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To: All Members of the Council

Town House,
ABERDEEN Wednesday, 4 May 2016

COUNCIL

The Members of the **COUNCIL** are requested to meet in Council Chamber - Town House on **WEDNESDAY, 11 MAY 2016 at 10.30 am.**

FRASER BELL
HEAD OF LEGAL AND DEMOCRATIC SERVICES

BUSINESS

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

MINUTES OF COUNCIL

- 4(a) Minute of Meeting of Aberdeen City Council of 25 February 2016 - for approval (circulated separately)
- 4(b) Minute of Meeting of Aberdeen City Council of 2 March 2016 - for approval (circulated separately)
- 4(c) Minute of Meeting of Urgent Business Committee of 18 March 2016 - for approval (Pages 5 - 6)

- 4(d) Minute of the Appointments Panel meeting - Head of Planning and Sustainable Development Interviews of 31 March 2016 - for approval (Pages 7 - 8)

BUSINESS STATEMENT, MOTIONS LIST AND OTHER MINUTES

- 5(a) Business Statement (Pages 9 - 14)

- 5(b) Motions List (Pages 15 - 16)

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

- 6(a) Review of Accessible Vehicles Policy - referred by Licensing Committee of 6 April 2016 (Pages 17 - 86)

GENERAL BUSINESS

- 7(a) Age of Vehicles - Clarification of Policy - referred simpliciter by Licensing Committee of 6 April 2016 (Pages 87 - 106)

- 7(b) Appointments (Pages 107 - 108)

- 7(c) Governance Review Programme - Establishment of Working Group (Pages 109 - 116)

- 7(d) Council Diary (Pages 117 - 132)

- 7(e) Living Wage Accreditation (Pages 133 - 148)

- 7(f) Investors in Young People Accreditation (Pages 149 - 156)

- 7(g) Powering Aberdeen: Aberdeen's Sustainable Energy Action Plan - Draft for Public Consultation - report to follow

- 7(h) Planning Application - National Development comprising construction of new infrastructure to facilitate the creation of a new deep water harbour, including new roads, parking and means of access, temporary construction and fabrication areas and other associated development which may include public realm areas, paths, lighting and signage - P151742 (Pages 157 - 180)

- 7(i) Roads Hierarchy (Pages 181 - 198)

- 7(j) Transport Implications - City Centre Masterplan Projects (Pages 199 - 224)

7(k) Berryden Corridor Improvements (Pages 225 - 232)

MOTIONS

8(a) Motion by Councillor Taylor

“This Council wishes to congratulate Team Zariba, a local Ice Skating Team, who represented Great Britain at the prestigious World Synchronised Skating Championships in Budapest on 6th - 9th April 2016.

Governing body, NISA (National Ice Skating Association), unanimously agreed that the Aberdeen team should represent Great Britain at the competition which hosted some of the world’s best Synchronised Skating Teams.

This accolade comes after a highly successful season for the squad, who are based at the Linx Ice Arena. Prior to representing Great Britain, they clinched the Scottish, Welsh and British Championships.

Weeks of intense preparation and practice for Team Zariba took place prior to the Championships, and they were supported by Sport Aberdeen who assisted by arranging more time on the ice for the club.

The team achieved an overall score of 80.36 and a ranking of 23rd in the world.”

8(b) Motion by Councillor Laing

“Council notes the upcoming referendum on the United Kingdom’s membership of the European Union and agrees that Aberdeen is stronger now and will be stronger in the future - economically, politically, and socially - as a partner within the European Union.”

8(c) Motion by Councillor Corall

“The Aberdeen Hydrogen Showcase hosted in the AECC in March was described by delegates as the best in the UK. It was organised by Aberdeen City Council at the request of the Scottish Hydrogen and Fuel Cell Association (SHFCA). The event showcased several of the leading hydrogen and fuel cell projects currently active in Scotland, making the link between renewable energy and transport with use of hydrogen as a clean fuel with zero emissions at the tailpipe.

This Council recognises the sterling work carried out by the City Development Team to promote and develop the use of hydrogen and fuel cell technologies in the North East of Scotland and beyond.”

8(d) Motion by Councillor Kiddie

“Council congratulates the National Theatre of Scotland on its recent fantastic production of “Granite” performed in the Quadrangle of Marischal College. Council further recognises the local talent employed in the preparation and performance of the production and is pleased to note the richness and diversity of the Arts scene in Aberdeen.”

8(e) Motion by Councillor Boulton

“Council agrees that the Chief Executive of Aberdeen City Council writes on behalf of the people of Aberdeen in support of our NHS partners to the First Minister imploring the Scottish Government to secure the lifesaving, pioneering Trauma Centre at ARI.”

8(f) Motion by Councillor Jennifer Stewart

“To instruct officers to investigate the possibility of extending the remit of the Blue Badge Enforcement Officer to include Enforcement of misuse of residents and business parking permits and report back to the appropriate committee.”

BUSINESS THE COUNCIL MAY WISH TO CONSIDER IN PRIVATE

9(a) Berryden Corridor Improvements Appendix (Pages 233 - 246)

9(b) Decisions and minute of the Social Work Complaints Review Committee 7 April 2016 (Pages 247 - 256)

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To access the Information Bulletins for full Council please use the following link:
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URGENT BUSINESS COMMITTEE

ABERDEEN, 18 March 2016. Minute of Meeting of the URGENT BUSINESS COMMITTEE. Present:- Councillor Laing, Convener; and Councillors Boulton, Cameron, Cooney, Dickson, Jackie Dunbar, Flynn, Graham (substituting for Councillor Thomson), Greig (substituting for Councillor Yuill), Lawrence (substituting for Councillor Crockett), Taylor, Townson and Young.

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

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=334&MId=4186&Ver=4>

Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent Council minute and this document will not be retrospectively altered.

DETERMINATION OF URGENT BUSINESS

1. In terms of Standing Order 28(6)(vi), and in accordance with Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Committee was informed that it had to determine (1) that the item of business on the agenda was of an urgent nature; and (2) that the Committee required to consider the item and take a decision thereon.

The Committee resolved:-

to agree that the item was of an urgent nature, and required to be considered this day, due to the circumstances explained by the Head of Finance.

DETERMINATION OF EXEMPT BUSINESS

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

The Committee resolved:-

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

In accordance with the decision recorded under Article 2 of this minute, the following item was considered with the press and public excluded.

ABERDEEN RENEWABLE ENERGY GROUP (AREG)

3. There was circulated a report by the Director of Communities, Housing and Infrastructure which presented information and options in relation to AREG.

URGENT BUSINESS COMMITTEE

18 March 2016

The report recommended:-

that the Committee -

- (a) agree that the Council provide a guarantee as outlined in the report;
- (b) agree that the terms of giving such a guarantee shall be subject to agreeing certain obligations and paying agreed consideration in the future, and to direct the Head of Finance to negotiate the terms of the guarantee;
- (c) note the terms of the separate report into the options; and
- (d) note that negotiations were ongoing.

The Council resolved:-

to approve the recommendations.

- **JENNIFER LAING, Convener.**

APPOINTMENT PANEL

ABERDEEN, 31 March 2016. - Minute of Meeting of the APPOINTMENT PANEL. Present:- Councillor Milne, Convener; and Councillors Boulton, Corall, Cooney, Crockett, Dickson, MacGregor, Jennifer Stewart and Thomson

Also in attendance:- Scott Black, FWB Park Brown; Jeff Capstick, Human Resources and Customer Service; Pete Leonard, Director of Communities, Housing and Infrastructure; John Lynch, Interim Head of Planning and Sustainable Development; Marie Smith, Human Resources and Customer Service (part of meeting); and Emma Parr, Legal and Democratic Services (part of meeting)

EXEMPT INFORMATION

The Panel resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the press and public from the meeting so as to avoid disclosure of exempt information of the class described in paragraph 1 of Schedule 7(A) to the Act.

MINUTE OF PREVIOUS MEETING

1. The Panel had before it the minute of its previous meeting of 9 March 2016.

The Panel resolved:-

to approve the minute as a correct record.

JOB PROFILE

2. The Panel had before it the job profile for the post of Head of Planning and Sustainable Development.

The Panel resolved:-

to note the job profile.

POST OF HEAD OF PLANNING AND SUSTAINABLE DEVELOPMENT

3. With reference to the minute of its meeting of 9 March 2016, the Appointment Panel met to interview candidates for the post of Head of Planning and Sustainable Development.

The Panel interviewed the candidates that had been short-listed for the post, following which the outcomes of the full range of assessment information relevant to each applicant were considered.

The Panel resolved:-

- (i) to make no appointment;
- (ii) to agree in principle that the post be re-advertised accordingly; and
- (iii) to instruct that the Director of Communities, Housing and Infrastructure look at all options regarding the re-advertisement of the post and report back to the relevant Committee if necessary.

- **COUNCILLOR MILNE, Convener.**

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**COUNCIL
BUSINESS STATEMENT
11 MAY 2016**

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 25.02.16 Article 2	<u>Living Wage Employer and Investor in Young People</u> The Council instructed the Chief Executive to bring forward proposals to the Council meeting in May 2016 on how the Council could become an accredited Living Wage Employer and an accredited Investor in Young People.	Reports are on the agenda.	Chief Executive Interim Director of Corporate Governance	11.05.16
2.	Council 02.03.16 Article 15	<u>Transport Implications - City Centre Masterplan</u> The Council resolved:- (i) to note the content of the report, and thank officers for their efforts in bringing forward the report; (ii) to instruct officers to remit the designs as detailed in the report for options for Broad Street to the wider transport implications of the City Centre Masterplan assessment to ensure full details and implications of all options	A report is on the agenda.	Director of Communities, Housing and Infrastructure City Centre Director	11.05.16

<u>No.</u>	<u>Minute Reference</u>	<u>Council/Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>
		are available prior to going out to public consultation; and (iii) to instruct officers to report back to Council with the full assessment in May 2016.			
3.	Council 31.10.13 Article 17	<u>Community Planning Aberdeen - Development Plan</u> The Council agreed to receive six monthly updates on progress with the implementation of the Development Plan.	The Council received the last six month progress report on 16 December 2015.	Director of Communities, Housing and Infrastructure	29.06.16
4.	Finance and Resources 12.11.09 Article 22	<u>Community Planning Partnership - Fairer Aberdeen Fund</u> 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).	The Council received the last six month progress report on 16 December 2015.	Director of Communities, Housing and Infrastructure	29.06.16
5.	Council 19.08.15 Article 17	<u>Corporate Parenting</u> The Council instructed officers to report back on the implementation and review of the policy to Council in 2016.		Director of Education and Children's Services	17.08.16

<u>No.</u>	<u>Minute Reference</u>	<u>Council/Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>
6.	Council 25.02.16 Article 1	<u>Strategic Business Plan Refresh 2016/17</u> The Council instructed the Chief Executive to bring forward a report to the Council meeting in August 2016 with proposals for a series of public discussions on local matters in each of the 13 wards led by the Leader of the Council in conjunction with all Conveners and the Chair of the Integration Joint Board.		Chief Executive	17.08.16
7.	Council 25.02.16 Article 2	<u>Affordable and Social Housing</u> The Council instructed the Chief Executive to bring forward to the Communities, Housing and Infrastructure Committee proposals for the Council to accelerate the delivery of affordable and social housing within the Aberdeen city boundary utilising all relevant fiscal mechanisms, including asking the Scottish Government to use their devolved powers to help support these opportunities and to report back to Council at its meeting in August 2016.		Chief Executive Director of Communities, Housing and Infrastructure	17.08.16
8.	Council 02.03.16 Article 13	<u>Integration Joint Board (IJB) for Health and Social Care</u> The Council instructed the Chief Executive to provide an update report to members on matters relating to the IJB that she considered to be of interest to them at the Council meetings of 17 August and 14		Chief Executive Chief Officer - Aberdeen Health and Social Care Partnership	17.08.16

<u>No.</u>	<u>Minute Reference</u>	<u>Council/Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>
		December 2016 and quarterly thereafter, such reports including financial monitoring information in relation to the IJB.			
9.	Council 02.03.16 Article 17	<u>Devolution of Additional Powers to the Council</u> The Council instructed the Head of Economic Development to provide an 'options appraisal' of the devolution of existing and proposed (via the Scotland Bill) powers and the different levers that could be available to the Council, and report to the Council meeting on 17 August 2016.		Head of Economic Development	17.08.16
10.	Council 08.10.15 Article 15	<u>Director of Corporate Governance</u> The Council approved that the Chief Executive make all necessary arrangements to engage the services of an Interim Director of Corporate Governance, and agreed that the Chief Executive report to Council during autumn 2016 on options for the recruitment to the permanent post of Director of Corporate Governance	A report was considered at the Finance, Policy and Resources Committee meeting of 19 April 2016. This item can therefore be removed from the business statement.	Chief Executive	06.10.16
11.	Council 24.06.15 Article 21	<u>Broadford Works</u> The Council noted the content of the report and agreed that officers report back to a future meeting on any further action that may be required.		Director of Communities, Housing and Infrastructure	To be confirmed

<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 24.06.15 Article 13	<u>Local Authority Community Covenant</u> The Council agreed to receive a report at a future meeting once the Scottish Government had reviewed the Scottish Veterans Commissioner's report <i>Transition in Scotland</i> and decided how it wishes to take its recommendations forward.		Chief Executive	Upon review by the Scottish Government
13.	Council 08.10.15 Article 19	<u>Strategic Mixed Tenure Housing for Aberdeen City - Limited Liability Partnership (LLP)</u> The Council noted that a progress report would be brought back to Council within six months after the establishment of the LLP.		Director of Communities, Housing and Infrastructure	Date to be advised
14.	Council 06.03.13 Article 16	<u>Welfare Reform</u> The Council, amongst other things, approved the steps taken by officers to develop a policy and practice response and agreed to receive further reports in due course as measures were implemented.	A progress report was noted by the Council on 21 August 2013. Further reports were contained within the Information Bulletin for the Council meetings on 14 May 2014 and 16 December 2015. The final outcome of discussions between the Scottish and UK Governments regarding the devolution of decisions around welfare reform is awaited. Once this is clear an update will be provided in the Information Bulletin.	Director of Communities, Housing and Infrastructure	As and when required

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**COUNCIL
MOTIONS LIST
11 MAY 2016**

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><u>Motion by Lord Provost George Adam</u></p> <p>“That Aberdeen City Council agrees to take forward approaches from associates of the local fishing industry to create an appropriate 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>	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

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LICENSING COMMITTEE

6 APRIL 2016

REVIEW OF ACCESSIBLE VEHICLE POLICY - CG/16/053

2. (A) In terms of Standing Order 10(1), the Committee received a deputation from Mr Campbell and Mr Robertson, Unite representatives.

Mr Robertson referred to recent statements made in the press which he and other Unite members felt were unfair to the taxi trade and had negative implications for the trade. He went on to advise that they felt the accessible vehicle policy was contradictory and that a 100% accessible taxi fleet was unfair on those who could not use an accessible vehicle as it provided them with no choice and would create an additional cost for them as they would have no alternative to using a private hire vehicle which levied an additional £1 booking charge.

He explained that the trade had undertaken an informal consultation with passengers on the policy, and with approximately 700 responses it was clear to the taxi trade that a 100% accessible vehicle fleet would not meet the needs of everyone.

Thereafter, Mr Campbell explained that Unite appreciated that the Council had a policy which required all taxi vehicles to be accessible by June 2017, however requested, following discussions with taxi drivers and passengers, that the Committee conduct a review of the policy to ensure that it provided fairness and equality for all. He also questioned the position in respect of taxi drivers who could be exempt from the policy on medical grounds.

Members asked a number of questions of Mr Campbell and Mr Robertson.

(B) In terms of Standing Order 10(1), the Committee received a deputation from Mr McColl, Aberdeen Taxi Group, who advised that there was division within the trade regarding the Council's policy of a 100% accessible taxi fleet by June 2017 and given this position it was felt that further consultation on the policy was the correct action at this time.

He explained that as in 2012, the Aberdeen Taxi Group did not believe that a 100% accessible vehicle fleet was required and would welcome the opportunity for further consultation on this policy prior to it being implemented.

Mr McColl went on to advise that the taxi fleet was now substantially different to the fleet at the time of the decision being taken, with 54% of the fleet now being accessible vehicles. He questioned whether 54% of the fleet being accessible vehicles was sufficient and proposed that that could be answered through further consultation.

Thereafter, he explained that a number of drivers had already moved to an accessible vehicle in order to comply with the policy prior to its implementation in June 2017 and they would have a potential grievance should this policy be overturned. Therefore, he requested that whatever policy was agreed in respect of the taxi fleet and accessible

vehicles that it be made in accordance with legal obligations and ensured that the risk of legal challenge was minimal.

Members asked a number of questions of Mr McColl.

(C) In terms of Standing Order 10(1), the Committee received a deputation from Mr Wilson, who provided an overview of his involvement in the taxi trade and the wheelchair accessible group. He advised that he fully supported the Council's policy of a 100% accessible taxi fleet by June 2017 and provided a detailed rationale for his support of the policy.

Thereafter, he raised a number of issues which he felt could arise should the Committee review and amend its current policy to which many taxi drivers had already implemented in advance of the June 2017 deadline.

Members asked a number of questions of Mr Wilson.

(D) With reference to article 5 of the minute of the meeting of the Licensing Committee of 8 March 2016, the Committee had before it a report by the Director of Corporate Governance which outlined the implications for Aberdeen City Council if the Committee set aside its policy requiring all taxis to be accessible by 6 June 2017.

The report recommended:-

that the Committee -

- (a) agree to continue with the implementation of the Committee's policy requiring that all taxi vehicles be accessible by 6 June 2017; and
- (b) instruct the Head of Legal and Democratic Services to write to all holders of taxi licences informing them of the decision and the implications of same.

The Convener, seconded by Councillor Graham moved:-

that the Committee approve the recommendations in the report, subject to the following amendments:

- (a) to note the previous decision of the Licensing Committee and the consultation as narrated in the report together with the decisions in the cases of Wilson v Aberdeen City Council and R v Newcastle x parte Blake;
- (b) to note the Council's duties under equalities legislation to promote the public sector equality duty and that any move to set aside the policy would have a negative impact on the Council's equality outcomes; and
- (c) to amend recommendation (b) to include a reminder in the letter to licence holders of their conditions of licence in relation to the assistance of all passengers.

