

# Public Document Pack



To: All Members of the Council

Town House,  
ABERDEEN, 16 June 2015

## COUNCIL

The Members of the **COUNCIL** are requested to meet in Council Chamber - Town House on **WEDNESDAY, 24 JUNE 2015 at 10.30 am.**

RODERICK MACBEATH  
SENIOR DEMOCRATIC SERVICES MANAGER

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## BUSINESS

- 1 Admission of Burgesses
- 2 Determination of Exempt Business and Urgent Business
- 3 Requests for Deputations

## MINUTES OF COUNCIL

- 4(a) Minute of Meeting of Council of 13 May 2015 - for approval (circulated separately)

### BUSINESS STATEMENT, MOTIONS LIST AND OTHER MINUTES

- 5(a) Business Statement (Pages 1 - 8)

- 5(b) Motions List (Pages 9 - 12)

- 5(c) Minute of Meeting of the City Centre Regeneration Working Group of 17 February 2015 - for information (Pages 13 - 18)

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

- 6 None to date

## GENERAL BUSINESS

- 7(a) Aberdeen City Centre Masterplan and Delivery Programme (Pages 19 - 24)

**Background papers are available at:-**

[http://www.aberdeencity.gov.uk/council\\_government/shaping\\_aberdeen/City\\_Centre\\_Masterplan.asp](http://www.aberdeencity.gov.uk/council_government/shaping_aberdeen/City_Centre_Masterplan.asp)

- 7(b) Aberdeen Community Planning Developments (Pages 25 - 30)

- 7(c) Fairer Aberdeen Fund Progress Report (Pages 31 - 42)

- 7(d) Petitions Committee - Review (Pages 43 - 64)

- 7(e) Local Authority Community Covenant - Motion by Councillor Thomson (Pages 65 - 68)

- 7(f) Appointments (Pages 69 - 70)

- 7(g) Big Noise Torry Progress Report (Pages 71 - 82)

- 7(h) Treasury Management Policy and Strategy - referred by Finance, Policy and Resources Committee of 9 June 2015 (Pages 83 - 86)

- 7(i) Written Decision of Standards Commission Hearing (Pages 87 - 98)

## MOTIONS

8(a) Councillor Young

“That this Council congratulates Alan McRae on his election as President of the Scottish Football Association and encourages the Scottish Football Association to continue to work with the Council to foster football in our communities within Aberdeen at youth, amateur and professional level.”

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

9(a) Sport Aberdeen - Appointment of Board Members (Pages 99 - 108)

9(b) Broadford Works (report to follow) (Pages 109 - 110)

9(c) Minutes of Meetings of Social Work Complaints Review Committee of 13 and 20 May 2015 - for approval (Pages 111 - 126)

**Please note the Director's foreword for the minute of 13 May 2015 is to follow**

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

Should you require any further information about this agenda, please contact Martyn Orchard, tel 01224 523097 or email [morchard@aberdeencity.gov.uk](mailto:morchard@aberdeencity.gov.uk)

## Briefing for Elected Members on the Importance of EHRIAs

As an elected member, you will know you have an important role to play in championing equality within and outside Aberdeen City Council. There is also a scrutiny role for you to ensure that equality considerations are included in the decision making and governance of the council.

In exercising your duties as an elected member, you will make decisions which shape the council budget as well as the practice, strategies, plans and policies of the council. You have to make sure that the relevant equality implications are considered and so need to have sufficient information to satisfy our legal requirement to pay “due regard” to equality. Since public authorities subject to the equality duties are also likely to be subject to the obligations under the Human Rights Act, our impact assessment tool also considers the potential impact our decisions could have on human rights – Equality and Human Rights Impact Assessment (EHRIA).

EHRIA forms are included in the agenda pack, and this is important as it ensures that the impact of any proposals being considered by the Committee is clear at the point of decision making. These are included at the back of the report, as an appendix. Committee members should feel able to ask questions of report authors in relation to EHRIA forms, including questions about why an impact assessment has not been carried out/is not included.

There is an onus on elected members to make sure that EHRIAs are robust and give appropriate weighting in decision-making processes. In recent guidance from the Equality and Human Rights Commission, relevant case law examples show the Courts stating that, the public authority had to demonstrate that it had paid ‘due regard’ to its equality obligations.

Policies and practices should be assessed for impact across the three parts of the public sector duty (eliminate unlawful treatment, advance equality of opportunity and foster good relationships).

These duties do not prevent us from taking many difficult decisions such as reorganisations and relocations, redundancies, and service reductions, nor do they stop us from making decisions, that may affect one group more than others. Whilst we have a duty to involve groups of people who have protected characteristics, this does not give them the right of veto regarding any of our budget proposals or other council decisions.

What the equality duties do is enable us to demonstrate that we are making decisions in a fair, transparent and accountable way, considering the needs and the rights of different members of our communities.

The EHRIA will allow you to see that people with protected characteristics are enjoying equal access to our services, and where they are not, or are over/under-represented, or are not getting as good a service, the EHRIA gives the opportunity to do something to resolve the situation.

The equality target groups, or people with protected characteristics, include age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex (gender) and sexual orientation.

The sort of questions to ask yourself as you read an EHRIA might include:

- How might the proposal impact on ethnic minority communities, including Gypsy / Travellers?
- How might the proposal impact on people with a disability?
- Would the impacts on women and men or the Transgender community differ?
- Would the proposal affect ethnic minority women and men in the same ways?
- Would the proposal affect women and men with disabilities in the same ways?
- What about age considerations when thinking about impacts?

It is important to remember that the potential impact is not just about numbers. Evidence of a serious impact on a small number of individuals is just as important as something that will impact on many people. You should also think about how individual proposals might relate to one another. This is because a series of changes to different policies or services could have a severe impact on particular protected groups.

The EHRIA is therefore an invaluable tool to assist you in ensuring that the interests of all groups are properly taken into account when difficult choices about resources are required.

**A case study on “Southall Black Sisters – the need to impact assess decisions” is set out below.**

Southall Black Sisters (SBS) provides specialist services to Asian and Black Caribbean women, particularly in relation to domestic violence issues.

In June 2007, Ealing council announced proposals to move away from funding particular organisations (such as SBS), towards commissioning services (including domestic violence services) following a competitive bidding exercise.

During discussions about criteria for commissioning domestic violence services SBS had highlighted the adverse impact the criteria could have on pre-existing domestic violence services provided to women from ethnic minority communities, and so an equality impact assessment should be carried out.

Ealing carried out belated impact assessments on proposals before deciding to proceed with the existing domestic violence services commissioning criteria, resulting in two SBS service users launching a judicial review of the decision.

Ultimately, Ealing conceded these submissions and withdrew from the case. However, in an oral judgement, Lord Justice Moses reiterated the importance of undertaking an equality impact assessment, and also the importance of carrying out an impact assessment before policy formulation.

Should you require any help with EHRIAs please contact me at [sandrab@aberdeencity.gov.uk](mailto:sandrab@aberdeencity.gov.uk) or 01224 523039 or Faiza at [fnacef@aberdeencity.gov.uk](mailto:fnacef@aberdeencity.gov.uk) or 01224 523183

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**COUNCIL  
BUSINESS STATEMENT**

**24 JUNE 2015**

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.

Reports which are overdue are shaded

<u>No.</u>	<u>Minute Reference</u>	<u>Council/Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>
1.	Council 05.03.14 Article 21	<b><u>Broad Street Civic Square Assessment</u></b> The Council, amongst other things, resolved (1) to agree that option C - full pedestrianisation of Broad Street between Upperkirkgate and Queen Street - best meets the objectives of the project and acknowledge that this option is reliant on additional traffic management measures; (2) to instruct officers to report back on the details of the draft Traffic Regulation Order within six months; and (3) to instruct officers to also report back within six months on the outcomes of the future year traffic and air quality model testing for 2023; and (4) to instruct officers to investigate the feasibility of reopening the Castlegate to traffic and opening Queen Street at the junction of West North Street and include their findings in the above report, and enter into discussions with Muse Developments with regard to maximising views of Provost Skene's House from Broad Street.	At its meeting of 8 October 2014, the Council approved the planning application for Marischal Square and noted that the proposal to pedestrianise Broad Street was not being considered as part of the determination of the application. Officers are continuing to investigate options, including appropriate traffic modelling, for creating a more user-friendly pedestrian environment to form a civic space on Broad Street in advance of the pedestrianisation of Union Street. That work is being carried out in tandem with the development of the city centre masterplan and development framework.	Director of Communities, Housing and Infrastructure	20.08.14

<u>No.</u>	<u>Minute Reference</u>	<u>Council/Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>
2.	Council 20.08.14 Article 6	<p><b><u>Corporate Parenting Champions Board</u></b></p> <p>The Council agreed to receive reports on the remit and membership of the Corporate Parenting Champions Board and the Sistema Partnership Board at its meeting on 8 October 2014.</p> <p><b><u>Sistema Partnership Board</u></b></p> <p>The Council agreed to receive reports on the remit and membership of the Corporate Parenting Champions Board and the Sistema Partnership Board at its meeting on 8 October 2014.</p>	<p>The Corporate Parenting Champions Board met in September 2014 and requested officers to report back on its remit, this will therefore be considered by the Council once the Board has considered the matter further.</p> <p>The Corporate Parenting Champions Board will be included within the Corporate Parenting report scheduled to be submitted to Council on 19 August 2015.</p> <p>The Sistema Partnership Board/Big Noise Torry Strategic Group has now met three times. Its role is to ensure that the partnership between the Council and Sistema Scotland can be as strong as possible; that decision-making can be simplified, resources made available and capacity assured to achieve a successful launch and operation. The Operational Group is now in place to support the team in the Torry community and the first musicians will begin their induction programme, in the existing two Sistema Scotland Big Noise centres and in Torry, from next month. Plans are progressing for the launch concert at the end of June in Torry.</p> <p>The Council, at its meeting of 13 May 2015, instructed officers to submit a</p>	Director of Education and Children's Services	08.10.14



<u>No.</u>	<u>Minute Reference</u>	<u>Council/Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>
			report on the outstanding matters before the item could be removed from the business statement. A report is on the agenda.		
3.	Council 14.05.14 Article 30	<b><u>Corporate Parenting</u></b> The Council instructed officers to report back on the implementation and review of the Corporate Parenting Policy in May 2015.	A report is expected to be submitted to the Council meeting on 19 August 2015.	Director of Education and Children's Services	<b>13.05.15</b>
4.	Council 04.03.15 Article 13	<b><u>Aberdeen Sports Village - Recruitment of Board Member</u></b> The Council delegated authority to the selection panel to select their preferred candidate, and instructed that a report be submitted to the Council meeting on 13 May 2015 for approval.	Interviews are due to be held in late June, therefore it will not be possible to report to the Council meeting on 24 June 2015. A report will be submitted to the Council meeting on 19 August 2015.	Director of Education and Children's Services	<b>13.05.15</b>
5.	Council 21.08.13 Article 17	<b><u>Street Begging</u></b> 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 of 25 June 2014, resolved:- (i) to note the decision of the SNP Scottish Government to reject the request for the Prohibition of Begging in Designated Areas Byelaws 2014 as set out in the letter dated 20 June 2014; (ii) in light of the response from the Scottish Government declining to	Director of Communities, Housing and Infrastructure Director of Corporate Governance	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>
			<p>support a proposed byelaw, to instruct officers to develop alternative sustainable solutions to the use of the proposed byelaw working in partnership with Police Scotland and other appropriate stakeholders; and</p> <p>(iii) to instruct the Chief Executive to write to the appropriate Scottish Minister seeking financial and non-financial support to develop sustainable solutions to tackle street begging.</p> <p>An update report was considered at the Council meeting of 13 May 2015. The Council noted the content of a letter sent to Michael Mathieson MSP, Cabinet Secretary for Justice, confirming the request for financial support for an assertive outreach worker to tackle the issue of street begging and further assist with the comprehensive street begging strategy.</p> <p>No response has been received from the Scottish Government in response to the letter. A further update shall be provided once a response has been received.</p>		
6.	Council 21.08.13 Article 9	<b><u>Establishment of Short-term Halting Sites for Gypsies/Travellers and Proposed Byelaw Regarding Camping in Designated Areas</u></b>	The Asset Management team are continuing to identify alternative and additional sites both in the public and private sector.	Chief Executive Director of Communities,	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>
	<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 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>At its meeting of 17 December 2014, the Council resolved:-</p> <p>(i) to note the letter dated 31 October 2014 from the Scottish Government confirming that Scottish Ministers have decided not to confirm the byelaws requested by the Council;</p> <p>(ii) to note the East Loch Lomond Camping Byelaws approved by Scottish Ministers on 10 March 2011 which comply with the general duty of the Equality Act 2010;</p> <p>(iii) to instruct the Chief Executive to work with all interested parties including those who objected to the byelaws and liaise with the Loch Lomond and the Trossachs National Park Authority to consider the issues experienced in Aberdeen and to report back to the Council at its meeting on <b>24 June 2015</b> with all available options to address those issues; and</p> <p>(iv) to instruct the Chief Executive to provide a report on the progress made on the implementation of the instruction contained in (iii) above to the Council meeting on 4 March 2015.</p> <p>The Council noted a progress report on 4 March 2015.</p> <p>A report will be contained within the Information Bulletin which complies with</p>	<p>Housing and Infrastructure Director of Corporate Governance</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>
			the Council instruction in December 2014. This also outlines the approach being developed at a national level through the Scottish Government.		
7.	Council 31.10.13 Article 14	<b><u>City Centre Regeneration Board</u></b> 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 centre, and to provide updates on progress to Council each cycle.	The Council, at its meeting of 25 June 2014, resolved:- (i) to note the work of the City Centre Regeneration Board; (ii) to approve the proposed nine month programme for the preparation of the City Centre Masterplan and Delivery Programme; and (iii) to approve the outcome of the evaluation process and the appointment of Tenderer B, in line with the recommendation of the City Centre Regeneration Board.  Minutes of meetings of the City Centre Regeneration Board will be on the agenda when available.  A report is on the agenda.	Director of Communities, Housing and Infrastructure	Every Council meeting
8.	Council 31.10.13 Article 17	<b><u>Community Planning Aberdeen - Development Plan</u></b> The Council agreed to receive six monthly updates on progress with the implementation of the Development Plan.	The Council received the last six month progress report on 17 December 2014.  A report is on the agenda.	Director of Communities, Housing and Infrastructure	24.06.15

<u>No.</u>	<u>Minute Reference</u>	<u>Council/Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>
9.	Finance and Resources 12.11.09 Article 22	<p><b><u>Community Planning Partnership - Fairer Aberdeen Fund</u></b></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 (now Fairer Aberdeen Fund).</p>	<p>The Council received the last six month progress report on 17 December 2014.</p> <p>A report is on the agenda.</p>	Director of Communities, Housing and Infrastructure	24.06.15
10.	Council 08.10.14 Article 16	<p><b><u>Bon Accord Care Annual Report</u></b></p> <p>The Council noted the Bon Accord Care Annual Report for 1 August 2013 to 31 July 2014, and agreed to receive each annual report from Bon Accord Care Ltd.</p>		Chief Executive	October 2015
11.	Council 08.10.14 Article 13	<p><b><u>Standing Orders on Contracts and Procurement</u></b></p> <p>The Council noted that legislation which would require to be reflected in revisions to the Standing Orders on Contracts and Procurement was expected during 2015 and that a report would be submitted thereafter.</p>		Director of Corporate Governance	Late 2015

<u>No.</u>	<u>Minute Reference</u>	<u>Council/Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>
12.	Council 06.03.13 Article 16	<p><b><u>Welfare Reform</u></b></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 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 July 2013.</p> <p>A progress report was noted by the Council on 21 August 2013. A further report was contained within the Information Bulletin for the Council meeting on 14 May 2014.</p> <p>An update was expected to be provided at the end of the 2014/15 financial year.</p>	Director of Communities, Housing and Infrastructure	As and when required

**COUNCIL  
MOTIONS LIST  
24 JUNE 2015**

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.

