as it is such a busy road, and this makes it difficult for me to gain access easily to my daughter's home. The proposed house will take away more parking spaces, and also make the pavement even more hazardous for me to negotiate, as it would mean three immediately consecutive driveways with cars crossing them to get in and out. There are many elderly people actually living in this road, and the pavements on that side of the street are already quite uneven. I know lots of Robert Gordon's College pupils use this route to school and it would make the pavement even more dangerous for them, too. Even though my vision is limited, the drawing of the proposed house has been shown to me on a large computer screen and I am horrified that such an outlandish design would even be considered in the west end of Aberdeen. It is completely out of keeping and would be more suited to a new build estate or overlooking water - I would not want to be in the flats opposite with someone outside in their balcony looking at me. I therefore submit my objections to you about this development. Many thanks for your attention to this matter.

Yours sincerely,

Irene Clark,
5C Thomson Street,
Aberdeen.

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 26 August 2013 17:28
To: PI
Subject: Planning Comment for 131045

Comment for Planning Application 131045

Name : Maureen Milne
Address : 5 parade Mews
Stocket Parade

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I was looking at the plans for this new development and noticed that the house next to it has been misrepresented. There is no indication on the plan that there are windows in the roof of the adjacent building. The balcony on the proposed new development would be invasive to the privacy of the current owner of the adjacent property. I also believe that the frontage of the building is inconsistent with the area, no other property in the street has a balcony.

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Rosemount & Mile-End Community Council

10 Craigie Park
Rosemount
Aberdeen
AB25 2SE

Development Management
Enterprise, Infrastructure
Aberdeen City Council
Marischal College
Broad Street
Aberdeen
AB10 1AB

23rd August 2013

Ref: Proposed Development to demolish Garage and build New House at
58 Whitehall Place Aberdeen. Application number: 131045.

Dear Sir.

Having viewed the proposed plans we (Rosemount & Mile-End Community Council) totally object to the application to build a three storey house on the premises of 58 Whitehall Place Aberdeen.

Aesthetically, our main objection is to the Style and Character of the proposed building to the adjacent buildings which exist in this part of Whitehall Place.

The materials, which are being proposed by the developer, such as Zinc, are not common to the local architecture and would be visually intrusive and would further more be totally alien to the rest of the buildings, which belittles the style, and character that the other properties have.

The proposed flat roof doesn't complement the usual 30/35- degree pitched roofs, which the other properties have.

The proposed development and the limited area of the site being required by the developer the percentage of the site proposed to build on will be nearer 42% than the 33% restriction quoted in the Supplement Guidance.

The proposed development will have a detrimental effect on road safety and loss of on street parking which is at a premium.

In conclusion, we the R&M-ECC are of the opinion the size, scale, style and the character is a major concern and that it would be an over-development of this particular site and we would like the council to consider this application to be referred to FULL COUNCIL please.

Yours sincerely


Willie Jamray

R&M-ECC

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ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	5 March 2014
LEAD OFFICER	Chief Executive
TITLE OF REPORT	Polling Places at the Scottish Independence Referendum
REPORT NUMBER	OCE/14/004

1. PURPOSE OF REPORT

At its meeting on 18 December 2013, the Council considered a report from the Chief Executive regarding the Review of Polling Districts and Polling Places and agreed the final list of polling places (OCE /12/035).

It was noted within that report that further changes to polling places may be required for the Scottish Independence Referendum if an increase in the number of polling stations required exceeds the capacity of any polling places.

The draft polling scheme for the Scottish Independence Referendum shows an increase in polling stations at a number of polling places. This report proposes what changes to polling places require to be made in order to accommodate this increase.

2. RECOMMENDATIONS

- a. That subject to any changes, the Council agrees the recommended changes to polling places as outlined.
- b. That following approval of the recommended changes to polling places, the Council proceeds to public consultation.
- c. That following the conclusion of public consultation the final Polling Place scheme for the Scottish Independence Scheme will be brought to the Council in May 2014 for approval.

3. FINANCIAL IMPLICATIONS

None.

4. OTHER IMPLICATIONS

None.

5. BACKGROUND/MAIN ISSUES

In further reviewing the number of polling stations required for the Scottish Independence Referendum, it has been identified that two of the polling places have insufficient capacity to accommodate additional stations.

The number of stations to be used for the Referendum has been increased in order to mitigate any pressures associated with an increased turnout and as a result the 132 polling stations in use for the European Parliamentary Election will be increased to 174 for the Referendum. However, only an additional two polling places are required to be added as follows:

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

6. IMPACT

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

An extensive public consultation was undertaken during November last year on the full list of polling places and the two additional places recommended for use for the Referendum have been used by the Returning Officer during recent elections. The current revision will be published on the Council's website and proactive contact will be made with the relevant Community Councils and the Disability Advisory Group.

The public consultation will run for a period of four weeks. Following its conclusion the final Polling Place scheme for the Scottish Independence Scheme will be brought to the Council in May 2014 for approval.

7. MANAGEMENT OF RISK

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

8. BACKGROUND PAPERS

Polling Districts and Polling Places Review, report to Council Meeting of 18 December 2013 (OCE/12/035)

9. REPORT AUTHOR DETAILS

David Gow
Team Manager (Civic Support)
davidgow@aberdeencity.gov.uk
Telephone: 01224 (52)3881

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ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	5 March 2014
LEAD OFFICER	Chief Executive
TITLE OF REPORT	Appointments
REPORT NUMBER	OCE/14/007

1. PURPOSE OF REPORT

The report brings before the Council a change to a previously agreed appointment.

2. RECOMMENDATION

That the Council resolves to agree the appointment of Councillor Milne as a representative on Scotland Excel's Joint Committee, replacing Councillor Crockett.

3. FINANCIAL IMPLICATIONS

The report has no financial implications to the Council.

4. OTHER IMPLICATIONS

There are no other implications to this report.

5. BACKGROUND/MAIN ISSUES

At its Statutory Meeting on 16 May 2012, the Council considered a report on the appointment of representatives to outside bodies (CG/12/057). The Council agreed the appointment of Councillors Crockett and Young as representatives on Scotland Excel's Joint Committee.

Councillor Crockett has now intimated that he wishes to relinquish his appointment in relation to Scotland Excel and the Council is asked to approve Councillor Milne as his replacement

6. IMPACT

Representation on the various sub-committees, trusts, boards and outside bodies assists the Council in fulfilling its role in delivering the Single Outcome Agreement.

7. MANAGEMENT OF RISK

The report is concerned solely with a change of representation on an outside body.

8. BACKGROUND PAPERS

None

9. REPORT AUTHOR DETAILS

Ciaran Monaghan
Head of Service, Office of Chief Executive
cmonaghan@aberdeencity.gov.uk
01224 522293

ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	5 March 2014
LEAD OFFICER	Chief Executive
TITLE OF REPORT	First Minister's professional conduct: Aberdeen Donside by-election – Motion by Councillor Young
REPORT NUMBER	OCE/14/005

1. PURPOSE OF REPORT

The report brings before the Council the response received by the Chief Executive from Sir Bob Kerlake, Head of the Civil Service following her letter to him in the terms of the motion agreed by the Council at its meeting of 21 August 2013.

2. RECOMMENDATION

That the Council considers the response from the Head of the Civil Service and decides how it now wishes to proceed.

3. FINANCIAL IMPLICATIONS

The report has no specific financial implications.

4. OTHER IMPLICATIONS

The report has no other specific implications.

5. BACKGROUND/MAIN ISSUES

Following consideration at its meeting of 26 June 2013 of a motion by Councillor Young in relation to the First Minister's professional conduct during the Aberdeen Donside by-election, the Council at its meeting of 21 August 2013 had before it a report by the Chief Executive bringing before the elected members the response she had received from Sir Peter Housden, Permanent Secretary to the Scottish Government following her letter to him in terms of the motion seeking an investigation (OCE/13/025).

Having considered the response from the Permanent Secretary, the Council resolved:

- i) to note the reply received from the Permanent Secretary in which he states that has seen sight of the First Minister's response to the Chief Executive, which includes reference to our complaint to the Permanent Secretary. To note with astonishment that the First Minister responds to the Chief Executive seemingly on behalf of the Permanent Secretary and to note that the First Minister has been allowed to write his own response to the formal complaint made to the Permanent Secretary. Indeed, it would appear that the Permanent Secretary has failed to investigate the complaint made, with no indication of an investigation, nor that any follow-up has taken place. The Permanent Secretary made no further contact with our Chief Executive prior to sending his response.
- ii) to agree that the situation has escalated since the Chief Executive first wrote her letters to the Permanent Secretary as the First Minister is on record as saying that his visit to Bramble Brae School was "impromptu and not pre-planned". Given that the SNP issued a calling notice stating that the First Minister would be in attendance at the school and that there would be an opportunity for interviews and photographs, it would appear that the First Minister may have deliberately misled the Permanent Secretary on this matter.
- iii) to therefore instruct the Chief Executive to write to Sir Bob Kerslake, Head of the Home Civil Service calling on him to carry out an investigation into the events which led to the complaint being sent to the Permanent Secretary to the Scottish Government, to establish whether or not the Ministerial Code was broken, whether or not there was an appropriate investigation undertaken by the Permanent Secretary and whether or not the complaint was managed in an appropriate and suitable way.
- iv) to instruct the Chief Executive to report back to the Council the response received from the Head of the Home Civil Service in order that the Council may determine its position on this matter.

Attached are copies of the letter sent to the Head of the Civil Service by the Chief Executive on 23 August 2013 and the reply dated 23 January 2014.

6. IMPACT

The report has no specific impact on the delivery of the Council's business plan or the Council's role in delivering the Single Outcome Agreement. The correspondence on this matter has been the subject of public interest.

7. MANAGEMENT OF RISK

The report fulfils the instruction to bring back to the Council the response received from the Head of the Civil Service in order that the Council may determine its position on the matter.

8. BACKGROUND PAPERS

None

9. REPORT AUTHOR DETAILS

Ciaran Monaghan
Head of Service, Office of Chief Executive
cmonaghan@aberdeencity.gov.uk
01224 522293

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Valerie Watts
Chief Executive
Aberdeen City Council
2nd Floor, Town House
Broad St, Aberdeen
AB101FY

27 JAN 2014

23 January 2014

Dear Valerie,

Thank you for your letter of 23 August regarding the Aberdeen Donside by-election.

I have considered the issues you raised and am writing in similar terms today to Councillor Crockett.

I have also had sight of the correspondence relating to this matter, including that between the First Minister and yourself. I have also consulted Sir Peter Housden, Permanent Secretary for the Scottish Government.

I am satisfied that the Permanent Secretary handled these matters appropriately, and in line with his duties and responsibilities.

I should be clear that the concerns raised about any possible breach of the Scottish Ministerial Code are not matters for me nor for the Permanent Secretary for the Scottish Government. These are matters for the First Minister and I understand that the First Minister has written to you and others separately on this matter.

As Sir Peter made clear in his letter to you of 6th August, there were no formal purdah procedures in place around the Aberdeen Donside By-election. Sir Peter did, however, consider the specific issues raised in relation to the Piper Alpha Memorial Trust and was satisfied that the announcement made reflected the normal business of government and a significant matter of national interest.



I understand that a calling notice was not issued by the Scottish Government for the Hazlehead Park visit as it normally would. This matter was recently addressed in response to a PQ, with this oversight being acknowledged by the Scottish Government.

Concerns raised about any possible breach of the Scottish Ministerial Code are matters for the First Minister.

Bob Kerslake



Your Ref.
Our Ref. VW/CM
Contact Valerie Watts
Email chiefexecutive@aberdeencity.gov.uk
Direct Dial 01224 522500
Direct Fax 01224 644346



ABERDEEN CITY COUNCIL

23 August 2013

Sir Bob Kerslake
Head of the Civil Service
Eland House
Bressenden Place
LONDON
SW1E 5DU

Office of Chief Executive
Aberdeen City Council
2nd Floor
Town House
Broad Street
Aberdeen AB10 1FY

Tel 0845 608 09 10
Minicom 01224 522381
DX 529451, Aberdeen 9
www.aberdeencity.gov.uk

by e-mail: contactus@communities.gsi.gov.uk

Dear Sir Bob

First Minister's professional conduct: Aberdeen Donside by-election

Please find enclosed copy correspondence between myself and Sir Peter Housden, Permanent Secretary to the Scottish Government about the above issue considered at the meeting of Aberdeen City Council on 26 June 2013.

The exchange of correspondence was reported to the Council at its subsequent meeting of 21 August and following debate the Council resolved to agree a motion in the following terms:

- i) Council notes the reply received from the Permanent Secretary in which he states that has seen sight of the First Minister's response to the Chief Executive, which includes reference to our complaint to the Permanent Secretary. Council notes with astonishment that the First Minister responds to the Chief Executive seemingly on behalf of the Permanent Secretary and notes that the First Minister has been allowed to write his own response to the formal complaint made to the Permanent Secretary. Indeed, it would appear that the Permanent Secretary has failed to investigate the complaint made, with no indication of an investigation, nor that any follow-up has taken place. The Permanent Secretary made no further contact with our Chief Executive prior to sending his response.
- ii) Council agrees the situation has escalated since the Chief Executive first wrote her letters to the Permanent Secretary as the First Minister is on record as saying that his visit to Bramble Brae School was "impromptu and not pre-planned". Given that the SNP issued a calling notice stating that the First Minister would be in attendance at the school and that there would be an opportunity for interviews and photographs, it would appear that the First Minister may have deliberately misled the Permanent Secretary on this matter.

VALERIE WATTS
CHIEF EXECUTIVE

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- iii) Council therefore instructs the Chief Executive to write to Sir Bob Kerslake, Head of the Home Civil Service calling on him to carry out an investigation into the events which led to the complaint being sent to the Permanent Secretary to the Scottish Government, to establish whether or not the Ministerial Code was broken, whether or not there was an appropriate investigation undertaken by the Permanent Secretary and whether or not the complaint was managed in an appropriate and suitable way.
- iv) Council instructs the Chief Executive to report back to the Council the response received from the Head of the Home Civil Service in order that the Council may determine its position on this matter.

As a result, I therefore write to you to request that you examine the matters raised here. I look forward to hearing from you and I confirm that I would be happy to discuss the situation in detail with you if that would be of assistance to you.

Yours sincerely

Valerie Watts
Chief Executive

Permanent Secretary
Sir Peter Housden KCB

T: 0131-244 4026 F: 0131-244 2312
E: perm.sec@scotland.gsi.gov.uk

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



6 August 2013

Valerie

Aberdeen Donside By-election

Thank you for your letter of 1 July following the Council's instruction that you should write to me 'demanding an investigation into the First Minister's professional conduct during the Aberdeen Donside by-election'.

In your letter, you refer to the First Minister's visit to Bramble Brae School, and separately to the announcement of the Scottish Government's donation to the Piper Alpha Memorial Trust.

I have had sight of your letter to the First Minister on these questions, and of his reply of today's date sets out the facts and background on both issues.

As the First Minister indicated, the business of government continues during by-elections – there are no 'purdah' procedures per se. The donation to which you refer formed part of a suite of events and engagements in Aberdeen and elsewhere that ran through the period to the anniversary on 6 July and beyond. It was made to the Piper Alpha Memorial Trust, a body set up to preserve the memory of a tragedy impacting on victims and relatives from many nations and communities.

I hope these points will be of assistance to the Council

Your Ref.
Our Ref. VW/CM/EM/16/1
Contact Valerie Watts
Email chiefexec@aberdeencity.gov.uk
Direct Dial 01224 522500
Direct Fax 01224 644346



ABERDEEN CITY COUNCIL

1 July 2013

Sir Peter Housden KBC
Permanent Secretary
The Scottish Government
St Andrew's House
Regent Road
EDINBURGH EH1 3DG

e-mail: perm.sec@scotland.gsi.gov.uk

Office of Chief Executive
Aberdeen City Council
2nd Floor
Town House
Broad Street
Aberdeen AB10 1FY

Tel 0845 608 09 10
Minicom 01224 522381
DX 529451, Aberdeen 9
www.aberdeencity.gov.uk

Dear Sir Peter

Aberdeen Donside By-election

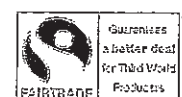
At its meeting on Wednesday 26 June 2013 Aberdeen City Council considered and approved a notice of motion in the following terms:

Council instructs the Chief Executive to write to Sir Peter Housden, Permanent Secretary to the Scottish Government demanding an investigation into the First Minister's professional conduct during the Aberdeen Donside by-election looking specifically at:-

- i) the First Minister's unannounced visit and lecture on 18 June 2013 to schoolchildren at Bramble Brae School without reference to Aberdeen City Council's Director of Education, Culture and Sport or to the Head Teacher of the said school, noting that the school is currently subject to statutory consultation regarding its future within the wider school estate; and
- ii) the First Minister's unannounced visit to Hazlehead Park on 17 June 2013, a park owned wholly by Aberdeen City Council, again without any reference to the City Council in the middle of a by-election; and whilst welcoming the announcement of a £100,000 Scottish Government donation to the Piper Alpha Memorial Trust, purdah rules seem to have been ignored.