Councillor Reynolds, seconded by Councillor Hutchison moved as an amendment:-
that the Committee defer making a decision until the next suitable meeting in accordance with Standing Orders, following full consultation and further information relating to the Dundee City mixed fleet and to request officers to provide a reminder to licence holders of their conditions of licence in relation to the assistance of all passengers.

On a division, there voted:- for the motion (9) – the Convener and Councillors Allan, Lesley Dunbar, Graham, Grant, Lawrence, Malik, Malone and Young; for the amendment (7) Councillors Copland, Corall, Hutchison, MacGregor, Nicoll, Reynolds and Townson.

The Committee resolved:

to adopt the motion.

In terms of Standing Order 36(3), Councillor Hutchison intimated he would like this matter to be referred to full Council in order for a final decision to be taken. Councillor Hutchison was supported by Councillors Copland, Corall, MacGregor, Nicoll and Reynolds.

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ABERDEEN CITY COUNCIL

COMMITTEE	LICENSING
DATE	6 APRIL 2016
DIRECTOR	RICHARD ELLIS (INTERIM)
TITLE OF REPORT	REVIEW OF ACCESSIBLE VEHICLE POLICY
REPORT NUMBER	CG/16/053
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

The purpose of the report is to outline the implications for Aberdeen City Council if the Committee sets aside its policy requiring all taxis to be accessible vehicles by 6 June 2017

2. RECOMMENDATION(S)

It is recommended that the Committee:

- i. agrees to continue with the implementation of the Committee's policy requiring that all taxi vehicles be accessible by 6 June 2017; and
- ii. instructs the Head of Legal and Democratic Services to write to all holders of taxi licences informing them of the decision and the implications of same.

3. FINANCIAL IMPLICATIONS

There are no financial implications at this stage.

4. OTHER IMPLICATIONS

If the Committee decides to take action in respect of the policy a full consultation shall be required in early course. This may have implications on resources and staffing within the licensing section.

5. BACKGROUND/MAIN ISSUES

5.1 **Background**

The Committee introduced a policy in 1994 whereby new taxis were required to be wheelchair accessible vehicles (now referred to as “accessible vehicles” – developments over the years now mean the vehicles provide facilities for a diverse number of disabled people). No end date was fixed for its implementation for all taxis. Taxi licences issued before 1994 were permitted to continue operating with saloon cars for a transitional period. The policy was brought in at the same time as a limit on the number of taxi licences in the city. Originally it was intended that there would be a gradual move to a 100% accessible vehicle taxi fleet and no fixed date was set for implementation.

In 2006 the Committee removed the limit on taxi licences. All new applicants for a taxi licence were still required to provide an accessible vehicle. The aim was to gradually increase the number of accessible vehicles to a 100% accessible vehicle fleet.

In 2007 an appeal challenging the validity of the 1994 policy was refused by the Court of Session in the case of *Wilson –v- Aberdeen City Council (2008 S.C. 231)*. The court held that it could not be other than wholly sympathetic to a policy which in the end envisaged that the whole taxi fleet in Aberdeen would be accessible (as had already been achieved by other local authorities in Scotland).

The Committee uses the current specification of accessible vehicle available from and encouraged by the Department for Transport. The specification includes accessibility requirements for both wheelchair passengers and those with restricted mobility. This permits a range of accessible vehicles to be used in the taxi fleet, which offers a broad choice of vehicles to suit both passengers and drivers who have a disability. New vehicles can quickly be added to the approved list provided they meet the specification.

There are already 20 or more types of accessible vehicles in service, which are based on various types of family vehicle. This list is open ended as when new accessible vehicles are produced they can be added to the list. Newer vehicles have improved adaptations to benefit passengers with a range of disabilities. In this manner the policy can keep pace with current developments in accessibility for taxis.

5.2 **Taxi Demand Survey 2011**

During 2011 taxi trade representatives on the Taxi Consultation Group submitted requests that a limit again be imposed on the number of taxi licences in the city. A Taxi Demand Survey was therefore commissioned which concluded that there was no significant unmet demand for taxi services in Aberdeen and recommended imposition of a limit.

A report by licensing officers to the Committee at its meeting on 4 April 2012 highlighted the results of the survey report and pointed out that if a limit were to be introduced, this would impact the accessible vehicle policy by reducing the introduction of new taxi licences, and thereby new accessible vehicles into the fleet. It was noted that the introduction of accessible vehicles to the taxi fleet was already slow, due in part to the continued substitution of saloon vehicles by those licence holder who had held licences prior to 1994.

Officers therefore recommended a review of the accessible vehicle policy to facilitate a 100% accessible fleet in conjunction with the introduction of a limit.

At its meeting on 4 April 2012 the Committee agreed to a limit being imposed subject to a review of the accessible vehicle policy and instructed that consultation be undertaken with the Taxi Consultation Group, the Disability Advisory Group and the Older Peoples Advisory Group in this regard.

5.2.1 Consultation Responses

Following the aforementioned consultation a report was put before Committee at its meeting on 6 June 2012. The report summarised the responses from the consultees and can be found at <http://committees.aberdeency.gov.uk/documents/g2303/Public%20reports%20pack%2006th-Jun-2012%2014.00%20Licensing%20Committee.pdf?T=10>.

In summary, the consultees were in favour of an accessible taxi fleet.

There were concerns raised at the time from some respondents who wished to see sufficient saloon taxis or suitable taxis for persons with restricted mobility to be made available in the taxi fleet on a continuing basis. However the majority of those consultees advised that they almost exclusively pre-booked their vehicles mainly due to convenience. The Committee therefore noted that the request for saloon vehicles to remain within the fleet could be accommodated by private hire cars without any significant restrictions on service to that particular group of passengers.

The Committee was also advised that elderly persons and mobility restricted persons who were capable enough to walk to a taxi rank would also be capable to gain entry and exit from accessible taxis which all have adaptations for the mobility restricted. It was, and still is, a condition of licence that a driver provides assistance to these passenger groups and in particular assisting said passengers into the priority seat by the driver.

5.2.2 Equalities and Human Rights Assessment

An Equalities and Human Rights Assessment was completed prior to the decision by the Committee on 6 June 2012. It is attached as appendix 1 to this report. The Committee was cognisant of the fact that its duties under the equalities legislation were a primary consideration in the decision to implement a 100% accessible vehicle policy.

5.2.3 Committee Decision

Having regard to the consultation responses and following recommendations from officers, the Committee concluded that the 100% accessible vehicle policy was the best option to comply with the public sector equality duty, having its foundation in the premise that disabled persons should have equal access to taxi services. The goal of the policy was to ensure that there was proper provision of taxis and private hire cars to enable persons with a range of disabilities to access these services, whether on the street, at a taxi rank or by pre-booking.

The Committee recognised that it was appropriate to fix a date by which all taxis should be accessible. It was considered fair and reasonable to set an end date 5 years ahead (at the time five years was considered to be the average life of a taxi), partly to allow licence holders to plan ahead and provide an appropriate accessible vehicle. The Committee therefore agreed a deadline of 6 June 2017 by which time all taxis will have to be accessible.

5.3 Conclusions and Recommendations

In considering whether or not to undertake consultation on amending the policy of 6 June 2012, the Committee should give consideration to the following issues:-

5.3.1 Consultation

A full consultation will require to be carried out prior to any decision being taken by the Committee on amending the policy. There was comment at the Committee's meeting on 8 March 2016 that any amendment should aim to be completed by 1st June 2016 given the implications for drivers who are leasing vehicles annually. That leaves a very short timescale and would raise questions as to whether any meaningful consultation can in fact be undertaken and responses analysed in order to enable the introduction of an amended policy by 1st June 2016.

As noted in this report, the Committee carried out a full consultation prior to agreeing the policy in 2012 and the issues presently before the Committee were before it at the time the decision was made. The Committee had due regard to the views of various passenger groups, including those who expressed a preference for saloon vehicles. It was recognised that not all disabled persons use a wheelchair and that some groups had a preference for saloon cars. However the range of accessible vehicles was considered wide enough to meet a range of

need. Indeed, the range has widened considerably since the Committee's decision in 2012. Drivers were bound by the conditions of their licence to assist such passengers in entering and exiting the vehicle, thereby minimising any difficulties for the passenger. Further it was also noted that saloon vehicles would be available for pre-booking as private hire cars.

The Committee was aware that it had to balance the needs of a number of different groups in agreeing the policy. Having a 100% accessible taxi fleet, complemented by a private hire fleet, was considered the best way of ensuring that the needs of passengers were met.

It is difficult to see therefore what new information is now before the Committee that was not before it when the decision was taken on 6 June 2012. It is noted that there has been mention of the downturn in the city economy and taxi licence holders being unable to afford an accessible vehicle. However officers understand that the cost of second hand accessible vehicles is now on a par with saloon vehicles. The original decision to move to an accessible fleet was taken by the Committee in 1994; in 2012 an implementation date of 6 June 2017 was set for all taxis to be accessible. The Committee has therefore afforded licence holders a significant transitional period. Further, whilst the Committee can have regard to the views of licence holders, in seeking to promote the public sector equality duty it must give precedence to protected groups and the public interest as a whole.

5.3.2 Issues posed by a mixed fleet

If the Committee agrees to set aside the policy of 6 June 2012, the Council will be left with a mixed taxi fleet with no workable alternative that will comply with the public sector equality duty. There have been suggestions from some members of the trade that a similar model to that currently operated in Dundee could be implemented, namely having a fixed quota of accessible vehicles in the fleet.

A fixed quota would however raise the question of how vehicle types will be allocated. The concern is that such an arrangement would create perceived unfairness and resentment between those drivers who have to purchase an accessible vehicle and those who can operate a saloon. This has always been a contentious issue and was raised with the Government after the introduction of the Disability Discrimination Act 1995 (since superseded by the Equality Act 2010). A two tier system would be created which is contrary to the intention of the taxi licensing legislation.

In the case of *R v. Newcastle ex parte Blake* the High Court of Justice looked at the issue of a mixed fleet and Justice Jowitt made some comments on the operation of such a policy:-

“The City received conflicting representations on whether or not there were sufficient hackney carriages provided with wheelchair access. Mr

Rumbelow accepts that it was appropriate, by way of a decision, to provide that some of the new licences issued should be to vehicles which had to have wheelchair access but, he argues, that should not be a requirement in respect of all of them. That submission gives rise to three considerations. First, how does the local authority decide what ratio there should be between those new vehicles which do have wheelchair access and those which are not required to have wheelchair access? It may be that, if it were the only consideration, it would be an issue to be resolved without over much difficulty.

The second consideration concerns the invidious decision which the Council would have to make; let us suppose a number of applications were made for Hackney Carriage licences, how is the decision to be made that these vehicles, to which these licences will be given, must have wheelchair access, but these need not? How is the City Council to distinguish between one operator applying for licences and another making, he would hope, a similar application, because of course the substance of this part of challenge is acknowledged: it costs more to provide a Hackney Carriage which has a wheelchair access than one which does not and implicit in that is the further proposition that it is less profitable, if one has to provide a vehicle with a wheelchair access, than if one does not have to.

The third consideration calls upon one to look at the situation through the eyes of the person who is bound to a wheelchair. It may be that there is an adequate number of wheelchair access Hackney carriages if one simply looks upon it as a statistical problem. If there are say five percent of wheelchair-bound potential passengers and already ten percent of vehicles which have wheelchair access, one might say that is an adequate provision. But what of the person who is waiting on the rank in his wheelchair for a Hackney Carriage and he is fifth in the queue. The first two may be the older type of vehicle with no wheelchair access. Then along comes vehicle number three which has a wheelchair access. It may well be that the people who are number 3 in the queue may not be willing to stand down and let the wheelchair bound person take their place. They go off in the Hackney carriage with the wheelchair access and then it may be that another such vehicle does not come to that stand for a long time.

The disabled person has to keep standing back again and again in the queue. That is not an unreal situation. The mere fact that you have a set percentage of vehicles, if that is the way it is to be done, which have wheelchair access, does not always mean there is roughly a sufficient number of such vehicles waiting or arriving roughly at the right time at this, that or the other rank.

In those circumstances, I can see very cogent arguments in favour of saying new licences should only be issued in respect of vehicles will wheelchair access so as to make sure the service is adequate for all. I bear in mind what is said in paragraphs 5.2 and 5.4 that there should not be invidious discrimination between one operator and another and

that all new vehicles which are newly licenced should have wheelchair access.”

It is therefore difficult to envisage how a mixed fleet of accessible and saloon vehicles could operate in practice without some form of discrimination against licence holders and consequential impact on non-ambulant passengers. It should be noted that this issue was canvassed with the trade prior to the introduction of the policy in 1994 and no workable solution was presented.

5.3.3 Transitional period

As previously stated in this report, the Committee first confirmed its intention to move to a 100% accessible fleet in 1994 which has allowed a transition period of approximately 23 years to a 100% accessible taxi fleet. The policy was fully supported by the decision of the Court of Session in *Wilson v Aberdeen City Council* and the Committee's decision on 6 June 2012 to impose a deadline for all vehicles to be accessible follows comment from the court in that case.

The Committee agreed that a five year period would be reasonable, thereby setting a deadline of 6 June 2017. Five years was recommended as it was considered to represent the average life cycle of a taxi. It was also considered sufficient time for licence holders to arrange for the purchase of an accessible vehicle. All taxi licence holders were written to and advised of the timescales and it has been widely discussed at meetings of the Taxi Consultation Group in recent years.

There will therefore be current taxi licence holders who have incurred the expense of leasing or purchasing an accessible vehicle, having had regard in good faith to the Committee's policy. If the Committee decides to review the policy with just over a year until implementation, it may face challenge from members of the trade who have purchased vehicles in anticipation of the deadline of 6 June 2017 as well as claims for compensation.

5.3.4 Public Sector Equality Duty

The Committee's main statutory consideration in relation to its accessible vehicle policy is that it must have due regard to the public sector equality duty under Section 149 of the Equality Act 2010. Members are referred to the relevant sections of the Equality Act 2010 in appendix 1, which include Sections 6 (Disability), 149 (Public Sector Equality Duty) and 158 (Positive Action: General).

In the circumstances, the relevant protected characteristics of disability and age require to be taken into account. A disability is a physical or mental impairment that has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities.

Disability includes age related medical conditions, such as restricted mobility. The current accessible vehicle specification opted by the Committee is designed to meet, insofar as possible, the needs of both wheelchair and restricted mobility passengers as well as ambulant passengers. It is the best available taxi specification to meet broad ranging disabled passenger requirements, particular when complemented by the range of saloon cars in the private hire fleet.

The public sector equality duty requires the Committee to have due regard to the need to remove or minimise disadvantage suffered by people with relevant characteristics, and take steps to meet those needs that are different to those of people who do not share these characteristics (i.e. disability). The Committee's adoption of the wheelchair and ambulant accessibility requirements in its taxi vehicle specification assists in meeting the duty.

It was noted when the decision was taken on the policy that there were some groups who expressed a preference for saloon cars and that this will always remain the case. However, the Committee's duty is to have due regard to the needs of relevant groups, rather than to fulfil those needs.

In the 2011 case of R (007 Stratford Taxis Ltd) v Stratford-On-Avon District Council the Court of Appeal rejected a ground of appeal which sought to challenge a 100% accessible vehicle policy on the basis that there were disabled persons who could not easily access accessible vehicles. It was sufficient that the authority had due regard to the concerns of relevant groups when agreeing the policy. The courts have taken a general view that the implementation of a 100% accessible vehicle policy is a proportionate and reasonable measure and compliant with a licensing authority's duties under the Equality Act 2010. Accordingly if the Committee were to amend its policy it may face challenge by disability groups and in the face of the view from the courts to date, such a challenge may be difficult to resist.

The Committee's current policy is therefore considered the best option to comply with the public sector equality duty.

5.3.5 Conclusions

The Committee's current policy remains the best option to assist attempts to improve access to taxis for wheelchair passengers and passengers with restricted mobility. Such passengers are persons with the protected characteristic of disability in terms of the Equality Act 2010.

Prior to agreeing the policy, the Committee was aware that some passengers prefer saloon cars. It is therefore important to note that the policy will only apply to taxi vehicles. Private hire cars are still permitted to be saloons. These are available for pre-booking and will remain so after 6 June 2017. The goal of the Licensing Committee's policy is to ensure that there is proper provision of taxis and private hire cars to

enable persons with a range of disabilities to access these services, whether on the street, at a taxi rank or by pre-booking.

There are currently 1022 taxis in Aberdeen and 54% of the fleet is accessible. There is an open ended list of accessible vehicles, with various configurations, layouts and adaptations, which should be of assistance to passengers with different disabilities and to taxi licence holders looking for a suitable vehicle to comply with the accessible vehicle specification.

In addition there are presently 260 private hire cars. There is no accessible vehicle specification for the private hire fleet. The taxi trade has advised that a great number of taxi licence holders will wish to continue using a saloon vehicle after 6 June 2017; therefore they will change to private hire. Accordingly, it is anticipated that there will be an increase in the number of private hire cars, which shall remain as saloons. The Committee was aware of this fact when it took its decision. It was aware that persons who prefer a saloon vehicle will still be able to pre-book the same choice after 6 June 2017.

The current policy is compliant with the equalities legislation, promoting equality of access to taxi and private hire car services for persons with and without protected characteristics. The Committee requires to strike a fine balance in dealing with such matters. The policy is based on the premise that disabled persons should have equal access to taxi services compared with other passenger groups. It aims to minimise disadvantage in accessing taxi services for wheelchair and ambulatory passengers, who themselves have varied needs and preferences in terms of vehicles, by moving to an accessible taxi fleet within a defined timescale, whilst minimising disruption to the existing taxi and private hire fleet.

Officers therefore recommend that the Committee continues with the implantation of its policy and retains the date of 6 June 2017 by which time all taxi vehicles must be accessible whilst noting that saloon vehicles will still be available for pre-booking as private hire cars. If the Committee agrees the recommendation, officers will write to all taxi licence holders advising them of same.

6. IMPACT

Corporate - The Council's Equality Outcomes would be negatively impacted by any decision to remove the accessible vehicle policy. The Council has committed to improved customer service provision which advances equality and making Aberdeen an accessible city. The equality outcomes are supported by the current policy.