**Reports on motions which are overdue are shaded**

<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>
1.	<p><b><u>Motion by Councillor Thomson</u></b></p> <p>“That this Council:-</p> <p>(1) Restates its commitment to the Local Authority Community Covenant which ensures that Aberdeen City Council supports the local armed forces community.</p> <p>(2) Recognises the enormous contribution that the Armed Forces make and the sacrifices that the Armed Forces and their families make every day for the safety and security of our country.</p> <p>(3) To recognise the contribution made by our Armed Forces, agrees to request a report examining what more Aberdeen City Council can do to support our armed forces and</p>	20.08.14 Article 10	The Council (i) instructed officers to submit a report to the next Council meeting; and (ii) accepted the offer from the Armed Services Advice Project to deliver a presentation to members at a future meeting.	At the Council meeting of 8 October 2014, members noted a report which advised that it was intended that representatives of Royal British Legion Scotland, other signatories to the Covenant and other relevant organisations be invited to meet with the Lord Provost as the Council's Veterans Champion both to discuss the envisaged protocol and what additional actions the Council might take in order to support the armed forces and veterans community in Aberdeen. A further report would then be brought to a future meeting of the Council.	Chief Executive Director of Communities, Housing and Infrastructure	<b>4 March 2015</b>

<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>
	<p>veterans community across the services it provides.</p> <p>(4) Instructs officers to engage with neighbouring authorities on their allocation of housing to members of the Armed Forces.</p> <p>(5) Instructs officers to meet with Legion Scotland and to establish a protocol for an ongoing relationship between the Council, Legion Scotland and other pertinent organisations.</p> <p>(6) Congratulates and welcomes the Armed Services Advice Project (ASAP) provided by the Scottish Citizens Advice Bureau which is a focal point for the city's armed forces community for access to advice, information and support."</p>			<p>Infrastructure Committee of 28 October 2014.</p> <p>The Lord Provost, as the Council's Veterans Champion, is currently working closely with all relevant organisations in relation to the City's Armed Forces Day celebrations to be held on 27 June 2015.</p> <p>A report is on the agenda.</p>		
2.	<p><b><u>Motion by Lord Provost George Adam</u></b></p> <p>"That Aberdeen City Council agrees to take forward approaches from associates of the local fishing industry to create an appropriate</p>	17.12.14	To approve the terms of the motion.	A report was on the agenda at the Council meeting of 13 May 2015 however it was withdrawn from the agenda at the meeting.	Director of Education and Children's Services	13 May 2015



<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>
	<p>and lasting memorial to the men and women who lived, worked and died in it, in peace time and war, and to commemorate the major contribution which fishing has made to the city's life and heritage. Officers are instructed to report on the establishment of a small working group, the scope of a commission and confirmation of a budget with a view to obtaining additional contributions to build on external funds already secured."</p>					

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**CITY CENTRE REGENERATION WORKING GROUP  
MINUTE OF MEETING OF 17 FEBRUARY 2015**

**In attendance:**

Councillor Boulton, Chair; Councillors Laing, McCaig, Thomson, Yuill and Young; Bob Collier, Aberdeen and Grampian Chamber of Commerce; Colin Crosby, ACSEF, Steve Harris, Visit Aberdeen; Richard Noble, Aberdeen Inspired and Derek McCrindle, Scottish Enterprise. Officers –Angela Scott, Takki Sulaiman, Louise MacSween, Andrew Win, and Lynsey McBain.

**Also in attendance:** Scott Mackenzie and Christian Nielsen, BDP; Malcolm Hewines, Montagu Evans; Chris Paddock, Regenerus Consulting and Russell Henderson, AECOM.

No.	Agenda Item	Notes of Discussion	Action / Decisions	By Whom
1.	Welcome & Apologies	Apologies were received from David Leslie, Aberdeen City Council and Professor Ferdinand Von Prondzynski, Robert Gordon University.	Noted	
2.	Minute of Previous Meeting of 28 November 2014	<p>Bob Collier highlighted that item 2 was not accurate and as a result meant that the minute was not correct as stated at item 3.</p> <p>The Chairperson indicated that at item 4 of the minute, Feedback from City Centre Working Group members, the event was held in Cults and not Culter.</p>	<p>Note the comments.</p> <p>Minute agreed.</p> <p>Amend minute of previous meeting</p>	<p>L McBain</p> <p>L McBain</p>
3.	Draft Masterplan and Delivery Programme	<p>The Working Group received a presentation from BDP which contained information on the Draft Masterplan and Delivery Programme for Aberdeen.</p> <p>Before the presentation commenced, Scott explained that over the last 6 months they had worked to collate people's views and feedback on the changes needed to Aberdeen and advised that this was the first version of the Masterplan which was confidential.</p> <p><u>PRESENTATION</u></p> <p>Scott explained that for phase 1 was to re-energise the</p>		

No.	Agenda Item	Notes of Discussion	Action / Decisions	By Whom
		<p>city centre and advised that the Masterplan needed to be bold, vibrant, ambitious and particular to Aberdeen. This would be a 20 year programme and had to be robust, costed and an achievable delivery programme. They aimed to achieve economic prosperity, creating jobs and bringing people back to live, work and socialise in the city centre. The vision was for Aberdeen to be “A city centre for a global city.”</p> <p>The presentation then focused on strategic policy themes which had been developed, namely economy, community, environment and infrastructure.</p> <p><u>Economy</u> – the city centre should be the heart of Aberdeen and Aberdeenshire economy and the economic strategy recognises that a mix of interventions would bring together a broad constituency of partners. It was noted that the tourism sector was required to be worked on.</p> <p><u>Community</u> – a city for people – aimed to create a more desirable and inclusive city centre where more people would choose city living, improve the retail environment, create a public service hub and also improve the culture and leisure facilities.</p> <p><u>Environment</u> – <u>Light of the North</u> – aimed to conserve and enhance buildings by using special lighting.</p> <p><u>Infrastructure</u> – <u>The Connected City</u> – Russell Henderson explained that the focus within the city centre would be for walking and cycling. At the moment the city centre is easily accessible for cars but not ideal for people on foot. It was noted that in Scotland,</p>		

No.	Agenda Item	Notes of Discussion	Action / Decisions	By Whom
		<p>people felt that pedestrianisation was better and more enjoyable. In regards to infrastructure, it was explained that various things would be looked at:-</p> <ul style="list-style-type: none"> <li>• Re-imagine car movement within the city centre</li> <li>• Pedestrian and cycle friendly streets</li> <li>• Improve bus travel</li> <li>• Expand the rail network</li> <li>• Ensure a resilient utilities infrastructure.</li> </ul> <p>Finally Russell advised that they were not looking to exclude cars from the city centre but to restrict where they could go.</p> <p><u>MASTERPLAN</u></p> <p>Christian Nielsen then spoke the Working Group through the various options that were being proposed in regards to the city centre Masterplan. Proposed changes included:-</p> <ul style="list-style-type: none"> <li>• Queen's Square</li> <li>• Castlegate/Castehill</li> <li>• South Dee</li> <li>• Denburn Valley</li> <li>• Hotel Academy</li> <li>• Woolmanhill</li> </ul> <p>Malcolm Hewines, Montagu Evans then spoke the Working Group through the delivery plan for the Masterplan and advised that there would be many delivery agents to the Masterplan and highlighted how all of these partners would be required to work together for the effective delivery of the plan. Delivery agents included Aberdeen City Council, Scottish Government, NESTRANS, Scottish Enterprise, developers, landowners and the community. Malcolm also</p>		

No.	Agenda Item	Notes of Discussion	Action / Decisions	By Whom
		<p>explained how all of the projects totalled over £1billion and highlighted that there were more than 10 major projects being proposed.</p> <p><b>QUESTIONS</b>  Following the presentation, members of the Working Group asked a number of questions in regards to the proposals. Members queried whether the plan was too big and whether it should be concentrating on fewer changes. Scott MacKenzie explained that all of the proposals have come from listening to the public and asking what changes they wanted to see within the city centre. Scott once again highlighted that this was the first draft of the plan, with 33 proposals, however indicated that not all of these proposals would go any further.</p> <p>Councillor Ross Thompson queried how it would be possible to demonstrate the 33 different proposals to the public during the consultation exercise,</p> <p>Councillor McCaig questioned why the beach was not included in the plan. Scott explained that whilst they aimed to improve connections to the beach, the city centre stops at the beach and suggested that a beach Masterplan be looked into at a later date.</p> <p>Various members showed their support for the plan. Bob Collier suggested that some of the proposals be mixed together to cut the number down from 33.</p> <p>Councillor Young questioned where the proposals had come from and if it was officers suggestions or had a lot of it came from talking to the public. Malcolm indicated</p>		

No.	Agenda Item	Notes of Discussion	Action / Decisions	By Whom
		<p>that it was a mixing pot and explained that following the consultation period, changes could be made to the Masterplan. Scott advised that the themes and objectives had come from previous consultation and they went away and developed them based on what had been suggested.</p> <p>Colin Crosby asked various questions in regards to the transportation aspect and was unsure how to get people into the city centre again to use facilities if cars were not allowed.</p> <p>Richard Noble commended the amount of information presentation to the Working Group and asked whether BDP were looking for feedback from members. Andrew Win explained that there was a three week window before the public consultation would commence, and highlighted how council officers were working alongside BDP. Members then asked how they could feed into the proposals and it was suggested that members contact Louise MacSween directly to provide feedback. Louise explained that she would be available to go through the proposals again with members should they wish it, as the presentation would not be made available at this stage. The clerk agreed to email the members with Louise MacSween's contact details and they would get in touch with Louise in regards to feedback and going through the proposals.</p> <p>Finally discussions focused on the media and how the Masterplan would be presented to the press. Takki Sulaiman, Head of Communications and Promotions spoke to the Working Group about the use of the media and how the council website could be used during</p>	<p>The clerk to email all members with Louise MacSween contact details.</p> <p>Members to contact Louise with any feedback</p>	<p>L McBain</p> <p>All members</p>

No.	Agenda Item	Notes of Discussion	Action / Decisions	By Whom
		<p>consultation.</p> <p>Councillor Boulton concluded the meeting by providing a summary of the meeting. She explained (1) that not one particular person was responsible for the Masterplan and that lots of stakeholders were involved; (2) that the beach had to be removed from the city centre Masterplan as it was unmanageable and (3) advised that there was a lot to be commended. Councillor Boulton thanked everyone for their hard work to date.</p>		
4.	<b>Date of Next Meeting – 2.00pm, Tuesday 21 April 2015</b>			



## ABERDEEN CITY COUNCIL

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COMMITTEE	Council
DATE	24 <sup>th</sup> June 2015
LEAD OFFICER	Chief Executive
TITLE OF REPORT	Aberdeen City Centre Masterplan and Delivery Programme
REPORT NUMBER	OCE/15/021
CHECKLIST COMPLETED	Yes

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### 1. PURPOSE OF REPORT

The report brings before the Council the Aberdeen City Centre Masterplan and Delivery Programme (CCMDP) completed on behalf of the City Council by BDP and their consortium of multi-disciplinary consultants.

### 2. RECOMMENDATIONS

That the Council resolves:-

- i) to agree the Aberdeen City Centre Masterplan and Delivery Programme;

and if recommendation i) is approved,

- ii) to note the impact the City Centre Masterplan will have in informing all relevant policies, strategies and plans either for which the Council has a statutory responsibility or which the Council itself agrees and implements;
- iii) to agree that officers will undertake a review of the Council's financial strategies in relation to the capital plan, the Common Good and asset acquisition and disposal in light of the City Centre Masterplan and Delivery Programme and report to Committee with recommended changes as necessary;
- iv) to agree in principle the interventions set out in the City Centre Masterplan and Delivery Programme, noting that due diligence will be undertaken in relation to the financial, legal and all other implications on each project or programme of activity contained within the City Centre Masterplan that it falls to the Council to

deliver with the results of this due diligence being reported to Committee ahead of any decision being taken to proceed;

- v) to agree that the Chief Executive will report to Council at its meeting on 19<sup>th</sup> August 2015 on the establishment of an in-house officer team to facilitate the implementation of the Delivery Plan;
- vi) to agree that the Chief Executive will report to Council on 19<sup>th</sup> August 2015 on the governance arrangements for the establishment of an Aberdeen City Centre Masterplan Reference Group;
- vii) to agree that the Chief Executive will report to the Finance, Policy and Resources Committee on 15<sup>th</sup> September 2015 a proposed programme of enabling works and activities;
- viii) to agree that regular update reports on the Aberdeen City Centre Masterplan and Delivery Programme will be brought to Council; and
- ix) to agree that the Aberdeen City Centre Masterplan and Delivery Programme be shared with all relevant partner organisations.

### 3. FINANCIAL IMPLICATIONS

At its meeting on 18<sup>th</sup> December 2013 the Council agreed that up to £750,000 for the development of the CCMDP be allocated from the financing set aside for the City Centre Infrastructure Fund. BDP costed the nine month project for the development of the CCMDP at £572,070. A contribution of £190,690 towards the costs of the work has begun to be received in instalments from Scottish Enterprise. BDP and their consortium of multi-disciplinary consultants have completed their work within the budget allocated to them following the approval of their appointment at the Council's meeting on 25<sup>th</sup> June 2014.

Members will be aware that the Non-Housing Capital Programme includes a sum of £19,250,000 in 2016/2017 for City Centre Regeneration. A report will be brought to the Finance, Policy and Resources Committee of 15<sup>th</sup> September 2015 with a proposed programme of enabling works and activities to be undertaken in support of the CCMDP.

More generally, the adoption of the City Centre Masterplan will inform a review of the Council's financial strategies in relation to the capital plan, the Common Good and asset acquisition and disposal. Reports will be brought to Committee as required.

Any request to Committee to proceed with an individual project or activity derived from the CCMDP will be underpinned by financial due diligence having been undertaken on the proposal.

#### 4. OTHER IMPLICATIONS

As with paragraph 3 above, any request to Committee to proceed with an individual project or activity derived from the CCMDP will be underpinned by legal due diligence having been undertaken on the proposal. In addition, all required statutory processes will be addressed.

Reports will be brought to Council in August 2015 in relation both to the establishment of an in-house officer team to facilitate the implementation of the Delivery Programme and to the governance arrangements necessary for the establishment of an Aberdeen City Masterplan and Delivery Programme Reference Group.

As required by legislation a Strategic Environmental Assessment screening report has been undertaken on the CCMDP.

#### 5. BACKGROUND/MAIN ISSUES

At its meeting of 18<sup>th</sup> December 2013 the Council had before it a report by the Chief Executive following the first meeting of the City Centre Regeneration Board (OCE/13/042). Council agreed that up to £750,000 towards the costs of a proposed masterplan for the city centre be underwritten from the financing set aside for the City Centre Infrastructure Fund established in relation to the delivery of the Strategic Infrastructure Plan.

At its meeting of 25<sup>th</sup> June 2014 the Council considered a report by the Director of Enterprise, Planning and Infrastructure which outlined the procurement process undertaken in relation to selecting a company to prepare the CCMDP (EPI/14/168). The Council approved the award of the contract to the successful tenderer – BDP supported by a consortium of multi-disciplinary consultants.

The objectives of the Masterplan and Delivery Programme were detailed as being to:

- create a bold vision with respect to the continued development of Aberdeen as a vibrant, attractive, prosperous, sustainable and smart 21<sup>st</sup> century energy city of international repute; and
- produce an innovative, ambitious, and distinctive design proposal for the heart of Aberdeen that will act as a key transformational agent for the city, which integrates with the broader framework for the centre, embeds the principles of

sustainability and which has sufficient flexibility to provide long-term relevance.