Council instructs the Chief Executive to report back to the Council the response received from the Permanent Secretary, in order for Council to determine its position on this matter.

VALERIE WATTS
CHIEF EXECUTIVE



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Given the above, I would welcome the opportunity to discuss with you how I and my colleagues at the City Council would be able to assist you in progressing any investigation you undertake.

I look forward to hearing from you.

Yours sincerely

Valerie Watts
Chief Executive

ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	5 March 2014
DIRECTOR	Angela Scott
TITLE OF REPORT	Revisal of Standing Orders relating to Contracts and Procurement
REPORT NUMBER:	CG/14/035

1. PURPOSE OF REPORT

The purpose of this Report is to seek the Council's approval of revised "Standing Orders relating to Contracts and Procurement".

Many of the proposed revisals are of a minor or clarificatory nature but others concern the wording of standard contract clauses and the unlawful practice of blacklisting. The proposed revised Standing Orders are attached hereto, with all revisals shown as tracked changes.

Approval is also sought for the current "Standing Orders and Committee Orders of Reference" to remain unchanged for the time being.

2. RECOMMENDATION(S)

It is recommended that the Council;

- (i) approves the revised "Standing Orders relating to Contracts and Procurement" attached hereto, the same to come into force with immediate effect and thereby replace the "Standing Orders relating to Contracts and Procurement" that were approved by Council on 30 June 2010; and
- (ii) approves that the current "Standing Orders and Committee Orders of Reference" (as revised on 3 December 2013) remain unchanged for the time being.

3. FINANCIAL IMPLICATIONS

The revised Standing Orders should assist the Council to achieve best value in all procurements undertaken and contracts entered into.

4. OTHER IMPLICATIONS

The revised Standing Orders should make the procurement process easier for Council officers to follow and simplify or clarify aspects of the Council's internal procedures. This should have a positive impact on service provision and reduce the risk of legal challenge.

5. BACKGROUND/MAIN ISSUES

On 30 June 2010, the Council approved the introduction of new "Standing Orders relating to Contracts and Procurement". Those Standing Orders are distinct from the Council's main "Standing Orders and Committee Orders of Reference" which were approved in December 2013.

On 21 August 2013, the Council noted that the "Standing Orders relating to Contracts and Procurement" would be revised later in the year, which was considered to potentially entail further changes to the "Standing Orders and Committee Orders of Reference", both of which matters were to be reported back to Council. This Report now addresses both matters.

The proposed revised Standing Orders are attached hereto, with all revisions shown as tracked changes.

The revised Standing Orders reflect that the Public Contracts (Scotland) Regulations 2006 have been replaced by the Public Contracts (Scotland) Regulations 2012.

The revised Standing Orders now take account of recent Scottish Government advice concerning the unlawful practice of blacklisting. "*Scottish Procurement Policy Note SPPN 4/2013 – "Exclusion from public contracts of companies which engage in blacklisting"* was issued on 20 November 2013. It provides new questions for inclusion in contracting authorities' Pre-Qualification Questionnaires, which questions require suppliers to disclose if they have breached relevant legislation. It also provides a new contract clause which provides for termination of the contract if the supplier is found to have breached relevant legislation during the course of that contract.

The revised Standing Orders (at SO 27) require that;

- (i) in any tendering process, the Council shall have regard to recognised good practice, including any guidance or advice issued by the Scottish Government, in relation to the unlawful practice of blacklisting and shall ensure that suitable questions about blacklisting are included in tender documentation where appropriate; and

- (ii) except where otherwise agreed by the Head of Legal and Democratic Services, every contract in connection with the execution of works or the supply of goods or materials or the provision of services shall contain the clause specified therein or a clause to similar effect.

The revised Standing Orders also provide that the Council's standard clauses on "Corrupt or Illegal Practices" (SO 11), "Insurances" (SO 13) and "Freedom of Information" (SO 26) need not be included in a contract where the Head of Legal and Democratic Services agrees to their non-inclusion.

Ideally, such clauses – together with a blacklisting clause – would always be included in every Council contract to which such clauses might be relevant. However there are occasions, particularly in circumstances of urgency or where another authority's framework agreement or a supplier's terms and conditions are to be used, where it is not feasible to include such clauses. This revised wording affords a discretion to the Head of Legal and Democratic Services and avoids the work and delay which would be involved in seeking an exemption from Standing Orders in terms of SO 1(6). This should serve to streamline processes and contribute to greater efficiency and improved service delivery.

SO 11 has been re-worded to reflect more closely the kind of "Corrupt or Illegal Practices" clauses which typically appear in Council contracts.

The revised Standing Orders also incorporate a number of relatively minor clarifications or corrections.

In conclusion, the proposed revisions are intended to update and clarify the Standing Orders and to streamline processes to which they refer.

This revision exercise has been of limited scope because of pending legislative developments which will make much more extensive and radical changes to procurement.

The Procurement Reform (Scotland) Bill was introduced to the Scottish Parliament on 3 October 2013 and is currently making its way through the parliamentary process. Even more fundamentally, on 15 January 2014 the European Parliament approved a new EU Directive on public sector procurement. The Directive requires to be transposed into national law within 2 years and so new Scottish regulations are expected within that timeframe. More extensive revision to the Standing Orders will be required to take account of these developments and so a further report to Council will follow in due course.

The Senior Democratic Services Manager considers that there is no need at present to amend the current "Standing Orders and Committee Orders of Reference" (as revised on 3 December 2013), and approval of this position is sought.

6. IMPACT

The issues addressed in this report should lead to an improvement in the governance and decision-making processes of the Council.

Public – this Report is likely to be of limited interest to the public given that it concerns changes to Standing Orders. There may however be some interest in the blacklisting aspects given recent nationwide publicity over this issue.

No Equality and Human Rights Impact Assessment (EHRIA) is considered necessary because the revised Standing Orders are not expected to impact disproportionately on any particular group nor to involve breach of any of the Council's duties under the Equality Act 2010. On the contrary, the provisions regarding blacklisting should assist in tackling such discriminatory practices.

7. MANAGEMENT OF RISK

Acceptance of the Report recommendation is not considered to pose any significant risk to the Council. On the contrary, such acceptance should help to increase efficiency and reduce the risk of legal challenge in respect of Council contracting and procurement.

Not accepting the Report recommendation will leave the Council with Standing Orders that are, in some respects, out-of-date and in need of clarification and improvement.

8. BACKGROUND PAPERS

“Standing Orders relating to Contracts and Procurement” approved by Council on 30 June 2010.

“Standing Orders and Committee Orders of Reference” (as revised on 3 December 2013).

Scottish Procurement Policy Note SPPN 4/2013 – “Exclusion from public contracts of companies which engage in blacklisting”.

9. REPORT AUTHOR DETAILS

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STANDING ORDERS RELATING TO CONTRACTS AND PROCUREMENT

Approved by full Council on ~~30th June 2010~~ **5 March 2014**

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PART A - GENERAL CONTRACTS FOR SUPPLIES, SERVICES AND WORKS

1 EXTENT AND APPLICATION

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- 1(1) These Standing Orders are made under ~~s~~Section 81 of the Local Government (Scotland) Act 1973.
- 1(2) These Standing Orders must be interpreted in accordance with the principles of openness, fairness and non-discrimination.
- 1(3) No tender shall be invited or contract entered into unless the total estimated expenditure has been previously approved by the Council. This requires specific **full Council or** Committee approval or the use of appropriate delegated powers. The allocation of a budget as part of the Council's budget setting process is insufficient.
- 1(4) All tendering for Supplies and Services shall, where appropriate, be carried out in conjunction with the Council's Head of Procurement and the Head of Legal and Democratic Services. All tendering for Works shall, where appropriate, be carried out in conjunction with the Director of Housing and Environment or the Director of Enterprise, Planning and Infrastructure and the Head of Legal and Democratic Services.
- 1(5) Part A of these Standing Orders shall apply, unless otherwise stated: -
- (a) to all contracts made by or on behalf of the Council for the supply of goods or materials, ~~or for~~ the provision of services, ~~or for~~ the execution of works. Where such contracts are regulated by any legislation or any Directive of the European Union, the UK Government or the Scottish Government and there is a conflict between the terms of that legislation or that Directive and the terms of the Standing Order, then the terms of the legislation or Directive shall prevail;
 - (b) to the amendment or variation of an existing contract where that amendment or variation is of such magnitude, and/or involves such a level of additional expenditure, that it should be regarded as a new contract.
 - (c) to all other contracts made by or on behalf of the Council, including but not limited to: -
 - (I) any contracts which involve a transfer of Council resources (in any form) to a third party;
 - (II) any contracts whereby the Council receives funds from a third party; and

(III) any Public Services Concession Contracts or Public Works Concession Contracts as detailed in Standing Order 4(10) hereof.

~~1(6)~~ Subject to compliance with the provisions of the 201206 Regulations or any other rule of law, :-

1(6) any contract may be exempted ~~by the Council~~ from any or all of the provisions of Part A of these Standing Orders:-

~~(a)(a)~~ by the Council or any competent Committee thereof provided the Council or Committee is satisfied that the exemption is justified by special circumstances. ~~A and a~~ record shall be kept of these circumstances.

(b) ~~any contract may be exempted from any or all of the provisions of Part A of these Standing Orders~~ if, in the opinion of the Head of the Commissioning Service controlling the expenditure involved, the contract is urgently required to meet the exigencies of the Service. Prior to commissioning the necessary supplies, services or works, the Head of the Commissioning Service must obtain the written consent of the Chief Executive, the Head of Legal and Democratic Services, the Head of Finance, and, where the contract is for the supply of goods or materials or the provision of services, the Head of Procurement. Any contract made on behalf of the Council under this paragraph shall be reported to the appropriate Committee of the Council by the Commissioning Officer as soon as practicable.

1(7) The Standing Orders in this Part A shall not apply to:-

- (a) contracts of employment; or
- (b) any contract relating to the acquisition or disposal of land or any interest therein.

1(8) Where the Council enters into a contract as the agent of another party or provides professional services to another party in connection with the making of a contract between that party and a third party, the provisions of Part A of these Standing Orders shall apply unless the party for whom the Council is acting specifies otherwise.

1(9) Where the Council is the sole or primary funder of another party then the Council shall ensure that, as a condition of such funding, that party shall comply with Part A of these Standing Orders except where the Council approves the use of that party's existing competitive tendering procedure.

1(10) All Council staff shall comply with the terms of these Standing Orders. Failure by any employee to comply with these Standing Orders may result in disciplinary action.

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1(11) The Standing Orders must be read in conjunction with the Council's Corporate Procurement Policy. All staff must comply with the Corporate Procurement Policy and any procedure, guide or manual made under that Policy. Where there is any discrepancy, the Standing Orders shall take precedence.

1(12) There are no legal personalities within the Council other than the Council itself and no Service, Department, Establishment, or other part of the Council has the legal capacity to enter into a contract ~~without the prior written agreement of the Head of Legal and Democratic Services~~. All contracts are let or made by or on behalf of the Council as a whole and all contractual documentation must ~~have been~~ approved (or, in exceptional cases, accepted subject to caveat) by the Head of Legal and Democratic Services. Unless it is agreed otherwise in writing by the Head of Legal and Democratic Services, ~~their nominated representative~~ a Legal Manager or the Chief Executive, all contracts must be signed in accordance with Standing Order 44 of the Council's "Standing Orders and Committee Orders of Reference".

1(13) Unless it is agreed otherwise in writing by the Head of Legal and Democratic Services, all tenders and contracts to which Standing Orders 4 ~~and~~ 5 apply shall be advertised on the Public Contracts Scotland Portal, notwithstanding any other form of advertisement or notice required by law or otherwise. Such advertising is not required for tenders or contracts to which Standing Order 6 applies or for tenders or contracts entered into via External Frameworks in accordance with Standing Order 21(1) or via Constructionline in accordance with Standing Order 21(2).

1(14) In the event that a supplier or contractor refuses to accept the Council's Terms & Conditions of Contract for any supplies, services or works, under no circumstances may any officer of the Council accept that supplier's or contractor's own Terms & Conditions of Contract without first having referred those Terms & Conditions of Contract to the Head of Legal and Democratic Services for review and approval.

NB - Experience suggests that contracts for leasing of equipment (e.g. photocopiers, vending machines etc) can be onerous. The Commissioning Officer must refer the contractual documentation to the Head of Legal and Democratic Services for assessment, and obtain approval from the Head of Legal and Democratic Services, Head of Finance and Head of Procurement to enter into such leasing agreements.

~~1(13)~~

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2 DEFINITIONS

2(1) General

In these Standing Orders the following words and phrases will have the following meanings: -

“~~2006~~**2012 Regulations**” means the Public Contracts (Scotland) Regulations ~~2006~~**2012** (as amended from time to time);

“**Central Procurement Unit**” (“**CPU**”) means the unit established within the Council to promote and co-ordinate strategic procurement and develop procurement staff, processes and systems;

“**Commissioning Officer**” means any officer designated by the Head of the Commissioning Service to have particular responsibility for undertaking any procurement exercise (or any part of a procurement exercise) on behalf of the Commissioning Service. Each Commissioning Officer must be authorised to carry out procurement activities under the Register of Commissioning Officers maintained by the Head of Procurement. Each Commissioning Officer must also have received training on these Standing Orders and the Council’s Corporate Procurement Policy;

“**Commissioning Service**” means the service department of the Council with responsibility for procuring any particular requirement for supplies, services or works on behalf of the Council or the disposal of surplus **goods** or materials;

“**Constructionline**” means the UK Register of Pre-Qualified Construction Services;

“**the Council’s Corporate Procurement Policy**” means the policy approved by the Council setting out the detailed requirements for the conduct of procurement activity within the Council (as amended from time to time) with which all Council staff are required to comply;

“~~an~~ **EU Procurement**” means a procurement ~~which complies with all of the rules set out in~~ **undertaken in accordance with the ~~2006~~2012 Regulations**;

“~~the~~ **EU Supplies/Services Threshold**” means the threshold set by the EU for Supplies and Services Contracts as amended from time to time;

“~~the~~ **EU Works Threshold**” means the threshold set by the EU for Works Contracts as amended from time to time;

“**Head of the Commissioning Service**” means the Head of Service in the Commissioning Service;

“**Head of Legal and Democratic Services**” ~~shall be taken to include also the Council’s Legal Managers~~;

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“**Most Economically Advantageous Tender**” means the best value for money tender based on the optimum combination of price and quality, not simply price alone;

“the Public Contracts Scotland Portal” means the website maintained by the Scottish Government on which contract documents may be made available to interested parties via the internet, and which may be found at <http://www.publiccontractsscotland.gov.uk>;

2(2) Works Procurements

In these Standing Orders, references to Works are references to “Public Works Contracts” as defined in the ~~2006~~2012 Regulations. It is recognised that the procurement of Works requires specialist knowledge. It is also recognised that Works procurements are almost exclusively undertaken by officers within either: the Housing and Environment Service or the Enterprise, Planning and Infrastructure Service. Notwithstanding ~~the terms of these Standing Orders nor~~ any provision in these Standing Orders to the contrary, where Works are being procured then all references to the Head of Procurement shall mean the relevant Director and references to the CPU shall mean the equivalent or relevant personnel within Housing and Environment or Enterprise, Planning and Infrastructure, as appropriate.