Public – This report will be of interest to members of the public who use taxis and taxi licence holders.

7. MANAGEMENT OF RISK

The Committee first indicated its intention to move to a 100% accessible vehicle fleet in 1994. From that date onwards, any applicant for a taxi licence must present an accessible vehicle.

If the Committee amends its policy of 6 June 2012 it may face challenge from licence holders who have taken steps in anticipation of the implementation date of 6 June 2017 to purchase or lease an accessible vehicle which could include claims for compensation. It may also face challenge from disability groups for failing to comply with its duties under the equalities legislation if the decision is taken to move to a mixed fleet of saloon and accessible vehicles. Having considered the view from the courts in similar cases, the prospects of the Council successfully resisting any challenge from disability groups could be said to be low.

The Committee was criticised in the case of *Wilson v ACC* for the length of time it was taking to fully implement the 1994 policy and move to a fully accessible fleet. If the Committee decides to now deviate from the deadline of 6 June 2017, it may face further criticism from the court in the event of a challenge.

8. BACKGROUND PAPERS

Report No. CG/12/045 – Review of Policy on Taxi Licences
Wilson v Aberdeen City Council
R (007 Stratford Taxis Ltd) v Stratford–On–Avon District Council
R v. Newcastle ex parte Blake

9. REPORT AUTHOR DETAILS

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ABERDEEN CITY COUNCIL

COMMITTEE: Licensing

DATE: 6 June 2012

DIRECTOR: Stewart Carruth

TITLE OF REPORT: Review of Policy on Taxi Licences- Consultation with Equalities and Taxi Trade Representatives

REPORT NUMBER: CG/12/045

1. PURPOSE OF REPORT

The purpose of this report is to consider the Committee's policy on taxi licences in Aberdeen City.

2. RECOMMENDATION(S)

It is recommended that the Committee instructs officers:

- (a) to impose a limit on the current number of taxi licences (as at 6 June, 2012) subject to recommendation (b) being approved;
- (b) to amend the wheelchair accessible vehicle policy, by requiring that all taxi licence holders to provide a wheelchair accessible vehicle within 5 years of the Committee's decision, subject to (a) above being approved.

3. FINANCIAL IMPLICATIONS

In terms of Paragraph 15 of Schedule 1 to the Civic Government (Scotland) Act 1982 (the "1982 Act"), the licensing authority must recover the costs of administering the taxi licensing regime through its licence fees.

If a limit is introduced it can only be maintained by regular demand surveys (ref. recommendation), which have cost and resource implications, and which would require to be factored in when assessing the application fees for taxi licences.

4. OTHER IMPLICATIONS

If a limit on taxi licences is reintroduced without revising the wheelchair accessible vehicle policy, it will have an adverse impact on the Committee's continuing compliance with the public sector equality duty in terms of wheelchair accessibility to vehicles. The gradual increase towards a 100% accessible taxi fleet will slow almost to a standstill or

reverse. This would be contrary to the aim of the Committee's WAV policy, and compliance with the public sector equality duty.

Recommendation (b) therefore has necessarily been included to address the impact a limit would have on the WAV policy in terms of the Committee's equality duties.

5. BACKGROUND/MAIN ISSUES

General Background

At its meeting on 17 April 2012 the Licensing Committee considered a report on the 'Review of Policy on Taxi Licences'.

The report recommended:-

that the Committee instructs a report back –

- (a) recommending that a limit be imposed on the number of taxi licences subject to recommendation (b) being approved;
- (b) subject to (a) above being approved, recommending that an amendment be made to the wheelchair accessible vehicle policy, requiring that all taxi licence holders provide a wheelchair accessible vehicle by 17th April, 2017 and that consultation be undertaken with the Taxi Consultation Group, the Disability Advisory Group and the Older People's Advisory Group in this regard;
- (c) takes no further action in relation to the proposal that Unight Aberdeen's members operate a scheme to arrange taxi transport for their patrons.

The Committee resolved:-

- (i) to approve the recommendations; and
- (ii) to defer items 6.1 to 6.8 on the agenda until 6th June 2012, when the Committee will consider a further report relating to the provision and policy of taxi wheelchair accessible vehicles.

The Committee will be aware that the interlinking nature of taxi licence policy requires the proposed limit on taxi licence numbers and the wheelchair accessible vehicle policy to be considered together as a joint Taxi Licence policy.

A. Consideration of a Limit on Number of Taxi Licences

Background

In terms of Section 10(3) of the 1982 Act, the Committee has the power to refuse to grant a taxi licence if, but only if, they are satisfied that there is no significant unmet demand for taxi services in Aberdeen. There is no obligation on the Committee to set a limit.

Since the introduction of these powers under the 1982 Act there have been periods when the Committee has had a policy of limiting taxi numbers and others where the market has been left to determine numbers.

The Committee introduced its WAV policy in 1994 at the same time as it introduced a limit on taxi licences. The WAV and taxi limit policies operated together as a general taxi licence policy.

In 2006 the Committee removed the limit on taxi licence numbers. All new applicants for a taxi licence were still required to provide a wheelchair accessible vehicle. This has remained as the status quo ever since.

The Committee's aim was to gradually increase the number of wheelchair accessible vehicles to a 100% WAV fleet. Over the period between 1994 and 2012 the Committee's policy led to a gradual increase in the number of WAV taxis to 45% of the fleet, recently reduced to 44% due to a number of exemptions having been granted.

During 2011 taxi trade representatives on the Taxi Consultation Group ("TCG") submitted requests that a limit be imposed on the number of taxi licences in the city. This was the starting point for the Committee's consideration of a limit, which had the consequence that a recommendation to amend the WAV policy was also required. As Members will be aware a Taxi Demand Survey was commissioned which concluded that there is no significant unmet demand for taxi services in Aberdeen and recommended imposition of a limit.

The taxi trade representatives are of the view that there is no reason for the WAV policy and a taxi licence limit being considered together. However, the Committee has a legal obligation to review its WAV policy in terms of the Equality Act 2010 because the proposal for a limit would have an impact on wheelchair users, who are the protected group of people that the Committee is assisting with its wheelchair accessible policy.

Ongoing Consultation and Engagement with the Taxi Trade Representatives

As part of the review process for taxi licence policy the TCG taxi trade representatives have been consulted and have been given opportunities to put forward their views at TCG and Committee meetings both during last year and this year. Specifically for the purpose of this report they were also given a 25 day consultation period between 23 April and 18 May 2012. In addition it is anticipated that the TCG taxi trade representatives may also wish to make deputations to the Committee at its meeting on 6 June 2012.

Current Considerations

The Taxi Demand Survey (“the survey”) conducted by consultants and considered at the Committee meeting on 23 November 2011 made recommendations that Committee set a limit on the current number of taxis in the City. The Committee is not obliged to set a limit even if the Survey results show there is no unmet demand.

Setting a limit on taxi licences may increase the number of private hire vehicles and may also increase the unofficial value of saloon plate taxi licences. Medical exemptions also have an impact.

The current wheelchair accessible vehicle policy would be impacted adversely by setting a limit because the steady increase in wheelchair accessible vehicles as a percentage of the fleet would be halted.

The Survey advised that the taxi trade will not receive the financial benefit it expects if a cap is introduced, as demand for taxis will not increase without amendments to specific areas of taxi services. The main way in which repressed demand could be unlocked is by carrying out a comprehensive review of the fare structure and implementation of the rank recommendations. The Committee instructed implementation of the rank recommendations in its earlier ‘Taxi Demand Survey- Rank Specific Recommendations’ report.

Taxi Licence Cap/Survey Outcomes

The consultants undertook a systematic analysis and determined that imposing a limit at the current number of licences would not result in a significant detrimental effect on the quality of service available to the public. However, a limit on its own would be unlikely to result in the positive impact anticipated by the trade, which forms the basis of their request.

The Survey advises that the main benefit of introducing a limit is that regular reviews would provide the Committee with detailed and accurate evidence regarding the City’s taxi services. Such evidence would assist the Committee when dealing with taxi services for the benefit of the City, public and taxi trade.

Furthermore, the consultants advised that linking fare and demand reviews is appropriate as there is a strong connection between the size of a taxi fleet and the appropriate level of taxi fares. Ensuring that taxi fares and fleet size are set at an appropriate level will ensure the most efficient operation of taxi services. It may also ‘unlock’ the latent demand for services, which is repressed by the public perception that taxi fares in Aberdeen are too high.

Conclusion on Taxi Licence Limits

The Committee can place a limit on taxi licences if it wishes as there is no significant unmet demand.

Officers recommend the introduction of a limit in conjunction with an amended wheelchair accessible vehicle policy (see discussion below at B). The recommendation is based on all available evidence from the Survey, consultation responses and consideration of the Committee's legal obligations in terms of both the Equality Act 2010 and the Civic Government (Scotland) Act 1982.

If the Committee wishes to introduce a licence limit it should also be aware of the consequential effects of such a policy. A limit would require regular surveys, ideally at least once every 3 years with additional mini surveys in between at 18 month intervals.

Regular surveys would be required to assist the Committee in deciding if a limit requires to be maintained and to minimise the prospect of successful challenge.

There will be other practical effects of implementing a limit and they will require to be addressed if a limit is set.

B. Review of Wheelchair Accessible Taxi Policy

The Survey recommends (at p.147) that new Taxi Licences remain restricted to Wheelchair Accessible Vehicles (WAVs), and that the Committee reviews its definition of WAVs to ensure they are fully accessible and appropriate for use.

The Committee already uses the current specification of WAV available from and encouraged by the Department for Transport (see appendix 2). The specification includes accessibility requirements for both wheelchair passengers and those with restricted mobility. This permits a range of wheelchair accessible vehicles to be used in the taxi fleet, which offers a broad choice of vehicles to suit both passengers and drivers who have a disability (see appendix 3 for the current approved list of WAVs). New vehicles can quickly be added to the approved list provided they meet the specification.

The Committee also agreed to give any person or organisation wishing to provide a WAV, which does not comply with the new specification the opportunity to address the Committee.

The Committee's main consideration on its WAV policy is how it requires to be implemented as an integral part of its Taxi Licence Policy.

WAV Policy Options

The Committee has two main options in relation to its WAV policy review, which are set out below. Option 1 is recommended as compliant with the Public Sector Equality Duty (“PSED”).

Introducing a limit on licences without addressing the current WAV policy would stop the current WAV policy from being compliant with the PSED.

Option 1- Licence Limit & 100% Wheelchair Accessible Fleet

Option 1 is recommended as the best option for the following reasons:

1. it complies with the Council’s public sector equality duty;
2. it complies with the court’s recommendations in Wilson v Aberdeen City Council, which recommended that the Council would best meet the equality aim of its wheelchair accessible vehicle policy by setting a date by which all vehicles required to be accessible;
3. it eliminates the unfairness of only some drivers being required to provide a wheelchair accessible vehicle, which can be more expensive to purchase;
4. it would eliminate the unofficial market in the hiring of saloon taxis; and
5. 50% of members of the public questioned in the Survey advised that having a wheelchair accessible fleet would positively encourage them to use taxis more often (whether or not they themselves had a disability).

Public Sector Equality Duty - The Committee introduced its wheelchair accessible vehicle policy in 1994 to address disadvantage experienced by wheelchair users in accessing taxi services. The Committee was entitled to introduce such a policy to meet the needs of disabled taxi users under the Disability Discrimination Act 1995.

The law has since been updated and the Committee’s main statutory consideration in relation to its wheelchair accessible vehicle policy is that it must have due regard to the public sector equality duty under Section 149 of the Equality Act 2010. Members are referred to the relevant sections of the Equality Act 2010 in appendix 1, which include Sections 6 (Disability), 149 (Public Sector Equality Duty) and 158 (Positive Action: General).

In the circumstances, the relevant protected characteristics of disability and age require to be taken into account. A disability is a physical or mental impairment that has a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities.

Disability includes age related medical conditions, such as restricted mobility. The current wheelchair accessible vehicle specification

adopted by the Committee is designed to meet the needs of both wheelchair and restricted mobility passengers. It is the best available taxi specification to meet broad ranging disabled passenger requirements.

Members will note that the duty requires the Committee to have due regard to the need to remove or minimise disadvantage suffered by people with relevant characteristics, and take steps to meet those needs that are different to those of people who do not share these characteristics (i.e. age and disability). The Committee's adoption of the wheelchair and ambulant accessibility requirements in its taxi vehicle specification assists in meeting the duty. The recommendations to amend the WAV policy also assist in meeting the duty by addressing the needs of disabled passengers.

The Committee's duty is to have due regard to the needs of the relevant groups, rather than to fulfil those needs. The duty is therefore compatible with a policy approach.

Members are directed to the below summaries of responses from the equalities consultees.

In summary, they are in favour of an increase in WAV numbers. Although, some wish to see sufficient saloon taxis or suitable taxis for persons with restricted mobility to be made available in the taxi fleet on a continuing basis.

It appears from evidence regarding the current WAV fleet that there is a wide variety of vehicles many of which are suitable for wheelchair passengers and passengers with restricted mobility. The design of certain WAVs permits easier entry for people with restricted mobility, even compared to saloon cars, as people with restricted mobility can access the vehicle at floor height in different ways.

The equalities consultees advised that they almost exclusively pre-book their vehicles mainly due to convenience, therefore even if they have a preference for a saloon car, it can continue to be catered for by the Private Hire Car fleet, which has no restriction. It appears that this already may be what is happening to a large extent.

The request from the equalities consultees can therefore be accommodated by the Committee a) continuing its policy with regard to permitting all types of WAVs into the fleet, provided they meet the required specification; and b) by the Private Hire Car fleet, which is currently around 200 saloon vehicles and may increase if a limit is placed on taxi licences.

It is therefore recommended (recommendations (a), (b) above) that the Committee proceeds with the amendment of its WAV policy to 100% within 5 years, in order that a limit can be set immediately. 5 years is

considered to be a reasonable period to allow transition to a fully wheelchair accessible fleet. The current policy intended a gradual increase to 100% fleet and thus far it has taken 17 years to get to less than 45%.

Option 2 - No Licence Limit, & Current Wheelchair Accessible Vehicle Policy

This option is not compatible with the introduction of a limit and is not recommended.

The current WAV policy appears to be relatively consistent with the public sector equality duty. The policy was also subject to a court challenge *Wilson v ACC*, which was appealed to the Court of Session.

There are a number of problems which have occurred as this version of the WAV policy required a gradual increase towards the aim of a 100% wheelchair accessible fleet. It was not intended that the increase would be quite so gradual. The result is that for almost 20 years the Committee has had only a percentage of its fleet as wheelchair accessible and this will continue for a number of years if this version of the policy remains in place.

Hiring of Taxi Licences

The market for hiring of taxi licences is partly created by the Committee's current policy. It appears from anecdotal evidence that many taxi drivers would prefer a saloon car and therefore saloon car taxi licences have a value to be hired out by taxi companies or individuals. The current policy has an in built exemption, which permits the substitution and re-substitution of saloon cars for licences which were in existence in 1994 or before. Drivers who may otherwise surrender their taxi licence are encouraged to continue to renew it as they can hire out a saloon taxi licence or otherwise convey it to a taxi company or individual.

Requests for WAV Policy Exemption

The Committee has received a number of requests for exemption from the requirement to provide a wheelchair accessible vehicle based on medical problems of the taxi licence holder.

The requests appear to be based on the assumption that there is an alleged difference between the standard of vehicle design of saloon cars and WAVs. The main examples given are in relation to drivers' seats and the height or layout of the vehicle, which makes it difficult or impossible for the driver to operate any type of WAV, but apparently does not apply to any type of saloon car.

It appears that vehicle specifications such as seats, driver position and layout differ by manufacturer or model, irrespective of whether they are WAVs or saloon cars. Taxi licence holders have a range of WAVs from which to choose. It is noted for example that some WAVs, already on the Committee's approved list, have floor heights lower than saloon cars whereas others have higher floor heights. There appears to be no generic WAV vehicle as they have different features and layouts. It is difficult therefore to understand those claims from certain licence holders that only saloon cars are suitable rather than WAVs.

Disabled passengers are the protected group which the Committee is assisting with its WAV policy. Granting exemptions from its policy without sufficient evidence does not have due regard to the equality duty, in relation to the needs of disabled passengers.

The Committee should still consider each taxi licence application on its own merits but may wish to set a requirement for taxi drivers to provide medical evidence why they cannot use any of the broad range of available wheelchair accessible vehicles. As the number of requests has increased considerably the Committee may also wish to consider requests only in respect of a taxi licence application. This will better meet the terms of the licence application procedures in terms of Schedule 1 and Section 10 of the Civic Government (Scotland) Act 1982. Each application for exemption must also be considered in terms of the Committee's equality duty to have due regard to the impact on disabled passengers.

Medical Exemptions from the Requirement to Carry a Wheelchair Passenger

For clarification, seeking an exemption from providing a WAV should not be mixed up with seeking exemptions from carrying a wheelchair passenger. It is important to note that there is a separate statutory class of exemption for taxi drivers from the requirement to carry a wheelchair passenger in a wheelchair accessible taxi. This exemption relates to the taxi driver's licence rather than the taxi licence, which is linked to a vehicle. The effect of a "medical exemption" is that no taxi driver with a disability is required to carry a wheelchair passenger if they are medically unfit to provide assistance.

Relevant case law advises that it is appropriate for licensing authorities to have a wheelchair accessible vehicle policy. It also provides that a taxi licence is not exclusive to a specific driver. The licence relates to the vehicle, which can be driven by more than one taxi driver. This means that, although one driver may have a medical exemption from carrying a wheelchair passenger in their WAV, any other driver using the same vehicle can pick up wheelchair passengers. Granting exemptions to the requirement to provide a WAV therefore has a potentially wider impact on the availability of WAVs.

No taxi driver is currently asked to carry out duties for which they are medically unfit. There is a statutory procedure for medical exemption from the requirement to carry a wheelchair passenger in a wheelchair accessible vehicle.

Furthermore, taxi drivers are only required to provide passengers such assistance with luggage as they are able. If they cannot lift heavy luggage into a vehicle they are not required to do so.

This means that the policy which requires drivers to provide a wheelchair accessible vehicle has no disproportionate impact on disabled taxi drivers compared to medically fit drivers and therefore does not require the Committee to make exemptions to its policy in terms of its equalities duties.