The Aberdeen City Centre Masterplan and Delivery Programme has now been completed by BDP and team.

The CCMDP project has been worked through in four stages; inception and baseline; design development of options, draft masterplan and draft delivery programme; design refinement and final reports.

Throughout the project, the consultancy team held three rounds of consultation with stakeholders and the public; an initial discussion in September 2014 on people's priorities and aspirations; masterplan vision, objectives, projects and spatial strategy in November 2014 and the draft masterplan in March/April 2015. Taking into consideration the feedback received through the consultations, BDP have now prepared the final masterplan and delivery programme along with a number of supporting documents all of which are now presented to the Council.

As members will see from the documentation produced by BDP, the Masterplan is structured around a vision for the city centre; a purpose for the CCMDP; four themes; eight objectives and eight areas of intervention.

Vision: Aberdeen: a city centre for a global city

Purpose: Energising the city centre to deliver prosperity and better quality of life for all

Themes: More than Energy (economy)  
Light of the North (environment)  
Connected City (infrastructure)  
City for People (community)

Objectives: changing perceptions  
growing the city centre employment base  
a metropolitan outlook  
a living city for everyone  
made in Aberdeen  
revealing waterfronts  
technology advanced and environmentally responsible  
culturally distinctive

Intervention: Denburn Valley  
Heart of the City  
Queen's Square  
Union Street West  
Station Gateway  
Castlegate/Castlehill  
North Dee

## South Dee

It is recommended that the Council agrees the Aberdeen City Centre Masterplan and Delivery Programme.

The CCMDP aligns with both the adopted Aberdeen City and Shire Strategic Development Plan and the proposed Aberdeen Local Development Plan and will influence other strategies, for example those relating to transport. In this regard, the Aberdeen City Centre Sustainable Urban Mobility Plan will be incorporated into the updating of the Local Transport Strategy. Members are asked to note that the CCMDP will inform all relevant policies, strategies and plans either for which the Council has a statutory responsibility or which the Council itself agrees and implements.

The implementation of the Masterplan and its Delivery Programme will require leadership and ownership within the Council. A report will be brought to the Council at its meeting on 19<sup>th</sup> August 2015 on the establishment of an in-house officer team to undertake this work.

To be truly successful, the CCMDP can not simply lie with the Council. The centrality of its ambition for Aberdeen should be recognised and supported by all relevant stakeholders and partners. A further report will be brought to the Council at its meeting on 19<sup>th</sup> August 2015 on the governance arrangements for the establishment of an Aberdeen City Centre Masterplan Reference Group.

It is envisaged that the proposed Group would play a key role both in continuing the open engagement and discussion which featured during the development of the CCMDP and in monitoring and reporting on its delivery.

The CCMDP sets out a long-term vision for the development of Aberdeen's city centre which will be delivered over a number of years. A programme of enabling works and activities will be devised and delivered over the coming 18 to 24 months as a tangible signal that the city centre is changing. A report will be brought to the Finance, Policy and Resources Committee on 15<sup>th</sup> September 2015 with a proposed programme.

### 6. IMPACT

Adopting the CCMDP will have a direct positive impact on the Council's delivery of the *Aberdeen – The Smarter City* policy statement and the City's Single Outcome Agreement.

The regeneration of the city centre is a key priority of the Strategic Infrastructure Plan and is a central plank of the City Region Deal bid to the UK and Scottish Governments.

An Equality and Human Rights Impact Assessment has been undertaken on the CCMDP.

## 7. MANAGEMENT OF RISK

The risks inherent in not addressing the regeneration of the city centre are set out in the Strategic Infrastructure Plan. In view of the fact that the regeneration of the city centre is widely supported, there is a reputational risk to the Council if no improvements are made.

Each individual project or activity proposed for the Council to undertake in relation to the CCMDP will be subject to risk assessment.

## 8. BACKGROUND PAPERS

- Executive Summary
- Masterplan Report
- Denburn Valley Design Workbook
- Appendix A: Stakeholder Consultation Report
- Appendix B: Aberdeen City Centre Sustainable Urban Mobility Plan (SUMP), consultative draft
- *Appendix C: Delivery Plan (exempt)*
- *Appendix D: Business Case (exempt)*
- Appendix E: Delivery Structures
- Appendix F: Baseline Summary
- Appendix G: Baseline Report - Culture, Tourism and Visitor Economy
- Appendix H: Baseline Report - Flood Risk and Drainage
- Appendix I: Baseline Report - Peer Cities Review
- Appendix J: Baseline Report - Property Market Review
- Appendix K: Baseline Report - Socio-economic Review
- Appendix L: Baseline Report - Townscape Review
- Appendix M: Baseline Report - Transport Review
- Strategic Environmental Assessment (SEA) Screening Report
- Equalities and Human Rights Impact Assessment

## 9. REPORT AUTHOR DETAILS

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## ABERDEEN CITY COUNCIL

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COMMITTEE	Council
DATE	24 June 2015
DIRECTOR	Pete Leonard
TITLE OF REPORT	Aberdeen Community Planning Developments
REPORT NUMBER	CHI/15/194
CHECKLIST COMPLETED	Yes

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1. PURPOSE OF REPORT

To provide Members with a 6 month report on the developments by Community Planning Aberdeen.

2. RECOMMENDATION(S)

The Council is asked to:

a) Note the contents of the report and the actions being taken.

3. FINANCIAL IMPLICATIONS

There are no direct implications arising from this report.

4. OTHER IMPLICATIONS

Community Planning and the delivery of improved outcomes as described in the Single Outcome Agreement is of major significance to the Council and the City.

5. BACKGROUND/MAIN ISSUES

**Community Planning Aberdeen Board**

Review of Single Outcome Agreement

The agreed review and revision of the SOA has now begun and has been divided into 2 areas, the revision of the existing SOA Outcomes and the re-write of the SOA for 2016-2020

The revision of the existing SOA Outcomes:-

1. All thematic Groups were requested to review their existing Outcomes and the supporting metrics and report back to the Management Group with a robust and streamlined version for the existing SOA. These outcomes will be in use until the completion of the SAO re-write has completed
2. It was proposed that the Integrated Transport Multi-lateral Group be disbanded and work instead to support other groups in examining how they could contribute to outcome of the Thematic Groups. This will be discussed at the Community Planning Board Meeting on July 6<sup>th</sup>.

#### The re-write of the 2016 – 2020 SOA

With a background of fiscal austerity, and of review and change at a national level, evidence-based community planning will strongly influence the strategic direction of partnerships and the targeting of resources. The strategic assessment approach will form the basis of the refreshed Single Outcome Agreement and aims to allow the CPP to undertake evidence-based prioritisation and planning and better align service delivery and financial strategy. It will also take the changes in the National Performance Framework into account and acts as a forecasting tool, which can later form the basis of a Community Planning Partnership corporate risk register. The strategic assessment document and will be an important forecasting tool within the strategic process.

- i. The Business Case for a Community Planning Senior Analyst has been approved and is progressing through the HR channels towards recruitment.  
This post will lead on the production of a new strategic assessment, revisit / update data from the Partnership's strategic assessment (conducted in 2013) and provide analysis to identify any changes in the national and local context
- ii. The concern that work plans, data and metrics were not sufficiently aligned to support the necessary improvements in priority outcomes is also being addressed through the creation of the Data Group. The Group will consist of researchers and analysts from across the partners and its remit will include:-
  - i. Assisting the Senior Analyst in delivery of the Strategic Assessment
  - ii. Clarifying, develop and determine data sources
  - iii. Creating joint working and data sharing practices and processes
  - iv. Working with Thematic Groups on the collection, analysis and reporting of Outcomes



## Change to Membership

The Board is awaiting a new representative from the NHSG board. The Scottish Government Director for Aberdeen City CPP is now the Director for Fair Work.

## **Management Group**

As well as the review of the SOA, the most recent meeting of the Management Group considered Due Reports from the following areas:-

- i. **Public Sector Workforce Pressures** –The Workforce Group Commissioned the Incomes Data Service to produce a report on the Labour Market in North East Scotland and also investigate the existence of evidence to support or negate a “weighting allowance” for public sector jobs. The report was received in March 2015 and the Group intend to meet to discuss the report and possible actions and then update Community Planning.
- ii. **Third Sector Interface and ACVO** - The Chief Executive of ACVO provided an update on the survey conducted at the end of 2014. The response was 33% across Partnerships and 6% across the Third Sector. As this low return was deemed to be unusable for constructing arguments or informed decision making a second survey will now be conducted. This will be done through face to face personal interviews with Partners and a focus group discussion for Third Sector organisations.
- iii. **Countesswells Place Group** – Minutes from the January 27<sup>th</sup> meeting of the Countesswells Place Group were provided to the CPAMG. These identified sub groups to be formed in the following areas:-
  - a. Digital Place Strategy
  - b. Health and Wellbeing
  - c. Affordable Housing + for key workers
  - d. Communication and Engagement Group
  - e. Broader Private sector involvement.

The Chair of the CPAMG. Angela Scott, was tasked to formally create the PLACE group within the CPP infrastructure and also provide updates to the CPP Board and Management Group to ensure partners are sighted on actions. This is now a standing item on the Community Planning Management Group agenda

- iv. **Aberdeen Civic Forum Review** – The Civic Forum review included details of the following: -
  - a. Voting membership
  - b. Increase of Communities of Interest
  - c. Terms of Office
  - d. Production of a 3 year strategic plan
  - e. Training events
  - f. Clearer communication between the forum and Community Planning Aberdeen

The Forum requested to give a further update in April 2016

### Change to Membership

ACC Head of Economic Development and Growth is a new representative.

The Management Group are awaiting a representative from NHS Public Health

Skills Development Scotland have a place at the Management Group table and are represented by the Director of Operations

The Group are reviewing the metrics for 2014/2015 SOA and as part of that work the structure and membership will be considered and reported to a future meeting of the CPA Board for consideration.

## 6. ADDITIONAL INFORMATION

### Scottish Parliament Audit Committee – Turning Ambition into Action

On January 21<sup>st</sup> 2015, Cllr Jenny Laing (Chair of Community Planning Aberdeen Board), Adrian Watson (Representing Police Scotland) and Susan Webb (representing NHS) attended the Scottish Audit Committee to answer questions on behalf of the Community Planning Partnership. The Turning Ambition into Action report was used as a basis for the Audit Committee session. The main line of questioning revolved around the pace of change, blockages to sharing resources and budget allocation and also the requirement for a greater focus on preventative measures. A particular area of questioning focussed on discussion on a statement from the report “CPP boards are not yet fulfilling their role effectively. Strategic leadership, oversight and challenge still tend to be happening at a level, or at levels, below the CPP board. Many boards are overseeing the community planning process but are not showing leadership”.

Parliament did accept that in regards to Aberdeen City CPP that a turnover of leadership had constrained progress; particularly in relation to the strategic direction of community planning

Based on the Audit Committee’s main feedback for Aberdeen CPP the following areas of development were identified:-

- i. the need for greater accountability in the community planning process
- ii. the need for development of clear objectives for staff at all partner organisations;
- iii. the requirement for all partners to set aside senior resource to provide greater leadership and clarity in strategic direction and provide greater input towards the 2016 refresh.

- iv. The need to improve accountability and the effectiveness of CPP's

These will be considered and may influence the direction of the new SOA with regards to an increased focus on preventative spend and measures.

### Participatory Budgeting

The Community Planning Partnership have secured training from PB Partners, which has been subsidised by Scottish Government. This will allow the Partnership to begin scoping and building a community based PB event which will be funded across the Partners. The ethos of this type event sits alongside that of the Community Empowerment Bill and the Localism agenda.

## 7. IMPACT

The impact of this report is not likely to be significant as it is an update on activities being carried out in Community Planning, however, the impact of the Council's effective participation in Community Planning is of great significance.

Public – As this report is about Community Planning it will be of interest to the public however all of the information in this document is recorded and available on the Community Planning Website in the Management Group and Board minutes.

There is no request to approve a new or revised policy or practice. .

## 8. MANAGEMENT OF RISK

Risk is integral to community planning. As stated above, we are reviewing the Single Outcome Agreement and this will be built on an evidence led business model, a risk assessment will be carried out as part of the strategic assessment and will be included within the SOA. The Community Planning Partnership focus on those risks which would impact on the effectiveness of the Partnership.

There are further opportunity risks for all partners which relate to investment (time, sharing, finance, non-financial resources) in the planning, design, delivery of services and initiatives where the potential rewards in terms of improved outcomes and reduced costs are significant, but uncertain. In making such investments partners, and the Partnership, needs to apply a risk based approach.

## 9. BACKGROUND PAPERS

Single Outcome Agreement

## 10. REPORT AUTHOR DETAILS

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## ABERDEEN CITY COUNCIL

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COMMITTEE	Council
DATE	24 <sup>th</sup> June 2015
DIRECTOR	Pete Leonard
TITLE OF REPORT	Fairer Aberdeen Fund Progress Report
REPORT NUMBER:	CHI/15/195
CHECKLIST COMPLETED	Yes

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### 1. PURPOSE OF REPORT

To provide Members with a progress report on the Fairer Aberdeen Fund programme and to advise on projects currently being funded in this financial year.

### 2. RECOMMENDATION(S)

The Council is asked to:

- a) Note the information at Appendix 1 listing the initiatives being funded in 2015-16.
- b) Consider and advise the Fairer Aberdeen Board of the Committee's comments on the proposal to confirm funding for 1 year and provide indicative budgets for subsequent years, subject to the Council's annual budget process, and on organisations meeting terms and conditions of grant and delivering progress on indicators and targets agreed by the Board.

### 3. FINANCIAL IMPLICATIONS

The Fairer Scotland Fund was created by the Scottish Government in 2008, aimed at tackling poverty and deprivation. The first two years of the fund were ringfenced within the Council's budget for the Community Planning partnership in order to support partners to work together to tackle area- based and individual poverty; and to help more people access and sustain employment opportunities. In 2013 it was agreed to change the name to Fairer Aberdeen.

Following a reduction in 2011-12 the Council has agreed a sum of £1.625m each year, to be managed by the Fairer Aberdeen Board on behalf of Community Planning Aberdeen. The same sum was agreed

for 2015-16 and it is planned that it will continue at this level for the duration of the Council's current 5 Year Business Plan.

The Fairer Aberdeen Board comprises of the Chair of Community Planning Aberdeen, Cllr Jenny Laing, three Aberdeen City Councillors (Councillors Yvonne Allan, Gordon Graham and Jim Noble), one representative from Aberdeen Council for Voluntary Organisations, one representative from NHS Grampian, one representative from Police Scotland, seven representatives from priority regeneration areas (appointed through the Regeneration Matters Group), and three representatives from the Aberdeen Civic Forum. During 2015-16 the Board will be reviewing its membership roles and responsibilities.

An application process is in place to ensure funding is allocated to appropriate programmes and projects. Organisations funded by the Fairer Aberdeen Board are required to meet specific terms and conditions and comply with State Aid regulations, where required, and to comply with "Following the Public Pound " financial guidance.

#### 4. OTHER IMPLICATIONS

##### Personnel

The Fairer Aberdeen Fund provides funding for a Support Team currently comprising 1 FTE Programme Coordinator and 1 FTE Development Worker. This small team is responsible for fund allocation, reporting, evaluation of Fairer Aberdeen Fund programmes, projects and initiatives, partnership building, advising applicants, supporting the Regeneration Matters community representatives group, administering and managing the Fairer Aberdeen Fund on behalf of the Fairer Aberdeen Board.

The initiatives and programmes being funded support frontline services that are provided by the Council, Community, Voluntary and other public sector partners with 90% of the fund allocated to voluntary and community organisations. Approximately 30 FTE staff posts are funded in 50 projects. In 2013-14 943 volunteers contributed over 101,000 volunteer hours with a value of just under £1.5m\*, almost doubling the value of the Fund.