3 TENDERING PROCEDURES FOR DIFFERENT CONTRACT VALUES andAND AGGREGATION RULES ON AGGREGATION

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3(1) Tendering Procedures for Different Contract Values

- (a) The procedure to be followed for the award of any contract by the Council depends upon the estimated total value of that contract. Values or amounts referred to in Part A of these Standing Orders shall be based on the best available estimate at the time of tendering.
- (b) The relevant values and the associated tendering procedure that must be applied by the Commissioning Officer are detailed in Table 1 below. These values are exclusive of VAT and relate to the full life of the contract including any extensions.
- (c) These values will be reviewed in accordance with any revision of the thresholds values for Supplies, Services or Works contracts intimated from time to time by the European Commission. All other financial limits specified in the Standing Orders shall be subject to review from time to time.

Table 1: Relevant Values and Associated Tendering Procedure

Contract Type	Estimated Contract Value	Applicable Procedure
Works	10% less than the applicable EU Threshold and above	Standing Order 4 – an EU Procurement
Supplies/Services	10% less than the applicable EU Threshold and above	Standing Order 4 – an EU Procurement
Works	From £75,001 to 10% less than the applicable EU Threshold	Standing Order 5 – a competitive tendering exercise (Non-EU)
Supplies/Services	From £60,001 to 10% less than the applicable EU Threshold	Standing Order 5 – a competitive tendering exercise (Non-EU)
Works	Up to £75,000	Standing Order 6 – four competitive quotes
Supplies/Services	Up to £60,000 (Supplies/Services)	Standing Order 6 – four competitive quotes

3(2) Aggregation

- (a) The Commissioning Officer must take into account the aggregate value of any single requirement for supplies, services or works across the whole Council to determine if it exceeds the applicable threshold. If so, even if the procurement of any such requirement is split among a number of contracts which, taken individually, are below the applicable threshold values, each of these contracts is subject to the requirements of the Standing Orders and, where applicable, the ~~2006~~2012 Regulations in the same way as if the requirement were procured through a single large contract.

- (b) If there are a number of contracts for a single requirement for the same type of supplies, services or works then the total value of the individual contracts (or “lots”) must be aggregated. If the aggregate value over the contract term equals or exceeds the relevant threshold then, the applicable procedure set down in Standing Order 3(1) above must be applied to the award of each contract. Standing Order 4 provides further detail regarding rules on aggregation applicable to EU Procurements.

4 EU PROCUREMENT

An EU Procurement must be undertaken where the Commissioning Service proposes to tender for any contract with an estimated value equal to or exceeding the Council’s thresholds prescribed at Standing Order 4(1) below. This means that the procurement must be undertaken in accordance with the rules set out in the ~~2006~~2012 Regulations.

4(1) The Council’s Prescribed Thresholds at which an EU Procurement must be undertaken

- (a) Contracts for the execution of works: 10% less than the EU Works Threshold.
- (b) Contracts for the supply of goods/~~materials~~: 10% less than the EU Supplies/Services Threshold.
- (c) Contracts for the provision of services: 10% less than the EU Supplies/Services Threshold.

Values are exclusive of VAT and relate to the full life of the contract. The thresholds at which the Council must undertake an EU Procurement have been set at 10% less than the prescribed EU thresholds in order to ensure that the Council meets its obligations under the ~~2006~~2012 Regulations and its Treaty Obligations.

4(2) Aggregation

The Commissioning Officer must take into account the aggregate value of any single requirement for works, services or supplies across the whole Council to determine if it exceeds the EU threshold. If so, even if the procurement of any such requirement is split among a number of contracts which, taken individually, are below the threshold values, each of these contracts is subject to the ~~2006~~2012 Regulations in the same way as if the requirement were procured through a single large contract.

The following rules for aggregation must be applied by the Commissioning Officer:

- (a) if there are a number of contracts for a single requirement for the same type of works, supplies or services then the total value of the individual contracts (or "lots") must be aggregated. If the aggregate value over the contract term equals or exceeds the relevant threshold then, subject to Standing Order 4(2)(ii), the ~~2006~~2012 Regulations apply to the award of each contract.
- (b) there is an exemption for "small lots" of an estimated value over the contract term below €80,000 (for supplies or services) and €1,000,000 (for works) as long as this value does not exceed 20% of the total value of all "lots". Any exempt "small lot" must be advertised in accordance with Standing Order 5.

4(3) **Mixed Procurement**

The ~~2006~~2012 Regulations include rules for determining how to treat mixed procurement comprising works, supplies and services, as follows:-

(a) **Part A / Part B Services**

Where services specified in both Parts A and B of the "Categories of Services" as described in Schedule 3 to the ~~2006~~2012 Regulations are to be provided under a single contract, then the entire contract shall be treated as:

- (I) a Part A Services contract if the value attributable to the services specified in Part A exceeds that attributable to those specified in Part B; and
- (II) a Part B Services contract if the value attributable to the services specified in Part B is equal to or exceeds that attributable to those specified in Part A. If the value of the Part A Services exceeds the relevant EU threshold, however, then the entire contract must be advertised as a Part A Services contract.

(b) **Services/Supplies**

Where services and supplies are to be provided under a single contract, then the entire contract shall be treated as:

- (I) a services contract if the value attributable to the services exceeds that attributable to the supplies; and
- (II) a supplies contract if the value attributable to the supplies is equal to or exceeds that attributable to the services.

(c) **Services/Works**

Where a contract for services includes "Activities Constituting Works" as described in Schedule 2 to the ~~2006~~2012 Regulations that are only incidental to the principal object of the contract then the entire contract shall be treated as a services contract.

4(4) EU Procurement Procedures

All procurements subject to Part 3 of the ~~2006~~2012 Regulations shall be carried out in accordance with one of the following procedures: - the open procedure; the restricted procedure; the negotiated procedure (with or without prior publication of a Contract Notice); or the competitive dialogue procedure.

(a) **Open Procedure**

This is a straightforward "one stage" tendering procedure. The assessment of suppliers and their qualifications to undertake the contract takes place at the same time as the evaluation of their tender.

(b) **Restricted Procedure**

This is a two stage tendering procedure, suitable where the Council wants to limit the number of suppliers who are invited to tender. The assessment of suppliers and their qualifications to undertake the contract is carried out as an initial "pre qualification" stage through the issue of a Pre-Qualification Questionnaire (PQQ). The Council is then entitled to select those suppliers who meet the PQQ requirements for invitation to tender. A minimum of 5 tenderers must, wherever possible, be invited to tender.

(c) **Negotiated Procedure**

This procedure may only be used where expressly permitted under the ~~2006~~2012 Regulations. The Head of the Commissioning Service must obtain the prior written permission of the Head of Legal and Democratic Services and Head of Procurement in order to use the negotiated procedure. There are two forms of the negotiated procedure: - (1) negotiated procedure where publication of a Contract Notice is mandatory; and (2) negotiated procedure where publication of a Contract Notice is non-mandatory.

(d) **Competitive Dialogue**

This procedure is only available in limited circumstances when a particularly complex contract is being procured. The Head of the Commissioning Service must obtain the prior written permission of the Head of Legal and Democratic Services and Head of Procurement in order to use the competitive dialogue procedure. The nature of the procedure allows the Council, through dialogue with suppliers, to develop a specification best suited to meeting its needs. A minimum of 3 tenderers must, wherever possible, be invited to participate in the dialogue.

(e) **General**

Commissioning Officers shall seek guidance from the CPU before determining the appropriate procedure to be selected. The Head of Procurement shall ensure that the selected procedure is carried out in accordance with the relevant provisions of the ~~2006~~2012 Regulations. The Head of Legal and Democratic Services must be consulted for legal advice in order to ensure compliance with the relevant provisions.

4(5) Advertising

(a) Contracts affected by the ~~2006~~2012 Regulations must be advertised in the Official Journal of the European Union (OJEU). There are three kinds of notices which may require to be published (depending on the procedure selected) in the OJEU at different stages in the procurement process as follows:-

- (I) a Prior Indicative Notice (PIN) which gives advance warning to contractors of the essential characteristics of a forthcoming contract, including a forecast of when the Contract Notice will appear in the OJEU. Each PIN must be published at least 52 days and no more than 12 months before despatch of the Contract Notice;
- (II) a Contract Notice giving more details about the particular contract including the criteria by which the contract is to be awarded;
- (III) a Contract Award Notice giving details of any contract awarded under the ~~2006~~2012 Regulations which must be published regardless of whether any of the other Notices have been published.

(b) The CPU must be consulted regarding the preparation and publication of any notice to be published in the OJEU.

4(6) Timescales

- (a) The ~~2006~~2012 Regulations set out timescales that must be applied for expressions of interest and/or submission of tenders. These depend upon the procedure that has been selected. The Commissioning Officer, in conjunction with the CPU must ensure that, as a minimum, the relevant timescale detailed in Table 2 below is applied during the EU tendering procedure. These are minimum timescales and may be extended (but not reduced) at the discretion of the Commissioning Officer:-
- (b) In cases of urgency rendering compliance with the normal timescales impractical, then subject to obtaining the prior written approval of the Head of Legal and Democratic Services and Head of Procurement, the timescales in the restricted procedure or the negotiated procedure (with prior advertisement) for expressions of interest can be reduced to 15 days and for return of tenders to 10 days. An explanation why the accelerated timescales are used must be included in the Contract Notice. (Urgency, in this context must be narrowly defined and must normally arise for reasons external to the Council. It does not cover situations of administrative inefficiency). The Head of the Commissioning Service shall prepare and retain a written report regarding the reason(s) why the accelerated timescale was applied in relation to any particular tendering procedure.
- (c) Certain minimum timescales specified in Table 2 may be reduced for certain procedures where electronic means of communication and information exchange are used as follows:-
 - (I) by seven days where the Contract Notice is drawn up and transmitted by electronic means in accordance with the format and procedure set out on the EU commission's SIMAP website (<http://simap.europe.eu>);
 - (II) by five days where the Council offers unrestricted and full direct access by electronic means to the contract documents (in accordance with Standing Order 9) from the date of publication of the Contract Notice, and where the Contract Notice specifies the Internet address at which the documents are available.

Table 2: EU Procurement Procedures: Minimum Timescales

Procedure	Expressions of Interest	Tender Response	Tender Response where PIN published (general requirement)	Tender Response where PIN published (minimum requirement)
Open (incl. Dynamic Purchasing System ("DPS"))	N/A	52 days	36 days	22 days
Restricted	37 days	40 days	36 days	22 days
Negotiated (with prior publication of a Contract Notice)	37 days	N/A	N/A	22 days
Negotiated (without prior publication of Contract Notice)	N/A	N/A	N/A	N/A
Competitive Dialogue	37 days	N/A	N/A	N/A
DPS Call-off (see Standing Order 4(9)(ii)(e))	N/A	15 days	N/A	N/A
Accelerated Procedure	15 days	10 days	N/A	10 days

NB: Timescale period commences from the day following date of despatch of relevant notice to the OJEU. Timescales must be extended if required due to the complexity of the particular procurement. Tender response periods, where stated to be "N/A" for the negotiated and competitive dialogue procedures, should allow sufficient time from the despatch of the invitation to tender to enable tenderers to prepare and submit an appropriate response. It is recommended that the tender response period under either of those procedures is no less than that for the restricted procedure.

- (d) The CPU must be consulted for advice on reduced timescales. These reduced timescales are shown in Table 3 below:-

Table 3: EU Procurement Procedure: Reduced Timescales where Electronic Means of Communication used

Procedure	Expressions of Interest		Tender Response		Tender Response where PIN published (general requirement)		Tender Response where PIN published (minimum requirement)	
	SIMAP Format	Online Access Only	SIMAP Format	Online Access Only	SIMAP Format	Online Access Only	SIMAP Format	Online Access Only
*Open (incl. DPS)	N/A	N/A	45 days	47 days	29 days	31 days	22 days	22 days
Restricted	30 days	No reduction	No reduction	35 days	No reduction	31 days	22 days	22 days
Negotiated (with prior publication of Contract Notice) ^a	37 days (where no PIN published) 30 days (where PIN published)	No reduction	N/A	N/A	N/A	N/A	22 days	22 days
Negotiated (without prior publication of Contract Notice) ^a	N/A	N/A	N/A	N/A	N/A	N/A	22 days	22 days
Competitive Dialogue	30 days	No reduction	N/A	N/A	N/A	N/A	22 days	22 days
Accelerated Procedure	10 days	No reduction	No reduction	No reduction	N/A	N/A	10 days	10 days

^aWhere documents are communicated by a combination of both SIMAP Format and online access, the timescale in the Open Procedure can be reduced to 40 days for tender response (where no PIN published) and 24 days for tender response (where PIN published – general requirement).

- (e) In the event that any tenderer reasonably requests further information relating to the contract documents, such information must be sent out not later than six days before the last date for receipt of tenders (or four days if the restricted or accelerated procedure is being used). The same information must also be made available to all other tenderers within the same timescales.

4(7) Tenderer's Right to Information rRegarding Contract Awards

- (a) As soon as reasonably practicable after a decision has been made to eliminate a candidate at the PQQ stage of a restricted procedure or to eliminate any candidates during a negotiated procedure or a competitive dialogue, the CPU must notify those candidates of their elimination by notice in writing.
- (b) As soon as possible after a decision has been made to award any contract to the successful tenderer(s) following the evaluation process set out in Standing Order 7(6): -
 - (I) the CPU shall, by notice in writing, (in accordance with the template letters approved by the Head of Legal and Democratic Services), inform all tenderers and all candidates concerned of the Council's decision to award the contract;
 - (II) the notice referred to in (I) above shall include: -
 - (i) the criteria for the award of the contract;
 - (ii) where practicable, the score obtained by that unsuccessful candidate/tenderer and the successful tenderer(s);
 - (iii) the name of the successful tenderer(s);
 - (iv) for unsuccessful tenderers only, a summary of the reasons why that unsuccessful tenderer was unsuccessful;
 - (v) for unsuccessful tenderers only, the characteristics and relative advantages of the successful tenderer(s); and
 - (vi) a precise statement as to the effect of the standstill period on the recipient's rights, including the date on which the standstill period is anticipated to end.
- (c) As soon as possible after any decision to abandon or re-commence an award procedure, the Head of Procurement must inform all tenderers of the Council's decision including the reasons for that decision.

4(8) Mandatory Standstill Period

- (a) In relation to any contract award to which the 20062012 Regulations apply:-
 - (I) The Head of Procurement shall ensure that a minimum standstill period is observed between the date of informing tenderers of the intention to award a contract in accordance with Standing Order 4(7) above and the actual award of the contract in accordance with the 20062012 Regulations.
 - (II) The Head of Procurement shall, within 15 days of a written request from any unsuccessful candidate/tenderer inform that candidate/tenderer of the reasons why it was unsuccessful and the characteristics and relative advantages of the successful tender and the name of the successful tenderer(s).

4(9) Special Types of EU contracts/procedures: Framework Agreements

- (a) A Framework Agreement is a general term for agreements with economic operators which set out terms and conditions under which specific purchases (call-offs) can be made throughout the term of the agreement. Regulation 19 of the 20062012 Regulations must be applied to the award of any Framework Agreement.
- (b) No Framework Agreement may be used in any improper manner to distort competition or avoid application of the 20062012 Regulations or these Standing Orders.
- (c) In awarding any Framework Agreement under the 20062012 Regulations:-
 - (I) the term of the Framework Agreement must not exceed four years unless the Head of the Commissioning Service obtains the prior written agreement of the Head of Legal and Democratic Services that there are exceptional circumstances justifying a longer duration;
 - (II) no substantial change may be made to the terms of the Framework Agreement when any contract is awarded under that Framework
- (d) In awarding any contract under a Framework Agreement:-
 - (I) the contract must comply with all the substantive terms set out in the Framework Agreement as originally awarded.

- (II) without prejudice to (a) above, where there is only one Framework supplier, in awarding any contract under that Framework the Head of the Commissioning Service may consult with the supplier in writing requesting it to supplement its tender if necessary.
- (e) Where there is more than one Framework supplier:-
 - (I) provided that there were sufficient qualified candidates and compliant tenders, the Framework Agreement must be entered into with at least three suppliers; and
 - (II) any contract under the Framework Agreement must be awarded either: -
 - (i) through the application of terms set out in the Framework Agreement without further competition, or
 - (ii) where not all the terms of the proposed contract are laid down in the Framework Agreement, through a mini-competition.
- (f) Where award of the contract is made through mini-competition:
 - (I) award criteria for any mini-competition must be stated in the Framework Agreement;
 - (II) all Framework suppliers capable of performing the contract must be informed in writing about the contract and invited to tender by a specified reasonable deadline; and
 - (III) the contract must be awarded to the tenderer who submitted the most economically advantageous tender in accordance with the award criteria stated in the Framework Agreement.