C. Consultation Responses

The Committee must also consider the equalities legislation (appendix 1) when considering the consultation responses.

Responses were received from the Disability Advisory Group, Older People's Advisory Group, Taxi Consultation Group taxi trade representatives and The Older People's Consultation and Monitoring Group. The last group was added to the consultation exercise, as recommended by the Equalities Officers.

Aberdeen City Council- Equality Consultees' Responses

1. Disability Advisory Group

The Disability Advisory Group ("DAG") is facilitated by the Council. It advises on disability matters and provides liaison with the Council in relation to the provision of and access to services for people with disabilities.

a. Taxi Usage by DAG Members (Persons with the protected characteristic of Disability)

DAG members provided 7 responses. 6 of those who responded use taxis in Aberdeen. They prefer to pre-book a taxi by telephone as it is convenient and ensures that an appropriate driver and vehicle is available for a wheelchair or restricted mobility passenger.

b. Impact of Decrease in Wheelchair Accessible Taxis in Aberdeen

Most of the DAG members who responded recognised that any decrease in the number of WAVs would severely reduce their opportunity of obtaining suitable transport.

DAG was aware of the recent decisions by the Committee to allow exemptions from providing a WAV. The group expressed particular concern against this development which has led to a reduction in the percentage of WAVs in the Aberdeen fleet.

Other comments related to the impact a further reduction of WAVs in the fleet would reduce disabled passengers opportunity to undertake their daily activities both in business and pleasure and in some cases may lead to a disabled passenger being stranded through lack of WAV availability.

c. Impact of Increase in Wheelchair Accessible Taxis in Aberdeen

6 of the consultees agreed that an increase in the number of wheelchair accessible vehicles would have a positive impact for taxi passengers with disabilities. This would make it more possible to hire a suitable vehicle and would reduce waiting times for suitable taxis at peak periods.

d. Proposal for 100% Wheelchair Accessible Taxis by a Fixed Date

4 of the DAG members agreed with the proposal and 3 disagreed. It appears that those who disagreed were in favour of an increase in wheelchair accessible taxis but wished saloon cars to be made available for people with visual, spinal/musculoskeletal and mobility restriction disabilities. Some wheelchair accessible vehicles have steps, which appears to be a problem for those with the above mentioned disabilities. It appears the consultees may not have been aware of the broad range of wheelchair accessible vehicles in the fleet, all of which must meet ambulatory requirements to address the specific needs of people with restricted mobility.

2. Older People's Advisory Group

The Older People's Advisory Group consists of elected members and Council officers. Its aim is community engagement with older people in to meet a need for that group to have access to elected members, service providers and decision makers.

a. Taxi Usage by OPAG Members

2 OPAG members responded. They use taxis and hire them from ranks, by pre-booking and by hailing on the street.

b. Impact of Decrease in Wheelchair Accessible Taxis in Aberdeen

They were of the view that a decrease in the number of disability access taxis would have an impact on passengers with disabilities, which would result in less choice and greater delay.

c. Impact of Increase in Wheelchair Accessible Taxis in Aberdeen

1 was of the view that an increase would provide more choice for disabled passengers, whereas the other was of the view that an increase would not have an impact.

d. Proposal for 100% Wheelchair Accessible Taxis by a Fixed Date

1 member of OPAG was in favour of the proposal, whereas the other was against it, because some WAVs have a step although both wished to see increased numbers of taxis rather than a limit.

3. Older People's Consultation and Monitoring Group

The Older People's Consultation & Monitoring Group ("OPCMG") involves older people in the planning and development of Joint Future services in Aberdeen is facilitated by the Council.

a. Taxi Usage by OPCMG Members (Persons with the protected characteristic of Disability)

OPCMG members provided 15 responses. 12 of the respondents use taxis in Aberdeen. They all prefer to pre-book a taxi by telephone as it is convenient and ensures availability. 3 also hire taxis from a rank, and 1 hails taxis from the street.

b. Impact of Decrease in Wheelchair Accessible Taxis in Aberdeen

11 members were of the opinion that a decrease in the number of wheelchair accessible vehicles would have an impact on disabled taxi passengers, 3 did not know whether or not it would have an impact and 1 said it would have no impact.

They were of the view that a decrease would result in longer waiting times for wheelchair passengers, which for example may impact on their ability to make appointments or socialise or return home from town by taxi.

c. Impact of Increase in Wheelchair Accessible Taxis in Aberdeen

8 of the group members were of the view that an increase in WAVs would allow disabled passengers a better opportunity to participate in daily activities. 7 were unsure whether or not disabled people would benefit from an increase.

d. Proposal for 100% Wheelchair Accessible Taxis by a Fixed Date

5 group members agreed with the proposal and 6 did not agree. The others did not know or submitted no response to the question.

Members of the group reported that there was a mixture of good and bad experiences of disabled taxi services and were concerned that the requirements of people with restricted mobility should be taken into account. Some appear to be of the view that all WAVs have a step. A few expressed a preference for saloon cars.

Taxi Consultation Group- Taxi Trade Representatives' Responses

The full responses are attached at appendix 4 for Members information.

1. Unite the Union

“A number of comments and observations have been made during our Union meeting about some of the contents of the document where statements made or opinions offered have not been backed up with any hard evidence e.g. triple shift working of taxis, poor availability of taxis at night during the weekends.”

Officer response: It is acknowledged that ‘shifting’ of taxis occurs across Scotland. Taxis can be driven by more than one person to enable them to be used for most of the day and night. This can involve the licence holder driving the taxi and also employing other persons to drive his taxi, which is legally permitted. Shifting of taxis is discussed in taxis court cases such as Egan v Renfrewshire Council, (2011) and Coutie v Dundee City Council (2009). The cases confirm that the Committee cannot restrict the use of a taxi to one driver.

No allegation has been made regarding poor availability of taxis. However the Aberdeen Taxi Demand Survey of 23 November 2011 advised that there are peaks in demand for taxis in the city centre at weekend night times when waiting times are longer.

“FARE STRUCTURE

The unanimous view of the Union members in attendance at the UNITE Branch meeting is that fares should not form part of the consultation document as they are dealt with entirely on their own merit whenever a request for a change to the fare structure is requested by those representing Taxi Drivers or Groups and Organisations representing the general public.”

Officer response: A fare review does not form part of the current consultation. The Committee is required to review taxi fares at intervals of not more than 18 months, whether or not the taxi trade representatives make a fare review request.

“CAPPING

The unanimous view of the Union members in attendance at the UNITE Branch meeting is that the capping of taxi licences is necessary in light of the recent survey report that indicates there is no unmet demand now in Aberdeen.

They (sic Unite taxi drivers) also see no reason to connect the capping of taxi licences to the policy of securing an increase provision of Wheelchair Accessible Vehicles as this can still be achieved with or without a cap as has been demonstrated over the past 17 years since the introduction of the Disability Discrimination Act 1995.”

Officer response: The Committee’s legal obligation to review its policy was triggered by the trade request to introduce a limit, as it was clear if introduced it would impact on the wheelchair accessible vehicle policy. As previously stated the current policy is that all new taxi licences must be wheelchair accessible with a view to reaching 100% wheelchair accessible over a number of years. If a limit is imposed the transition towards a 100% fleet will stop or slow down radically. This means that the aim of the policy, which is to address disadvantage experienced by wheelchair users in accessing taxi services, will no longer be met and the policy will not be compliant with the Public Sector Equality Duty.

“Wheelchair Accessible Vehicles Policy

It has to be acknowledged and accepted by the Council that there is a two way obligation under the Equalities Act one to the general public and the other to the Taxi Drivers themselves who do have and some who will develop disabilities and will require assistance from the Council to allow them to continue with their chosen profession as taxi Drivers.”

Officer response:

No driver is currently asked to carry out duties for which they are medically unfit. There is a statutory procedure for medical exemption from the requirement to carry a wheelchair passenger in a wheelchair accessible vehicle. Furthermore, taxi drivers are only required to provide passengers such assistance with luggage as they are able. The policy which requires drivers to provide a wheelchair accessible vehicle therefore has no impact on disabled taxi drivers and does not require the Committee to make exemptions to its policy in terms of its equalities duties.

The Committee has previously considered requests for exemption from its wheelchair accessible vehicle policy.

When considering requests for exemption from the wheelchair accessible vehicle policy the Committee must consider whether or not a driver has a disability which may impact on the use of all wheelchair accessible vehicles. This must be balanced with the aim of the policy

which is to meet the specific needs of disabled taxi passengers, and to re-address the difficulty they have in accessing taxi services compared to passengers who are not disabled.

It cannot be established that there are characteristics of all available wheelchair accessible vehicles, which make them inaccessible to drivers. In these circumstances, it appears that to comply with the equality duties the Committee can treat wheelchair users more favourably than taxi drivers who request an exemption from the requirement to provide a wheelchair accessible vehicle.

“We believe that the Council should consider a transitional period of more than five years of moving towards a far greater number of Wheelchair Accessible Vehicles policy.”

Officer response:

Five years is recommended as it represents the average life cycle of a taxi. It is also considered that it is sufficient time for taxi licence holders to arrange for the purchase of a wheelchair accessible vehicle.

2. Aberdeen Taxi Group

“As a general overview of the Wheelchair Accessible Vehicle Policy and Capping of the plates it is thought that these are two completely different issues and should be looked at in this way.”

Officer response: Please refer to the explanation provided above in relation to the same contention from Unite the Union.

“On the item of capping of plates it is the view of ATG that this is not needed within the trade. Although the survey showed that there is no unmet demand at the moment we do not believe that capping of plates would make a significant difference”

Officer response:

It is noted that these views differ to those expressed by Unite the Union who consider a cap is necessary.

“On the Wheelchair Accessible Vehicle Policy ATG do not agree with a 100% WAV fleet.”

Officer response: The wheelchair accessible vehicle policy has been in operation since 1994 and always had the aim of reaching a 100% fleet over a number of years. The only change is that the amended policy sets a time limit of five years to reach 100%.

3. Representative of Licensed Booking Offices (Central Taxis)

“I am not in favour of a limit to the number of Taxi Licences nor am I in favour of the suggestion to introduce a 100% wheelchair accessible vehicle policy.”

Officer response: No reason is put forward to support the view so there is no officer response.

It is noted that these views correspond with those of ATG but differ to those expressed by Unite the Union who consider a cap is necessary.

6. IMPACT

Corporate – The Council’s Single Equality Scheme would be negatively impacted by a decision to remove the wheelchair accessible vehicle policy.

The Council’s Single Equality Scheme and its compliance with the public sector equality duty could be supported by an improvement to its wheelchair accessible vehicle policy.

Public - Members of the public who use taxi services in the city may have an interest in the recommendations.

Equality and Human Rights Impact Assessment - In the circumstances, because the Committee’s policy decisions could impact on the protected characteristics of disability and age an Equality and Human Rights Impact Assessment (EHRIA) was completed for the previous report. The current report details the responses from the equalities consultees, to which the Committee must have due regard. The Committee must also have due regard to taxi licence holders’ disability.

In making its decisions in relation to this report the Committee must have due regard to the public sector equality duty (appendix 1).

7. BACKGROUND PAPERS

- (a) City of Aberdeen Taxi Demand Survey, by TRI (Transport Research Institute, Taxi Studies Group, Edinburgh Napier University).
- (b) Scottish Government- Taxi and Private Hire Car Licensing, Best Practice for Licensing Authorities, 2nd edition, April 2012

8. REPORT AUTHOR DETAILS

Paul Connolly
Solicitor
Litigation and Licensing Team

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Section 6- Disability

- (1) A person (P) has a disability if—
 - (a) P has a physical or mental impairment, and
 - (b) the impairment has a substantial and long-term adverse effect on P's ability to carry out normal day-to-day activities.
- (2) A reference to a disabled person is a reference to a person who has a disability.
- (3) In relation to the protected characteristic of disability—
 - (a) a reference to a person who has a particular protected characteristic is a reference to a person who has a particular disability;
 - (b) a reference to persons who share a protected characteristic is a reference to persons who have the same disability.
- (4) This Act (except Part 12 and section 190) applies in relation to a person who has had a disability as it applies in relation to a person who has the disability; accordingly (except in that Part and that section)—
 - (a) a reference (however expressed) to a person who has a disability includes a reference to a person who has had the disability, and
 - (b) a reference (however expressed) to a person who does not have a disability includes a reference to a person who has not had the disability.
- (5) A Minister of the Crown may issue guidance about matters to be taken into account in deciding any question for the purposes of subsection (1).
- (6) Schedule 1 (disability: supplementary provision) has effect.

Section 149 - Public sector equality duty

- (1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

(5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

- (a) tackle prejudice, and
- (b) promote understanding.

(6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(7) The relevant protected characteristics are—

age;
disability;
gender reassignment;
pregnancy and maternity;
race;
religion or belief;
sex;
sexual orientation.

(8) A reference to conduct that is prohibited by or under this Act includes a reference to—

- (a) a breach of an equality clause or rule;
- (b) a breach of a non-discrimination rule.

(9) Schedule 18 (exceptions) has effect.

Section 158 - Positive action: general

(1) This section applies if a person (P) reasonably thinks that—

- (a) persons who share a protected characteristic suffer a disadvantage connected to the characteristic,
- (b) persons who share a protected characteristic have needs that are different from the needs of persons who do not share it, or
- (c) participation in an activity by persons who share a protected characteristic is disproportionately low.

(2) This Act does not prohibit P from taking any action which is a proportionate means of achieving the aim of—

- (a) enabling or encouraging persons who share the protected characteristic to overcome or minimise that disadvantage,
- (b) meeting those needs, or
- (c) enabling or encouraging persons who share the protected characteristic to participate in that activity.

(3) Regulations may specify action, or descriptions of action, to which subsection (2) does not apply.

(4) This section does not apply to—

- (a) action within section 159(3), or
- (b) anything that is permitted by virtue of section 104.

(5) If section 104(7) is repealed by virtue of section 105, this section will not apply to anything that would have been so permitted but for the repeal.

(6) This section does not enable P to do anything that is prohibited by or under an enactment other than this Act.

SPECIFICATION FOR WHEELCHAIR ACCESSIBLE TAXI VEHICLES

SECTION ONE Wheelchair Accessibility Requirements

1. Wheelchair spaces

Number required	1 (minimum)
Orientation	Either forwards or rearwards

2. Forward facing wheelchair spaces

Wheelchair space requirements	Length 1130mm (min) Width 690mm (min) Height 1340mm (min)
Gradient	The slope of the floor between any two points within the wheelchair space shall not exceed 11 degrees in the longitudinal plane and 5 degrees in the transverse plane.
Acceptable intrusions into the wheelchair space	One or more tipping, folding or easily removed seats. Padded head and back restraint. Handrails or handholds provided that they do not extend into the wheelchair space by more than 90mm. Wheelchair restraint system and wheelchair user restraint system and appropriate anchorages and fittings.
Wheelchair user safety provisions	Every wheelchair space shall be fitted with a wheelchair tie-down system and a wheelchair user restraint system.

3. Rearward facing wheelchair spaces

Wheelchair space requirements	Length 1070mm (min) Width 690mm (min) Height 1340mm (min)
Gradient	The slope of the floor between any two points within the wheelchair space shall not exceed 11 degrees in the longitudinal plane and 5 degrees in the transverse plane.
Acceptable intrusions into the wheelchair space	One or more tipping, folding or easily removed seats. Padded head and back restraint. Handrails or handholds provided that they do not extend into the wheelchair space by more than 90mm. Wheelchair restraint system and wheelchair user restraint system and appropriate anchorages and fittings.
Wheelchair user safety provisions	Every wheelchair space shall be fitted with a wheelchair tie-down system and a wheelchair user

	restraint system.
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4. Boarding Lifts and Ramps

Safe Working Load	300 kg (min)
Means of preventing the vehicle being driven away	Not allow the vehicle to be driven away whilst device is deployed.
Dimensions (length applies to that outside of the overall vehicle body footprint at the ramp entry level)	Single piece ramp Width 700mm (min) Length 1600mm (min) Lift Width 700mm (min) Length 1200mm (min)
Ramp Gradients (can be achieved using a kneeling system)	Side Entry Kerb (125mm): 14 degrees (max) Ground : 19 degrees (max) Rear Entry Ground : 14 degrees (max)
Slip Resistant Surfaces	All surfaces over which a wheelchair user may travel shall have a slip resistant finish applied.
Handrails	Ramps : Not required Lifts : Where the platform travel exceeds a height of 500mm from the ground then a handrail must be provided.
Guards	Ramps : None Lifts : Side upstands 25mm high and automatic roll-off devices fitted at least 100mm high at each end of the platform.
Colour contrasting edge markings	A band contrasting with the remainder of the boarding ramp or lift surface, 45mm to 55mm in width around and abutting the edge of the ramp or lift surface.
Control and fail-safe mechanisms for power operated equipment	Power operated equipment shall only be capable of operation from a control adjacent to the ramp or lift.
Load sensors and recycling mechanisms for power operated equipment	A device to stop the movement of the boarding ramp or lift if that motion is likely to cause injury.
Manual over-ride provisions for power operated equipment	A provision to repeatedly operate the equipment in the event of power failure shall be provided.
Manual / portable ramp storage	Such ramps must have a designated stowage location which can store the equipment such that it

provisions	does not present a risk of injury.
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5. Entrances and Exits

Number and position	A minimum of one located on the nearside or the rear of the vehicle.
Minimum doorway width	740mm
Minimum doorway height	1230mm

6. Interior Manoeuvring

From a wheelchair entrance to a wheelchair space	No requirement
From a wheelchair space to a wheelchair exit	No requirement
Floor gradient	No requirement

7. Signs and Markings

Interior	Visible advice to wheelchair user and taxi driver on positioning of wheelchair and use of wheelchair tie-down and occupant restraint systems.
Exterior	Clear indication that the vehicle is wheelchair accessible.