\*Volunteering time is generally valued as the average hourly pay rate in the area, in Aberdeen this was £14.45. (Office of National Statistics, the Annual Survey of Hours and Earnings (ASHE))

##### Sustainability and Environment

The Fairer Aberdeen Fund plays an important part in providing services that tackle poverty and contribute to improving sustainability by improving the environment and wellbeing for the cities most disadvantaged communities and vulnerable individuals. The programme responds to locally identified issues and addresses

unemployment, providing financial inclusion services, improving health and literacies and enabling more sustainable and safer communities.

## 5. BACKGROUND/MAIN ISSUES

### Application process 2015-16

During February and March the Fairer Aberdeen Board arranged sub group meetings to consider applications for funding to support initiatives contributing to the priority themes and key actions.

5 sub group meetings took place, each one focusing on one of the priorities, these were attended by Board members and invited advisors from the Council and voluntary sector, as appropriate. Applications were prioritised in relation to how well they met the needs of local communities and Community Planning strategic objectives. Organisations provided information on progress achieved to date, this along with their regular twice yearly monitoring reports were taken into account, as were their aims and targets for the year ahead. Following the 5 sub group meetings a full Board meeting was held in March to make final funding decisions. The organisations, and funding agreed, are listed in Appendix 1.

Funding of £45,000 was also allocated to the Community Support Fund, which provides funding for community involvement, communications and training. £86,000 was allocated to the Support Team and running costs. £120,000 was reserved to cover the costs of Maximising Income advice and information services which received 6 month funding and are to be reviewed by the Fairer Aberdeen and Welfare Reform Boards.

### Indicative future funding

For some time the Board has discussed the option of providing indicative funding for future years for some initiatives. This would allow the Board to spend less time considering funding applications annually and to focus more on monitoring and evaluating initiatives and outcomes being delivered. Indicative funding would be allocated on the condition that the Council continues to confirm funding at the current level as part of its annual budget setting process. If overall funding is reduced the Board will retain the right to adjust spend if required. Funding would be conditional on organisations demonstrating that they are making progress on meeting outcomes and targets agreed with the Board. Organisations receiving funding currently provide monitoring reports twice a year, in October and April, covering the previous 6 month period. Indicators and targets are set and these would continue to be agreed annually in the funding agreement. The annual monitoring reports (see Appendix 2) would be reviewed by the Board and any issues arising from the 6 month reports would be highlighted by the Fairer Aberdeen Support Team. Funding would also be conditional on organisations adhering to the grant terms and conditions (see Appendix 3) and on claiming their grant annually (see Appendix 4). This approach is now being taken by other Council funding streams, and gives funded organisations more ability to plan on a longer term basis

and offers more job security for staff, for example the recent decision by the Communities, Housing and Infrastructure committee of the 18<sup>th</sup> March 2015 regarding 3 year agreements for funded projects and leased community centres. The Support Team would continue to provide reports to Council twice a year, an annual report and a progress report detailing how the funding is allocated.

## 6. IMPACT

The main purpose for the fund is targeting disadvantaged communities and vulnerable groups and individuals. During 2014-15 the Fairer Aberdeen Board reviewed and agreed the following priority outcomes and key activities:

### **Maximising income**

- Improving access to affordable financial products and services
- Supporting the delivery of financial education initiatives
- Delivering coordinated advice and information services

### **Getting people into work**

- Providing access to support and skills needed to return to work
- Supporting personal development and training
- Delivering in work support

### **Improving mental health and wellbeing**

- Reducing health inequalities
- Improving mental health and wellbeing
- Increasing access to affordable healthy food

### **Building stronger, safer communities**

- Improving access to services in regeneration areas
- Increasing community safety
- Supporting community involvement and participation

### **Increasing skills and creativity**

- Supporting learning and creative opportunities
- Improving literacy and numeracy

The Fairer Aberdeen Fund also contributes to a wide range of objectives contained within the Council's policy statement, 'Aberdeen – the Smarter City' in relation to "challenging inequalities wherever they exist and bringing our communities closed together."

Fairer Aberdeen Fund initiatives also contribute to the delivery of the Council's Anti-Poverty Strategy and have an important role in responding to Welfare Reform changes.



## 7. MANAGEMENT OF RISK

Failure to continue to address the needs of Aberdeen's most disadvantaged communities would have a detrimental effect for the individuals and communities involved and potentially increased costs in the long term for public services. Supporting people into employment, maximizing people's income, providing early intervention in relation to education and health is not only a better outcome for individuals but reduces the costs involved in responding to the effects of poverty in the long run.

## 8. BACKGROUND PAPERS

The information contained at Appendix 1 details the projects that had funding agreed by the Fairer Aberdeen Board at its meeting of 21<sup>st</sup> March 2015.

## 9. REPORT AUTHOR DETAILS

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## Fairer Aberdeen Programme 2015-16

<b>Maximising Income</b>		
Care and Repair Funding Officer	Care and Repair	14,737
CAB Money Advice Outreach Project	Citizens Advice Bureau	40,696
Cash In Your Pocket Team	ACVO	48,316
NESCU Credit Union Access Project	North East Scotland Credit Union	41,000
St Machar Credit Union	St Machar Credit Union	56,000
WEA Count Us In	WEA	7,346
Aberdeen Illness and Disability Advice Service	AIDAS	16,140
Aberdeen Food Bank Partnership	CFINE	53,294
<b>Getting People Into Work</b>		
Princes Trust Team Programme	Aberdeen Foyer	13,000
NESS Employment Service	North East Sensory Services	23,477
Pathways	Pathways	155,784
SHMU Train Initiative	Station House Media Unit	34,000
Dynamics	WEA	7,346
Employability	WEA	7,346
Employability Support Fund	Pathways	20,000
<b>Improving Health and Wellbeing</b>		
Seaton Support for Rehab/Recovery	ACC, Education Culture and Sports	25,199
Street Alternatives	The Cyrenians	25,000
Community Food Development Project	CFINE	20,000
Healthy Roots - Manor Park	Healthy Roots	3,000
Home-Start	Home-Start Aberdeen	30,403
ACIS Youth Counselling	Mental Health Aberdeen	64,715
Calsayseat Counselling	Mental Health Aberdeen	35,800
Torry Adult Counselling	Mental Health Aberdeen	32,750
Pathways to Wellbeing	Pathways	62,655
Feel Good Project	Printfield Community Project	2,400
Health & Well Being Project	Tillydrone Community Flat	7,200
Foyer Reach	Aberdeen Foyer	11,000
Befriend a Child Youth Clubs	Befriend A Child	11,570
<b>Building Stronger, Safer Communities</b>		
Cummings Park Community Flat	Cummings Park Flat M/C	14,223
Big Bang Drumming Group	Aberdeen Lads Club	3,750
Operation Begonia	Scottish Police Authority	26,676
Middlefield Under 11s and Volunteer Work	Middlefield Community Project	9,538
Middlefield Youth Flat	Middlefield Community Project	45,000
STAR Community Flat	Langstane Housing Association	33,915
ACT Attack	St George's Church	2,000
Tillydrone Community Flat	Tillydrone Community Flat M/C	49,000
Relationship Revolution	Choices Aberdeen	26,390
Family Support Worker	Fersands Family Centre	2,200
Youth Work Support	Fersands Community Project	3,500
Twos Group	Fersands Family Centre	3,500
Printfield Community Project	Printfield Community Project	24,224
Community Reintegration Support Service	Station House Media Unit	25,000
<b>Increasing Skills and Creativity</b>		
Creative Communities	ACC, Arts Development	35,000
Reading Bus	ACC, Education	4,000
Stockhill Step Up	Cornhill Community Centre	8,200
Silver City Surfers	Silver City Surfers	12,763
Community Media	Station House Media Unit	67,000
Youth Media	Station House Media Unit	15,000
Positive Lifestyles	St Machar Parent Support Project	31,831
WEA - Alternative Literacies	WEA	8,546



Ref:

# Fairer Aberdeen Fund

## ANNUAL MONITORING REPORT 2014-15

**PLEASE NOTE THIS IS AN UPDATED FORM. PLEASE DO NOT USE PREVIOUS VERSIONS OF THIS FORM. PLEASE COMPLETE ALL SECTIONS. IF YOU NEED CLARIFICATION PLEASE CONTACT US.**

As part of demonstrating that Fairer Aberdeen Fund is making a difference it is important we have a clear understanding of the progress funded initiatives are making and the additional benefits the Fund is bringing to tackle poverty and deprivation in Aberdeen. We also need to know if your funding is being spent in line with your proposed budget so that the FA Board can monitor the overall programme throughout the year.

Please note: it is a condition of funding that monitoring reports are completed and returned as requested.

### ALL PROJECTS SHOULD COMPLETE ALL SECTIONS

This information will be used to complete the Fairer Aberdeen annual report and to feedback to the FA Board, the Community Planning Partnership and Aberdeen City Council. Due to the large number of funded initiatives we are unable to respond personally to every report. If you would like any specific feedback or further information, please contact us.

PLEASE RETURN THIS FORM BY EMAIL BY **15<sup>th</sup> APRIL 2015**

To: Anne Knight, FA Development Officer, email: [aknight@aberdeencity.gov.uk](mailto:aknight@aberdeencity.gov.uk)

If you have any questions about completing this form you can contact Susan Thoms, FA Coordinator tel: 523833, email: [sthoms@aberdeencity.gov.uk](mailto:sthoms@aberdeencity.gov.uk).

Project details	
Project name:	
Lead Organisation:	
Annual FAF grant amount:	
Report completed by:	

### SECTION 1 - Outcomes and outputs

Please provide a qualitative summary of outcomes, outputs, activities undertaken and progress made to date:

Performance indicators:			
This is the quantitative progress you have made in meeting targets over the year. These were agreed in your application or funding agreement. <b>PLEASE DO NOT CHANGE THE INDICATORS OR TARGET FIGURES.</b>			
INDICATOR	BASELINE	TARGET 14-15	ACHIEVED 14-15

**If you have not met the targets set please give any reasons or explanation for this:**

--

**Please provide a summary of particular successes or case studies:**

--

**Please provide a summary of any problems or issues that have required attention or action:**

--

**Please provide any further information we should be aware of:**

--

**Please provide information for every member of staff funded by Fairer Aberdeen Fund:**

(Only count hours funded by FAF. Add more lines if required)

Job title	Hours worked per week	No. of weeks worked in year	Hours worked per year

**2.10 We are interested in the value of additional resources brought in through the Fairer Aberdeen Fund. Please detail how much match funding you had for your project, including in kind support:**

External funding	£
In kind support, e.g. staff time, premises, equipment (please estimate value)	£
Total	£

**Please confirm that you have completed the financial statement below and that all funding received has been spent in line with your funding application or agreement:**

--

**Please detail any underspend in funding:**

--

**NOW PLEASE COMPLETE SECTIONS 2 AND 3**

## SECTION 2 - Participants

Please complete this section to report on the number of participants from each of the identified areas who have participated during the year.

	Cummings Park	Middlefield	Northfield	Seaton	Tillydrone	Woodside	Torry	All Regen areas	Other	TOTAL
Total no. of participants										
<b>Gender:</b>										
Male										
Female										
<b>Age:</b>										
Under 5										
Under 16										
16-25										
26-65										
Over 65										
<b>Ethnicity:</b>										
White										
Eastern European										
Bangladeshi										
Pakistani										
African										
Indian										
Caribbean										
Other										
<b>Additional info:</b>										
How many disabled users are benefiting?										
How many volunteers are involved?										
Number of volunteer hours contributed.										

### SECTION 3 - Financial Monitoring Statement

Please complete this section to show how your funding has been spent in the year. Please give a detailed breakdown of spend. You should also list any other funding that contributed to the Project and where this funding was from.

**DOUBLE CLICK ON THE TABLE BELOW TO COMPLETE IT AS AN EXCEL SHEET**

Project Name \_\_\_\_\_

Fairer Aberdeen Fund received \_\_\_\_\_ Please enter amount of funding received

Description	FAF funding spent	Other funding spent	TOTAL spend on Project	In kind contribution	Source of other funding or in kind contribution
Total spend	0				
Underspend	0				

ASSET REGISTER: Please provide details of all items costing over £2,500 purchased with FAF (or attach up to date asset register).		
Item	Cost	Date purchased

### Grant Terms and Conditions 15-16

In line with Aberdeen City Council and Scottish Government financial procedures and terms and conditions of grant, it is a condition of this funding that you:

- Sign and return the grant offer;
- Complete and return the enclosed grant declaration form;
- Provide a detailed budget for the year ahead;
- Complete and return 6 month and end of year update and financial monitoring reports as requested;
- Ensure adequate monitoring arrangements are in place, and comply with any other monitoring systems set by the Fairer Aberdeen Support Team;
- Submit signed accounts at the end of each year funding is awarded for;  
 (Statutory bodies do **not** need to submit accounts)  
***Where annual funding is greater than £10,000** - most recent approved Statement of Accounts that comply with the audit and approval requirements of the Companies Act and/or the Office of the Scottish Charity Regulator (OSCR). Where an organisation is exempt from audit, the Accounts should be approved by the Board/Trustees/Directors and include a statement setting out their responsibilities, including that of keeping proper books and records.*  
***Where annual funding is less than £15,000** - most recent annual income and expenditure account and statement of cash balance approved by a person independent of the day to day operational running of the organisation.*
- Acknowledge the support of the Fairer Aberdeen Fund in all publicity and promote your project and activities using the Community Media platforms available through Station House Media Unit, including community newsletters and radio;
- Keep an asset register of all items costing more than £2,500 purchased with FAF grant (all assets remain the property of Aberdeen City Council and must not be disposed of without agreement with the FAF Support Team);
- Provide access by the City Council's Finance and ICT Service including internal audit to the accounting records of the organisation;
- Comply with the current discrimination legislation, including the Sex Discrimination Act 1975, the Disability Discrimination Act 1995 and the Race Relations Amendment Act 2000. The expectation is that you will actively promote inclusion and anti-discriminatory practice and provide evidence of this in your annual Monitoring Report;
- Advise at the earliest opportunity of any proposed changes to the project, problems with the delivery of the programme, or underspend of the grant.

*Please note these are the minimum procedures required by Aberdeen City Council and you should take independent advice if necessary to ensure you comply with all legal requirements for your organisation.*



**GRANT OFFER 1st April 2015- 31<sup>st</sup> March 2016**

**ABERDEEN CITY COUNCIL  
FINANCE DEPARTMENT**

In making the offer of grant, I must draw your attention to the provisions of the Local Government Act 1986 which prohibit a local authority from publishing any material which, in whole or in part, appears to be designed to affect public support for a political party. The Act further prohibits a local authority from giving financial or other assistance to a person (and this word includes voluntary organisations and other public bodies) for the publication of material which the authority itself is prohibited from publishing.

Please note that funding arrangements cannot be issued until receipt of the signed undertaking.

Offer of grant of £ <amount> payable to <organisation> for the period **1st April 2015- 31<sup>st</sup> March 2016** for <project name>.

**Local Government Act 1986**

On behalf of <organisation> I hereby accept the offer of grant and undertake that no part of the monies shall be used for or towards the publication of any material which, in whole part, appears to be designed to affect public support for a political party.

**Funding Agreement**

I understand that our funding agreement and application for funding constitutes our agreement between Aberdeen City Council and ourselves. I agree that this details our use of the Fairer Aberdeen Fund in contributing to the Single Outcome Agreement. I understand that this will form the basis of monitoring and evaluation to measure progress in achieving outcomes.