4(10) Special Types of EU contracts/procedures: Dynamic Purchasing Systems (DPS)

- (a) A DPS is a completely electronic system which may be established for a limited period to purchase commonly used supplies, services or works. Regulation 20 of the ~~2006~~2012 Regulations must be applied in relation to the use of any DPS.
 - (I) The Council may use a DPS only for the purchase of commonly used works, services or supplies. The Commissioning Officer shall decide, in consultation with the Head of Procurement, and the Head of Legal and Democratic Services whether a DPS may be used for the purchase of any specific works, services or supplies.
 - (II) Where a DPS is so used, it must:-
 - (i) operate as a completely electronic system;

- (ii) not last for more than four years unless the Head of the Commissioning Service obtains the written agreement of the Head of Legal and Democratic Services that there are exceptional circumstances justifying a longer duration;
 - (iii) not be operated in a manner that hinders, prevents or distorts competition.
- (b) Where it is agreed to establish and operate a DPS:-
 - (I) the DPS shall be advertised by publication of a Contract Notice under the open procedure;
 - (II) the Contract Notice must specify where the contract documents may be found;
 - (III) any tenderer who meets the evaluation criteria and submits a compliant indicative tender must be invited to participate in the DPS;
 - (IV) any tenderer who misses an initial opportunity to participate may still apply at a later date to be included in the DPS;
- (c) When any particular contract is to be awarded under the DPS, a simplified Contract Notice must be sent to the OJEU in the first instance, inviting any tenderer who is not already participating to submit an indicative tender within 15 days from despatch of the notice (see Table 2 in Standing Order 4(6)(a));
 - (I) when the specified deadline has passed, all indicative tenders must be evaluated and all members of the DPS invited to tender for the particular contract within a time limit set by the Council;
 - (II) the particular contract must be awarded to the tenderer who submits the best tender in accordance with the award criteria specified in the original Contract Notice (although such criteria may be formulated more precisely).
 - (III) tenderers must not be charged for application to join or admission to the DPS.

4(11) Special Types of EU contracts/procedures: e-Auctions

- (a) An e-Auction is a repetitive electronic process by which all tenderers submit prices to be revised downwards or otherwise submit new and improved elements of their tenders. Regulation 21 of the ~~2006~~2012 Regulations must be applied in relation to the use of any e-Auction.

- (b) e-Auctions may be used under most tender procedures and, where competition is being re-opened, under either a Framework Agreement or DPS. They may be used as part of a 2-stage tendering procedure which allows for the submission of qualitative information for evaluation, followed by an e-Auction for the submission of prices.
- (l) They may not be used:-
- (i) in certain circumstances where the negotiated procedure is being used;
 - (ii) for the award of a works or services contract concerning intellectual performance (e.g. the design of works);
 - (iii) where the contract specification cannot be precisely established.
- (c) Prior to the publication of any Contract Notice for a contract where it is intended to use an e-Auction, the Head of the Commissioning Service shall obtain the prior written consent of the Head of Procurement and the Head of Legal and Democratic Services.
- (d) Where it is agreed to conduct an e-Auction:-
- (l) the contract documents must be drafted and the e-Auction conducted in accordance with any specific procedural rules issued by the Head of Legal and Democratic Services in consultation with Head of Procurement
 - (II) the Contract Notice must state that an e-Auction may be used for the award of the contract;
 - (III) the award criteria for the contract must be either price only or on price and/or other factors where the award criteria is the Most Economically Advantageous Tender. An e-Auction can only take quality criteria into account where these can be quantified and expressed in figures or percentages.
 - (IV) all tenderers who submit admissible tenders must be invited to participate in the e-Auction.
 - (V) the invitation to tender must include details on how the e-Auction will be conducted;
 - (VI) throughout the e-Auction, tenderers may submit new prices or values and the CPU must ensure that sufficient information is communicated instantaneously to each tenderer to ascertain its relative ranking in the e-Auction at any time;
 - (VII) the identity of participating tenderers may not be disclosed during any phase of the e-Auction;

- (VIII) at the close of the e-Auction, the contract must be awarded on the basis of the results of the e-Auction taken together with any other tender evaluation criteria.

4(12) Special Rules: Services Concessions; Works Concessions; Public Housing Schemes; Design Contracts

- (a) Special rules apply to the procurement of the following types of contract:-
 - (I) public services concession contracts: where payment by the Council includes or solely consists of the contractor's or "concessionaire's" right to exploit the service or services provided under the contract;
 - (II) public works concession contracts: where the contractor or "concessionaire" is not paid directly by the Council, but is instead given an opportunity to exploit the works to be constructed in order to generate profit;
 - (III) certain design and construct contracts for public housing schemes; and
 - (IV) design contests for the acquisition of plans or designs by the Council following adjudication by a jury, as part of a procedure leading to the award of a public services contract of a value in excess of the relevant EU threshold.
- (b) Such contracts must be awarded in accordance with the relevant rules set down in the ~~2006~~2012 Regulations. The Commissioning Service shall obtain Committee approval and consult with the Head of Procurement and the Head of Legal and Democratic Services prior to commencing any tendering procedure for the award of such contracts.

5 COMPETITIVE TENDERING (NON-EU)

- 5(1)** This Standing Order applies together with the procedures in Standing Orders 7 and 9 where the Head of the Commissioning Service proposes to award any contract with an estimated value of between £60,001 up to 10% less than the EU Threshold (for supplies or services) or between £75,001 up to 10% less than the EU Threshold (for works) or is otherwise exempt from the provisions of Standing Order 4.
- 5(2)** The Commissioning Officer must:-
 - (a) assess whether the contract might potentially be of interest to economic operators located in other Member States of the European Union; and

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- (b) ensure a degree of advertising and follow a procedure leading to the award of a contract which is sufficient to enable competition in accordance with the principles of openness, fairness and non-discrimination.
- 5(3) For any contract that is deemed to be potentially of interest to economic operators located in other Member States of the EU, advertisement on the Public Contracts Scotland Portal and in accordance with Standing Order 4 shall be required in order to comply with this Standing Order.
- 5(4) For any contract that is not deemed to be potentially of interest to economic operators located in other Member States of the European Union, advertisement on the Public Contracts Scotland Portal, or for Works contracts use of Constructionline, shall be deemed sufficient to comply with this Standing Order.

6 COMPETITIVE QUOTES - SUPPLIES/SERVICES CONTRACTS BELOW £60,000 and AND WORKS CONTRACTS BELOW £75,000

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- 6(1) The tendering procedure laid down in Standing Order 5 need not be applied to any contract with a total estimated value below £60,000 (for supplies/services) or £75,000 (for works) as long as the duration of the contract does not exceed 1 year. If the duration of the contract exceeds ~~1~~ one year, the prior written approval of the Head of Legal and Democratic Services must be given.
- 6(2) In these circumstances, the Commissioning Officer shall comply with the requirements of the Council's Financial Regulations and, where possible, obtain four quotes by telephone, fax or written quotation. Any oral quotation must be confirmed in writing. All quotations must be retained. The successful quotation shall be accepted by the Head of the Commissioning Service following evaluation in accordance with the Corporate Procurement Policy.
- 6(3) Even at this value of expenditure, a **written** contract is required. The Commissioning Officer must ensure that either an appropriate Works contract is used or, in the case of supplies/services, an appropriate contract as determined by the Head of Legal and Democratic Services.

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~~6(4) In the event that a supplier or contractor refuses to accept the Council's Terms & Conditions of Contract for any supplies or services, under no circumstances may any officer of the Council accept that supplier's or contractor's own Terms & Conditions of Contract without first having referred those Terms & Conditions of Contract to the Head of Legal and Democratic Services for review and approval. In relation to works contracts, Commissioning Officers shall take advice from the Head of Legal and Democratic Services, where appropriate, prior to accepting such terms and conditions.~~

~~NB Experience suggests that contracts for leasing of equipment (e.g. photocopiers, vending machines etc.) can be onerous. The Commissioning Officer must refer the contractual documentation to the Head of Legal and Democratic Services for assessment, and obtain approval from the Head of Legal and Democratic, Head of Finance and Head of Procurement to enter into such leasing agreements.~~

7 **TENDERING PROCEDURES FOR ALL CONTRACTS**

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This Standing Order applies in respect of all contracts, irrespective of value, to be procured in accordance with Standing Order 4 (EU Procurement) and Standing Order 5 (Competitive Tendering Non-EU). This Standing Order does not apply to contracts procured in accordance with Standing Order 6 (Competitive Quotes) or to contracts entered into via External Frameworks in accordance with Standing Order 21(1) or via Constructionline in accordance with Standing Order 21(2).

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7(1) **Submission**

- (a) The invitation to tender and contract documents shall:-
- (I) state the nature and purpose for which tenders are invited;
 - (II) state the location, date and time (in all cases 16:00 hours) for the delivery of tenders;
 - (III) state that tenders received after the closing date and time specified in the contract documents, or at a place other than the location specified, shall not be considered;
 - (IV) specify the period during which tenders must remain open for acceptance;
 - (V) state that the Council reserves the right to accept other than the lowest priced tender or to accept no tender at all;
 - (VI) set out the criteria which shall be used in evaluating tenders;
 - (VII) where the evaluation criteria are other than the lowest price, these shall be set out in order of importance in the contract documents;
 - (VIII) include a Form of Tender page with provision for the total tender price to be inserted (where appropriate) and a signature by an authorised signatory on behalf of the tenderer, together with a Certificate as to Canvassing and a Declaration;

- (IX) state that no tender shall be received except in a sealed envelope bearing the words "Tender for" followed by the name and number of the contract to which it relates and the name or other description of the tenderer. (NB this last requirement shall not apply where the procurement procedure is being carried out by electronic means of communication only.
- (b) Tenders must be delivered to a prescribed location. All tenders for Supplies and Services shall remain in the custody of the Head of Procurement, and tenders for Works shall remain with the Commissioning Officer, until they have been opened. The date and time of receipt by the Council of tender envelopes from tenderers shall be clearly stamped thereon at the time of receipt.
 - (I) No tender shall be considered for acceptance unless it is received at the specified location by the date and time prescribed according to the contract documents. Late tenders must remain unopened. The tenderer must be advised as soon as possible that if the late tender is not uplifted (or re-called if the procurement procedure is being carried out by electronic means of communication) within 14 days it will be destroyed (or deleted). Where there is any question as to whether or not a tender has been received late, the written approval of the Head of Legal and Democratic Services shall be required to admit the tender for consideration.
 - (II) Any tender submitted to an address other than the location specified in the contract documents must remain unopened. The tenderer must be advised as soon as possible that if the tender is not uplifted (or re-called if the procurement procedure is being carried out by electronic means of communication) within 14 days it will be destroyed (or deleted).

7(2) Opening

- (a) Tenders shall be opened as follows:-
 - (I) The Head of Procurement shall prepare a list of all parties to whom tender documents have been sent.
 - (II) All tender envelopes timeously received shall be opened by the Head of Procurement or a member of staff authorised by him/her in the presence of two Members of the Council, who shall immediately initial the tender documents.

- (III) Immediately following tender envelopes being opened the Head of Procurement shall note those tenderers who have offered on the list mentioned in paragraph (a) hereof. Opposite the appropriate tenderer, the Head of Procurement shall insert the amount of the tender. When the list is completed by the insertion of the foregoing information it shall be signed by the same two Officers as mentioned in paragraph (b) hereof, and countersigned by the Head of Procurement.
- (IV) Tender opening will take place on Mondays and Wednesdays every week.

7(3) Disqualification

- (a) The following tenders must not be considered for acceptance:-
 - (I) tenders submitted in whole or in part in pencil;
 - (II) tenders submitted by fax;
 - (III) tenders submitted by email (unless the procurement procedure is being carried out by electronic means of communication);
 - (IV) tenders submitted to the wrong location;
 - (V) tenders submitted late, i.e. after the date and time of submission.
 - (VI) Any tender which attempts to qualify any terms or conditions in the contract documents may be disqualified. Where the Commissioning Officer or Head of Procurement considers that it would be appropriate to disqualify such a tender he or she shall consult the Head of Legal and Democratic Services who will decide, in consultation with the Head of Procurement where necessary, whether the tender shall be disqualified.

7(4) Checking

- (a) Between the last date and time for the lodgement of tenders and the date on which a decision is taken as to which, if any, tender is to be accepted, the CPU in conjunction with the Commissioning Officer:-
 - (I) shall rectify errors in extensions or summations discovered in the checking of any tender and correct the total sum quoted in the tender;

- (II) may contact a tenderer if, on examination of the tenders, it is discovered that a tenderer has not complied with the requirements of the tender documentation. (Contact under this sub-heading shall be limited to ascertaining if the tenderer is prepared to conform to the requirements of the tender documentation without amendment to the total sum quoted in its tender. The tender of any tenderer who does not so confirm shall be rejected). A full record shall be kept of such contact and retained with the original tender.
 - (III) may contact a tenderer if it is considered that a tenderer has made a major error in the tender. (Contact under this sub-heading shall be limited to ascertaining if the tenderer wishes to confirm the tender as it stands (subject to arithmetical correction) or wishes to seek permission to withdraw the tender). A full record shall be kept of such contact and retained with the original tender.
- (b) In order to ensure that there is no distortion of competition, post-tender communications undertaken prior to contract award shall be carried out in a restricted and carefully handled manner and shall be undertaken by the CPU in conjunction with the Commissioning Officer. Any amendment to tenders or contract documents made as a result of such communications must not go beyond clarifying or supplementing a tenderer's offer. It is essential to consider, prior to commencing communications whether the amendments that may be achieved are such that a tenderer excluded from the process (whether on the list of tenderers or not) could allege that they had been unfairly treated and/or could have submitted a better offer.
- (c) In particular, the CPU shall ensure that all discussions on fundamental aspects of tenders, variations on which are likely to distort competition, and in particular on prices, shall be ruled out. In conducting post tender communications prior to contract award, the CPU shall comply with the following additional rules:-
- (I) all tenderers must be treated equally and in an open and fair manner;
 - (II) tenderers must not be permitted to amend their bids in a manner that allows them to improve their offer;
 - (III) post tender communications must not be carried out in such a manner as to leave the Council open to charges of acting anti-competitively;
 - (IV) where any factor giving rise to post tender communications is not specific to one tenderer, all tenderers must be invited to participate in such communications;

- (V) there must be no material change to the specification(s) and/or criteria on which tenders are to be assessed;
- (VI) if it becomes apparent that a material change is required, the tendering process must be recommenced with a revised specification or evaluation criteria;
- (VII) the Commissioning Officer must keep written records of all meetings with contractors and these must include the following details:-
 - (i) who was present from the Council (always more than one officer) and from the tenderer;
 - (ii) the date, time and location of any meeting; and
 - (iii) the nature of the discussion and the outcome (it would be advantageous if both parties can confirm agreement of the accuracy of this record);
- (d) At all stages in the process, the CPU must seek advice from the Head of Legal and Democratic Services, as appropriate.

7(5) Evaluation

- (a) The tender documents shall state whether tenders are to be evaluated on the criteria of either lowest price or Most Economically Advantageous Tender. Tenders shall be evaluated strictly in accordance with the evaluation criteria set out in the tender documents. No tender is to be accepted in accordance with criteria not set out in the tender documents unless following consultation with the Head of Legal and Democratic Services it is agreed that there are exceptional circumstances. The Director of the Commissioning Service shall keep a written record of the exceptional circumstances and the risk assessment undertaken.
- (b) If, during the evaluation process, any post-tender communication with tenderers is necessary prior to contract award in order to clarify or supplement any aspect of their tender, such communication shall be conducted in accordance with Standing Order 7(4) (ii) and (iii) above.

7(6) Acceptance

- (a) The Most Economically Advantageous Tender may be accepted by the Head of Procurement in consultation with the Director of the Commissioning Service, Head of Legal and Democratic Services and Head of Finance.