SECTION TWO Ambulatory Accessibility Requirements

1. Entrances and Exits

Number and location	A minimum of one located on the nearside or the rear of the vehicle.
Aperture dimensions	Where the priority seat meets the requirements of 3(a) it shall be of adequate dimensions to allow the passage through the aperture of the occupied priority seat. Where the priority seat meets the requirements of 3(b)(i) the door aperture shall allow the passenger to easily access the seat from outside of the vehicle. Where the priority seat meets the requirements of 3(b)(ii) the doorway shall be 650mm wide by 1230mm high.
Manual door design	Hinged and sliding doors acceptable.
Powered door	(a) Shall be capable of operation by a

requirements	<p>passenger when the vehicle is stationary.</p> <p>(b) A device to stop the movement if that motion is likely to cause injury to a passenger or pedestrian.</p> <p>(c) A provision to operate the equipment in the event of a power failure.</p>
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2. Interior Space

Floor	Any surface over which a passenger is required to walk shall have a slip resistant finish.
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3. Priority Seat

Provision	<p>At least one priority seat must be provided which may be either :</p> <p>a) a multi-axial moving seat which can be easily used by a passenger boarding from the kerb or ground or ;</p> <p>b) a fixed seat design ;</p> <p>i) providing the cushion is no more than 200mm measured inwards from the entrance or ;</p> <p>ii) providing the cushion is as near as practicable to the entrance and the internal floor to roof height exceeds 1500mm.</p>
Orientation	Forward or rear facing.
Spacing	<p>For all forward facing priority seat configurations, the clear space in front of the SRP shall be 650mm minimum.</p> <p>For facing seat configurations the seat back separation shall be 1300mm minimum and the distance between the leading edges of each seat cushion shall be 400mm minimum.</p>
Dimensions	<p>All priority seats shall have a minimum width of 380mm and a depth of 340mm - 510mm.</p> <p>The SRP of a fixed seat complying with the requirements of 3(b)(i) or (ii), or of a multi-axial moving seat when positioned for travel, shall have a height above the vehicle floor of 300mm – 450mm.</p> <p>Additionally, the SRP of a fixed seat complying with the requirements of 3(b)(i), or a multi-axial moving seat complying with 3(a) when deployed for boarding and alighting, shall have a height above the ground of 420mm – 870mm.</p>

4. Steps – Applies to vehicles with a floor or sill height exceeding 320mm. (may be achieved with kneeling)

Dimensions	1 st step from the ground shall not exceed 250mm. Subsequent steps 100mm - 200mm. Width 400mm minimum Depth 190mm minimum
Design features	Steps shall be designed to be, slip resistant, minimise tripping risk and have a contrasting band along the front edge of 45mm - 55mm.
Maximum number of intermediate steps from ground to vehicle floor	Two
Step operation for non-fixed steps	No requirement.
Requirements for power operated steps	A device to stop the movement if that motion is likely to cause injury. A provision to repeatedly operate the equipment in the event of power failure shall be provided.

5. Handrails and Handholds

Position	Handrails / handholds must be provided for disabled passengers entering / exiting the vehicle and when manoeuvring inside the vehicle to a seat.
Dimensions	20mm – 35mm diameter or oval with the maximum section 30 – 35mm and the minimum section 20mm.
Design	Handrails and handholds shall be slip resistant, capable of being easily and firmly gripped and visually contrast with surroundings.

SECTION THREE General Requirements

1. Lighting

Design Features	Lighting shall be fitted to illuminate the interior and exterior of the vehicle sufficient to allow both wheelchair users and other passengers to board and alight the vehicle in safety. Any lighting fitted in accordance with this requirement shall have a means of preventing its operation when the vehicle is in motion if its use is likely to affect adversely the driver's vision.
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2. Kneeling Systems

Design Features	When a kneeling system is fitted a switch shall be used to enable operation and must be under the direct control of the driver. The lowering process shall be capable of being stopped and reversed and shall prevent the vehicle being driven at a speed exceeding 5 mph. when the vehicle is lowered.
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3. Securing Equipment

Design Features	All wheelchairs shall be secured with tested and approved equipment.
Storage	Secure storage is required for all securing equipment when not in use.

Two items of the original specification are not covered by the new specification.

Item 45, which refers to transfer boards – these items are no longer deemed appropriate.

Items 51, 52 and 53 which refer to swivel seats. These items were originally introduced for a particular type of seat which has not found favour. The use of multi-axle moving seats is covered by the section in the new specification which relates to priority seats.

DEFINITIONS – in this document –

“boarding lift” means a lift fitted to a licensed taxi for the purpose of allowing wheelchair users to board and alight the vehicle;

“boarding ramp” means a ramp fitted to a licensed taxi for the purpose of allowing wheelchair users to board and alight from the vehicle;

“contrast” means a contrast in the amount of light which is reflected by the surfaces of the parts of a licensed taxi or its equipment, which is required by this specification to contrast

“cushion” means that part of the seat on which the person using the seat sits, whether padded or not;

“deep” in relation to a step, means the distance from the outer edge of the nosing of the step tread to the rear of the step tread;

“entrance” means an entrance to a licensed taxi providing access to a priority seat or a wheelchair space;

“exit” means an exit from a licensed taxi but does not include an exit which is provided for use only in case of emergency;

“external step” means the last step or platform from an entrance or an exit which leads directly from the vehicle to the ground;

“kg” means kilogram(s);

“kneeling system” means a system which enables the bodywork of a licensed taxi to be lowered relative to its normal height of travel;

“licensed area” means the area of The City of Aberdeen;

“licensing authority” means Aberdeen City Council;

“mm” means millimeter(s);

“normal height of travel” means the height specified by the vehicle’s manufacturer for normal vehicle travel;

“portable ramp” means a ramp which is carried in a licensed taxi for the purpose of allowing wheelchair users to board and alight from the vehicle;

“power grip” means a grip in which the fingers and thumb are able to wrap around a handle;

“priority seat” means a seat designated as such in accordance with Paragraph 3 of Section 2 of this specification;

“private hire car” means a hire car other than a taxi as defined in Section 23 of the Civic Government (Scotland) Act 1982.

“reference wheelchair” means an occupied wheelchair having the dimensions shown in Diagram A of the consultation document;

“seat” means a seat intended for use by passengers and, accordingly, does not include the driver’s seat;

“SRP” means Seat Reference Point, which is the point at which the seat cushion and seat back join, midway across the seat cushion width. Where the seat cushion and back components do not meet, the plane of the seat back and cushion shall be projected to an intersection;

“taxi” means a hire car as defined in Section 23 of the Civic Government (Scotland) Act 1982.

“Taxi Inspector” means any person authorised by Aberdeen City Council to exercise the powers to carry out the duties of the Taxi Inspector or any person acting under the direct instructions or with the authority of the Taxi Inspector;

“wheelchair user” means a disabled person using a wheelchair

Appendix 3

Licence_HolderName	Vehicle_Registration
Voyager Multi Purpose Vehicles Ltd	Renault Traffic
The Taxi Centre Ltd	Citroen Berlingo
Murison Commercials Ltd	Citroen Berlingo
Jamal Eddine Issouquaein	Citroen Dispatch
Cabdirect / Allied Vehicles Ltd	Peugeot Partner Premier
Allied Vehicles Ltd	Citroen Eurotaxi G9
Clark Commercials	Volkswagen Caddy Maxi
Allied Vehicles Ltd	Volkswagen Caddymax Kudos
John Paton Ltd	TX1/TX2
Voyager Multi Purpose Vehicles Ltd	LC7 Citroen, Peugeot & Fiat
Cab Direct	Peugeot Euro 7 & E7
JMD Motors	Fiat Scudo
Bernard Mansell	Ford Tourneo
Jubilee Automotive	Fiat Eurocab
Bernard Mansell	VW Caravelle Unique
Cab Direct	Fiat Doblo
Voyager Multi Purpose Vehicles Ltd	Citroen Voyager
Voyager Multi Purpose Vehicles Ltd	Nissan Primastar
Voyager Multi Purpose Vehicles Ltd	Vauxhall Vivaro
Voyager Multi Purpose Vehicles Ltd	Renault Traffic NX8

Taxi Consultation Group Responses (in full)

1. Unite the Union

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Tel: [REDACTED]
Fax: [REDACTED]



REGION: SCOTLAND

10th May 2012

Paul Connolly
Solicitor (Litigation and Licensing Team)
Aberdeen City Council
Business Hub 6
Marischal College
Broad street
Aberdeen

Dear Mr. Connolly

Ref: Consultation on Review of Policy on Taxi Licences

We refer to the document formally issued on 23rd April 2012.

First of all we believe that the Policy as proposed needs to be put to the next TCG meeting prior to being considered by the Licence Committee.

We along with others sought the original adjournment for the TCG to have proper time to consider, not just an administrative consultation process but the importance of all concerned being at a TCG meeting along with Elected Members to discuss, debate and then hopefully determine in a sensible and fair way any new Taxi Licence policy to be adopted by Aberdeen City Council.

We therefore ask that the proposed Taxi Licence policy not be determined at the meeting of the Licence Committee on 6th June 2012 but it be formally referred to the next meeting of the Taxi Consultation Group.

We have now had an opportunity to discuss the contents with UNITE members who are professional Taxi Drivers licensed by Aberdeen City Council at a Union Branch meeting on Wednesday 25th April 2012.

There was a considerable high turnout for the Union meeting and the debate on the proposed new policy on Taxi licences was broad ranging in views as different aspects of Taxi Drivers long term experiences were shared in an open and democratic manner during a full and frank discussion.

The following is a general summary of the views expressed at the meeting and UNITE requests that a deputation be allowed to address the Licence Committee meeting on 6th June 2012.

A number of comments and observations have been made during our Union meeting about some of the contents of the document where statements made or opinions offered have not been backed up with any hard evidence e.g. triple shift working of taxis, poor availability of taxis at night during the weekends.

Len McCluskey
General Secretary

www.uniteunion.org

Contd/...2



It was also noted during our Union meeting that where it states that 50% of those interviewed have no objection to using a WheelChair Accessible Vehicle then why is there an omission of what the other 50% surveyed opinions are as they too should be noted for the record.

Whilst it is recognised that the consultation is wide ranging on a number of areas of Council policy in relation to the Taxi Trade we believe that each area of policy has to be dealt with separately as opposed to linking one issue to the other thus making support for one area of policy conditional on support for another which is not a welcome development as it has the hallmarks of a take it or leave it approach rather than allowing for an element of negotiated change based on the representations made by all those with an interest in the taxi trade within Aberdeen.

The matters listed in the document should be dealt with separately on their own merit albeit at the same time as discussion and decisions are made on the Council to ensure that WheelChair Accessible Vehicles are provided by Taxi Drivers in relation to its obligations under the Equalities Act.

FARE STRUCTURE

The unanimous view of the Union members in attendance at the UNITE Branch meeting is that fares should not form part of the consultation document as they are dealt with entirely on their own merit whenever a request for a change to the fare structure is requested by those representing Taxi Drivers or Groups and Organisations representing the general public.

CAPPING

The unanimous view of the Union members in attendance at the UNITE Branch meeting is that the capping of taxi licences is necessary in light of the recent survey report that indicates there is no unmet demand now in Aberdeen.

They also see no reason to connect the capping of taxi licences to the policy of securing an increase provision of WheelChair Accessible Vehicles as this can still be achieved with or without a cap as has been demonstrated over the past 17 years since the introduction of the Disability Discrimination Act 1995.

WheelChair Accessible Vehicles Policy

It has to be acknowledged and accepted by the Council that there is a two way obligation under the Equalities Act one to the general public and the other to the Taxi Drivers themselves who do have and some who will develop disabilities and will require assistance from the Council to allow them to continue with their chosen profession as Taxi Drivers.

Contd/...3

In addition it has to be said that Taxi Drivers are supportive of the Council's efforts to meet its obligations under the Equalities Act in its efforts to move towards an even greater number of WheelChair Accessible Vehicles.

It has achieved an almost 50% WheelChair Accessible Vehicles in the last 17 years and the Council should consider whether it is realistic to aim towards achieving the other 50% within 5 years.

We believe that the Council should consider a transitional period of more than five years of moving towards a far greater number of WheelChair Accessible Vehicles.

It must be said that the Council has also to take into account there will be need for saloon cars and thus it has to consider whether it's a correct policy to aim for an absolute 100% WheelChair Accessible Vehicles policy.

UNITE Taxi Drivers accept that there are obligations to be met by them in regards to the provision of WheelChair Accessible Vehicles but also they recognise that the Council has obligations to Taxi Drivers who themselves need support when they have disabilities or medical conditions that may not allow them to utilise a WheelChair Accessible Vehicle.

This support from the Council should enable them to carry out their Taxi Driving duties and this may well mean that there is exemption granted to them so that they can use a saloon car rather than a WheelChair Accessible Vehicle.

In recognising this the Council should acknowledge that its not practically possible to have an absolute 100% WheelChair Accessible Vehicles fleet of taxis.

UNITE also sees the need for the Council to have a reasonable transitional period to move towards an increase in the number of WheelChair Accessible Vehicles and believes this is possible by winning over the majority of Taxi Drivers to this policy by way of accommodating change within a wider scale of time than five years.

It is for the Council to consider if the five years limit of time is realistically possible and whether they want to consider that a small percentage of saloon cars are allowed to continue allowing the availability of saloon vehicles to cover taxi drivers who themselves are either covered by the Equalities Act or have a medical condition that makes driving and operating a WheelChair Accessible Vehicle impossible.

It has to be accepted that the Council in association with the Taxi Drivers has moved considerably to a substantive increase in WheelChair Accessible Vehicles over the past 17 years compared to the period prior the Disability Discrimination Act being introduced in 1995.

This is welcome progress and has been achieved by a combination of a moderate policy of having a mixed fleet moving in a reasonable transitional way towards increasing the number of WheelChair Accessible Vehicles rather than decreasing.



Contd/...4

There is no substantive evidence of significant disquiet from all bodies representing and promoting the interest of people with disabilities or any medical condition that there is a need for an absolute 100% fleet of WheelChair Accessible Vehicles. There is feedback from some passengers with disabilities that their preference is for a saloon car rather than a WheelChair Accessible Vehicle.

It also must be noted that taxi passengers are not always on short journeys and we have had feedback that some journeys are often to well outside the City boundaries to towns like Peterhead, Buckie and Elgin and most passengers do prefer the comfort of a saloon car on these long journeys.

These views are a consensus of general opinion amongst UNITE Taxi Drivers based on their hard won practical experience of providing the Taxi service to the public in Aberdeen.

They are committed to continuing to provide an improved service to the public but wish to do so by way of transitional negotiated and agreed change that also improves their ability to continue working in their chosen profession without having to meet continue additional cost born from any Council policy that results in them paying out more because unlike the bus industry Taxi drivers receive no subsidy from the Government or their local Council to assist in their costs of providing a Taxi Service to the public in Aberdeen.

Yours sincerely

A black rectangular redaction box covering the signature of Tommy Campbell.

TOMMY CAMPBELL
Regional Officer

2. Aberdeen Taxi Group

ATG
c/o Aberdeen Taxi Centre
Burnside Drive
Dyce
Aberdeen
AB21 0HW


Paul Connolly
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6, Level 1 South
Marischal College
Broad Street
Aberdeen
AB10 1AB

Ref: Consultation on Review of Policy On Taxi Licences

Dear Mr Connolly,

ATG hoped that the proposed policy was going to be put to the TCG meeting prior to the Licensing committee meeting on the 6th of June 2012. With the local elections happening it became apparent that this was not going to be the case, but we still feel that this consultation would benefit coming before that working group.

ATG have discussed this matter in great length and our response is as follows:

As a general overview of the Wheelchair Accessible Policy and the Capping of plates it is thought that these are two completely different issues and should be looked at this way. 

On the item of capping of plates it is the view of ATG that this is not needed within the trade. Although the survey showed that there is no unmet demand at the moment we do not believe that capping of plates would make a significant difference.

This is due to the fact that there is still a steady stream of drivers that leave the trade and also enter the trade every year. When the cap was lifted last time in Aberdeen City there was Approximately 900 Taxi plates on the road with the Approximate number now being 989 there does not seem to have been a particularly large jump in that period (10%). We are aware that a 10% increase could be argued as dilution of business for the existing fleet, but if the cap was still in place would the new driver not just have become Private Hire??

This would maybe have left the Hackney carriage fleet with either the same or slightly less cars but would this have meant a better fleet for the city and the passengers that they carry?

On the Wheelchair Accessible Vehicle Policy ATG do not agree with a 100% WAV fleet.

The reasoning behind this is that although it is mentioned that 50% of people surveyed said it would positively encourage them to use taxis more often, we do not have all the responses to the other 50%. We can't believe that the 50% that we do not have an opinion on all thought that it would be a bad idea or indeed had no comment.

We appreciate that the council have to look at all the factors and that the Equality Act 2010 is a large part of this and we are not discouraging this act in anyway.

It is our opinion that a mixed fleet is a good option as it then caters for all of the general public from able bodied to those who require a WAV vehicle. We do disagree with the statement that some of the characteristics of some WAVs are shared with saloon vehicles, especially that of the lower entry point, if this were the case then there would not need to be a step either attached to the vehicle or carried in the back of the taxi so that it could assist passengers in and out.

If the decision is to be taken to become a WAV fleet it is felt that a further consultation process be done on all aspects of this including exactly what vehicles should be in the fleet (so as they can be future proof) and also the timings for implementing the 100% WAV fleet (is five years ample time)?

Regards



Graeme McColl
ATG Chairman

3. Representative of Licensed Booking Offices (Central Taxis)



Afternoon Paul,

In response to your paper on the above.

I am not in favour of a limit to the number of Taxi Licences nor am I in favour of the suggestion to introduce a 100% wheelchair accessible vehicle policy.

Regards

Lynne

Lynne Smith

Managing Director

Central

Taxis-Coaches-Garage Services

Derek Smith House

Hareness Road, Altens,

Aberdeen, AB12 3LE



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Equality and Human Right Impact Assessment: The Form



EHRIA

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.

1: Equality and Human Rights Impact Assessment- Essential Information	
Name of Proposal: Review of Accessible Vehicle Policy	Date of Assessment: 18 March 2016
Service: Legal and Democratic Services	Directorate: Corporate Governance
Committee Name or delegated power reference (Where appropriate): Licensing Committee	Date of Committee (Where appropriate): 6 April 2016
Who does this proposal affect? Please Tick ▼	<input type="checkbox"/> Employees <input type="checkbox"/> Job Applicants <input type="checkbox"/> Service Users <input checked="" type="checkbox"/> Members of the Public <input checked="" type="checkbox"/> Other (List below)

2: Equality and Human Rights Impact Assessment- Pre-screening	
Is an impact assessment required?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
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?