**Conditions of Grant**

I confirm that <organisation> will provide access to all information required by Aberdeen City Council and comply with all conditions of grant and financial requirements set. On behalf of <organisation> I accept the conditions of funding as detailed in our grant offer letter.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_ Designation: \_\_\_\_\_



## ABERDEEN CITY COUNCIL

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COMMITTEE	Council
DATE	24 June 2015
INTERIM DIRECTOR	Angela Scott
TITLE OF REPORT	Petitions Committee - Review
REPORT NUMBER	CG/15/081
CHECKLIST COMPLETED	Yes

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### 1. PURPOSE OF REPORT

This report has been prepared in response to an instruction that the operation of the Petitions Committee be reviewed after a period of one year, to include consideration of the involvement of young people in the petitions process.

### 2. RECOMMENDATIONS

That Council:-

- (i) note the feedback received through the City Voice in relation to the operation of the Petitions Committee and the action being taken by officers in response, as outlined in the report;
- (ii) instruct officers to amend the petitions guidance to allow a petition to be considered at the subsequent meeting if the petitioner is unavailable on the original Committee date;
- (iii) retain the current Petitions criteria but instruct officers to review the number of petitions submitted in a year's time to ascertain if the requirement for 250 signatures is proving to be a barrier to engagement;
- (iv) agree that petitions submitted by young people be accepted under the petitions process where they have a minimum of five signatories which have been verified either by the school to which the pupils belong or the Youth Council;
- (v) agree that Education and Children's Services, pupil councils and the Youth Council be asked to support and promote the petitions process;
- (vi) agree to establish a small sub committee of five members which could visit schools to hear petitions to avoid the need for schools to arrange visits during the school day to present petitions to this Committee at the Town House; and
- (vii) authorise officers to amend the Orders of Reference accordingly.

### 3. FINANCIAL IMPLICATIONS

Any financial implications arising from widening access to the petitions process will be negligible, though the subject matter of future petitions may involve budgetary implications for services.

### 4. OTHER IMPLICATIONS

There are no other major implications, although the potential additional demands on school staff have been raised by Education officials in relation to school staff being required to confirm that pupils signing a petition are indeed school pupils. It is hoped however that by setting the minimum figure for petitions from young people at five signatories, the impact on school staff should be minimal.

### 5. BACKGROUND/MAIN ISSUES

The Petitions Committee was established in 2013 and officers were tasked to report back on the operation of the Committee, any lessons learned, and any recommendations for improvement.

#### **Meetings of the Committee**

There have been three meetings of the Committee since its inception, and three valid petitions considered. There are currently two petitions open for signature at the time of writing this report. A summary of the petitions which did not proceed is set out below:-

Vote of No Confidence	Could not be considered by the Committee due to the following:- <ul style="list-style-type: none"><li>• Matters concerning individual elected members or Council employees</li><li>• Matters designed to gain or reduce support for one or more political parties</li><li>• Matters that could damage a person's reputation or discriminate against them</li><li>• An allegation pertaining to people or organisations breaking the law or codes of practice</li><li>• An allegation or matter which could be defamatory (contain information which is not true), discriminate against someone or contain offensive language, for example swear words, insulting, sarcastic or provocative language or other terms that could reasonably be considered as offensive by the reader</li></ul>
40MPH Speed Limit – A944	Could not be considered as a decision had been taken by the Council on the matter within the last 12 months

Marischal Square	Could not be considered as a decision had been taken by the Council on the matter within the last 12 months
Closure of Mugiemooss Road	Failed to attract the required 250 signatures (Only 3 signatures obtained)

### **Review of Operation**

As part of the customer feedback work included within the Democratic Services Improvement Plan, officers used a recent issue of the City Voice to seek feedback from the public on various aspects of the democratic process, and asked several questions on the Petitions Committee.

Of the 604 people who responded to the question, "Are you aware of the recently established Petitions Committee?", 558 were not aware of the existence of the Committee. Respondents were then asked if the Petitions Committee would be a facility they might consider using in future. Of the 564 people who answered the question, 448 said they would consider making use of the Committee. The final question asked those who had indicated that they would not use the Committee to specify the reason for this decision. The reasons given were as follows:-

Lack of trust that views would be heard and would influence decision due to previous experience	28
Too difficult to get 250 signatures	12
Lack of interest	10
Do not have access to internet or the skills required to use internet	10
Lack of time	8
No need to use this facility/nothing to petition for	6
There are better ways to get views heard	4
N/A	2
Could not use this function due to disability/impairments	2
There is already too much focus and time spent on committee meetings	2
Not sure what facility is for	1

From the feedback given it is clear that there is some work to do in terms of promoting the Committee and the facility to allow the public to submit petitions for consideration, particularly as 448 respondents indicated that they would consider making use of the facility. The Committee was established to enable the public to become involved with the Council, and to promote interest and involvement in local democracy, and at present the take-up has been very low. The team had been concerned that the public were perhaps not aware of the petitions process and the results of the City Voice questionnaire and anecdotal feedback from customers would seem to support this.

### **Action Taken**

Some feedback suggested that lack of access to the internet might be a barrier to submitting an petition. The Committee can consider paper

petitions, but it was accepted by the team that perhaps this could be made clearer to the public and the website was amended accordingly.

In order to address the concern that views are not heard and therefore that the public cannot influence decision-making, officers in Democratic Services have undertaken to update the Petitions webpage in future with a 'You Said...We Did' section so that the public can see what has happened with previous petitions in terms of action by the Council.

Following the results of the City Voice feedback, officers in Democratic Services will also look to promote the petitions facility as widely as possible through public information sessions, social media and the Council website.

### **Future Operation of Petitions Committee**

On a couple of occasions, the petitioner has been unavailable on the date of the Petitions Committee. While the petitioner can arrange for another person to attend the Committee to speak to the petition, it is acknowledged that this may not always be possible. It is therefore recommended that a similar process to that used for Notices of Motion be adopted and the petitions procedure be revised to allow a petition to be considered at the subsequent meeting. This would be in line with Standing Order 21(4): "If a Member who has given notice of a motion is absent from the meeting when the motion falls to be considered, the motion shall not be considered at that meeting but will be put on the agenda at the next meeting."

There was an initial concern that the requirement for 250 valid signatures was excessive and might be a barrier to submission of petitions, however as outlined above, only one of the petitions submitted thus far failed to attract the required number of signatures and so it is not considered that the number of signatures needs to be altered moving forward. It is however recommended that this figure be reviewed after a period of one year to ascertain if it is in fact proving to be problematic for people who wish to submit a petition.

### **Involvement of Young People in Petitions Process**

As part of the review, officers were also tasked with investigating how the petitions process could be opened up to young people. At its meeting of 24 April 2015, the Petitions Committee considered a report by the Acting Director of Corporate Governance which proposed ways of involving young people (those under 18) in the process.

Discussions have been held with officers in Education and Children's Services, including those responsible for supporting Pupil Voice and Schools Councils (which would cover school pupils in the city) and the Youth Council (which would cover young people age 14 – 25, thereby including those who have left school but are not yet 18, and so do not appear on the electoral register). In order to avoid any difficulties whereby schools would need to arrange transport and teacher support for a visit to the Town House to enable pupils to present a petition, and to avoid children missing other timetabled

lessons as a result, it was proposed that a small sub committee be established to visit schools at a convenient time, for example during classes on citizenship, or modern studies. Schools would also be given the option of attending a meeting of the committee in the Town House if preferable.

It was therefore proposed that in the first instance, School Councils, Pupil Voice and the Youth Council be asked to promote the petitions process to pupils and young people. Petitions could then be taken forward through those bodies who would be asked, with teacher support where appropriate, to help frame the terms of any petition so that it would be appropriate and not fail to be accepted once submitted.

Following consideration of the report, the Petitions Committee recommended a number of actions to Council for approval, and these are outlined at recommendations (iv) to (vi) above.

## 6. IMPACT

Corporate – This proposal accords with Aberdeen – the Smarter City as it will promote communities and encourage participation in active citizenship, decision making and democracy. The involvement of young people will develop their self-esteem and assist in allowing them to achieve their potential.

Public - The report is likely to be of interest to the public as if the recommendations are approved, this will open up access to democracy to young people aged under 18 and enable them to engage with the Council on particular issues. The report may also be of interest to members of the public who participated in the City Voice questionnaire.

## 7. MANAGEMENT OF RISK

If the recommendations are not approved, there is a risk that the public and particularly young people may become disinterested in engaging with the Council.

## 8. BACKGROUND PAPERS

Democratic Services Improvement Plan  
City Voice Issue 33

## 9. REPORT AUTHOR DETAILS

Stephanie Dunsmuir,  
Senior Committee Services Officer  
[sdunsmuir@aberdeencity.gov.uk](mailto:sdunsmuir@aberdeencity.gov.uk) 01224 522503

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# Equality and Human Right Impact Assessment: The Form



ABERDEEN  
CITY COUNCIL

EHR/IA

There are separate guidance notes to accompany this form – “Equality and Human Rights Impact Assessment – the Guide.” Please use these guidance notes as you complete this form.

Throughout the form, **the word “proposal” refers to policy, strategy, plan, procedure, report or business case.** This then, embraces a range of different actions such as setting budgets, developing high level strategies and organisational practices such as internal restructuring. Please also refer to the “Completion Terminology” at the end of the form.

<b>1: Equality and Human Rights Impact Assessment- Essential Information</b>	
<b>Name of Proposal:</b>	<b>Date of Assessment:</b>
Petitions Committee - Review	27 May 2015
<b>Service:</b>	<b>Directorate:</b>
Legal & Democratic Services	Corporate Governance
<b>Committee Name or delegated power reference (Where appropriate):</b> <b>Council</b>	<b>Date of Committee (Where appropriate):</b> 24 June 2015
<b>Who does this proposal affect?</b>	<input type="checkbox"/> Employees <input type="checkbox"/> Job Applicants <input type="checkbox"/> Service Users <input type="checkbox"/> Members of the Public <input type="checkbox"/> Other (List below)
<b>Please Tick</b> ▼	



## 2: Equality and Human Rights Impact Assessment- Pre-screening

**Is an impact assessment required?**

Yes

No

**If No, what is the evidence to support this decision?**  
(Once this section is completed, please complete section 8 of the form).

### 3: Equality and Human Rights Impact Assessment

**a- What are the aims and intended effects of this proposal?**

It is hoped that the proposal to include young people in the petitions process will help young people to make a full contribution to the city, promote communities and encourage participation in active citizenship, decision making and democracy. It will develop young people's self esteem and assist in allowing them to achieve their potential.

**b- What equality data is available in relation to this proposal?**  
(Please see guidance notes)

None.

<p><b>c- List the outcomes from any consultation that relate to equalities and/or human rights issues e.g. with employees, service users, Unions or members of the public that has taken place in relation to the proposal.</b></p>	<p>Officers in Democratic Services have addressed the Youth Council and spoken to representatives of the University of Aberdeen and Robert Gordon University to promote participation in local democracy and this is another and very significant aspect of that work.</p> <p>Schools would be asked to ensure that five of the signatories (which would be the minimum for a petition from young people) were pupils of the school whose council submitted it; Pupil Voice and the Youth Council would be asked to confirm that any petition submitted through them had come from young people. It is acknowledged that some schools do not yet have a council, but officers are working to address this. In the interim, it may be possible to submit a petition through such schools as part of a classroom project.</p>
<p><b>d- Financial Assessment</b></p> <p>If applicable, state any relevant cost implications or savings expected from the proposal.</p>	<p><b>Costs (£)</b></p> <p>Implementation cost      £ 0</p> <p>Projected Savings        £ 0</p>

**e- How does this proposal contribute to the public sector equality duty: to eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations?**

As mentioned above, it is hoped that opening up the petitions process to young people will enable them to make a full contribution to the city and contribute to the democratic process. It will also give them access to the Council through the process to raise the issues they feel passionately about, thereby fostering good relations between the young people of Aberdeen and the Council.

**f- How does this proposal link to the Council's Equality Outcomes?**

The proposal links to the Equality Outcome in relation to "Improved opportunities for people with protected characteristics to participate in public life." by giving young people the opportunity to participate in the democratic process.

**4: Equality Impact Assessment - Test**

**What impact will implementing this proposal have on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?**

<b>Protected Characteristic:</b>	<b>Neutral Impact: Please ✓</b>	<b>Positive Impact: Please ✓</b>	<b>Negative Impact: Please ✓</b>	<b>Evidence of impact and if applicable, justification where a ‘Genuine Determining Reason’* exists *( see completion terminology)</b>
<b>Age</b> (People of all ages)		✓		
<b>Disability</b> (Mental, Physical, Sensory and Carers of Disabled people)				
<b>Gender Reassignment</b>				
<b>Marital Status</b> (Marriage and Civil Partnerships)				
<b>Pregnancy and Maternity</b>				

**Equality Impact Assessment Test:**

What impact will implementing this proposal have on employees, service users or other people who share characteristics protected by <i>The Equality Act 2010</i> ?				
Protected Characteristic:	Neutral Impact: Please ✓	Positive Impact: Please ✓	Negative Impact: Please ✓	Evidence of impact and if applicable, justification where a 'Genuine Determining Reason'* exists *( see completion terminology)
<b>Race</b> (All Racial Groups including Gypsy/Travellers)				
<b>Religion or Belief or Non-belief</b>				
<b>Sex</b> (Women and men)				
<b>Sexual Orientation</b> (Heterosexual, Lesbian, Gay And Bisexual)				
<b>Other</b> (e.g: Poverty)				

**5: Human Rights Impact Assessment Test**

**Does this proposal have the potential to impact on an individual's Human Rights? Evidence of impact and , if applicable, justification where the impact is proportionate**

**Article 2 of protocol 1: Right to education**

Yes  No

**Evidence:**

**Article 3: Right not to be subjected to torture, inhumane or degrading treatment or punishment**

Yes  No

**Evidence:**

<p><b>Article 6: Right to a fair and public hearing</b></p>	<p><b>Yes</b>                      <b>No</b></p> <p><b>Evidence:</b></p>
<p><b>Article 8: Right to respect for private and family life, home and correspondence</b></p>	<p><b>Yes</b>                      <b>No</b></p> <p><input type="checkbox"/>                      <input type="checkbox"/></p> <p><b>Evidence:</b></p>
<p><b>Article 10: Freedom of expression</b></p>	<p><b>Yes</b>                      <b>No</b></p> <p><input type="checkbox"/>                      <input type="checkbox"/></p> <p><b>Evidence:</b></p>
<p><b>Article 14: Right not to be subject to discrimination</b></p>	<p><b>Yes</b>                      <b>No</b></p> <p><input type="checkbox"/>                      <input type="checkbox"/></p> <p><b>Evidence:</b></p>
	<p><input type="checkbox"/>                      <input type="checkbox"/></p>



<p><b>Other article not listed above, please state:</b></p>	<p><b>Yes</b>      <b>No</b></p> <p><b>Evidence:</b></p>
<p><b>6: Assessment Rating:</b></p>	
<p><b>Please rate the overall equality and human right assessment</b> (Please see Completion terminology)</p>	<p> <input type="checkbox"/> <b>Red</b>  <input type="checkbox"/> <b>Red</b> <b>Amber</b>  <input type="checkbox"/> <b>Amber</b>  <input type="checkbox"/> <b>Green</b> </p>
<p><b>Reason for that rating:</b></p>	<p>There are only positive outcomes for young people as a result of enabling them to experience and provide input into the democratic process.</p>

**7: Action Planning**

As a result of performing this assessment, what actions are proposed to remove or reduce any risks of adverse outcomes identified on employees, service users or other people who share characteristics protected by <i>The Equality Act 2010</i> ?					
Identified Risk and to whom:	Recommended Actions:	Responsible Lead:	Completion Date:	Review Date:	
<b>8: Sign off</b>					