- (b) If none of the tenders submitted is to be accepted, the Head of Procurement shall notify all tenderers accordingly. No tender shall be accepted unless the Director of the Commissioning Service and the Head of Finance are satisfied as to the technical capability, professional fitness and financial standing of the successful tenderer.
- (c) After a tender has been accepted, the Head of Procurement shall notify unsuccessful tenderers, indicating who was awarded the contract and shall comply with the requirements set out in Standing Order 4(7).
- (d) All letters issued under this Standing Order shall be issued at the same time. The Head of Legal and Democratic Services must be consulted in cases where further advice or assistance is required. Where the ~~2006~~2012 Regulations apply to the award of any contract, letters shall be issued so as to ensure compliance with the mandatory standstill period in accordance with the ~~2006~~2012 Regulations.
- (e) No tender shall be accepted by a Commissioning Service if it involves a level of expenditure which exceeds the amount previously approved by the relevant Committee in accordance with Standing Order 1(3) hereof. Where a Commissioning Service intends to accept such a tender, the additional expenditure must be approved by the appropriate Committee before the tender can be accepted.
- (f) No tender shall be accepted unless the appropriate contractual documentation has been approved by the Head of Legal and Democratic Services.
- (g) In assessing contract documentation under (f) above, the Head of Legal and Democratic Services shall determine the most appropriate form of contract for each procurement, regardless of value. All contracts let following a tender process under these Standing Orders must be signed in accordance with Standing Order 44 of the Council's "Standing Orders and ~~Committee~~ Orders of Reference" unless it is agreed otherwise in writing by the Head of Legal and Democratic Services, ~~their nominated representative a~~ **Legal Manager** or the Chief Executive.

8 APPLICABLE LAW

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- 8(1)** All contracts entered into in terms of and in accordance with these Standing Orders shall, unless otherwise authorised by the appropriate Director in consultation with the Head of Legal and Democratic Services and only then in special circumstances, be in writing and shall be subject to the law of Scotland and the exclusive jurisdiction of the Scottish Courts.

9 ELECTRONIC PROCUREMENT

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- 9(1)** The Head of Procurement may, in consultation with the Head of Legal and Democratic Services, direct that a procurement procedure is to be carried out by electronic means of communication.

- 9(2)** Where such direction has been made:-

- (a) the tender documents may be issued, tenders may be submitted and received, and information throughout the procurement process may be exchanged by electronic means;
- (b) the timescales set out in Table 2 at Standing Order 4(6)(i) may be reduced in accordance with Table 3 at Standing Order 4(6)(iii) where the tendering procedure is subject to the ~~2006~~2012 Regulations; and
- (c) the Commissioning Officer shall comply with such procedures as may be issued by the Head of Procurement in consultation with the Head of Legal and Democratic Services.

10 NEGOTIATED AND EXTENDED CONTRACTS

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- 10(1)** With the exception of any contract to which the ~~2006~~2012 Regulations apply, if the Head of the Commissioning Service, the Head of Legal and Democratic Services and the Head of Finance consider that there are special circumstances which justify the negotiation of either:-

- (a) a contract with one supplier; or
- (b) in the case of an existing contract, an extension to that contract;

without prior advertisement in accordance with the Standing Orders, then Standing Order 5 shall not apply to such negotiation.

- 10(2)** The Head of the Commissioning Service shall obtain the prior written agreement of the Head of Legal and Democratic Services and the Head of Finance in respect of any contract to be awarded or extended in accordance with Standing Order 10(1).

11 CORRUPT OR ILLEGAL PRACTICES

11(1) Except where otherwise agreed by the Head of Legal and Democratic Services, every written contract shall contain a clause to the effect that the Council shall be entitled to cancel the contract with immediate effect and to recover from the contractor the amount of any loss or damage resulting from such cancellation if: -

(a) the contractor shall have offered, or given or agreed to give, to any person any gift, consideration, inducement or award of any kind for doing or not doing any action in relation to the contract or any other contract with the Council; or

(b) like acts shall have been done by any person employed by the contractor or acting on behalf of the contractor (whether with or without the contractor's knowledge); or

(a) in relation to any contract with the Council, the contractor or persons employed by the contractor or acting on behalf of the contractor shall have committed any offence under the Prevention of Corruption Acts 1889 to 1916 or the Bribery Act 2010 or have given any fee or reward, the receipt of which is an offence under any legislation pertaining to local authorities; or

(d) the contractor or its representative (whether with or without its knowledge) shall have practised collusion in tendering for the contract or any other contract with the Council or shall have employed illegal practices either in obtaining or executing the contract or any other contract with the Council.

~~11(1)entitling the Council to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation, if the contractor shall have offered or given or agreed to give to any person any gift for consideration of any kind as an inducement or reward for doing or for refraining from doing or for having done or refrained from doing any action in relation to the winning or execution of the contract or any other contract with the Council, or for showing or forbearing to show favour or disfavour, these acts shall have been done by any person employed by the contractor or acting on its behalf (whether with or without the knowledge of the contractor), or if in relation to any contract with the Council the contractor or any person employed by it or acting on its behalf shall have committed any offence under the Prevention of Corruption Acts 1889 to 1916, or the Bribery Act 2010, or shall have given any fee or reward, the receipt of which is an offence under Section 68(2) of the Local Government (Scotland) Act 1973.~~

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11(2) Without prejudice to the foregoing generality, if any contractor tendering for a contract with the Council or under a contract entered into with the Council shall offer or give any gratuity, bonus, discount, consideration or bribe of any kind whatsoever to any Member or Official of the Council, the Council shall forthwith remove that contractor from the list of tenderers or determine that contract as the case may be, and such contractor shall be liable for any loss or damage which the Council may thereby sustain.

12 HEALTH & AND SAFETY

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12(1) The Commissioning Officer shall, wherever possible, in the selection of tenderers for the execution of construction and related works, take reasonable steps to ensure that all prospective tenderers employing five or more persons shall have submitted in advance evidence to show compliance with the relevant sections of the Construction (Design & Management) Regulations 2007 and any amendment or replacement and that in all cases due regard is had to the requirements of the Health and Safety at Work etc. Act 1974 and regulations thereunder.

13 INSURANCES

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13(1) **Except where otherwise agreed by the Head of Legal and Democratic Services,** every contract in connection with the execution of works and, where appropriate, the supply of goods or materials **and** the provision of services shall provide that the contractor shall:-

(a) maintain such insurances as are necessary or are specifically required to cover –

(I) liability to workpeople under statute and at common law; ~~and~~

(II) liability to third parties; **and**

(III) liability to the Council for failing to meet appropriate professional standards; and

(b) whenever required, produce for inspection by any officer authorised by the Council for that purpose documentary evidence that the insurances are properly maintained and the relative policy or policies and receipts in question.

13(2) Certificates of insurance (and any renewal receipts therefor during the period of the contract) shall be exhibited to the Council prior to the commencement of every contract for the carrying out of works or the provision of supplies or services and on demand thereafter throughout the whole period of the contract.

14 PERFORMANCE BONDS

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- 14(1)** At the discretion of the Commissioning Officer, contractors may be required to enter into a Bond with a bank or insurance company for a sum equal to 10% of the contract sum for the due performance of the contract **and/or** a parent company guarantee.
- 14(2)** In the case of a contract subject to the conditions of contract issued by the Scottish Building Contracts Committee, the Performance Bond or Bonds shall be discharged on the issue of a Certificate of Practical Completion and in the case of a contract subject to the Institution of Civil Engineers Conditions of Contract, the Performance Security or Bond shall be discharged to the extent of 50% on the issue of a Certificate of Substantial Completion and shall be discharged to the remaining extent at the end of the Defects Correction Period under the contract.

15 ADMINISTRATION AND MONITORING OF CONTRACTS

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- 15(1)** The Head of Procurement shall maintain a Contract Register for the monitoring of all contracts and framework agreements developed or in use across the Council, which shall include the value or amount of each contract (where able to be so identified), all payments made to account and the total payments made **underen** the contract. In addition, the Head of Procurement shall maintain any records of award of contract required under the **20062012** Regulations. The Commissioning Officer within the Commissioning Service shall ensure that the prescribed information as detailed by the CPU is communicated to the CPU. Quarterly updates of each Service's register should be sent to the Head of Procurement **by each of the Council's Heads of Service**.
- 15(2)** Throughout the procurement process the Commissioning Officer shall:-
- (a) communicate the information regarding the proposed contract at the time when the procurement process for the award of that contract is initiated;
 - (b) use a unique contract reference number in relation to that contract throughout the procurement process (details of these can be obtained by the Central Procurement Unit) for the award of that contract on all notices, publications, documentation and correspondence; and
 - (c) ensure that, as successive stages in the procurement process take place, the prescribed information in the Contract Register is updated accordingly up to and including contract termination.

- 15(3)** Contract monitoring and management arrangements agreed during the tender process will be determined by the complexity and risk associated with the contract, conditions in the relevant market and must consider both financial and quality aspects. The Director of the Commissioning Service must ensure processes are in place for this.
- 15(4)** Contracts entered into in terms of these Standing Orders must be monitored and managed by the Commissioning Service throughout the contract term, to ensure delivery of the contracted supplies, services or works in accordance with the contract requirement and standard. No contract for Supplies or Services shall be amended without the prior written consent of the Head of Legal and Democratic Services and the Head of Procurement. In relation to Works contracts, Commissioning Officers shall take advice from the Head of Legal and Democratic Services, where appropriate, prior to amending any contracts.

16 DISPOSAL OF SURPLUS GOODS AND MATERIALS

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- 16(1)** Subject to the provisions of these Standing Orders all surplus goods and materials in excess of £10,000 in value to be disposed of by any part of the Council shall be advertised for sale either by inviting sealed offers or by public auction, unless in special circumstances (of which the Committee concerned shall be the judge) it is otherwise decided.
- 16(2)** The arrangements for the disposal of surplus goods and materials not falling within paragraphs (1) shall be delegated to the appropriate Director.

17 ACQUISITION AND DISPOSAL OF LAND AND BUILDINGS

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- 17(1)** Prior to proposals by Standing Committees regarding the possible acquisition, development, disposal or change of use of lands or buildings owned by the ~~City~~ Council and relating to the provision of services for which they are responsible being recommended for approval to the Finance and Resources Committee, the Head of Legal and Democratic Services and Head of Finance shall be fully consulted in order that an evaluation of the proposals can be made and the Committees advised accordingly.
- 17(2)** When considering any proposals:
- (a) ~~a~~A Committee, other than the Superannuation Investment Committee in considering a proposal which would involve:-
- (I) the acquisition of land or buildings; or
- (II) the provision of buildings
- shall take into account any instructions thereon which the Finance and Resources Committee may wish to give in relation to the matter.

- (i) ~~w~~hen a Committee, following the appropriate consultations, has:
- (a) approved a change of use of any land or building; or
 - (b) declared any land or building surplus to requirements,
- it shall be referred to the Finance and Resources Committee for final determination.

18 ~~18~~ — BLACKLISTING

18(1)—In any tendering process, the Council shall have regard to recognised good practice, including any guidance or advice issued by the Scottish Government, in relation to the unlawful practice of blacklisting and shall ensure that suitable questions about blacklisting are included in tender documentation where appropriate.

18(2)—Except where otherwise agreed by the Head of Legal and Democratic Services, every contract in connection with the execution of works or the supply of goods or materials or the provision of services shall contain the following clause or a clause to similar effect;

“The contractor must not commit any breach of the Employment Relations Act 1999 (Blacklists) Regulations 2010 or section 137 of the Trade Union and Labour Relations (Consolidation) Act 1992, or commit any breach of the Data Protection Act 1998 by unlawfully processing personal data in connection with any blacklisting activities. Breach of this Clause is a material default which shall entitle the Council to terminate the contract with immediate effect.”

~~18(1) In any tendering process, the Council shall have regard to recognised good practice, including any guidance or advice issued by the Scottish Government, in relation to the unlawful practice of blacklisting and shall ensure that suitable questions about blacklisting are included in tender documentation where appropriate.~~

~~18(2) Except where otherwise agreed by the Head of Legal and Democratic Services, every contract in connection with the execution of works or the supply of goods or materials or the provision of services shall contain the following clause or a clause to similar effect;~~

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~~18~~“The contractor must not commit any breach of the Employment Relations Act 1999 (Blacklists) Regulations 2010 or section 137 of the Trade Union and Labour Relations (Consolidation) Act 1992, or commit any breach of the Data Protection Act 1998 by unlawfully processing personal data in connection with any blacklisting activities. Breach of this Clause is a material default which shall entitle the Council to terminate the contract with immediate effect.”**GENERAL DELEGATIONS TO CHIEF EXECUTIVE AND HEAD OF LEGAL AND DEMOCRATIC SERVICES**

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~~18(1)~~ The Head of Legal and Democratic Services, whom failing the Director of Corporate Governance, is authorised to raise or defend, or in emergency (and with the approval of the Chief Executive) settle legal actions of all descriptions.

~~18(2)~~ The Chief Executive, whom failing, any appropriate Director is authorised in an emergency to initiate action under any statutory procedure related to a function vested in the Council subject to report being made to the appropriate Committee at the first opportunity.

19 APPLICATION OF INTERPRETATION ACT ETC

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19(1) The Interpretation Act 1978, shall apply to the interpretation of these Standing Orders as it applies to the interpretation of an Act of Parliament.

19(2) Nothing in these Standing Orders shall prejudice the taking of any action required by virtue of any ~~legislation~~ statute.

20 EQUAL OPPORTUNITIES

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20(1) Before entering into a contract, the Council shall obtain from the contractor an assurance in writing that, to the best of its knowledge and belief, it has complied with all statutory requirements in respect of compliance with human rights and equalities legislation and is not discriminating against any person or persons.

21 USE OF EXTERNAL FRAMEWORKS AND CONTRACTS (e.g. SCOTLAND EXCEL, CATALIST, etc.) AND CONSTRUCTIONLINE

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21(1) External Frameworks and Contracts

Use of approved external frameworks or contracts will be deemed to be compliant with these Standing Orders and, as such, are a legitimate procurement strategy in appropriate circumstances. Use of any specific external frameworks or contracts by the Council must be approved in writing by the Head of Procurement and the Head of Legal and Democratic Services prior to the Council entering into such frameworks/contracts. The Head of Procurement will keep a “Register of Approved External Frameworks and Contracts”. The Head of Legal and Democratic Services will review the terms and conditions pertaining to each approved external framework/contract and will complete a due diligence which will be kept in the Register of Approved External Frameworks and Contracts. If Commissioning Services wish to purchase via an approved external framework or contract they must obtain the prior written approval of the Head of Legal and Democratic Services and the Head of Procurement. Only once such written approval has been given will the Council be able to enter into such external frameworks or contracts.

21(2) Constructionline

Where the Council is entering into a non-EU Works contract then Commissioning Officers will be permitted to utilise Constructionline notwithstanding the provisions of these Standing Orders.

22 ASSIGNATION

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22(1) Except where otherwise provided in a contract entered into with the Council, a contractor shall not assign or sub-let the contract or any part thereof except with the prior written consent of the Council.

23 RESPONSIBLE THIRD PARTIES

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23(1) It shall be a condition of the engagement of the services of any third party or person (not being an Official of the Council), including any consultant and/or other professional advisor, who is to be responsible to the Council for a contract that, in relation to that contract, he/she shall:-

- (a) comply with these Standing Orders as though he/she were an Official of the Council;
- (b) at any time during the carrying out of the contract produce on request to the appropriate Chief Officer all records maintained by him/her in relation to that contract; and

- (c) on completion of the contract, transmit to the appropriate Chief Officer all such records relating to that contract.

24 BREACH OF STANDING ORDERS – REPORTING & DISCIPLINARY ACTION

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- 24(1)** Any non-compliance with or breach of these Standing Orders must be reported immediately on discovery to the relevant Service Manager, Head of Service or Director, as appropriate, and the Head of Legal and Democratic Services in her capacity as Monitoring Officer to the Council.
- 24(2)** Failure to report any known non-compliance or breach may result in disciplinary action being taken against the employee who failed to report the non-compliance or breach.
- 24(3)** The relevant Service Manager, Head of Service or Director, as appropriate, will undertake an investigation in accordance with the Council's Managing Discipline Policy where deemed necessary. Appropriate disciplinary action may be taken where: -
- (a) Serious non-compliance with or breach of the Standing Orders is identified; or
- (b) Repeated non-compliance with or breach of the Standing Orders is identified.
- 24(4)** In the event of a serious breach of the Standing Orders, the Head of Legal and Democratic Services in her capacity as Monitoring Officer may undertake such investigations as deemed necessary, and will report to the relevant Director, Chief Executive or Committee of the Council as appropriate.