The report recommends that the Committee continue with the implementation of its policy requiring all taxis to be accessible vehicles by 6 June 2017.

In 1994 the Committee agreed to move to a 100% accessible taxi fleet. It was intended that this would be a gradual move and no fixed date was set for implementation. In 2011 it was noted that the introduction of accessible vehicles to the taxi fleet was slow and that a proposed limit on the number of taxis in the city would further stifle the introduction of accessible vehicles to the fleet. Accordingly at its meeting on 6 June 2012 the Committee agreed that all taxis would require to be accessible by 6 June 2017.

The aim of the policy is to ensure that there is proper provision of taxis and private hire cars to enable persons with a range of disabilities to access these services, whether on the street, at a taxi rank or by pre-booking. It is considered the best option

<p>b- What equality data is available in relation to this proposal? (Please see guidance notes)</p>	
<p>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</p>	<p>Consultation was carried out prior to the Committee decision on 6 June 2012. In summary, the consultees were in favour of an accessible taxi fleet.</p> <p>There were concerns raised at the time from some</p>

proposal.

respondents who wished to see sufficient saloon taxis or suitable taxis for persons with restricted mobility to be made available in the taxi fleet on a continuing basis. These concerns have also been expressed by members of the taxi trade during recent meetings of the Taxi Consultation Group.

It was noted that the time of consultation that the majority of those passengers with a preference for saloon cars advised that they almost exclusively pre-booked their vehicles mainly due to convenience. The request for saloon vehicles to remain within the fleet could therefore be accommodated by private hire cars without any significant restrictions on service to that particular group of passengers. This remains the case. Private hire vehicles will not be subject to the accessible vehicle policy. It is

The Committee was also advised when it took the decision in June 2012 that elderly persons and mobility restricted persons who were capable enough to walk to a taxi rank would also be capable to gain entry and exit

from accessible taxis which all have adaptations for the mobility restricted. It was, and still is, a condition of licence that a driver provides assistance to these passenger groups and in particular assisting said passengers into the priority seat by the driver.

Members of the trade have also expressed concerns regarding the perceived prohibitive cost of obtaining an accessible vehicle. During recent meetings of the Taxi Consultation Group there has been discussion on the downturn in the city economy. Officers are however aware that the cost of second hand accessible vehicles is now on a par with saloon vehicles. The original decision to move to an accessible fleet was taken by the Committee in 1994; in 2012 an implementation date of 6 June 2017 was set for all taxis to be accessible. The Committee has therefore afforded licence holders a significant transitional period. Further, whilst the Committee can have regard to the views of licence holders, in seeking to promote the public sector equality

	<p>duty it must give precedence to protected groups and the public interest as a whole.</p>
<p>d- Financial Assessment If applicable, state any relevant cost implications or savings expected from the proposal.</p>	<p>Costs (£)</p> <p>Implementation cost <input type="text" value="£ 0"/></p> <p>Projected Savings <input type="text" value="£ 0"/></p>
<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?</p>	
<p>The recommendation is to implement the Committee’s policy to have a 100% accessible vehicle taxi fleet. The aim of the policy is to eliminate discrimination and remove or minimise disadvantage experienced by persons with disabilities in accessing taxi services.</p>	

It contributes to the public sector equality duty by promoting equality of access to taxi and private hire car services for persons with and without protected characteristics. The policy is based on the premise that disabled persons should have equal access to taxi services compared with other passenger groups. It aims to minimise disadvantage in accessing taxi services for wheelchair and ambulatory passengers, who themselves have varied needs and preferences in terms of vehicles, by moving to an accessible taxi fleet within a defined timescale, whilst minimising disruption to the existing taxi and private hire fleet. Having a 100% accessible taxi fleet, complimented by a private hire fleet, is considered the best way of ensuring that the needs of passengers were met and ensuring the promotion of the public sector equality duty.

It is recognised that some elderly and disabled groups have a preference for saloon cars. However the range of accessible vehicles is considered wide enough to meet a range of need. Indeed, the range has widened considerably since the Committee's decision in 2012. Drivers are bound by the conditions of their licence to assist such passengers in entering and exiting the vehicle, thereby minimising any difficulties for the passenger. Further saloon vehicles will still be available for pre-booking as private hire cars and it is understood that the number of private hire vehicles will increase, as some licence holders move over from the taxi to the private hire fleet in order to retain a saloon vehicle. It is therefore considered that there will not be any adverse impact on those persons with a preference for a saloon car.

	<p>f- How does this proposal link to the Council's Equality Outcomes?</p>	<p>The policy seeks to ensure proper provision of taxis and private hire cars to enable persons with a range of disabilities to access the services, whether on the street, at a rank or by pre-booking. The recommendations therefore link to the following equality outcomes:-</p> <ul style="list-style-type: none"> • Improved customer service provision which advances equality and addresses people's different needs; and • An accessible city 	
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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* ?

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

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* ?

Protected Characteristic:	Neutral Impact: Please ✓	Positive Impact: Please ✓	Negative Impact: Please ✓	Evidence of impact and if applicable, justification where a ' <i>Genuine Determining Reason</i> '* exists *(see completion terminology)
Race (All Racial Groups including Gypsy/Travellers)	✓		✓	
Religion or Belief or Non-belief	✓			
Sex (Women and men)	✓			
Sexual Orientation (Heterosexual, Lesbian, Gay And Bisexual)	✓			
Other (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	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Evidence:</p>
Article 3: Right not to be subjected to torture, inhumane or degrading treatment or punishment	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Evidence:</p>

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

<p>Other article not listed above, please state:</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Evidence:</p>
<p>6: Assessment Rating:</p>	
<p>Please rate the overall equality and human right assessment (Please see Completion terminology)</p>	<p><input type="checkbox"/> Red <input type="checkbox"/> Red Amber <input type="checkbox"/> Amber <input checked="" type="checkbox"/> Green</p>
<p>Reason for that rating:</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 *The Equality Act 2010* ?

Identified Risk and to whom:	Recommended Actions:	Responsible Lead:	Completion Date:	Review Date:

8: Sign off

Completed by (Names and Services) :	
Signed off by (Head of Service) :	
<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 Business Hub 13 Second Floor North Marischal College Broad Street Aberdeen AB10 1AB</p> <p>Telephone 01224 523039 Email sandrab@aberdeencity.gov.uk</p>	

9: Completion Terminology:	
Assessment Pre-screening Rating:	<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>
Assessment Rating:	<p>After completing this document, rate the overall assessment as follows:</p> <p>Red: 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.</p> <p>Red Amber: 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.</p> <p>Amber: 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.</p> <p>Green: 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:</p>	<p>Equality data is internal or external information that may indicate how the proposal 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"> 1: Application success rates by <i>Equality Groups</i> 2: Complaints by <i>Equality Groups</i> 3: Service usage and withdrawal of services by <i>Equality Groups</i> 4: Grievances or decisions upheld and dismissed by <i>Equality Groups</i> <p>Certain discrimination may be capable of being justified on the grounds that:</p>
<p>Genuine Determining Reason</p>	<ol style="list-style-type: none"> (i) <i>A genuine determining reason exists</i> (ii) <i>The action is proportionate to the legitimate aims of the organisation</i> <p>Where this is identified, it is recommended that professional and legal advice is sought prior to completing an Equality Impact Assessment.</p>
<p>Human Rights</p>	<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>
<p>Legal Status:</p>	<p>This document is designed to assist us in “<i>Identifying and eliminating unlawful Discrimination, Harassment and Victimization</i>” as required by <i>The Equality Act Public Sector Duty 2011</i>. An Equality Impact Assessment 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

COMMITTEE: Licensing Committee
DATE: 6 April 2016
DIRECTOR: Richard Ellis
TITLE OF REPORT: Age of Vehicles – Clarification of Policy
REPORT NUMBER: CG/16/054

1. PURPOSE OF REPORT

This report seeks to clarify and simplify the age limit for taxis and private hire cars following Committee instruction of 8th March 2016.

2. RECOMMENDATION(S)

That the Council:

- a. approves the proposed new policy on Age of Vehicles as set out in this report;
- b. instructs the Head of Legal and Democratic Services to publish the new policy on Age of Vehicles; and
- c. instructs the Head of Legal and Democratic Services to review the policy on Age of Vehicles following the implementation of the accessible vehicle policy on 6 June 2017 and report back to the Licensing Committee with recommendations as appropriate twelve months after the accessible vehicle has been implemented.

3. FINANCIAL IMPLICATIONS

It is anticipated there should be no additional costs to the licensing authority, whether the Committee decides to continue with the existing policy or adopt the new policy.

4. OTHER IMPLICATIONS

None

5. BACKGROUND/MAIN ISSUES

Background

The licensing authority appears since at least 1966 to have had a policy in relation to the age limit for taxis and private hire cars at first licensing. The policy has been amended at various points over the years and the present position is as follows:-

- All taxi vehicles presented at first licensing must be accessible vehicles, 10 years old, or less.
- Accessible taxi vehicles presented at substitution must be 10 years old, or less.
- All other taxi vehicles presented at substitution must be 5 years old, or less.
- Private hire car vehicles presented at first licensing must be 4 years old, or less.
- Private hire car vehicles presented for substitution must be 5 years old, or less.

At its meeting on 8 March 2016 the Committee granted an application for a private hire car driver's licence for a vehicle in excess of four years old, thereby making an exception to its policy. The applicant had previously operated the vehicle as a taxi and wished to change to a private hire car licence in anticipation of the implementation of the Committee's accessible vehicle policy in June 2017. In view of the issues arising from the application in respect of the Age of Vehicles Policy, the Committee instructed officers to provide a report on the age limit for taxi and private hire car vehicles.

Consultation with the trade

The age limit of taxi vehicles was discussed at the meeting of the Taxi Consultation Group on 28 October 2015. Whilst members expressed a desire to maintain a high standard throughout the fleet, concerns were raised regarding a change to the present limit for accessible vehicles in light of the move to a fully accessible fleet on 6 June 2017. It was felt that maintaining the current age limit of 10 years would assist taxi licence holders in making the transition from a saloon car to an accessible vehicle. The Group therefore felt that it would be prudent to wait until after the implementation of the 100% accessible vehicle policy, at which point the standard of the taxi fleet could be assessed and consideration given to a reduction in the age limit for accessible vehicles at that time.

The issue was again discussed at the Taxi Consultation Group meeting on 1 March 2016 in relation to the Committee's accessible vehicle policy. It was highlighted that there would be a number of taxi licence

holders wishing to move to private hire cars given their preference for a saloon vehicle. Members of the Group raised concerns that the age limit for first licensing for private hire cars could be prohibitive and result in licence holders having to incur the expense of purchasing a new vehicle in order to apply for a private hire car licence. It was therefore suggested that existing taxi licence holders should be exempted from the age limit for private hire car vehicles in order to facilitate their transition from a taxi licence to a private hire car licence.

Members of the Group also asked that the transition from a taxi to private hire car be treated as a variation of the licence as opposed to a fresh application. However this is not possible in view of the fact that taxi and private hire licences are treated separately under the Civic Government (Scotland) Act 1982 and are two separate types of licence. Accordingly any driver who wishes to move from a taxi to a private hire car would have to apply for a new private hire car licence.

Recommendations

The taxi and private hire car fleet in Aberdeen is presently going through a period of change with the imminent move to a 100% accessible vehicle fleet on 6 June 2017. In view of the issues that have, and may, arise in connection with the implementation of the policy it is recommended that the Committee adopt the following policy as an interim measure:-

- **Accessible taxi vehicles must be 10 years old or less at first licensing and at substitution.**
- **All other taxi vehicles must be 5 years old or less at substitution.**
- **Private hire car vehicles must be 5 years old or less at first licensing and at substitution.**
- **There will be a general exemption from the age limit for any vehicle presented as a private hire car at first licensing prior to 6 June 2017 which, immediately prior to the date of application, operated as a licensed taxi vehicle in the city of Aberdeen.**

It is considered that the proposed policy will maintain a consistent standard of fairness between taxis and private hire cars. The general exemption will assist licence holders who may wish to move from a taxi to private hire car in anticipation of the move to a 100% accessible taxi fleet next year. The policy will also assist taxi licence holders who require an accessible vehicle prior to the 6 June 2017 by maintaining the age limit of 10 years for accessible vehicles pending the implementation of the policy. Finally it will streamline the age limits for saloon taxis and private hire vehicles insofar as possible at this time.

Officers will keep the policy under review following the implementation of the accessible vehicle policy on 6 June 2017 and report back to Committee once a period of twelve months has passed with further recommendations if appropriate. This will allow further consultation with the Taxi Consultation Group on the standard of the taxi fleet once it becomes 100% accessible and allow consideration to be given as to whether the 10 year age limit for accessible vehicles can be reviewed in order to streamline the age limit across the taxi and private hire fleet.

6. IMPACT

Equality and Human Rights Impact Assessment – An EHRIA has been carried out and the recommendations have been found to have a neutral impact on the protected groups. It is not considered that there will be any detrimental impact to persons with disabilities in view of the fact that no change is being made to the current age limit for accessible vehicles.

Public – Having an age of vehicles policy is of benefit to members of the public as it ensures that a high standard of vehicle is available for hire across the city. Clarifying the policy will assist applicants for taxi and private hire licences as well as current licence holders.

7. MANAGEMENT OF RISK

The Committee must ensure that its policies are fair and justifiable and do not unfairly prejudice one group or holder of similar licences against another. For example, by placing a greater financial burden on one group or sub-group compared to another.

8. BACKGROUND PAPERS

None

9. REPORT AUTHOR DETAILS

Ruth O'Hare
Solicitor
Direct Dial: 01224 523506
Email: ROHare@aberdeencity.gov.uk

Equality and Human Right Impact Assessment: The Form



EHRIA

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1: Equality and Human Rights Impact Assessment- Essential Information	
Name of Proposal: Age of Vehicles – Clarification of Policy	Date of Assessment: 18 March 2016
Service: Legal and Democratic Services	Directorate: Corporate Governance
Committee Name or delegated power reference (Where appropriate): Licensing Committee	Date of Committee (Where appropriate): 6 April 2016
Who does this proposal affect? Please Tick ▼	<div style="display: flex; flex-direction: column; align-items: flex-start;"> <div style="display: flex; align-items: center; margin-bottom: 10px;"> Employees <input type="checkbox"/> </div> <div style="display: flex; align-items: center; margin-bottom: 10px;"> Job Applicants <input type="checkbox"/> </div> <div style="display: flex; align-items: center; margin-bottom: 10px;"> Service Users <input type="checkbox"/> </div> <div style="display: flex; align-items: center; margin-bottom: 10px;"> Members of the Public <input checked="" type="checkbox"/> </div> <div style="display: flex; align-items: center;"> Other (List below) <input type="checkbox"/> </div> </div>

2: Equality and Human Rights Impact Assessment- Pre-screening	
Is an impact assessment required?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If No, what is the evidence to support this decision? (Once this section is completed, please complete section 8 of the form).	<p>The report recommends an amendment to the Committee’s policy in respect of the age of vehicles for taxi and private hire licensing. The proposal will have a neutral impact on all of the protected characteristic groups. In particular, it will maintain the current limit for accessible vehicles thereby having no impact on persons with disabilities.</p>

3: Equality and Human Rights Impact Assessment	
a- What are the aims and intended effects of this proposal?	
b- What equality data is available in relation to this proposal? (Please see guidance notes)	

<p>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.</p>	
<p>d- Financial Assessment If applicable, state any relevant cost implications or savings expected from the proposal.</p>	<p>Costs (£)</p> <p>Implementation cost <input type="text"/> £</p> <p>Projected Savings <input type="text"/> £</p>

	<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?</p>	
<p>f- How does this proposal link to the Council's Equality Outcomes?</p>		

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* ?

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

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* ?

Protected Characteristic:	Neutral Impact: Please ✓	Positive Impact: Please ✓	Negative Impact: Please ✓	Evidence of impact and if applicable, justification where a ' <i>Genuine Determining Reason</i> '* exists *(see completion terminology)
Race (All Racial Groups including Gypsy/Travellers)				
Religion or Belief or Non-belief				
Sex (Women and men)				
Sexual Orientation (Heterosexual, Lesbian, Gay And Bisexual)				
Other (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	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Evidence:</p>
Article 3: Right not to be subjected to torture, inhumane or degrading treatment or punishment	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Evidence:</p>

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

<p>Other article not listed above, please state:</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Evidence:</p>
<p>6: Assessment Rating:</p>	
<p>Please rate the overall equality and human right assessment (Please see Completion terminology)</p>	<p><input type="checkbox"/> Red</p> <p><input type="checkbox"/> Red Amber</p> <p><input type="checkbox"/> Amber</p> <p><input type="checkbox"/> Green</p>
<p>Reason for that rating:</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 *The Equality Act 2010* ?

Identified Risk and to whom:	Recommended Actions:	Responsible Lead:	Completion Date:	Review Date:

8: Sign off

Completed by (Names and Services) :	Ruth O'Hare
Signed off by (Head of Service) :	
<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 Business Hub 13 Second Floor North Marischal College Broad Street Aberdeen AB10 1AB</p> <p>Telephone 01224 523039 Email sandrab@aberdeencity.gov.uk</p>	

9: Completion Terminology:

<p>Assessment Pre-screening Rating:</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>Assessment Rating:</p>	<p>After completing this document, rate the overall assessment as follows: Red: 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. Red Amber: 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. Amber: 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. Green: 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>

Equality Data:	<p>Equality data is internal or external information that may indicate how the proposal 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"> 1: Application success rates by <i>Equality Groups</i> 2: Complaints by <i>Equality Groups</i> 3: Service usage and withdrawal of services by <i>Equality Groups</i> 4: Grievances or decisions upheld and dismissed by <i>Equality Groups</i> <p>Certain discrimination may be capable of being justified on the grounds that:</p>
Genuine Determining Reason	<ol style="list-style-type: none"> (i) <i>A genuine determining reason exists</i> (ii) <i>The action is proportionate to the legitimate aims of the organisation</i> <p>Where this is identified, it is recommended that professional and legal advice is sought prior to completing an Equality Impact Assessment.</p>
Human Rights	<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>
Legal Status:	<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 Equality Impact Assessment 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

COMMITTEE	Council
DATE	11 th May 2016
LEAD OFFICER	Chief Executive
TITLE OF REPORT	Appointments
REPORT NUMBER	OCE/16/017
CHECKLIST COMPLETED	Yes/No

1. PURPOSE OF REPORT

The report brings before the Council details of a number of appointments.