<p><b>Completed by (Names and Services) :</b></p>	<p>Stephanie Dunsmuir</p>
<p><b>Signed off by (Head of Service) :</b></p>	<p>Roderick MacBeath, Senior Democratic Services Manager</p>
<p>Please send an electronic copy of your completed EHRIA - without signatures - together with the proposal document and/or committee report to:</p> <p>           Equalities Team            Customer Service and Performance            Corporate Governance            Aberdeen City Council  <b>Business Hub 13</b>            Second Floor North            Marischal College            Broad Street            Aberdeen            AB10 1AB         </p> <p>Telephone 01224 523039 Email <a href="mailto:sandrab@aberdeencity.gov.uk">sandrab@aberdeencity.gov.uk</a></p>	



**9: Completion Terminology:**

<p><b>Assessment Pre-screening Rating:</b></p>	<p>This section will highlight where there is the obvious potential for a negative impact and subsequent risk of negative media coverage and reputational damage to the Council. Therefore, a full impact assessment is required, for example around sensitive issues such as marching, Gypsy/ Traveller issues, change to social care provision. It should also be completed to evidence why a full impact assessment was not required, example, there is no potential negative impact on people.</p>
<p><b>Assessment Rating:</b></p>	<p>After completing this document, rate the overall assessment as follows:  <b>Red:</b> As a result of performing this assessment, it is evident that we will discriminate (direct, indirect, unintentional or otherwise) against one or more of the nine groups of people who share <i>Protected Characteristics</i>. It is essential that the use of the proposal be suspended until further work or assessment is performed and the discrimination is removed.  <b>Red Amber:</b> As a result of performing this assessment, it is evident that a risk of negative impact exists to one or more of the nine groups of people who share <i>Protected Characteristics</i>. However, a genuine determining reason may exist that could legitimise or justify the use of this proposal and further professional advice should be taken.  <b>Amber:</b> As a result of performing this assessment, it is evident that a risk of negative impact exists and this risk may be removed or reduced by implementing the actions detailed within the <i>Action Planning</i> section of this document.  <b>Green:</b> As a result of performing this proposal does not appear to have any adverse impacts on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.</p>
	<p>Equality data is internal or external information that may indicate how the proposal</p>

<b>Equality Data:</b>	<p>being analysed can affect different groups of people who share the nine <i>Protected Characteristics</i> – referred to hereafter as ‘<i>Equality Groups</i>’.</p> <p>Examples of <i>Equality Data</i> include: (this list is not definitive)</p> <ol style="list-style-type: none"> <li>1: Application success rates by <i>Equality Groups</i></li> <li>2: Complaints by <i>Equality Groups</i></li> <li>3: Service usage and withdrawal of services by <i>Equality Groups</i></li> <li>4: Grievances or decisions upheld and dismissed by <i>Equality Groups</i></li> </ol> <p>Certain discrimination may be capable of being justified on the grounds that:</p>
<b>Genuine Determining Reason</b>	<ol style="list-style-type: none"> <li>(i) <i>A genuine determining reason exists</i></li> <li>(ii) <i>The action is proportionate to the legitimate aims of the organisation</i></li> </ol> <p>Where this is identified, it is recommended that professional and legal advice is sought prior to completing an <i>Equality Impact Assessment</i>.</p>
<b>Human Rights</b>	<p>The rights set out in the European Convention on Human Rights, as incorporated into the UK Law by the Human Rights Act 1998.</p>
<b>Legal Status:</b>	<p>This document is designed to assist us in “<i>Identifying and eliminating unlawful Discrimination, Harassment and Victimisation</i>” as required by <i>The Equality Act Public Sector Duty 2011</i>. An <i>Equality Impact Assessment</i> is not, in itself, legally binding and should not be used as a substitute for legal or other professional advice.</p>

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## ABERDEEN CITY COUNCIL

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COMMITTEE	Council
DATE	24 <sup>th</sup> June 2015
LEAD OFFICER	Chief Executive
TITLE OF REPORT	Local Authority Community Covenant (motion by Councillor Ross Thomson)
REPORT NUMBER	OCE/15/023
CHECKLIST COMPLETED	Yes

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### 1. PURPOSE OF REPORT

The report updates the Council on progress in relation to the notice of motion by Councillor Ross Thomson in relation to the Local Authority Community Covenant and indicates next steps to be taken on the matters raised.

### 2. RECOMMENDATION

To agree to receive a report at a future meeting once the Scottish Government has reviewed the Scottish Veterans Commissioner's report *Transition in Scotland* and decided how it wishes to take its recommendations forward.

### 3. FINANCIAL IMPLICATIONS

There are no specific financial implications to this report. Future reports will detail the financial implications for the Council of any proposals arising through discussion with interested parties.

### 4. OTHER IMPLICATIONS

The report has no other implications at this stage. As with finance above, future reports will address the implications of any emerging proposals.

### 5. BACKGROUND/MAIN ISSUES

At its meeting of 20<sup>th</sup> August 2014 the Council had before it a notice of motion by Councillor Thomson in the following terms:-

That this Council:-

- i. restates its commitment to the Local Authority Community Covenant which ensure that Aberdeen City Council supports the local armed forces community;
- ii. recognises the enormous contribution that the armed forces and their families make and the sacrifices that the armed forces and their families make every day for the safety and security of our country;
- iii. to recognise the contribution made by our armed forces, agrees to request a report examining what more Aberdeen City Council can do to support our armed forces and veterans community across the services it provides;
- iv. instructs officers to engage with neighbouring authorities on their allocation of housing to members of the armed forces;
- v. instructs officers to meet with Legion Scotland and to establish a protocol for an ongoing relationship between the Council, Legion Scotland and other pertinent organisations; and
- vi. congratulates and welcomes the Armed services Advice Project (ASAP) provided by the Scottish Citizens Advice Bureau which is the focal point for the City's armed forces community for access to advice, information and support.

The Council resolved:-

- i. to instruct officers to submit a report to the next Council meeting; and
- ii. to accept the offer from ASAP, as intimated by Councillor Yuill, to deliver a presentation to members at a future meeting.

At its meeting of 8<sup>th</sup> October 2014 the Council received a report by the Chief Executive on the motion (OCE/14/038) and noted that at its meeting of 22 August 2012 the Council approved a motion by the Lord Provost in the following terms:-

That this Council works with the armed forces, veterans' groups, health and social care providers, the business community and other local bodies to develop a Community Covenant for Aberdeen.

The Lord Provost and the Chief Executive signed the resulting Community Covenant on behalf of the Council on 30<sup>th</sup> January 2013. The other signatories to the Covenant are Aberdeen's Armed Forces Community, the Highland Reserve Forces and Cadets Association, Veterans Scotland, Royal British Legion Scotland, Combat Stress, SaBRE Supporting Britain's Reservists and Employers, NHS Grampian and Jobcentre Plus.

The Council further noted at its meeting in October 2014 that the Lord Provost in his role as the Council's Veterans Champion would convene a meeting of interested parties both to discuss the protocol envisaged



by Councillor Thomson's motion and what additional actions the Council might take in order to support the armed forces and veterans community in Aberdeen.

The Lord Provost met with Councillor Thomson, Major Bill Austin of Aberdeen Universities' Officer Training Corps and Kate Dean of the Armed Services Advice Project in May 2015.

The discussion focussed on three main areas where support to those leaving the armed forces might be of assistance – jobs, housing and wellbeing. In addition it was recognised that a key prerequisite ahead of identifying what support might be offered would be an accurate assessment of the numbers of individuals and their families likely to be looking to settle in Aberdeen in any given period.

Improved signposting and marshalling of information regarding sources of potential assistance within and outwith the Council was also agreed to be likely to be helpful.

The publication in March 2015 by the Scottish Veterans Commissioner of his first report *Transition in Scotland* (<http://tinyurl.com/ptn8fo2>) was also noted at the meeting. The report makes a number of recommendations to the Scottish Government and its views are awaited on how they may be taken forward in partnership with other agencies including local authorities. Scottish Government officials have embarked on a programme of activity to refresh the Scottish Government's 2012 policy document *Our Commitments* (<http://tinyurl.com/oe6ykp4>). It is suggested that a further report be brought to Council once the Scottish Government's position is known.

In the meantime Major Austin informed the meeting of the intention to hold a forum to discuss transition matters in September 2015. The City Council will be represented at the forum and reports will be brought back to Committee as appropriate.

## 6. IMPACT

The subject matter of the report relates both to the Smarter Living and Smarter People facets of the policy document *Aberdeen – the Smarter City* and by extension to the Council's delivery of the Single Outcome Agreement for the City.

## 7. MANAGEMENT OF RISK

The report responds to the terms of a notice of motion.

## 8. BACKGROUND PAPERS

Scottish Veterans Commissioner's report – *Transition in Scotland*, 27<sup>th</sup> March 2015.

Scottish Government policy statement – *Our Commitments: Scottish Government Support for the Armed Forces Community in Scotland*, 2012.

9. REPORT AUTHOR DETAILS

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01224 52293

## ABERDEEN CITY COUNCIL

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COMMITTEE	Council
DATE	24 <sup>th</sup> June 2015
LEAD OFFICER	Chief Executive
TITLE OF REPORT	Appointments
REPORT NUMBER	OCE/15/022
CHECKLIST COMPLETED	Yes

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### 1. PURPOSE OF REPORT

The report brings before the Council changes to previously agreed appointments.

### 2. RECOMMENDATIONS

- i. that Council agrees the appointment of four representatives to sit on the board of governors of Robert Gordon's College; and
- ii. that Council agrees the appointment of Councillor Jackie Dunbar as a representative on NESTRANS.

### 3. FINANCIAL IMPLICATIONS

There are no financial implications to the Council.

### 4. OTHER IMPLICATIONS

There are no other implications to the Council.

### 5. BACKGROUND/MAIN ISSUES

At its Statutory Meeting on 16<sup>th</sup> May 2012 and at subsequent meetings of the Council and the Urgent Business Committee, the Council considered reports on the appointment of representatives to outside bodies.

Robert Gordon's College has recently contacted the Council to inform the Chief Executive that the terms of office of the Council's four representatives on that organisation's board of governors will expire at the end of August 2015. Councillors Cormie, Jean Morrison MBE, Ross Thomson and Ian Yuill currently represent the Council on the board.

The Council is therefore requested to appoint four representatives to sit on the board of governors of Robert Gordon's College.

The resignation of former Councillor Callum McCaig has created a vacancy for a Council representative on the Board of NESTRANS to be filled by an opposition elected member. Following discussion between the Leaders of the SNP and Liberal Democrat Groups it is suggested that Councillor Jackie Dunbar should take the substantive place on the Board previously occupied by former Councillor McCaig, with Councillor Yuill remaining as a substitute member.

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

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## ABERDEEN CITY COUNCIL

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COMMITTEE: **Council**

DATE: **24<sup>th</sup> June 2015**

DIRECTOR: **Gayle Gorman**

TITLE OF REPORT: **Big Noise Torry progress report**

REPORT NUMBER: **ECS/15/034**

CHECKLIST COMPLETED: **Yes**

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### 1. PURPOSE OF REPORT

This report provides an update on the work currently being by Sistema Scotland to implement and embed the *Big Noise Torry* initiative locally. It also includes details of the current membership of the *Big Noise Torry* Strategy Group within section 5.2, Governance, and makes a recommendation below.

### 2. RECOMMENDATION(S)

Council is recommended to:

- a) Note the progress of *Big Noise Torry*;
- b) Note the current membership of the *Big Noise Torry* Strategy Group and Operational Group,
- c) Agree to future progress reports being included in the Council Bulletin.

### 3. FINANCIAL IMPLICATIONS

Council's contribution - *Big Noise Torry* Funding 2015/16 is in line with the funding already included within the budget.

Funding has been secured specifically towards the work of Big Noise Torry from:

Aberdeen Harbour Board	£15,000 per year for 5 years
Andrew Salvesen Family Trust	£25,000*
Total E&P UK Ltd	£10,000
Nexen Petroleum	£ 1,000
CMS Cameron McKenna	£ 250

\*this contribution is towards Big Noise Torry and associated core costs of Sistema Scotland.

In addition, another, anonymous contribution of £1,000 has been received. Walkers Shortbread are making an in-kind contribution for the Torry Launch concert and Capital Solutions has provided a photocopier/printer at a special rate.

The above commitment from Aberdeen Harbour Board is in addition to the £7,500 previously given to establish the team's office. They have furthermore offered assistance in setting-up for the Launch and also provide a van and a driver to move instruments and other equipment between Torry Academy and Tullos Primary School.

Sistema Scotland has been progressing discussions with other prospective supporters. It will advise as and when other tangible support can be announced, specifically for *Big Noise Torry*. As part of its wider fundraising activity, Sistema Scotland has obtained other, "unrestricted" funding, which can and has been allocated to support *Big Noise Torry*.

#### **4. OTHER IMPLICATIONS**

All of Sistema Scotland's policies and procedures have been reviewed by officers, to ensure that they are aligned to the Council's requirements. A positive approach has been taken by both parties in fine-tuning to ensure that they are appropriate.

#### **5. BACKGROUND/MAIN ISSUES**

##### **5.1 Staffing**

Sistema Scotland has now appointed all **six musicians** to deliver the initial programme in Torry. They come from Cyprus, Holland, Ireland, Italy, New Zealand and Scotland. Their induction programme is well in-hand, including learning more about the wider Sistema Scotland operations, as well as the community and Torry area.



**The musicians, team leader and the Convener of Education and Children's Services Committee at Torry Academy**

Sadly, the **Operations Manager** has decided to pursue other interests however, fortunately, Sistema Scotland has been able to appoint a replacement who was interviewed previously, with community involvement. She commenced work on 2<sup>nd</sup> June.

Two **Part time Support Workers** posts have been advertised to fulfil supportive roles within the *Big Noise Torry* after school and holiday school programmes. Successful candidates are expected to be able to demonstrate experience in a supportive role with education and/or experience of working with children and families.

A call for **Volunteers** has also been made; seeking those who have the "passion and belief in the potential of children to amaze us and to achieve incredible things," supporting children getting to and in music lessons, as examples. Volunteer selection interviews took place on 5<sup>th</sup> June, with the expectation that a team will be in place by the launch concert, and ready to start supporting the Summer School.

## 5.2 Governance and Support

The **Board of Sistema Scotland** held its first meeting in Torry Academy on Friday, 20th March, meeting members of the local community, elected members and visiting both primary schools.

The **Big Noise Torry Strategy Group** was set up as part of the report to Council on 14<sup>th</sup> May 2014, to provide strategic leadership and direction for the partnership and the initiative, and to monitor and review its success.

Council on 20th August 2014 determined appointments to sub-committees, working groups and boards, and confirmed that the remit and membership of the "Sistema Partnership Board" be brought to Council. The membership agreed as part of the partnership with Sistema Scotland is: the Chief Executive of Sistema Scotland, an appointed Board member of Sistema Scotland, Finance Manager Sistema Scotland, Chief Executive of Aberdeen City Council, Director Education, Culture and Sport, now Director of Education and Children's Services, Council's lead officer. Other (officer) members are drawn from Sistema Scotland and Aberdeen City Council as required.

The Strategic Group met on 4<sup>th</sup> June and continues to provide guidance, support and "signposting" to ensure the successful implementation of *Big Noise Torry*.

At Council on the 14<sup>th</sup> May 2014, it was also agreed to set-up a *Big Noise Torry Programme Team* to ensure the successful local communication and implementation of the initiative. The membership agreed was: The *Big Noise Torry* Team Leader and delegated representatives from Big Noise and City Council/Torry representatives, to include the Head Teachers of Tullos and Walker Road Primary Schools, potentially two local elected members and others as agreed.

The Programme Team has become known as the **Operational Group** and it has been supporting the work of *Big Noise Torry*, including supporting the musicians' induction, advising on how best to communicate with the community and designing the community engagement programme. Current members include the Head Teachers at both primary schools, Torry Community Council, Old Torry and Balnagask Community Centres, Capacity Building Officer (ACC), Health Improvement Officer and Community Health Workers (NHS), Team Manager, Social Care and Wellbeing, Police, Parent Council and community representatives, ACVO, Station House Media Unit and the University of Aberdeen's School of Music.