25 SUSTAINABILITY

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- 25(1)** Sustainable Procurement incorporates environmental, economic and social considerations. Sustainable Procurement, where relevant to the subject of the contract, should be incorporated into every procurement process and the Council's Sustainable Procurement Policy should be followed.

26 FREEDOM OF INFORMATION and ENVIRONMENTAL INFORMATION

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- 26(1)** The tender documents shall give notice to tenderers of the Freedom of Information (Scotland) Act 2002 (and, if applicable, the Environmental Information (Scotland) Regulations 2004). The said Act and Regulations give a statutory right of access to all information held by the Council except where an exemption or exception can be applied.

26(2) Tenderers who seek to incorporate provisions within any contract to the effect that all or some information is provided by them in confidence will not necessarily be entitled to rely on such provisions.

26(3) Except where otherwise agreed by the Head of Legal and Democratic Services, ~~The Commissioning Officer shall ensure that the standard~~ appropriate Freedom of Information clause (and/or, as relevant, an Environmental Information clause) ~~drafted by the Head of Legal and Democratic Services is~~ shall be incorporated in the contract documents.

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PART B - SOCIAL CARE CONTRACTS

27 RESOURCE TRANSFER FROM HEALTH BOARDS

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- 27(1)** Where agreement has been reached between the Council and any relevant Health Board for the transfer of resources, whether in money or otherwise, from that Board to the Council, then the Director of Social Care and Wellbeing, in consultation with the Head of Finance and Head of Legal and Democratic Services, may enter into a contract with that Board for the transfer of those resources without the requirement for Committee approval subject to: -
- (a) the contract in question being for the transfer of resources to the Council and for no other purpose; and
 - (b) the Director of Social Care and Wellbeing advising the Council at no less than three monthly intervals of the amount of resources so agreed.
- 27(2)** Where the Council intends to enter into any arrangement or contract to which Part B of these Standing Orders applies, and which is to be funded in whole or in part by resources transferred or to be transferred from any Health Board in accordance with Standing Order 27(1), then the said Board may be involved in discussions with and be consulted by the Commissioning Officer in relation to the decision to award any contract to such extent as the Director of Social Care and Wellbeing considers appropriate, save that the final decision to award any such contract shall always be that of the Council acting in accordance with Part A of these Standing Orders.

28 RESIDENTIAL/NURSING HOME CARE

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- 28(1)** In order to assist the Council to comply with its obligations in terms of the Social Work (Scotland) Act 1968 (Choice of Accommodation) Directions 1993 ("the 1993 Directions") or such other Directions as may from time to time be in force, the Director of Social Care and Wellbeing in consultation with the Head of Legal and Democratic Services shall utilise the national model contract on a call off basis only for the provision of private or voluntary sector care home services, such care to be paid for by the Council at rates set nationally and approved by the Council in each financial year.
- 28(2)** The Director of Social Care and Wellbeing may enter into contractual arrangements with the providers of such care services on the terms specified in said national model contract, subject to: -
- (a) confirming that the provider in question is an appropriate person to provide such services;

- (b) the provider being the holder of a current and valid Certificate of Registration from the appropriate registration authority to provide the categories of care for which the Council wishes to contract; and
- (c) the provider being on the Council's Approved Provider List prior to the commencement of the contract.

29 NON-RESIDENTIAL SERVICES

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- 29(1)** The Council may from time to time approve sums of money to be utilised solely for the purposes of providing non-residential social care services. The Director of Social Care and Wellbeing and the Head of Legal and Democratic Services shall develop standard model contracts for such services and which shall thereafter be entered into with the providers of such services, subject to: -
- (a) the Director of Social Care and Wellbeing confirming that the provider is a suitable person to provide such services; and
 - (b) the provider being on the Council's Approved Provider List prior to the commencement of the contract; and
 - (c) if appropriate, the provider being the holder of a current and valid Certificate of Registration from the appropriate registration authority to provide the categories of care for which the Council wishes to contract.

30 COMMISSIONING SERVICES/TENDERING

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- 30(1)** In tendering for social care services and in recognition of the need for Service Users to be involved in the arrangement made for care and the 1993 Directions, the Director of Social Care and Wellbeing shall ensure that Service Users and/or their representatives are fully consulted throughout the tendering process. In particular, a Service User and/or representative will be invited to participate in the evaluation of tenders, including attendance at any presentations or site visits conducted as part of that evaluation.
- 30(2)** Notwithstanding the terms of Standing Order 30(1) above but subject always to the provisions of the ~~2006~~2012 Regulations, the Director of Social Care and Wellbeing, subject to the agreement of the Head of Legal and Democratic Services, may certify a purchase as being unsuitable for tendering, due either to the nature of the services required or the timescales involved. In such circumstances, there shall be no requirement for a competitive tendering exercise to be conducted, however the selected provider must satisfy the requirements of Standing Order 29(1) (a) - (c).

31 **PART A OF THESE STANDING ORDERS**

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- 31(1) Except as may be required to accord or comply with Standing Order ~~No.~~ 30, the entire provisions of Part A of these Standing Orders shall apply to Social Care Contracts as they apply to Council Contracts in general.

ABERDEEN CITY COUNCIL

COMMITTEE:	Finance, Policy and Resources
DATE:	21 February 2014
DIRECTOR:	Angela Scott
TITLE OF REPORT:	Treasury Management Policy and Strategy
REPORT NUMBER:	CG/14/012

1. PURPOSE OF REPORT

To outline the Treasury Management Policy and Strategy for 2014/15 to 2016/17, for approval.

2. RECOMMENDATION(S)

The Committee is asked to consider the report and make recommendations to Council for approval as follows:-

- a) Consider and approve the Council's Treasury Management Policy Statement for 2014/15 to 2016/17 as detailed at Appendix 1,
- b) Consider and approve the Council's Borrowing and Investment Strategy for 2014/15 to 2016/17 as detailed at Appendix 2, and
- c) Approves the revised Counterparty list as detailed at Appendix 3.

3. FINANCIAL IMPLICATIONS

Treasury Management activities influence the loans pool interest rates and aims to minimise the cost of borrowing. This directly impacts upon costs chargeable to the Council's revenue budgets through the interest rates that are applied to capital financing costs. Whilst the level of borrowing a Council can undertake is now devolved from the Scottish Government to individual Councils, it will still be constrained by the requirement for capital investment to be affordable, sustainable and prudent. The main test of affordability will be whether the capital financing costs can be contained within the revenue budgets.

4. OTHER IMPLICATIONS

None

5. BACKGROUND/MAIN ISSUES

5.1 Introduction

The Council previously approved a Treasury Management Policy on 21 February 2013. Part of this policy is to report annually on a strategy for future financial years. A final report reviewing Treasury Management activities for the year, as well as a mid-year review, will also be presented to Committee in due course.

With effect from 1 April 2004, Councils are now required by regulation to have regard to the Prudential Code (the Code) when carrying out their duties under part 7 of the Local Government in Scotland Act 2003.

It is a requirement of this Code that Treasury Management is carried out in accordance with good professional practice. The Code requires the Council to comply with CIPFA "Code of Practice for Treasury Management in the Public Services", which this Council does. The 2009 update to the CIPFA Code of Practice states that Treasury Management Strategy must be approved annually by full Council.

Historically, the Council's annual programme of capital investment has been funded by Treasury Management activities, such as additional long-term borrowing.

5.2 Treasury Management Policy Statement 2014/15 to 2016/17

The proposed Treasury Management Policy Statement for 2014/15 to 2016/17 is set out in detail at Appendix 1, and is subject to annual review.

This Policy Statement uses a form of words as recommended by CIPFA in its Code of Practice for Treasury Management in the Public Services

5.3 Borrowing and Investment Strategy 2014/15 to 2016/17

There are no key changes within the Council's Borrowing and Investment Strategy for 2014/15 to 2016/17.

Updated investment regulations were approved by the Scottish Government from April 2010. Under these regulations, Appendix 2 includes for Committee's consideration and approval, the Council's Borrowing and Investment Strategy for 2014/15 to 2016/17. This will be subject to annual review.

The process of setting this strategy takes account of the pre-existing structure of the Council's debt and investment portfolios.

The limits on fixed rate debt and variable rate debt within this Treasury Management Strategy may be subject to further change, in line with market conditions. However, any such change to these limits would be reported to Committee.

One of the key areas of the investment regulations is permitted investments. Under the regulations, local authorities are required to set out in their Strategy the types of investment that they will permit in the financial year. These will be known as permitted investments. The Council is required to set a limit to the amounts that may be held in such investments at any time in the year, although some types of investment may be classed as unlimited, e.g. Bank deposits (subject to individual Counterparty list limits).

Permitted Investment instruments identified for use in the financial years 2014/15 to 2016/17 are listed in Appendix 2, together with an updated Council Counterparty list which is listed in Appendix 3.

The Annual Investment Strategy is also required to identify:-

- the different types of risk that each permitted type of investments are exposed to;
- the objectives for each type of permitted investment;
- details of the maximum value and maximum period for which funds may prudently be invested; and
- procedures for reviewing the holding of longer-term investments

5.4 Other Developments

Prudential Code

The Council is required to comply with the requirements of the Prudential Code. This includes the setting of a number of Prudential Indicators. Included within these indicators are a number of Treasury Management Indicators for External Debt.

However, the Code does state “It will probably not be significant if the operational boundary is breached temporarily on occasions due to variations in cash flow. However, a sustained or regular trend above the operational boundary would be significant and should lead to further investigation and action as appropriate”.

The Council has in place an early warning system to highlight when these indicators are likely to be breached. No indicators were breached during the previous year.

National Limit on Local Authority Borrowing

HM Treasury has a reserve power to limit local authority borrowing for 'national economic reasons'. Legislation specifies that any such 'National Limit' would be used to protect the country's economic interest if local borrowing under the Prudential Code, albeit prudent locally, were unaffordable nationally.

In principal, a national limit could be set at any point during any financial year. Any such national limit would be implemented, based on local authorities outstanding borrowing with all future borrowing being reduced proportionately. There are no known plans for the introduction of a National Limit at this time.

6. IMPACT

Corporate - If an active Treasury Management policy is not undertaken and implemented there may be future budgetary implications for the Council through greater than budgeted capital financing costs.

7. MANAGEMENT OF RISK

The CIPFA Code of Practice states that in the use of financial instruments for the prudent management of risk, priority must be given to security and liquidity, when investing funds.

8. BACKGROUND PAPERS

CIPFA "Code of Practice for Treasury Management in the Public Services",
Capita Asset Services "Treasury Management Annual Investment Strategy",
Scottish Government "The Investment of Money by Scottish Local Authorities".

9. REPORT AUTHOR DETAILS

Neil Stewart, Treasury Officer, nstewart@aberdeencity.gov.uk, (52)2696

ABERDEEN CITY COUNCIL

TREASURY MANAGEMENT POLICY STATEMENT FOR 2014/15 TO 2016/17

The proposed Treasury Management Policy for 2014/15 to 2016/17 is as follows:

1. Aberdeen City Council will adopt the CIPFA Treasury Management in Public Services Code of Practice. The Council will also have regard to the Local Government Investment (Scotland) Regulations 2010.
2. The Council defines its treasury management activities as:
The management of the organisation's investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.
3. The Council regards the successful identification, monitoring and control of risk to be the prime criteria by which the effectiveness of its treasury management activities will be measured. Accordingly, the analysis and reporting of treasury management activities will focus on their risk implications for the organisation.
4. The Council acknowledges that effective treasury management will provide support towards the achievement of its business and service objectives. It is therefore committed to the principles of achieving value for money in treasury management, and to employing suitable comprehensive performance measurement techniques, within the context of effective risk management.
5. The Council's appointed Treasury Advisors are Sector Treasury Services. Their expertise will continue to be used by the Council in making Treasury decisions in areas such as debt rescheduling, interest rate forecasts, market conditions, advice on new types of financial instruments and compiling the Council's Counterparty list.

ABERDEEN CITY COUNCILBORROWING STRATEGY FOR 2014/15 TO 2016/17

The proposed Treasury Management Borrowing Strategy for 2014/15 to 2016/17 is as follows:

1. Under the Prudential Code previous borrowing restrictions linked to consents no longer apply. Short-term PWLB (Public Works Loans Board) rates for periods of up to 10 years continue at relatively low levels and the strategy would be to borrow, if required, in these periods to take advantage of those rates. In addition to PWLB, there may be an opportunity to use longer-term LOBO (Lenders Option, Borrowers Option) loans, once interest rates start to rise again. Rates are monitored on an on-going basis to determine the optimum time to undertake any necessary borrowing. When decisions on new borrowing are being made, due consideration must also be given to the Council's Debt Maturity Profile.
2. Approximately 85% of the Council's borrowing is in long-term fixed rate loans, which reflects the lower interest rates available in recent years. Whilst there is no immediate intention to reschedule debts in 2014/15, if opportunities arise to do so that will result in a decrease in the Council's cost of borrowing then these will be fully examined to determine whether this represents Best Value. Due care and attention to FRS 25 and 26 will be examined prior to entering any such commitment.
3. It is recommended that the Council sets an upper limit on its fixed interest rate exposures for 2014/15, 2015/16 and 2016/17 of 100% of its net outstanding principal sums.
4. It is further recommended that the Council sets an upper limit on its variable interest rate exposures for 2014/15, 2015/16 and 2016/17 of 30% of its net outstanding principal sums. This means that the Head of Finance will manage fixed interest rate exposures within the range 70% to 100% and variable interest rate exposures within the range 0% to 30%.
5. It is recommended that the Council sets upper and lower limits for the maturity structure of its borrowing as follows:

Amount of projected borrowing that is fixed rate maturing in each period as a percentage of total projected borrowing that is fixed rate:

	Upper limit	Lower limit
Under 12 months	20%	0%
12 months and within 24 months	20%	0%
24 months and within 5 years	50%	0%
5 years and within 10 years	75%	0%
10 years and above	90%	25%

6. The Council will not borrow more than or in advance of its needs purely in order to profit from the investment of the extra sums borrowed. Any decision to borrow in advance will be considered carefully to ensure value for money can be demonstrated and that the Council can ensure the security of such funds.

INVESTMENT STRATEGY FOR 2014/15 TO 2016/17

The proposed Treasury Management Investment Strategy for 2014/15 to 2016/17 is as follows:

1. The Council's investment priorities are: -
 - (a) the security of capital and
 - (b) the liquidity of its investments.
2. The risk appetite of this Council is low in order to give priority to security of its investments. The Council will also aim to achieve the optimum return on its investments in line with proper levels of security and liquidity.
3. The Council's approved counter party list will be adhered to when making short-term investments and reviewed as necessary. This ensures that only those counter parties with the highest credit ratings are used within the maximum limits set. If it is considered necessary to make any changes to the list Committee approval will be sought.
4. Prior to the introduction of the new investment regulations, investments made by Scottish local authorities were limited to one year. This restriction was removed from 1st April 2010 and the Council accordingly wishes to make use of these powers at times when such investing is both appropriate and attractive.
5. Short-term investment rates for periods of up to 12 months continue at relatively low levels and in line with the Council's recent borrowing strategy of borrowing short-term to take advantage of lower rates, the Council does not envisage having substantial surplus funds to invest. Therefore any surplus cash which the Council does have at its disposal will be required to be kept fairly liquid for cashflow purposes, and accordingly will be invested on a short-term basis, using either Bank deposits or Money Market Funds.
6. Rates are monitored on an on-going basis to determine the optimum time to undertake any investments. When decisions on new investments are being made, due consideration must also be given to the Council's projected cashflow position.
7. With the introduction of the new investment regulations, the Local Authority investment market will start to develop new products. In order to protect against any possible loss of income, the power to add a new investment instrument to the list of Permitted Investments, should be delegated to the Head of Finance. Any such approval would be reported at the next committee meeting.