2. RECOMMENDATIONS

That Council agrees:

- i. the appointment of Councillor Stephen Flynn as Convener of the Audit, Risk and Scrutiny Committee replacing Councillor Jackie Dunbar;
- ii. the appointment of Councillor David Cameron as a member of the Integration Joint Board replacing Councillor Gill Samarai;
- iii. the appointment of Councillor Graham Dickson as a member of the NESTRANS Board replacing Councillor Jackie Dunbar;
- iv. the appointment of Councillor Gill Samarai as a representative on Grampian Racial Equality Council replacing Councillor Neil Copland;
- v. the appointment of Councillor David Cameron as a representative on the Alcohol and Drugs Partnership replacing Councillor Gill Samarai; and
- vi. the revised composition of both the Licensing Urgent Business Sub Committee and the Licensing Evidential Hearings Sub Committee as (3 Labour; 2 SNP; 1 Lib Dem; 1 Independent Alliance) for each.

3. FINANCIAL IMPLICATIONS

There are no financial implications for the Council arising from this report.

4. OTHER IMPLICATIONS

There are no other implications.

5. BACKGROUND/MAIN ISSUES

The SNP Group has intimated that it wishes to make a number of changes to previously agreed appointments as set out in paragraph 2 above.

At its Statutory Meeting on 16th May 2012, the Council agreed that the Convener of the then Audit and Risk Committee would be an SNP appointment.

The Council is requested to agree the above five appointments.

In addition, the Council is asked to agree a revised composition for the Licensing Urgent Business Sub Committee and the Licensing Evidential Hearings Sub-Committee in order that they reflect the fact that the Licensing Committee itself does not have a member from the Conservative Group as agreed by Council at its meeting on 8th October 2015.

The composition of each Sub Committee is currently (2 Labour; 2 SNP; 1 Lib Dem; 1 Independent Alliance; 1 Conservative). The proposed revised membership is (3 Labour; 2 SNP; 1 Lib Dem; 1 Independent Alliance).

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; beyond this the proposal has no specific impact on customer experience, staff experience or the Council's use of resources.

7. MANAGEMENT OF RISK

The report is concerned solely with representation on committees and boards.

8. BACKGROUND PAPERS

None

9. REPORT AUTHOR DETAILS

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

ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	11 May 2016
DIRECTOR	Richard Ellis, Interim Director of Corporate Governance
TITLE OF REPORT	Governance Review – Establishment of Working Group
REPORT NUMBER	CG/16/051
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

To set out the scope and intended outcomes of the Governance Review, to explain the proposed approach in reviewing the governance framework, and to establish an elected member working group as a forum for consultation on the Governance Review.

2. RECOMMENDATIONS

That Council -

- (i) notes the progress made so far in establishing arrangements for a Governance Review and notes the purpose of the Review including intended outcomes, outputs, and governance arrangements; and
- (ii) agrees to establish a Governance Reference Group as a forum for consultation with elected members on the Governance Review, prior to the presentation of proposals to Council or the appropriate Committee; agree a membership of seven members, namely 2 Labour members, 2 SNP members (including the Conveners of Finance, Policy and Resources Committee and Audit, Risk and Scrutiny Committee) and one member from each of Liberal Democrats, Conservative and Independent groupings; and
- (iii) instructs the Interim Director of Corporate Governance to make arrangements for the Reference Group to meet and receive the necessary level of support, with the first meeting to be scheduled for the end of May and thereafter once per Committee cycle.

3. FINANCIAL IMPLICATIONS

There are no financial implications arising out of the proposal to establish a working group. There are some costs associated with the Governance Review which will all be met from within agreed and established budgets – these include the cost of a staffing resource to coordinate and ensure delivery of the programme of work, as well as external support for conducting a self-assessment of the Council's governance framework.

4. OTHER IMPLICATIONS

A number of services are contributing staffing resource to the review programme, which requires input from almost all Corporate Governance services. The intention is to spread the load across key contributors within Corporate Governance, and this is set out within the

programme dashboard and planning documentation, where responsibilities for individual workstreams will be recorded and monitored. This will be overseen by a dedicated programme management resource. There will also be a requirement for Committee Services to provide clerking support to the working group, and again this can be met from within existing resources.

5. BACKGROUND/MAIN ISSUES

Governance Review Programme

- 5.1 The Council has a Local Code of Corporate Governance, structured around the six CIPFA/SOLACE principles of good governance. Each year, an Annual Governance Statement is prepared and submitted to the Audit, Risk and Scrutiny Committee alongside the annual accounts - this details the extent of our compliance with the Code, identifying areas where improvement is needed over the following year.
- 5.2 CIPFA/SOLACE consulted local authorities last year on plans to revise the six principles of governance – the proposed new principles are shown in appendix 1. CIPFA/SOLACE recognised in their consultation document that local authorities are operating in increasingly complex environments, including addressing serious financial challenges, increased incidence/requirement for arms-length operations, and the impact of these on their ways of working. In addition to this, legislative drivers eg health and social care integration, community empowerment etc, mean that local authorities need to manage their external relationships more carefully than ever before. Against this backdrop, a robust governance framework is key, and if fit for purpose, will ensure that the Council's outcomes are supported by effective mechanisms for control and risk management.
- 5.3 The revised principles will become effective from April this year. The Annual Governance Statement in June 2017 will be expected to demonstrate the extent to which our governance aligns with these principles. It is therefore timely to review our framework against this backdrop, and also to ensure that the framework fully supports the achievement of the Council's objectives as set out in the refreshed Strategic Business Plan. The Governance Review forms part of much wider change activity in the Council, Shaping Aberdeen, and will be an essential component of how we achieve our goals.
- 5.4 The review will be completed on or around May 2017, with the Interim Director of Corporate Governance and Head of Legal and Democratic Services providing project sponsorship throughout. Key aspects of the Governance Review will be reported over the course of the following year, with timescales indicated in appendix 3.
- 5.5 The Corporate Management Team have agreed a set of outcomes and outputs for the Governance Review.

Outcomes (what we will achieve):

- A governance framework which supports the Council in implementing the Strategic Business Plan.
- Reassurance to Audit Scotland in respect of their Best Value Audit findings from July 2015.

Outputs (what we will deliver):

1. Reviewed and revised risk and performance management frameworks
2. Reviewed and revised elected member development approach

3. Public participation and engagement strategy
4. Corporate Policies Framework
5. Refreshed Local Code of Corporate Governance reflecting the seven CIPFA/SOLACE principles being published in April 2016.
6. An Aberdeen City Council Constitution, comprising the Council's constitutional documents, including:
 - A. Member / Officer Protocol
 - B. Standing Orders
 - C. Committee Reporting Procedures
 - D. Committee Orders of Reference and Reporting Relationships
 - E. Aberdeen City and Aberdeenshire Procurement Regulations
 - F. Scheme of Delegation, including Proper and Statutory Officers
 - G. Arms-length governance arrangements
 - H. Member and officer guidance on gifts, hospitality and registering interests
 - I. Financial Regulations
 - J. Following the Public Pound Guidance

5.6 To achieve consistency with the approach being taken corporately, the Governance Review will have the benefit of a programme management approach, will have robust governance arrangements in place (appendix 2) and will receive external support to ensure that our governance framework can be measured with confidence against CIPFA's principles of good governance. The scope of the Review may be adjusted following completion of the self-assessment, if this reveals that additional areas need to be looked at, or existing areas modified.

Governance Reference Group

- 5.7 Members will have a key role to play in the Governance Review, with a number of documents requiring approval by Council, or the appropriate Committee, at the correct stage in the process. For instance, the proposed Aberdeen City Council Constitution is a significant piece of work which will regulate the manner in which the Council makes decisions in the future, and cross-party input to the different components of the Constitution prior to approval will be essential.
- 5.8 A model used with success previously is a member working group, operating without specific decision-making powers but as a forum for officers to seek feedback on proposals within the Governance Review. Such a working group would be used to gather the views of members, and to make adjustments based on this feedback, or at the very least to reflect this feedback when key documents are presented to Council or Committee for approval. The group would provide a valuable opportunity for consultation with members on the revised governance framework. This remit may be altered upon conclusion of the Review, to allow the Reference Group to have an overview of the Council's governance framework. This will be revisited at a later date.
- 5.9 Given the key position of the Governance Review in supporting implementation of the Strategic Business Plan, it is proposed that the working group have a membership of 7, including the Conveners of Finance, Policy and Resources and Audit, Risk and Scrutiny (2 Labour, 2 SNP, 1 Liberal Democrat, 1 Independent, 1 Conservative). These will be the two key Committees in approving revised governance arrangements from the review process. The Group's minutes will record discussion amongst members, and their views will be reflected when proposals are presented to Committee or Council for approval.

5.10 Appendix 2 outlines the proposed governance arrangements for the Governance Review, including integration of the Governance Reference Group within that reporting structure.

6. IMPACT

Improving Customer Experience –

Our governance framework has customer delivery as a primary focus – both internal customers (for instance those using the committee reporting procedures and internal procurement regulations) and external partners (third party organisations, audit bodies) and external customers (members of the public accessing local decision-making structures). Ensuring that the programme of work delivers improved governance structures will benefit each of these groups.

Improving Staff Experience –

One of CIPFA's principles is to develop the organisation's capacity, including the capability of its leadership and the individuals within it. Staff experience will be part and parcel of this, for instance, through the Member/Officer protocol and elected member development programme, both of which will be underpinned by the "triple aim" and so have staff experience at their core.

Improving our use of Resources –

Governance is about our organisational frameworks, responsibilities, systems, processes, culture and values. Good governance happens when these things come together to make us an effective organisation, thereby ensuring that we are fulfilling our duty as an organisation to be open, transparent and accountable for spending public funds. A review of our governance framework will result in improved processes, structures and systems, and against a set of CIPFA principles which have taken account of the changing and challenging landscape for local authorities.

Corporate –

This review will ensure that the Council's governance framework is robust enough to support achievement of the objectives set out within Smarter Aberdeen. It forms a key part of the Corporate Governance Directorate Plan, Legal and Democratic Services Service Plan and the PR&D objectives of staff in that service. It will also improve governance relationships with arms-length organisations, and link with the refreshed Single Outcome Agreement in terms of public participation and engagement.

Public –

There is unlikely to be much public interest at this stage in the Governance Review, however, as the programme of work unfolds, this may change.

7. MANAGEMENT OF RISK

Exposure to risk is higher in some areas of our governance framework than others, however, the Governance Review will assist the Council in addressing these. A "do nothing" approach would simply allow those risks to increase, and the Council may find itself reacting to risk rather than proactively managing it.

Risk appetite will be assessed and agreed upon at an early stage in the Governance Review, thus informing other key pieces of work in the programme.

8. BACKGROUND PAPERS

Delivering Good Governance in Local Government: A Framework – CIPFA/SOLACE consultation document, July 2015

9. REPORT AUTHOR DETAILS

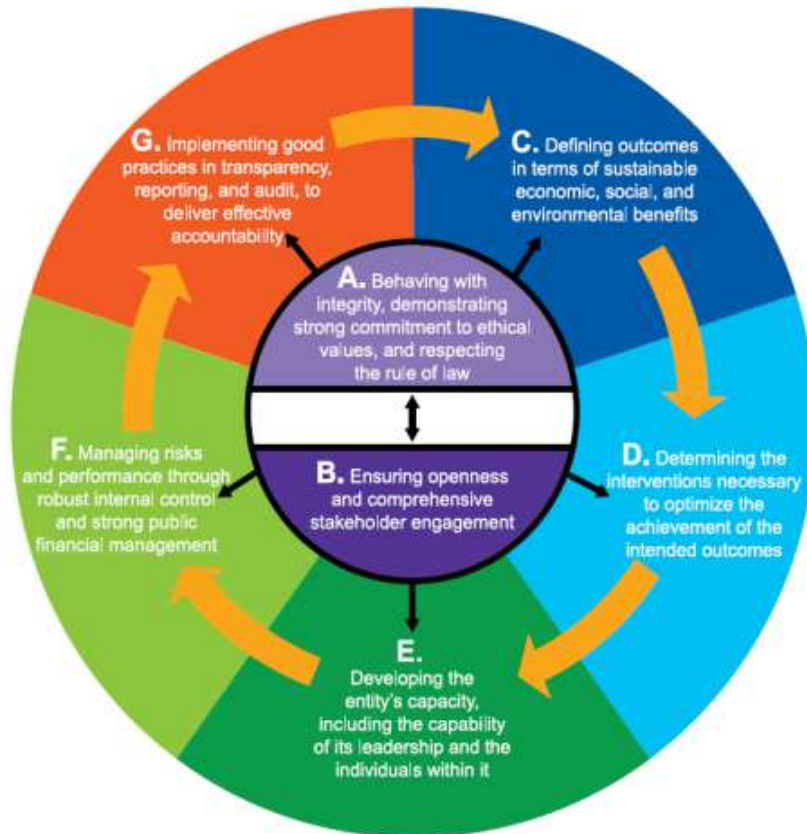
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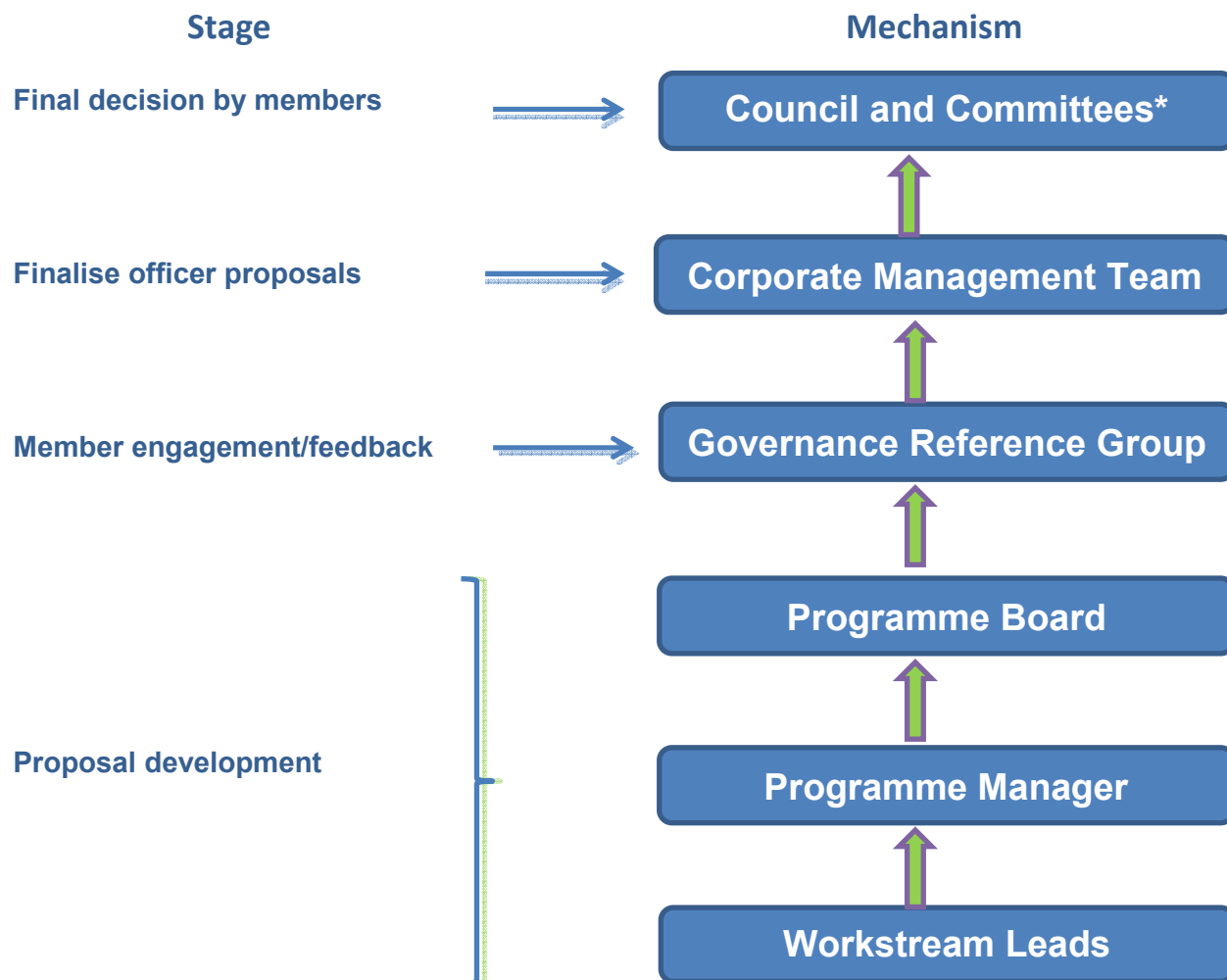
Tel: 01224 522858

CIPFA/SOLACE Principles of Good Governance

**Achieving the Intended Outcomes
While Acting in the Public Interest at all Times**



Governance Arrangements



*There will be a handful of operational matters that do not require Committee or Council approval, and so after receiving feedback from members through the Governance Reference Group, the outcome will be reported to CMT for information. These are set out in Appendix 3.

Workstream	Final reporting destination	Date to be reported
Protocol at Council Meetings	CMT	June 2016
Register of Byelaws and Management Rules	CMT	June 2016
Performance management framework	CMT	June 2016
Registering Interests, Gifts and Hospitality – Revised Procedures	CMT	August 2016
Member/Officer Relations Protocol	Council/Committee	August 2016
Revised Appeals Committee procedure	Council/Committee	October 2016
Risk management system	Council/Committee	by September 2016
Local resilience arrangements	Council/Committee	by December 2016
Constitutional documents:		
Procurement Regulations (shared with Aberdeenshire)	Council/Committee	June 2016
Standing Orders and Orders of Reference	Council/Committee	by March 2017
Scheme of Delegation	Council/Committee	by March 2017
Proper Officer Register	Council/Committee	by March 2017
Committee Reporting Procedures	Council/Committee	by March 2017
Local Code of Corporate Governance	Council/Committee	by March 2017
ACC Group Governance Map	Council/Committee	by March 2017
Corporate policies framework	Council/Committee	by March 2017
Information Governance approach	Council/Committee	by March 2017
Member Training and Development Framework	Council/Committee	by May 2017
Paperlight Committees approach	Council/Committee	by May 2017
Public participation and engagement in local decision-making framework	Council/Committee	by May 2017
External partner governance framework	Council/Committee	by May 2017
Governance training programme for staff	CMT	On-going

ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	11 May 2016
DIRECTOR	Richard Ellis
TITLE OF REPORT	Council Diary
REPORT NUMBER	CG/16/058
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

This report presents the diary of meetings for 2017 for approval.