### 5.3 Public Engagement

As a precursor to the public engagement launch, the Libertadores String Quartet from Venezuela returned to the city on 4<sup>th</sup> March. They gave special performances to pupils at Tullos and Walker Road Primary Schools. The following day, they played a free lunchtime concert at Aberdeen Citadel, Castle Street, the first of the Lunchbreak Concerts which have been relocated while Aberdeen Art Gallery is closed for redevelopment.





**The Libertadores String Quartet in Torry**

The Public Engagement programme commenced on 20<sup>th</sup> April in schools and in the community. Big Noise Raploch children from Stirling joined the *Big Noise Torry* musicians in playing in the two primary schools.

The musicians are working in the schools with Primary 1 and 2 children. The children will perform in the launch concert.

Sistema Scotland and Station House Media Unit have joined in partnership, which includes documenting the programme with both film and audio; the team from SHMU have captured the community engagement launch concert, the children's first day with instruments, several community performances by the musicians and will record the launch concert on the 29th June.

The musicians have also appeared on the local SHMU radio station and there are plans for on-going broadcasting, making a film of the first year of delivery, and also participating in the evaluation framework.



**Walker Road Primary School – launch of public engagement**



**Musicians “busking” in Victoria Road**



On 20<sup>th</sup> May, Sistema Scotland hosted 31 parents/carers and their children to big Noise Raploch. The children had a session on their own, a parent and child session, a concert from Big Noise musicians, a “sit in” with the purple orchestra and a performance from the Raploch Symphony Orchestra! The parents observed much of the above and had a presentation from Nicola Killean, Sistema Scotland Chief Executive, about Big Noise, and a tour of the different parts of the after-school programme



**Torry parents and families, with Raploch representatives**



**Torry youngsters taking part in a musical activity at Raploch**



**Torry youngsters getting to know the instruments of the strings section**

## 5.4 Preparations for the Launch concert

Work is now well underway to host the **Launch Concert** at Tullos Playing Fields on Monday 29th June. The Events Plan has been agreed by the City Events Team and support and guidance been given by Community Safety, City Wardens, Police and others. Aberdeen Harbour Board has offered volunteers from their workforce to help put up the Herras fencing perimeter.

The Big Noise Raploch Symphony Orchestra will be in the city in the run-up to the concert, playing in the local schools, as well as playing a concert at the Citadel on the evening of the preceding Saturday (27th) evening. This is a public concert and all are welcome to attend.

## 5.5 Next steps

From July 6th to July 30th there will be a **Summer School** at Torry Academy for all this session's Primary Two children. The School will run from Monday to Thursday and is free, with snacks and meals provided. From August 2015, the core *Big Noise Torry* programme will open and the team will begin to work with:

- All nursery children in the community once a week
- All primary one children twice a week
- All primary two children twice a week
- After-school orchestra open to all primary three children – three times a week

The **Royal Scottish National Orchestra** and Sistema Scotland have entered into a partnership during the first year of operation, supported by Total and includes a number of occasions when RSNO musicians will contribute to the programme in a variety of interesting ways.

### Evaluation

A local Evaluation Advisory Group has been set up, consisting of representative of the following: Community Safety, University of Aberdeen School of Education and Health Economics Unit, Station House Media Unit, Educational Psychologist. Performance Improvement colleagues in Education and Children's Services, and a Public Health Researcher at NHS Grampian. Currently, the group are considering the draft evaluation framework, which is intended to collect the information necessary to enable assessment of the benefits to individual youngsters, their families and the wider Torry community.

The evaluation is intended to complement and contribute to a wider long-term evaluation being carried out by the Glasgow Centre for Population Health (GCPH) of Sistema Scotland's Big Noise orchestras in Stirling's Raploch and Glasgow's Govanhill. The initial findings from that study show "convincing evidence of positive change to children's lives",

concluding that “the programme represents a good investment for society”.

The findings include evidence that Big Noise improves confidence, pride and self-esteem; has the potential to support participants to lead fuller and healthier lives; has the potential to quickly generate greater social benefits than the costs of delivery; participants have higher school attendance, and offers respite and protection to the most vulnerable”.

Professor Carol Tannahill, Director of the Glasgow Centre for Population Health said, “This evaluation strongly endorses Sistema Scotland’s approaches to delivery: the short and medium-term impacts of the programme evidenced at this stage of the evaluation are very encouraging. What is also certain is that Sistema Scotland’s Big Noise programme has the potential to significantly enhance participants’ lives, prospects, health and wellbeing through a variety of identified pathways in the long-term. Any endorsement of Sistema Scotland is also an endorsement of a range of local partners who contribute to the delivery of Big Noise, and of the commitment shown by the schools in both Raploch and Govanhill.”

“It is worth emphasising that while Big Noise can appear to the casual observer to be like many other arts or music programmes, we encountered a number of factors which, when taken together, potentially make it unique – including its ambition, longevity, intensity and inclusivity. We also recognise the quality of relationship between Big Noise musician and participant as being vital to the reported impacts, both observed presently and theorised as we look to the future.”

An economic assessment of Big Noise Govanhill concludes the programme is a worthwhile investment, and may be producing outcomes of higher value than costs by the sixth year. Professor Cam Donaldson, Yunus Chair in Social Business and Health at Glasgow Caledonian University said, “projections underline that Big Noise Govanhill represents a worthwhile investment, and that the short-term benefits of the programme observed and reported by the GCPH and Education Scotland, based on this economic modelling, have the potential to translate favourably in economic terms as early as year six of programme delivery.”

## **6. IMPACT**

There is likely to be public interest in the report to Council, as it will explain the next key steps to have the initiative implemented; previous reports and reports elsewhere on Sistema have engendered support and discussion.

An Equality and Human Rights Impact Assessment (EHRIA) was prepared for the report to Council in December 2013.

## **7. MANAGEMENT OF RISK**

This report is set within the context of the governance arrangements at 5.2 above. Risk is assessed on an ongoing basis.

## **8. BACKGROUND PAPERS**

Report to Council, 14th May 2014, Big Noise Torry Business Plan and Partnership Agreement, OCE/14/027.

Report to Council, 18th December 2013, Sistema Scotland and Aberdeen, OCE/12/043.

Report to the Education, Culture and Sport Committee, 28th March 2013, Sistema Scotland and Aberdeen, ECS/13/012.

Report to the Education, Culture and Sport Committee, 2nd June 2011, "Big Noise": Sistema Scotland, ECS/11/034.

Report to the Education, Culture and Sport Committee, 8th October, 2009, Strategic Music Partnership and potential links with Sistema Scotland, ECS/09/31.

Aberdeen City Council, Early Years Framework Implementation Plan, June 2010.

The Scottish Government, The evaluation of the process and outcomes achieved to date by Big Noise Children's Orchestra in the Raploch Estate in Stirling, 2011.

## **9. REPORT AUTHOR DETAILS**

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## ABERDEEN CITY COUNCIL

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COMMITTEE	Finance, Policy and Resources
DATE	9 June 2015
INTERIM DIRECTOR	Angela Scott
TITLE OF REPORT	Treasury Management Policy and Strategy
REPORT NUMBER	CG/15/68
CHECKLIST COMPLETED	Yes

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### 1. PURPOSE OF REPORT

To update the Committee on Treasury Management activities undertaken during financial year 2014/15.

### 2. RECOMMENDATION(S)

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

- a) Note the Treasury Management activities undertaken in 2014/15 as detailed; and
- b) Recommend to Council that it notes the Treasury Management activities undertaken in 2014/15.

### 3. FINANCIAL IMPLICATIONS

Treasury Management activities influence the loans pool interest rates and aims to minimise the cost of borrowing. This directly impacts on 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 approved a Treasury Management policy for 2015/16 to 2017/18 on 18 February 2015. Part of this policy is to report a year end review to committee on Treasury Management activities undertaken during the financial year 2014/15.

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

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.

This year end review on activities undertaken is also in line with new reporting requirements from the latest update of the CIPFA Code of Practice.

### 5.2 Treasury Management 2014/15

The following is a summary of the significant Treasury Management activities which were undertaken during 2014/15: -

#### 5.2.1 Loans Pool Rate The Council's average Loans Pool Rate takes account of all loan interest and expenses paid, as well as investment interest received during the financial year.

The Loans Pool Rate for 2014/15 was 3.87%, which can be broken down to 3.85% for interest, and 0.02% for expenses.

This is a significant reduction on the 2013/14 rate, which was 4.22%.

#### 5.2.2 Long Term Borrowing

Five new PWLB (Public Works Loan Board) loans totalling £50 million were borrowed at an average interest rate of 3.47%, to assist financing the Council's capital programmes.

These new loans, which have an average life of 48 years, were borrowed in line with the Council's existing debt Maturity Profile.

Of these new loans, £35 million were drawn to replace historic maturing debt with a relatively high average interest rate of over 9%.

PWLB Interest Rates As a direct result of the Government 2011 Spending Review, there was a major change to PWLB public sector lending rates. There was an immediate increase to all PWLB borrowing rates of 90 basis points. The rationale behind this major change is that HM Treasury will now set the rates at an average of 100 basis points over the relevant gilt price.

This change presented the Council with 2 challenges:

The first of these was to minimise any rise in borrowing costs. During the 2014/15 financial year, this was achieved by a combination of factors. The continued use of short-term borrowing at relatively low rates, and also the replacement of maturing debt with new loans at record low levels, assisted in minimising borrowing costs.

The second problem was that, as previously reported, the PWLB introduced "penalty rates" which discourages debt rescheduling by Councils. This reduced the Council's ability to make rescheduling savings, as it had in the past. However, the "Spending Review" 90 basis point rise in rates was not similarly reflected in the penalty rates; thereby further reducing opportunities for the Council.

This discourages the use of PWLB loans and forces the Council to look increasingly to other forms of long term borrowing, such as LOBO loans (Lenders Option Borrowers Option) from financial institutions as well as other innovative methods of financing capital investment.

### 5.2.3 Short Term Borrowing

Short term borrowing rates for periods of up to 1 year continued at relatively low levels. The Council's borrowing strategy during the year was to borrow short term where possible, to take advantage of these lower rates. To illustrate this, as at 31<sup>st</sup> March 2015, the Council had £25m of Temporary Loans from other Local Authorities, at an average rate of 0.42%. Compared with similar PWLB rates of 1.44%, this represents a saving of £255k in annualised interest costs.

### 5.2.4 Investments

Over the last few years, the downturn in the global economy has seen many financial institutions removed from the Council's Counterparty list as their credit ratings fell. This significantly reduced the range of investment options available to the Council.

The Counterparty list is compiled using credit rating information supplied by the major credit rating agencies to Capita Asset Services, the Council's appointed Treasury Management advisors.

In April 2010, changes to investment regulations allowed Scottish Local Authorities to use 'AAA rated' Money Market Funds for the first time. These have been used successfully and safely, and assist with the management of short term fluctuations in the Council's daily cashflow.

As at 31st March 2015, the Council had temporary investments totalling £67.1m at an average rate of 0.69%. These were invested in line with the current Counterparty list to the following institutions -

- Bank of Scotland £30.0m
- Clydesdale Bank plc £7.9m
- Leeds Building Society £10.0m
- Handelsbanken £9.2m
- Ignis (Money Market Fund) £10.0m.

## 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

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01224 522696

## ABERDEEN CITY COUNCIL

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COMMITTEE	Council
DATE	24 June 2015
DIRECTOR	Chief Executive
TITLE OF REPORT	Written Decision of Standards Commission Hearing
REPORT NUMBER	OCE/15/025
CHECKLIST COMPLETED	Yes

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### 1. PURPOSE OF REPORT

This report fulfils the statutory requirement of submitting the written decision of the recent Standards Commission hearing to the Council for consideration.

### 2. RECOMMENDATION(S)

That Council considers the written decision of the Standards Commission and notifies the Commission of any actions or decisions taken by 7 August, 2015.

### 3. FINANCIAL IMPLICATIONS

There are none.

### 4. OTHER IMPLICATIONS

The decision will have implications for the interpretation by monitoring officers of paragraph 3.16 of the Councillors' Code of Conduct.

### 5. BACKGROUND/MAIN ISSUES

(1) On 11 February 2015, the Standards Commission commenced the hearing in respect of a report by the Commissioner for Ethical Standards in Public Life in Scotland following complaints alleging that seven members had breached the Councillors' Code of Conduct. The hearing resumed on 15 April and ended the following day, and the panel concluded that there had been no breach of the Code.

(2) The decision of the Panel was issued on 7 May and, in terms of s18 of the Ethical Standards in Public Life (Scotland) Act 2000, the Council is required to consider this decision, a copy of which is appended, and advise the Commission of any actions or decisions taken by 7 August 2015.

## 6. IMPACT

Corporate – The decision provides an interpretation of paragraph 3.16 of the Councillors' Code of Conduct which is likely to affect how the monitoring officer interprets this in future.

Public – Given that the hearing arose following the submission of complaints by members of the public against the actions of certain members, there is likely to be considerable interest in the Council's response to the formal decision.

## 7. MANAGEMENT OF RISK

There could be an impact should the Council take decisions in future which relate to a campaign which has the support of or is opposed by more than one political party and the monitoring officer will require to give advice at the time should such a situation transpire.

## 8. BACKGROUND PAPERS

There are none.

## 9. REPORT AUTHOR DETAILS

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**STANDARDS  
COMMISSION  
FOR  
SCOTLAND**

INTEGRITY IN PUBLIC LIFE

Office of C  
Aberdeen  
08 MAY 2015

Ms Angela Scott  
Chief Executive  
Aberdeen City Council  
Town House  
Broad Street  
Aberdeen  
AB10 1FY

7 May 2015

Dear Ms Scott

**Case Ref: LA/AC/1520, 1521, 1523, 1524, 1529, 1532 – 1535, 1537 – 1609, 1611 and 1613**  
**Respondents: Councillors Barney Crockett, Neil Cooney, Fraser Forsyth, Ross Grant, Jenny Laing, Ross Thomson and Willie Young of Aberdeen City Council**

#### Issue of Written Decision

I refer to the Hearing detailed above and now enclose a copy of the written decision of the Hearing Panel. I have enclosed a copy of this letter for Mr Craig Innes, in his role as interim Monitoring Officer, for information. I would be grateful if you could pass this on.

In terms of section 18 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 ("the Act") and Rule 10.9 of the Standards Commission's Hearing Rules, the Standards Commission is required to afford any Council or Devolved Public Body receiving a copy of a written decision a period of 3 months (or longer as the Standards Commission may determine) to consider the content of that decision. Section 18(3) of the Act provides that this consideration cannot be undertaken solely by a Committee, Sub-Committee or Officers of the relevant Council or Public Body.

I would, therefore, be grateful if arrangements could be made for consideration of the written decision in terms of section 18(3) of the Act and Rule 10.9 of the Hearings Rules. Notification of any actions or decisions taken by the Council as a result of the written decision should be forwarded for my attention within 3 months of the date of this letter, i.e. by 7 August 2015. I will then advise the Standards Commission of the terms of any information received.

Room T2.21, The Scottish Parliament  
Edinburgh, EH99 1SP

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INTEGRITY IN PUBLIC LIFE

Thank you for your assistance with this matter.