LIST OF PERMITTED INVESTMENTS

This Council approves the following forms of investment instrument for use as permitted investments: -

DEPOSITS - Unlimited (subject to individual Counterparty list limits)

Debt Management Agency Deposit Facility

Term deposits – local authorities (as per Counterparty list)

Call accounts – banks and building societies (as per Counterparty list)

Term deposits – banks and building societies (as per Counterparty list)

Fixed term deposits with variable rate/maturities (Structured deposits, as per Counterparty list)

COLLECTIVE INVESTMENT SCHEMES - £50m

Government Liquidity Funds

Money Market Funds (subject to individual Counterparty list limits)

Enhanced cash funds

Gilt Funds

Bond Funds

GOVERNMENT SECURITIES - £10m

Treasury Bills

UK Government Gilts

Bond issuance (from financial institution guaranteed by UK Government)

Bonds issued by multilateral development banks

CORPORATE SECURITIES - £10m

Certificates of deposit (as per Counterparty list)

PERMITTED INVESTMENTS - NON TREASURY INVESTMENTS

The Council can also invest in the following areas, which are outwith the Treasury Management scope and would be subject to separate committee approval: -

- a) All share holding, unit holding and bond holding, including those in a local authority owned company;
- b) Loans to a local authority company or other entity formed by a local authority to deliver services;
- c) Loans made to third parties;
- d) Investment properties.

TREASURY RISKS AND CONTROLS

All investment instruments listed are subject to the following risks: -

1. Credit and counter-party risk: this is the risk of failure by a counterparty (bank or building society) to meet its contractual obligations to the organisation particularly as a result of the counterparty's diminished creditworthiness, and the resulting detrimental effect on the organisation's capital or current (revenue) resources. There are no counterparties where this risk is zero although AAA rated organisations have a very high level of creditworthiness.

Control: This authority has set minimum credit criteria to determine which counterparties are of high creditworthiness to enable investments to be made safely.

2. Liquidity risk: this is the risk that cash will not be available when it is needed. All counterparties are subject to at least a very small level of liquidity risk, as credit risk can never be zero. Liquidity risk has been treated as whether or not instant access to cash can be obtained from each form of investment instrument. However, it has to be pointed out that while some forms of investment e.g. gilts, CDs, corporate bonds can usually be sold immediately if the need arises, there are two caveats: - a. cash may not be available until a settlement date up to three days after the sale b. there is an implied assumption that markets will not freeze up and so the instrument in question will find a ready buyer.

Control: This authority has a cash flow forecasting model to enable it to determine how long investments can be made for and how much can be invested.

3. Market risk: this is the risk that, through adverse market fluctuations in the value of the principal sums an organisation borrows and invests, its stated treasury management policies and objectives are compromised, against which effects it has failed to protect itself adequately. However, some cash rich local authorities may positively want exposure to market risk e.g. those investing in investment instruments with a view to obtaining a long-term increase in value.

Control: This authority does not purchase investment instruments that are subject to market risk in terms of fluctuation of their value.

4. Interest rate risk: this is the risk that fluctuations in the levels of interest rates create an unexpected or unbudgeted burden on the organisation's finances, against which the organisation has failed to protect itself adequately. This authority has set limits for its fixed and variable rate exposure in its Treasury Indicators in this report. All types of investment instrument have interest rate risk except for instruments with a variable rate of interest.

Control: This authority manages this risk by having a view of the future course of interest rates and then formulating a treasury management strategy accordingly which aims to maximise investment earnings consistent with control of risk or alternatively, seeks to minimise borrowing costs.

5. Legal and regulatory risk: this is the risk that the organisation itself, or an organisation with which it is dealing in its treasury management activities, fails to act in accordance with its legal powers or regulatory requirements, and that the organisation suffers losses accordingly.

Control: This authority will not undertake any form of investing until it has ensured that it has all the necessary powers and also complied with all regulations.

**ABERDEEN CITY COUNCIL
COUNTERPARTY LIST**

Changes are required to the current counterparty list as follows:

1. Add Santander UK plc to 'Deposits up to 3 months – UK Banks'
2. Nationwide Building Society - Reduce maximum lending period from 'up to 6 months' to 'up to 3 months'

Deposits up to 12 months

UK Nationalised and Part Nationalised Banks - £30m limit

Lloyds Banking Group (includes Lloyds TSB Bank plc, Bank of Scotland)

The Royal Bank of Scotland Group plc
(includes Royal Bank of Scotland plc, National Westminster Bank plc,
Ulster Bank Ltd)

UK Banks - £10m limit

HSBC Bank plc

Standard Chartered Bank

Other Banks - £10m limit

Handelsbanken

UK Local Authorities, including Police Authorities - £10m limit

Deposits up to 3 months

Council's Bankers - £20m limit

Clydesdale Bank plc

UK Banks - £10m limit

Barclays Bank plc

Santander UK plc

UK Building Societies - £10m limit

Nationwide Building Society

Collective Investment Schemes - £50m total limit

Money Market Funds - £10m limit

Federated Prime Rate Sterling Liquidity Fund

Goldman Sachs Sterling Liquid Reserve Fund

Ignis Liquidity Fund

Morgan Stanley Sterling Liquidity Fund

Deutsche Managed Sterling Fund

ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	5 March, 2014
DIRECTOR	Director of Corporate Governance
TITLE OF REPORT	Committee Orders of Reference – Amendment to Reflect ALEOs Governance Framework
REPORT NUMBER:	CG/14/038

1. PURPOSE OF REPORT

- 1.1 This report proposes amendments to the Committee Orders of Reference to reflect the scrutiny arrangements for Arm's Length External Organisations (ALEOs) on tiers 2, 3 and 4 reported to the Audit and Risk Committee on 27 February, 2014.
- 1.2 The framework of governance reported to relevant service committees this cycle sets out roles and responsibilities for those service committees and the Audit and Risk committee (including the Shareholder Scrutiny Group) and the creation of a Council Officer Governance Hub to carry out the detailed scrutiny and prepare reports.
- 1.3 This report follows on from previous decisions of Council to revise the governance arrangements for ALEOs following advice from the Council's auditors.

2. RECOMMENDATIONS

2.1 That Council:-

- (1) approves the method of monitoring tier 2, 3 and 4 organisations set out in appendix 1 to this report;
- (2) approves the amendments to Committee Orders of Reference attached as appendix 2;
- (3) authorises officers to amend the tier in which organisations sit as funding to them increases, decreases or ceases altogether in line with committee decisions; and
- (4) agrees that the amended Orders of Reference be circulated to service committees via information bulletins next cycle.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no direct financial implications arising from this report. Costs associated with the scrutiny and assurance around ALEOs will be met from existing resources available to the Council.

4. OTHER IMPLICATIONS

- 4.1 There are no legal or other implications arising from this report.

5. BACKGROUND/MAIN ISSUES

- 5.1. This report builds on decisions of Council at its meetings of 21st August and 31st October, 2013 (articles 11 and 9 refer, respectively) to make arrangements for the governance of ALEOs based on considerations arising from a report produced in August, 2010, by Audit Scotland entitled “Roles and Working Relationships – Are You Getting It Right?” and on a report which the Council itself commissioned on Roles and Responsibilities. The Council has now put in place a framework which has been developed into a supportive Governance Hub.
- 5.2 Each Service Governance Hub will consist of Service representative(s) and an officer from the following areas: Finance, Legal, Human Resources, Risk Management and Procurement.
- 5.3 The role of the hub will be to receive a range of risk and performance information from each of the organisations and to then analyse, form an opinion and discuss with the ALEO the various aspects with a view to gain assurances about the system of risk management and their performance. The manner in which it will operate has been reported to each relevant committee this cycle.
- 5.4 In addition to the tier 1 ALEOs reported previously, there are a number of other bodies which are supported by the Council. Attached at appendix 1 is a table proposing the criteria for placing the remaining ALEOs, associated organisations and outside bodies having an impact on the Council’s group accounts on tiers 2, 3 and 4. The changes to Committee Orders of Reference to show the necessary reporting lines are set out in appendix 2. In all cases where organisations are funded by more than one committee, that organisation will be reported to the committee which is the major funder (the exception being Station House Media Unit, which shall report to the Education, Culture and Sport Committee).
- 5.5 The role of each Service Governance Hub for tier 2, 3 and 4 organisations will be essentially the same as for those in tier 1. Reports will be sought from each body in accordance with the relevant funding agreements or arrangements, those reports will be considered and scrutinised by officers and any report made to the appropriate service committee or the Audit and Risk Committee as appropriate. Again, Board Members or officers of the organisation in question may be invited to attend any meeting as appropriate.

6. IMPACT

- 6.1 The Governance issues addressed in this report arise from the Council's previous consideration of work undertaken in conjunction with or proposed by Audit Scotland which, taken as a whole, should lead to an improvement in the governance and decision making processes of the Council, particularly in relation to the support of outside organisations. Members would be better trained and better informed with a clearer understanding of the relationship between the role of members and the role of officers and such clarity should lead to a better understanding of the Council's work by the public and improve the transparency of the democratic processes in the City.

7. MANAGEMENT OF RISK

- 7.1 The recommendations in the report address risks previously identified in the report produced by consultants, "Roles and Responsibilities – Is Aberdeen City Council Getting It Right?" and further identifies a means of reducing risk relating to Arms' Length External Organisations and outside organisations supported by the Council as discussed by the Audit and Risk Committee.

8. BACKGROUND PAPERS

Roles and Working Relationships – Are You Getting It Right? Audit Scotland, August, 2010

Roles and Responsibilities – Is Aberdeen City Council Getting It Right? January, 2012

Shared Risk Assessment, Aberdeen City Council, Audit Scotland, 2010/11, 2011/12

Roles and Responsibilities – Is Aberdeen City Council Getting It Right? – Report to Audit and Risk Committee, 25th September, 2012

Roles and Responsibilities – Is Aberdeen City Council Getting It Right? – Report to Council, 6th March, 2013

Arms' Length External Organisations – Governance Arrangements – Internal Audit report to Audit and Risk Committee, 16th April, 2013

Roles and Responsibilities – Is Aberdeen City Council Getting It Right? – Committee Structures and Standing Orders and Governance Arrangements for Arm's Length External Organisations - Report to Council, 21st August, 2013

Arm's Length External Organisations – Governance Arrangements – Outstanding Issues and Progress - Report to Audit and Risk Committee, 24th September, 2013

Roles and Responsibilities: Is Aberdeen City Council Getting it Right? – Standing Orders, Orders of Reference, External Members on Committees and Scheme of Delegation – Report to Council, 31st October, 2013

Designing a Positive Framework of Governance with Arm's Length External Organisations – Report to Social Care, Wellbeing and Safety Committee, 16th January; Enterprise, Strategic Planning and Infrastructure Committee, 21st January; Education, Culture and Sport Committee, 30th January; and Audit and Risk Committee, 27th February, 2014

9. REPORT AUTHOR DETAILS

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Aberdeen City Council

Arm's Length External Organisation (ALEO) Governance

List of Organisations & Definition of Tiers

- Tier 1 – (a) An organisation that is significant in size and over which the Council exercises substantial control, i.e. those organisations that are defined as part of our Group that are sufficiently significant that their annual results are included in the financial statements of the Group Accounts; or
- (b) An organisation for which there may be no established Group relationship but for which a material value (greater than £7 million) of public funds are provided by the Council in delivery of the organisations services.

These are:

Aberdeen Exhibition & Conference Centre Ltd / Mountwest 343 Ltd (AECC) – (a) group relationship

Sport Aberdeen Ltd (SA) – (a) group relationship

Aberdeen Sports Village Ltd (ASV) – (a) group relationship

Grampian Valuation Joint Board (GVJB) – (a) group relationship

Bon Accord Care Ltd / Bon Accord Support Services Ltd (BAC) – (a) group relationship currently being assessed; (b) financial support > £7 million

- Tier 2 –(a) An organisation over which the Council exercises substantial control that is smaller in operational scale, i.e. those organisations that are defined as part of our Group that are not sufficiently material in size to be included in the financial statements of the Group Accounts; or
- (b) An organisation that is financially supported with public funds provided by the Council to a significant value (greater than £300,000).

These are:

Aberdeen Heat & Power Ltd (AHP) – (a) group relationship

North East Scotland Transport Partnership (NESTRANS) – (a) group relationship

Grampian Venture Capital Fund Ltd (GVCF) – (a) group relationship

Strategic Development Planning Authority (SDPA) – (a) group relationship

Scotland Excel – (a) group relationship
Aberdeen Performing Arts (APA) – (b) financial support > £300k
Garthdee Alpine Sports (GAS) – (b) financial support > £300k
Transition Extreme Sports Ltd (TES) – (b) financial support > £300k
Visit Scotland (VS) – (b) financial support > £300k

Tier 3 – (a) An organisation for which there is a following the public pound relationship, with public funds being provided for the delivery of services that are substantial (greater than £75,000).

These are:

Peacock Visual Arts
Aberdeen International Youth Festival
City Screen Aberdeen Ltd
Citizen Advice Bureau
Aberdeen Lads Club
Fersands & Fountain Project
Middlefield Community Project
St Machar Parents Support Project
Aberdeen City and Shire Economic Forum (ACSEF)
Aberdeen Renewables Group (AREG)
Grampian Housing Association
Pathways
Care & Repair
Station House Media Unit

Tier 4 – (a) An organisation for which there is a following the public pound relationship, with public funds being provided for the delivery of service that are below £75,000 and above £15,000.

Relevant organisations of which there are many – over 200 as listed in the Central Register for Following the Public Pound.

Committee Orders of Reference

Audit and Risk Committee – existing remit (relevant extract)

12. The Committee will have the following responsibilities in terms of first tier arm's length external organisations (ALEOs) –
- to scrutinise ALEO compliance against contract and business plan
 - to scrutinise service and finance performance and evidence of the ALEO as a going concern
 - to scrutinise risk management arrangements
 - to ensure the management of key corporate risks
 - to ensure compliance with legislation, audit requirements and the Following the Public Pound code
 - to receive quarterly financial and performance reports on each ALEO
 - to receive annual presentations (with additional meetings as required) with ALEO board representatives on performance

Audit and Risk Committee – proposed revised remit

12. The Committee will ensure, through consideration of a quarterly report from the governance hub, that each tier 1 Arm's Length External Organisation has an effective system of risk management in place, covering strategy, structure, skills, system, staff and shared values. The Committee will use this to determine the level of assurance it can place on the effectiveness of that system and its ability to achieve the organisational objectives.
13. The Committee will consider reports from the governance hub on such other matters as may be presented in areas such as audit, roles and responsibilities of the board, legislation, following the public pound and breaches of governance.
14. The Committee will consider such reports on tier 2, 3 and 4 organisations as may be submitted from the governance hub.
15. The Committee can require representatives of organisations to attend its meetings.

Enterprise, Strategic Planning and Infrastructure Committee – existing remit (relevant extract)

7. In respect of Aberdeen Exhibition and Conference Centre Ltd and its subsidiary companies –
- to ensure that services commissioned by the Council are aligned to the Council's Single Outcome Agreement objectives
 - to provide corporate visibility of planning

- to ensure informed decision making by meeting representatives of AECC Board to receive presentations on forward plans and future linkages to service aspirations
- to ensure a consistent approach to strategic planning with service providers by client teams in each service
- to consider the outcomes of the AECC (including quality of provision, customer feedback and service improvements).

Enterprise, Strategic Planning and Infrastructure Committee – proposed revised remit

7. In respect of Aberdeen Exhibition and Conference Centre Ltd and its subsidiary companies, the Committee shall receive from the governance hub twice yearly progress reports on matters such as operational performance (including financial performance), people performance, risk management and service quality (including single outcome agreement achievements, customer feedback, and health and safety); and an annual presentation on the ALEO business plan, which will be used to approve funding for the subsequent year.
8. The Committee will consider such reports on the following tier 2 and 3 organisations, and any tier 4 organisation, as may be submitted from the governance hub:-
 - North East Scotland Transport Partnership (NESTRANS)
 - Strategic Development Planning Authority (SDPA)
 - Visit Scotland
 - Grampian Venture Capital Fund Ltd
 - Aberdeen City and Shire Economic Forum (ACSEF)
 - Aberdeen Renewables Group (AREG)
9. The Committee can require representatives of organisations to attend its meetings.

Education, Culture and Sport Committee – existing remit (relevant extract)

12. In respect of Sport Aberdeen Ltd and Aberdeen Sports Village Ltd –
 - to ensure that services commissioned by the Council are aligned to the Council's Single Outcome Agreement objectives
 - to provide corporate visibility of planning
 - to ensure informed decision making by meeting representatives of the boards of both arm's length external organisations to receive presentations on forward plans and future linkages to service aspirations
 - to ensure a consistent approach to strategic planning with service providers by client teams in each service
 - to consider the outcomes of the Sport Aberdeen Ltd and Aberdeen Sports Village Ltd (including quality of provision, customer feedback and service improvements).

Education, Culture and Sport Committee – proposed revised remit

12. In respect of Sport Aberdeen Ltd and Aberdeen Sports Village Ltd, the Committee shall receive from the governance hub twice yearly progress reports on matters such as operational performance (including financial performance), people performance, risk management and service quality (including single outcome agreement achievements, customer feedback, and health and safety); and an annual presentation on the ALEO business plan, which will be used to approve funding for the subsequent year.
13. The Committee will consider such reports on the following tier 2 and 3 organisations, and any tier 4 organisation, as may be submitted from the governance hub:-
 - Aberdeen performing Arts (APA)
 - Garthdee Alpine Sports
 - Transition Extreme Sports Ltd
 - Peacock Visual Arts
 - Aberdeen International Youth Festival
 - City Screen Aberdeen Ltd
 - Aberdeen Lads Club
 - Fersands and Fountain Project
 - Middlefield Community Project
 - St Machar Parents Support Project
 - Station House Media Unit
14. The Committee can require representatives of organisations to attend its meetings.

Social Care, Wellbeing and Safety Committee – existing remit (relevant extract)

7. In respect of Bon Accord Care Ltd and Bon Accord Support Services Ltd–
 - to ensure that services commissioned by the Council are aligned to the Council’s Single Outcome Agreement objectives
 - to provide corporate visibility of planning
 - to ensure informed decision making by meeting representatives of the Board to receive presentations on forward plans and future linkages to service aspirations to ensure a consistent approach to strategic planning with service providers by client teams in each service.
 - to consider the outcomes of the Bon Accord Care Ltd and Bon Accord Support Services Ltd (including quality of provision, customer feedback and service improvements).

Social Care, Wellbeing and Safety Committee – proposed revised remit

7. In respect of Bon Accord Care Ltd and Bon Accord Support Services Ltd, the Committee shall receive from the governance hub twice yearly progress reports on matters such as operational performance (including financial performance),

people performance, risk management and service quality (including single outcome agreement achievements, customer feedback, and health and safety); and an annual presentation on the ALEO business plan, which will be used to approve funding for the subsequent year.

8. The Committee can require representatives of organisations to attend its meetings.

Housing and Environment Committee – proposed additional remit

7. The Committee will consider such reports on the following tier 2 and 3 organisations, and any tier 4 organisation, as may be submitted from the governance hub:-
 - Aberdeen heat and Power Ltd (AHP)
 - Grampian Housing Association
 - Care and Repair
8. The Committee can require representatives of organisations to attend its meetings.

Finance, Policy and Resources Committee – proposed additional remit

27. The Committee will consider such reports on the following tier 1, 2 and 3 organisations, and any tier 4 organisation, as may be submitted from the governance hub:-
 - Grampian Valuation Joint Board (tier 1)
 - Scotland Excel
 - Aberdeen Citizens' Advice Bureau
 - Pathways
28. The Committee can require representatives of organisations to attend its meetings.

ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	5 March 2014
DIRECTOR	Pete Leonard & Angela Scott
TITLE OF REPORT	Unauthorised Camping
REPORT NUMBER:	CG/14/037

1. PURPOSE OF REPORT

The purpose of this report is to update the Council on progression of work on a byelaw to prohibit unauthorised camping on defined sites within the city.

2. RECOMMENDATIONS

The Council is recommended to note the report:

3. FINANCIAL IMPLICATIONS

Should Scottish Ministers in due course confirm a byelaw then costs of approximately £6,000 would be incurred in placing a press advert in accordance with the Local Government (Scotland) Act 1973 and erecting signage in the designated areas. Costs could be contained within existing Housing and Community Safety budgets however future decisions through budget setting process may impact on this.

4. OTHER IMPLICATIONS

Byelaw procedures are set out in the Local Government (Scotland) Act 1973. Section 201 of the Act provides that local authorities "*may 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*". Standing order 38 of the Council's Standing Orders and Orders of Reference means that the making of byelaws requires approval at Full Council. Confirmation of the byelaw by the Scottish Ministers would be required before they could come into force. Hence, a camping byelaw cannot be achieved without the Scottish Ministers' agreement.

In December 2013 Legal Services received technical views from officers at the Scottish Government. These were mainly concerned with clarification of defined areas and on the activity sought to be prohibited.

5. PROGRESS

Work within Housing and Environment has progressed to identify and define boundaries of the most sensitive sites vulnerable to problems associated with unauthorised camping. Work on producing maps is underway and final delineation of the precise areas within the byelaw is to be concluded to enable a proposal to be put before Council. Completion of this work is an absolute requirement to enable consultation to be carried out and the EHRIA to be completed. Work has also been ongoing to develop a byelaw to take account of issues raised by members and others and with a focus on equality issues.

Officers have consulted Police Scotland and the Procurator Fiscal on an initial basis regarding a potential byelaw .

Police Scotland would be responsible for enforcing a byelaw and a recent response is non supportive.

The Procurator Fiscal would be responsible for prosecuting offences under any future byelaw. As at the date of writing no response has been received.

Both will need to be consulted on the updated proposed byelaw and defined areas ie including maps prior to submission to Council.

The work as a whole is at an advanced stage and as at the time of writing consultation with relevant stakeholders including communities within the defined areas, primarily through Community Councils, Grampian Regional Equality Council, Procurator Fiscal, Police Scotland, and Gypsies/Travellers is intended. This will inform the EHRIA which is required and the recommendations which will in due course be made to Council..

Members will be aware that there are also clear links between the work that the Council is undertaking in respect of identification of short term halting sites for Gypsy/Travellers and the development of a byelaw and the ongoing review that the Equal Opportunities Committee of the Scottish Government is considering. On the back of the research undertaken – “Where Gypsies/Travellers Live” a Working Group has now been established to take these recommendations forward and the group first met on 16 January 2014. The group are examining the standards that Gypsies/Travellers are subjected to and the approaches taken by each local authority in terms of site provision and quality, tenancy agreements as well as unauthorised encampments. Each representative was tasked with reporting back to the next group meeting (no date set yet but will be during April) on the following;

- a) The total number of Gypsy/Traveller sites in each local authority area;
- b) Of that total, how many are local authority, Registered Social landlord, and privately run;
- c) The combined total capacity of the sites in each local authority area;
- d) Any views on the quality of the sites.

A report with recommendations will be brought to the next Council meeting.

6. IMPACT

Public – The report is likely to generate public interest as the issue of a byelaw has attracted widespread public interest both in the local media and nationally.

Equalities – Equalities and human rights issues need to be considered in the context of the Council's public sector equality duty as set out in s 149(1) of the Equality Act 2010. The issues identified in the reports to Council on 21 August 2013 continue to exist. There is a number of equalities issues involved in this issue and which require to be addressed. A full and updated EHRIA is an essential part of the work being done by officers and will inform any recommendations brought to Council.

MANAGEMENT OF RISK

The issues identified in the report to Council on 18 December 2013 continue to exist.

8. BACKGROUND PAPERS

Update report and minute of Council meeting 18 December 2013.
Update reports and minute of Council meeting 21 August 2013

9. REPORT AUTHOR DETAILS

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ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	5 March 2014
DIRECTOR	Angela Scott
TITLE OF REPORT	Update – Street-begging
REPORT NUMBER:	CG/14/036

1. PURPOSE OF REPORT

The purpose of the report is to update the Council on progress on the byelaw regarding street-begging.

2. RECOMMENDATION(S)

The Council is recommended to note the report.

3. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report

4. OTHER IMPLICATIONS

There are no other implications arising from this report beyond those set out in the report to the Council's meeting on 18 December 2013

5. BACKGROUND/MAIN ISSUES

At the Council meeting of 18 December 2013 members approved the wording of a street-begging byelaw, approved the designated area within which the byelaw will apply and instructed officers to take all necessary steps to complete the statutory process to seek confirmation of the byelaw from the Scottish Government.

Notice of intention to apply for confirmation has been advertised and this period expires shortly. In terms of future process, Scottish Government officers will collate any objections lodged and offer an opportunity for consideration and response. Advice will then be prepared for Scottish Ministers in terms of whether the byelaw should be confirmed.

A further update report will be provided to the next Council meeting.

6. IMPACT

Public – The report may generate public interest as the issue of a byelaw has attracted public interest.

Equalities – there are no equalities implications arising from this report. The issues identified in the report to Council on 18 December 2013 continue to exist.

7. MANAGEMENT OF RISK

The issues identified in the report to Council on 18 December 2013 continue to exist.

8. BACKGROUND PAPERS

Council report – 18 December 2013

9. REPORT AUTHOR DETAILS

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Legal Manager

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ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	5 March 2014
DIRECTOR	Gordon McIntosh
TITLE OF REPORT	Relaxation of drinking in public Bye-law for BP Big Screens 2014

1. PURPOSE OF REPORT

The purpose of the report is to seek permission to make a request to the Scottish Ministers to confirm the suspension of the operation of the Aberdeen City Council Drinking in Public Places Byelaw 2009 to permit the responsible consumption of alcohol within the boundaries of the main grass area of Duthie Park for the following event planned for this summer:

BP Summer Big Screens 2014

2. RECOMMENDATION(S)

1. Members are asked to instruct the Head of Legal and Democratic Services to carry out the necessary advertising of the proposed suspension and request confirmation from the Scottish Ministers that Aberdeen City Council Drinking in Public Places Byelaw 2009 be suspended within the boundaries of the Duthie Park for the following event:

BP Summer Big Screens 2014 Tuesday 15 July "La Boheme"

3. FINANCIAL IMPLICATIONS

There are advertising costs associated with the publicising of the temporary suspension. Two notices will need to be published in the local press with a notice advising of the intention to temporarily suspend the byelaw and (assuming the Scottish Ministers confirm the temporary suspension), a second notice advising of the confirmation of the temporary suspension. The cost for this in 2013 was £242.50.

4. OTHER IMPLICATIONS

Health and Safety

Relevant health and safety audits and associated risk assessments will be carried out prior to the staging of this event.

Risk Management

Appropriate control measures will be put in place. Audience members will be asked to drink in a responsible manner and event stewards from an approved Security Industry Authority (SIA) contractor will be in attendance.

Environmental

Efforts will be made to recycle the waste accumulated at this event.

Economic

This event creates a positive attitude in the city, assisting with the promotion of the city as a vibrant place in which to invest, live and visit.

5. BACKGROUND/MAIN ISSUES

The BP Summer Big Screens will once again return to Aberdeen in summer of this year. The confirmed date is Tuesday 15 July 2014, and it is a welcome return to the city for the opera "La Boheme". The live transmission will be relayed direct to Aberdeen from the Royal Opera House, Covent Garden, London. The event is sponsored by BP, supported by Aberdeen City Council and will be displayed on a 40 x 40 foot screen complete with sound. The event is free to all and is expected to attract around 3000 people of all ages and abilities.

This will be the 9th year this has taken place in Aberdeen and each year, the success of the event has grown alongside its popularity. Limited catering will be provided and although alcohol will not be on sale, it is normal for members of the public to bring a picnic with them which may include alcohol. Event stewards, medical and welfare and a toilet service will be provided alongside passing attention from Police Scotland.

In all previous years, this event has passed with no noted incidents or accidents reported in relation to alcohol.

The BP Summer Big Screens concept is :

1. to introduce opera in relaxed surroundings to new audiences
2. give people an opportunity to see the world's best
3. to provide free world class entertainment to families who might otherwise not be able to purchase tickets

The existing Aberdeen City Council Drinking in Public Places Byelaw 2009 will require to be suspended to allow the consumption of alcohol at this event. This will involve the creation of a new byelaw which enacts a temporary suspension of the existing byelaw. The new byelaw must be advertised for a minimum of 28 days to allow members of the public an opportunity to comment on the proposed suspension.

Following the completion of the consultation period, the new byelaw will then require the approval of the Scottish Government. Based on previous

experience, this whole process can take on average between 12 – 14 weeks. It is therefore good practice to present the Report at this early stage in the Committee Cycle in order to facilitate this process.

6. IMPACT

Corporate
Aberdeen – the Smarter City

- We will promote Aberdeen as a great place to live, bring up a family, do business and visit.

Smarter Living (Quality of Life)

- We aspire to be recognised as a City of Culture, a place of excellence for culture and arts by promoting Aberdeen as a cultural centre hosting high quality diverse cultural events for the whole community and beyond.

Smarter Economy (Competitiveness)

- We will work with partners to promote the city as a place to invest, live, work and export from.

Community Plan

- Work with other organisations, agencies and groups, including Visit Scotland and Visit Aberdeen, to encourage tourism and the provision of facilities for tourists.

7. BACKGROUND PAPERS

None.

8. REPORT AUTHOR DETAILS

Kenny Luke
City Events Officer
Email: kennyl@aberdeencity.gov.uk
Tel: 01224 522956

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29 November 2013

Your Ref: P&OS/KL/2013

Our Ref: A28.0/13/12/0781

Mr Kenny Luke
City Events
Enterprise Planning and Infrastructure
Aberdeen City Council
Business Hub 10
Second Floor South
Marischal College
Broad Street
ABERDEEN
AB10 1AB



**POLICE
SCOTLAND**

Keeping people safe

Sir Stephen House QPM
Chief Constable

Aberdeen City Division
Queen Street
Aberdeen
AB10 1ZA

101 or 01224 306481

Dear Kenny

TEMPORARY SUSPENSION OF DRINKING IN PUBLIC PLACES BYELAW

I refer to the above subject and to your recent communication regarding your request that consideration be given to suspending the byelaw prohibiting the consumption of alcohol in public place, for the forthcoming BP Big Screens event planned for Duthie Park, Aberdeen on Tuesday 15 July 2014.

Having considered the circumstances, I have no objection to the Byelaw being suspended between 6 pm and 11 pm on the aforementioned date within the confines of the main grass area of Duthie Park, providing that the conditions of the same events between 2006 and 2013 are adhered to.

To ensure that the concert takes place without issue, as has been the case in the past few years, these conditions include the active discouragement of:

- persons bringing glass bottles and cans into the park and the regular collection of litter throughout the event. Adequate risks assessment is also required, along with amendments to signage within the area affected.

In addition, I am aware that in previous years an Occasional Licence has been applied for in respect of the corporate facility at the event and I trust this will be the case again with the same format proposed.

scotland.police.uk  @PoliceScotland  PoliceScotland

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2.

I look forward to continuing to work with your representatives planning this and other events and wish you every success with this particular venture.

Yours sincerely

Adrian Watson
Chief Superintendent
Divisional Commander

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Office and Procurator Fiscal Service
Procurator Fiscal's Office, Atholl House, 84-88 Guild Street,
Aberdeen, AB11 6QA



KENNY LUKE
BIG SCREEN EVENTS
ABERDEEN CITY COUNCIL
ENTERPRISE PLANNING & INFRASTRUCTURE
BUSINESS HUB 10
SECOND FLOUR SOUTH
MARISCHAL COLLEGE
BROAD STREET
ABERDEEN AB10 1AB

Tel: 01224 578 965
RNID Typetalk prefix: 18001

Fax:

Your ref: P&OS/KL2013
Our ref:

2 December 2013

Dear Mr Luke

**BP BIG SCREEN EVENTS DUTHIE PARK – 15 JULY 2014
SUSPENSION OF DRINKING IN PUBLIC PLACES BYELAW**

Thank you for your letter of 25 November 2013.

I understand that the BP La Boheme Event is to take place in the Duthie Park on Tuesday, 15 July 2014. Whilst the suspension of the Byelaw is a matter for the Council, in the circumstances, I confirm that I would have no objection if it were suspended for the purposes of the Event.

I trust this is of assistance.

Yours sincerely

A SHANKS
Procurator Fiscal



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