Yours sincerely

**LORNA JOHNSTON**  
Executive Director

Enc.

cc: Mr Craig Innes, Head of Commercial and Procurement Services

Room T2.21, The Scottish Parliament  
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**Decision of the Hearing Panel of the Standards Commission for Scotland following the Hearing held in the Townhouse, Aberdeen City Council on 11 February 2015, and 15 - 16 April 2015**

**Panel Members:** Mr Ian Gordon, OBE, QPM; Chair of the Hearing Panel  
Mr Matt Smith, OBE  
Mrs Lindsey Gallanders

The Hearing arose in respect of a Report by Mr Bill Thomson, the Commissioner for Ethical Standards in Public Life in Scotland ("the CESPLS") further to complaint numbers LA/AC/1520, 1521, 1523, 1524, 1529, 1532-35, 1537-1609, 1611 and 1613 ("the Complaint") concerning an alleged contravention of the Councillors' Code of Conduct ("the Code") by Councillors Barney Crockett, Neil Cooney, Fraser Forsyth, Ross Grant, Jenny Laing, Ross Thomson and Willie Young of Aberdeen City Council.

The CESPLS, Mr Bill Thomson, was represented by Mr Alan Cowan of Simpson & Marwick Solicitors and was also accompanied by Mr David Sillars, the Senior Investigating Officer in the case. The Respondents attended the Hearing and Ms Frances Randle of Steel & Shamash Solicitors, represented Councillors Crockett, Cooney, Grant, Laing and Young. Councillors Thomson and Forsyth represented themselves.

### **The Complaint**

A number of complaints (84 in total) were submitted to the CESPLS, the substance of which were that following a decision of the Urgent Business Committee (UBC) on 11 March 2014 a letter, signed by the then Leader of the Council – Councillor Crockett, providing broad budgetary information and setting out a number of policy initiatives against which proposed expenditure had been set, was enclosed with the Council Tax bills issued by the Council. The letter contained the following statement:

*"The Council's position is clear, as we agreed at our meeting in December last year we recognise that Aberdeen is stronger now and will be stronger in the future – economically, politically, and socially – as a partner within the United Kingdom."*

The complainants alleged that the generation and distribution of this letter contravened the key principles of Duty and Leadership set out in section 2, and paragraph 3.16 of the Code ('Use of Council Facilities').

The CESPLS, however, found the Respondents had not breached the key principles of Duty and Leadership as those principles, as stated within the Code, are for guidance purposes only, therefore a contravention would not in itself constitute evidence of a breach of the Code.

At the conclusion of the investigation into the complaints, the CESPLS reported to the Standards Commission for Scotland ('the Standards Commission') that he had determined the matter complained about was a contravention of paragraph 3.16 of the Code and referred the matter to the Standards Commission for consideration and decision.

The relevant provision of the Code is:

*Paragraph 3.16 of the Code states:*

*'Use of Council Facilities*

*3.16 The Council will normally provide facilities to assist councillors in carrying out their duties as councillors or as holders of a particular office within the Council. This may involve access to secretarial assistance, stationery and equipment such as telephones, fax machines and computers. Such facilities must only be used in carrying out Council duties in accordance with your relevant Council's information technology, communications and member support policies or for incidental personal use as authorised by your Council and not related in any way to party political or campaigning activities. Where the Council recognises party political groups, assistance to such groups is appropriate in relation to Council matters but must not extend to political parties more generally and you should be aware of and ensure the Council complies with the statutory rules governing local authority publicity.*

**Joint Statement of Facts**

The CESPLS and the Respondents provided a Joint Statement of Facts signed on 6 February 2015 by the Respondents' Representative and on 9 February 2015 by the CESPLS.

**Decision**

The Hearing Panel considered all of the evidence, including submissions given in writing and orally at the Hearing and, having applied the civil standard of proof, 'on the balance of probabilities', the Panel found as follows:

1. The Councillors' Code of Conduct applied to the Respondents.
2. The Panel determined that based on all of the evidence before it, the Respondents had not breached section 3.16 of the Code.

**The reasons for the Hearing Panel's decision include:**

1. The submission by the parties of an agreed Joint Statement of Facts.

2. The complaints related only to the content of paragraph one of the letter signed by Councillor Crockett. The decision for the Panel was therefore confined to whether or not the inclusion of this paragraph breached the Code.
  
3. The Panel heard evidence there had been some discussion about the letter, by the Chief Executive Officer (CEO) and the Head of Service (HofS) of the Chief Executive Officer's Department, with Councillors Crockett and Young prior to its publication. The CEO said she had requested legal advice from the Head of Legal and Democratic Services (the Monitoring Officer - MO). This discussion with the CEO had been at two routine weekly meetings on 24 February and 3 March 2014; there had not been a specific meeting called by the CEO to discuss this particular issue. The Panel also heard that the CEO and the MO had not met to discuss the legal aspects of the letter; communication between the two appeared to have been through the HofS.
  
4. To assist their decision making, the Panel considered a timeline where events occurred on the following dates in the following order:
  - 14 August 2012: "Smarter City" programme approved by Aberdeen City Council
  - 18 December 2013: Aberdeen City Council approved a motion which included a statement that the Council:  
*"Notes Scotland's future will be determined by a public referendum on 18 September 2014.*  
*Notes the Smarter Aberdeen vision adopted by Council, which recognises that Aberdeen is stronger now and will grow even stronger in the future – economically, politically, and socially – as a partner within the United Kingdom."*
  - Around 24 February 2014 - Councillor Young drafted the letter
  - 24 February 2014: draft letter given to HofS who forwarded a copy to the MO for legal advice
  - 24 February 2014: CEO, HofS, Councillors Crockett and Young attended a weekly meeting where the letter was discussed
  - 3 March 2014: CEO, HofS, Councillors Crockett and Young attended a weekly meeting where the letter was discussed
  - 3 March 2014: the letter was printed by the Council
  - 6 March 2014: Councillor Young released the letter to the local media
  - 10 March 2014: Director of Corporate Governance (DCG) acting in absence of CEO, Councillors Crockett and Young attended a weekly meeting
  - 10 March 2014: at around 5pm Councillor Crockett received the MO's written legal advice
  - 10 March 2014: evening meeting of the Labour Group
  - 11 March 2014: Councillor Young received independent legal advice
  - 11 March 2014: pre-meeting of the seven respondents attending the Urgent Business Committee (UBC) meeting
  - 11 March 2014: UBC meeting, heard a motion on the letter
  - 18 September 2014: Referendum held

5. The MO gave evidence that she discussed with the matter by telephone/email with the HofS and did not speak directly to the CEO. She believed the CEO was being copied in to the communications. The request for legal advice came from the HofS but the MO did not compile written legal advice until 10 March 2014. The CEO said she believed that she had received a copy of that advice. The Panel did not hear evidence from the HofS. On a matter of such importance for the Council's reputation and acknowledging the CEO's statement that there were other important events taking place at that time, the Panel found it surprising there had been no direct communication between the CEO and her Legal Adviser, the MO.
  
6. The MO had concerns about the wording of paragraph one of the letter stemming from Section 2 of the Local Government Act 1986, which deals with the prohibition of political publicity. The legal advice set out the risks attached to the publication of the letter and stated:  
*"this could be viewed as breaching the statutory provision".*  
The MO said that her:  
*"position (on the matter) is re-enforced by the Standards Commission for Scotland's Councillors' Code of Conduct".*  
On her view of possible risk of legal challenge/action following the publication of the letter, the Panel heard that the MO thought a referral to the Standards Commission (via the CESPLS):  
*"is far more likely to occur".*  
The MO cited an earlier case, in Falkirk, where a breach of Section 3.16 of the Code had been determined. The Panel, however, accepted the view of the Respondents that the facts of the Falkirk case were completely different so it was not relevant to this matter.
  
7. The Panel heard from Councillor Young that in one of the meetings with senior council officers, the HofS had proposed the following be added to the letter:  
*"as we agreed at our meeting in December last year".*  
This was in order to demonstrate that the statement in the letter reflected Council policy passed on 18 December 2013. The Panel noted this evidence had not been confirmed by other witnesses but had also not been challenged.
  
8. In evidence, the CEO said she had made her concerns about the wording of the letter clear to Councillors Crockett and Young. She had not sought a specific meeting to address the issue of the letter as she had done so in her weekly meetings with them. By the conclusion of her second and last meeting with Councillors Crockett and Young, the CEO had only received verbal legal advice; she had not seen the MO's written legal advice on the letter. The CEO acknowledged that she could have raised her concerns earlier than she did. The CEO was out of Scotland for a number of days after 3 March 2014. She accepted that during this time she had a telephone conversation with Councillor Crockett but could not recall if the letter was mentioned or not. Councillors Crockett and Young disputed

the evidence of the CEO and claimed the issue was not initially raised in the manner suggested by the CEO. It was only when the letter later came into the public domain that she expressed her concern about the impact the letter may have. Councillor Crockett stated that during his telephone conversation with the CEO, she did not mention the letter. The Panel preferred the account given by Councillors Crockett and Young to that of the CEO. The Panel would have expected the CEO to have sought to have received the MO's written advice at an earlier date and to have raised the issue with Councillor Crockett during their telephone call if her concerns had not been addressed.

9. The existence of the letter came into the public domain in the week beginning 4 March 2014. Councillor McCaig, Leader of the Scottish National Party (SNP) Group in the Council, put a motion forward to the effect that the letter drafted by Councillor Young should not be promulgated. This motion was put on the agenda of the Urgent Business Committee (UBC) scheduled for 11 March 2014. The seven respondents represented the Council's Administration on the UBC. There were six other members of the UBC.
10. The Panel had concerns about the advice given by officers to Councillors Crockett and Young and, in particular, the timing of the written legal advice. The issue first came to light on 24 February yet written legal advice was only delivered to Councillor Crockett (Chair of the UBC) on 10 March 2014, the evening before the Committee was to meet. Consequently little time was available for all UBC members to consider that advice. At a meeting of the Labour Group that evening, Councillor Crockett shared the advice with Councillor Young who then gave a verbal summary to the Group. Councillor Young thought the advice flawed; he gave evidence that the legal advice referred to the first draft of the letter, which did not include the amendment:  
*"as we agreed at our meeting in December last year"*.  
He offered, and it was agreed by the Group, to seek independent legal advice. This was not obtained until the morning of the UBC, when it was given to a pre-meeting of the seven respondents.
11. Councillor Young received separate and verbal legal advice from two independent firms of solicitors. He stated this advice was contradictory to the legal advice from the MO in that it did not consider that publication of the letter would be a breach of the Code. Councillor Young gave a verbal account of the legal advice to the pre-meeting of the UBC. Whilst the Panel accepted that independent legal advice was obtained by Councillor Young and verbally summarised to his colleagues, that independent legal advice was not produced in evidence so there was no opportunity for the Panel to assess its content.
12. The Panel heard that in order to keep to the timetable for the issuing of the Council Tax letters, council officers agreed to the letter being printed. This was done by 3 March 2014, before the Respondents had seen any written legal advice.

The CEO said the decision was taken to proceed with the printing of the letter before the legal advice was produced for reasons of "efficiency".

13. The CEO and the MO had expressed their concern over the letter but there was no evidence of any consideration, by the CEO or the MO, of the option to take legal action at an early stage to stop publication of the letter. This option was available under Section 5 of the Local Government Act 1986 to protect the Council had either officer thought the Respondents were acting illegally.
14. The Panel heard evidence from five of the Respondents (Councillors Crockett, Cooney, Grant, Laing and Young), where all indicated that they considered the legal advice provided by the MO was not conclusive and they did not see it as prescriptive and preventing them publishing the letter. The other two Respondents (Councillors Thomson and Forsyth) did not give evidence but submitted that they agreed with what their colleagues said concerning the legal advice.
15. At the UBC, six members of the Committee, Councillors McCaig, Dickson, Noble, Kiddie, Dunbar and Yuill, left the meeting in protest that the legal advice was to be given in private. The Panel heard that it was the general practice in Aberdeen City Council for legal advice to be given in private. This action caused some confusion as to procedure but the council officers present advised the Councillors who remained that the meeting should continue in line with Standing Orders as it still had to determine the motion raised by Councillor McCaig, despite the fact that he was no longer present. The written legal advice was given to the remaining members who then had the opportunity to read and so consider that advice. The Panel heard no evidence from those members of the UBC who had left the UBC, therefore it was unaware if in fact they had had sight of the legal advice before taking their action. However, the Panel heard evidence that the MO did not give any verbal clarification of the advice nor did the Respondents request any. Consequently there was no challenge to the decision to proceed with the letter from officers of the Council or those Members who had left the UBC.
16. The Panel carefully considered the role undertaken by each of the Respondents both individually and as a Committee of the Council. They had not received the legal advice timeously. Those Respondents in the Labour Group were given a verbal summary of that advice during their Group meeting on 10 March; they agreed to seek independent legal advice. The two Respondents who were not members of the Labour Group received verbal summaries of both the MO's advice and the independent legal advice at the pre-meeting of the UBC. The Panel considered this late submission of advice was not in accord with the level of concern expressed by officers about the letter.
17. The Panel further noted that the Respondents had acted in accordance with Section 1.6 of the Guidance to the Code, which states:

*"No written information can provide for all circumstances and if you are uncertain about how the rules apply, you should seek advice from senior Council employees. You may also choose to consult your own legal advisers, and on detailed financial and commercial matters, to seek advice from other relevant professionals".*

The Panel was satisfied that the Respondents were aware of their personal responsibility to comply with the Code. It was satisfied they were acting in their capacity as councillors in a properly constituted council committee. The use of officers' time and council resources was legitimate and in furtherance of council business. There was no additional expenditure to that required for the normal circulation of the annual letter with the Council Tax bills.

18. The Panel agreed with the conclusion of the CESPL that:

*"The events complained of do not in themselves constitute a 'campaign'".*

The Referendum could not be defined in terms of a traditional party political matter. While there were two sides to the debate, both represented a mixture of political parties and many who had no political allegiance. Indeed, within political parties there were differences of opinion.

19. Complaints about the letter had also been made to Audit Scotland. It observed that the paragraph in the letter was an accurate statement of Council Policy but noted the letter only referred to one out of eleven 'vision statements'. Audit Scotland expressed no dissatisfaction with the publication of the letter.

20. The Panel considered in some detail the application of the Code in these circumstances:

- It accepted that paragraph one of the letter was a restatement of existing Council policy as agreed in December 2013.
- It accepted that the letter had been amended to reflect that policy on the advice of the HofS.
- It considered the definitions set out in Section 2 of the Local Government Act 1986, as amended, and in particular section 2(2)(a). The Panel concluded that the paragraph in the letter did not refer:  
*"To a political party or to persons identified with a political party or promotes or opposes a point of view on a question of political controversy which is identified as the view of one political party and not another".*
- If the paragraph was to be taken to refer to the Referendum Campaign, this was multi party as opposed to one party and not directly "party political" in the sense of the Act. The Panel did not find the paragraph to be "party political" as defined. In any event, at the time of publication, the referendum was some 6 months away.
- The paragraph did not set out any support for any campaign, nor did it call for support for any campaign nor did it identify any follow up action to be taken. The Panel heard no evidence that the publication of the letter led to any later activity in this area. This paragraph was a statement of published fact from an earlier decision of the Council.

21. The Panel concluded that the actions of the Respondents did not constitute a breach by having regard to the provisions of Section 3.16 of the Code and Section 2 of the Local Government Act 1986, as amended, which defines party political or campaigning activities. Section 2 is embedded in the Guidance to the Code and therefore states how the term “party political or campaigning activities” in Section 3.16 of the Code should be interpreted. The Panel was satisfied that the letter could not be regarded as being designed to affect public support for a political party.
  
22. The Act gives guidance on whether such material falls to be prohibited by having regard to the style of the material and the timing and circumstances of its publication. In this case, there was a history in the Council of the annual publication of such a letter, in that style, to accompany Council Tax payment notices.

For these reasons the Hearing Panel decided that the Respondents had not breached Paragraph 3.16 of the Councillors’ Code of Conduct.

Date: 6 May 2015

Ian A Gordon, OBE QPM  
Chair of the Hearing Panel



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