2. RECOMMENDATION(S)

That the Council approve the attached diary, making any changes as appropriate.

3. FINANCIAL IMPLICATIONS

None.

4. OTHER IMPLICATIONS

It is essential that the Council plans its diary of meetings to enable officers to report to the democratic process in a planned and timeous way.

5. BACKGROUND/MAIN ISSUES

- (1) At the request of the Communities, Housing and Infrastructure Directorate, all meetings of the Planning Development Management Committee will be held on a Thursday. It is felt that this consistent approach benefits developers, applicants and objectors. The Directorate also requires meetings to be more frequent than one per cycle to assist them with meeting statutory performance indicators.
- (2) The diary generally follows a set pattern, based on an 8 week cycle, with the exception of the Planning Development Management

Committee as detailed in (1) above. There are a few exceptions to this in the weeks following the Christmas, Easter, Summer and October holidays.

- (3) There will only be one cycle of meetings before the Local Government elections in May, apart from the statutory Committees.
- (4) The school holidays in Easter and October have been kept free of Committee meetings.
- (5) Several dates in the diary have been kept clear of Committee meetings as a result of Offshore Technology Conference in Houston and Offshore Europe.
- (6) While in previous years, Appeals Committee dates have been scheduled each month, it is proposed that no fixed dates are set for 2017, and that meetings are arranged as and when required. Of the twelve dates set in the diary for 2015, none proceeded. There have also been no appeals which have proceeded in 2016 as of the time of this report. Arranging dates as and when required would allow the process to be more flexible for both sides and will ensure that appeals can be processed as quickly as possible.
- (7) It would be useful if the dates of party conferences were checked against the draft diary, and if it does not cause too much disruption, that these dates be avoided for Committee meetings.
- (8) All meetings are scheduled to commence at 2pm unless otherwise stated.
- (9) NESTRANS and Strategic Development Planning Authority meeting dates are set outwith the Council.
- (10) The Integration Joint Board set their dates outwith the Council and have agreed dates up to the end of 2017.

6. IMPACT

Improving Customer Experience –

By setting the Council diary early in 2016, it will allow Councillors and officers efficient time to arrange their 2017 diary of meetings. It will also be beneficial for members of the public to get plenty notice for meeting dates.

7. MANAGEMENT OF RISK

Should the diary not be approved at this stage, it will impact on the ability of officers to schedule reports to enable the Council to conduct its business.

8. BACKGROUND PAPERS

None.

9. REPORT AUTHOR DETAILS

Lynsey McBain
Committee Services Officer
Email: lymcbain@aberdeencity.gov.uk
Tel: 01224 522123

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Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sat/day
1 New Years Day	2	3	4	5	6	7
8	9 <u>SCHOOL TERM STARTS</u>	10	11	12 Planning Development Management Committee (10am)	13	14
15	16	17 Licensing Board (10.30am)	18 Housing Cases Review Sub Committee (2pm)	19 Pre Application Forum (2pm)	20	21
22	23	24 Communities, Housing and Infrastructure Committee (2pm)	25	26 Education and Children's Services Committee (2pm)	27 Local Government Employees Joint Consultative Committee (2pm)	28
29	30	31 Integration Joint Board (10am) Town House Property Sub Committee (2pm)				

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sat/day
			1	2 Council Budget (2pm)	3	4
5	6 <i>Elected Member Development Day</i>	7 Licensing Committee (10am)	8	9 Planning Development Management Committee (10am) Pre Application Forum (2pm)	10	11
12	13 MID TERM HOLIDAY	14 <u>In Service Day</u>	15 <u>In Service Day</u>	16 Planning Development Management Committee (visits) (9.30am) Finance, Policy and Resources Committee (2pm)	17 Corporate Health and Safety Committee (10am)	18
19	20	21 Zero Waste Management Sub Committee (2pm)	22	23 Audit, Risk & Scrutiny Committee (2pm)	24	25
26	27 Taxi Consultation Group (10am)	28				

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sat/day
			1	2	3	4
5	6	7	8	9	10	11
					Pensions Committee (10am)	
12	13	14	15	16	17	18
			Council (10.30am)	Planning Development Management Committee (10am)		
				Pre Application Forum (2pm)		
19	20	21	22	23	24	25
	<i>Elected Members Development Day</i>		SDPA (2pm) Town House	Planning Development Management Committee (visits 9.30am)		
26	27	28	29	30	31	
		Integration Joint Board (10am) Town House Licensing Board (10.30am)			<u>SCHOOL TERM ENDS</u>	

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sat/day
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17 <u>PUBLIC HOLIDAY</u>	18 <u>SCHOOL TERM STARTS</u>	19	20 Planning Development Management Committee (10am)	21	22
23	24	25 Licensing Committee (10am)	26	Pre Application Forum (2pm)	28	29
30						

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sat/day
	1 <u>MAY DAY HOLIDAY</u> Offshore Technology Conference	2 <u>In Service Day</u> Offshore Technology Conference	3 Offshore Technology Conference	4 <u>LOCAL GOVERNMENT ELECTION</u> Offshore Technology Conference	5	6
7	8 <i>Elected Member Post-Election Training</i>	9 <i>Elected Member Post-Election Training</i>	10 Statutory Council Meeting (10.30am)	11 <i>Elected Member Post-Election Training</i>	12	13
14	15	16 Communities, Housing and Infrastructure Committee (2pm)	17	18 Planning Development Management Committee (10am) Pre Application Forum (2pm)	19 Corporate Health and Safety Committee (10am)	20
21	22 Local Government Employees Joint Consultative Committee (2pm)	23 Integration Joint Board (10am CR2) Zero Waste Management Sub Committee (2pm)	24 Housing Cases Review Sub Committee (2pm)	25 Planning Development Management Committee (visits) (9.30am) Property Sub Committee (2pm)	26	27
28	29	30 Licensing Board (10.30am)	31			

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sat/day
				1 Education and Children's Services Committee (2pm)	2	3
4	5	6	7 Petitions Committee (2pm)	8 Finance, Policy & Resources Committee (2pm)	9	10
11	12	13 Licensing Committee (10am)	14	15 Planning Development Management Committee (10am) Pre Application Forum (2pm)	16	17
18	19	20	21 Council (10.30am)	22 Planning Development Management Committee (visits) (9.30am) Audit, Risk & Scrutiny Committee (2pm)	23 Pensions Committee (10am)	24
25	26 <i>Elected Member Development Day</i>	27 Taxi Consultation Group (10am)	28	29 Zero Waste Management Sub Committee (10am)	30 <u>SCHOOL TERM ENDS</u>	

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sat/day
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20 Planning Development Management Committee (10am) Pre Application Forum (2pm)	21	22
23	24	25	26	27 Planning Development Management Committee (visits) (9.30am)	28	29
30	31					

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sat/day
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15 Integration Joint Board (10am Health Village)	16	17	18	19
20	21 <u>IN SERVICE DAY</u>	22 <u>SCHOOL TERM STARTS</u> Licensing Board (10.30am)	23 Council (10.30am)	24 Planning Development Management Committee (10am) Pre Application Forum (2pm)	25 Corporate Health & Safety Committee (10am)	26
27	28 <i>Elected Member Development Day</i>	29 Communities, Housing and Infrastructure Committee (2pm)	30	31 Planning Development Management Committee (visits) (9.30am)		

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sat/day
					1	2
3	4	5 Offshore Europe	6 Offshore Europe	7 Offshore Europe	8 Offshore Europe	9
10	11	12 Licensing Committee (10am)	13 Housing Cases Review Sub Committee (10am) Property Sub Committee (2pm)	14 Education and Children's Services Committee (2pm)	15 Pensions Committee (10am)	16
	18	19 Petitions Committee (2pm)	20 Finance, Policy and Resources Committee (2pm)	21 Planning Development Management Committee (10am) Pre Application Forum (2pm)	22 <u>SCHOOL HOLIDAY</u>	23
24	25 <u>SCHOOL HOLIDAY</u>	26 Audit, Risk & Scrutiny Committee (2pm)	27	28 Planning Development Management Committee (visits) (9.30am)	29	30

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sat/day
1	2	3 Zero Waste Management Sub Committee (2pm)	4	5	6	7
8	9	10 Licensing Board (10.30am)	11 Council (10.30am)	12	13 <u>SCHOOL TERM ENDS</u>	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30 <u>SCHOOL TERM STARTS</u> <i>Elected Member Development Day</i>	31 Taxi Consultation Group (10am) Integration Joint Board (10am) (CR2)				

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sat/day
			1 1	2 Planning Development Management Committee (10am) Pre Application Forum (2pm)	3	4
5	6	7 Licensing Committee (10am)	8 Communities, Housing and Infrastructure Committee (2pm)	9 Planning Development Management Committee (visits) (9.30am) Petitions Committee (2pm)	10	11
12	13 Local Government Joint Consultative Committee (2pm)	14 Housing Cases Review Sub Committee (2pm)	15 Property Sub Committee (2pm)	16 Education and Children's Services Committee (2pm)	17 Corporate Health and Safety Committee (10am)	18
19	20	21	22	23 Audit, Risk & Scrutiny Committee (2pm)	24	25
26	27	28 Zero Waste Management Sub Committee (2pm)	29	30 Finance, Policy & Resources Committee (2pm)		

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sat/day
3	4	5	6	7	8	9
		Licensing Board (10.30am)		Planning Development Management Committee (10am) Pre Application Forum (2pm)	Pensions Committee (10am)	2
10	11	12	13	14	15	16
	<i>Elected Member Development Day</i>	Integration Joint Board (10am) (Health Village)	Council (10.30am)	Planning Development Management Committee (visits) (9.30am)		
24	25	26	27	28	29	30
		Licensing Committee (10am)			22	23
					<u>SCHOOL TERM ENDS</u>	
31						

ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	11 th May 2016
DIRECTOR	Interim Director of Corporate Governance
TITLE OF REPORT	Living Wage Accreditation
REPORT NUMBER	CG16/044
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

The Chief Executive was instructed by the Council to bring forward proposals to Council meeting in May 2016 on how the Council can become an accredited Living Wage employer. This report details the steps required to achieve accreditation.

2. RECOMMENDATION(S)

It is recommended that the Council:

- (i) Approves the application of the Scottish Government Guidelines as detailed in the Scottish Procurement Policy.
- (ii) Approves the application of the Living Wage (as publicised by The Poverty Alliance) as a minimum hourly rate for agency workers.
- (iii) Instructs the Interim Director of Corporate Governance to proceed with application for accreditation on that basis.

3. FINANCIAL IMPLICATIONS

There is an annual charge, which is currently £400, associated with the licence to use the Living Wage trade mark.

There are three further aspects to the financial implications arising from these recommendations.

1. Additional costs associated with agency workers
2. Potential higher costs of procurement.

3. Annual increases to the wage bill which can be expected to be higher than would otherwise be the case (accepting that the Council currently pays the 'Living Wage').

It is not possible to quantify the potential additional cost in regard to procurement as the impact will be variable for each contract.

The cost in regard to agency workers or Council employees will be variable dependent on the annual increase in the Living Wage. As an indication, the Finance Section estimated that the additional increase in basic pay associated with the Living Wage implementation in April 2015 was £50,000.

The most recent financial settlement with the Scottish Government included an allocation of £9.5M where 50% of that figure was to be used to help to deliver the Living Wage for all Social Care workers by 1st October 2016.

4. OTHER IMPLICATIONS

Where the Living Wage increases at a rate higher than national pay awards, pay differentials at the lower end of the grade structure are necessarily eroded.

5. BACKGROUND/MAIN ISSUES

Benefits of Paying the Living Wage

The Poverty Alliance makes the case for paying the Living Wage on the following grounds:

Social – increasing the wages of the lowest paid employees and reducing the level of in-work poverty. Improving access to goods and services for the lowest paid staff.

Business – increases in productivity, cost savings as a result of improved retention and reduced sickness absence, improved morale, motivation and commitment.

Public Policy – increased tax revenue for the UK Treasury, potential economic improvements as a result of the money multiplier effect, potential to narrow or plug the gap in productivity between the UK and other G7 countries.

In addition to these benefits, paying the Living Wage will potentially enable workers to reduce the number of hours they have to work in order to earn a sufficient income, allowing them to spend more time with their families with resultant social benefits. Any additional

disposable income may also be spent on goods and services in the local area providing a broader economic benefit to the City.

Dis-Benefits

Accreditation as a Living Wage employer takes a degree of control over the Council's reward systems and employee costs out of the hands of the Council and places it into the hands of an unelected and unaccountable third party.

Past experience indicates that the Living Wage rises at a rate higher than the rate of inflation and considerably higher than national pay awards, leading to difficulties in implementation, compression of grade scales and additional cost to the Council.

Accreditation

In order to be accredited, employers must comply with the stipulations in a licence agreement. Those stipulations, as they would apply to Aberdeen City Council, are as follows.

1. A fee of £400 per annum would be payable to the Centre of Civil Society Limited.
2. All employees aged 18 or over must be paid not less than the UK Living Wage.

The Council can meet this requirement. The only employees not currently receiving at least Living Wage are Craft apprentices. All trainees and interns in the Council are paid on an evaluated grade which would place them above the Living Wage threshold, irrespective of age. Accreditation requirements recognise that groups such as apprentices may be paid at a lower rate

3. The employer must undertake to increase the amount it pays to affected employees by the same amount as any increase to the UK Living Wage within 6 months of the date on which the increase is announced.

The increase to the Living Wage is announced in November. Normally any increase would be implemented along with any national pay award with effect from 1st April, which is within the 6 month period. Where the pay award is delayed (as for 2015) an undertaking to backdate the implementation of the Living Wage to 1st May at the latest would be required in order to meet this stipulation.

4. The employer must notify all affected employees of the date of the next increase within one month of the official announcement, unless

the employees have been previously notified about the date on which they will receive at least the increase in the Living Wage.

There are options which might allow the Council to comply with this stipulation.

- Make an express statement that the pay of affected employees will be increased at least to the level of the Living Wage at the same time as the national pay award is implemented.
- Issue communication through the zone and through Communication Champions in each Directorate each November, confirming the figure and the expected date of implementation.

An express statement is likely to be the simplest method and the Poverty Alliance been asked to confirm whether that method is acceptable.

5. There are a number of stipulations in regard to contractors. Specifically the licence states that the licensee shall ensure to the extent permitted by law that any of its contractors which supply an employee shall also pay the Living Wage.

This stipulation applies where workers not directly employed by the Council work on Council premises regularly (more than 2 hours per day) providing services.

At the moment agency staff may be paid less than the equivalent Council employee until they have worked for at least 12 weeks, at which time their rate of pay increases to be in line with any of our own employees carrying out the same work. The Commercial and Procurement Service have previously reported difficulty in obtaining agency staff at the lower rates of pay and have begun to investigate the impact of paying at least the Living Wage from the start of the contract. The licence allows for phased implementation of the Living Wage and, if we were to continue working towards paying the Living Wage to all agency staff with a specified delivery date, the Council would be able to comply with this aspect of the licence.

For other contractors, guidance issued by the Scottish Government (Appendix 1) applies. That guidance demonstrates how this stipulation could be met within the limits of the law. Confirmation from the Commercial and Procurement Service that they either currently follow, or intend to follow, this guidance would be required. Similar confirmation would be required in regard to any sub-contractors.

It should be noted that it would be the Council's responsibility to do everything possible within the limits of the law to promote the payment of the Living Wage by Contractors. In complying with procurement legislation it would be possible for a contract to be

awarded to a bidder who did not pay the Living Wage. The accreditation requirements recognise this situation and would not prevent accreditation provided that the proper procurement guidelines had been followed.

6. The licensee must agree to provide the licensor with information to confirm that they are meeting the conditions of the licence. If the licensor is not satisfied with the information they would have the right to request additional information, meet with Trades Union representatives or contact employees or contractors directly to obtain additional information.

The Arm's Length External Organisations associated with the Council are not required to apply for accreditation in order for the Council to meet the licence requirements. Accreditation has been discussed with Bon Accord Care however and they have expressed an interest in making their own application.

Conclusion

In general it should be possible for Aberdeen City Council to meet and comply with the licence conditions. The majority of the accreditation requirements can be met at present. If it is determined that the Council should seek accreditation then the Commercial and Procurement Service and Human Resource and Customer Services will need to work together to ensure there is a clear timetable for the remainder of the requirement to be met.

6. IMPACT

Improving Customer Experience –

Any increases in productivity, reduced sickness absence, improved morale, motivation and commitment would impact positively on the level and quality of service available to customers.

Improving Staff Experience –

Increasing the wages of the lowest paid employees would be a step towards reducing the level of in-work poverty. The lowest paid employees would be enabled to have better access to goods and services contributing to improvements in their financial circumstances. Such improvement should positively impact on recruitment and retention and on staff engagement.

Improving our use of Resources –

The proposal has the potential to generate some cost savings as a result of improved retention and reduced sickness absence. It will however result in cost increases as the Living Wage has historically

increased at a much higher rate than the rate of inflation or of national pay awards.

Corporate –

The Council's Strategic Priorities refer to the need for a flexible, skilled and motivated workforce and one of the Strategic Workforce Priorities is to ensure that the Council's status as an 'employer of choice' is enhanced and that the principles and spirit of equal opportunities are evident in all aspects of the Council's employment processes.

Accreditation as a Living Wage employer would demonstrate the Council's commitment to its workforce; particularly the lower paid, and would contribute to both of these strategic aims. This outcome would be consistent with the Council's Regional Economic Strategy theme of inclusive growth – tackling inequality through support for the Living Wage.

Public –

Accreditation as a Living Wage employer will impact mainly on a relatively small number of Council employees. As such this report is likely to be of limited interest to the public.

7. MANAGEMENT OF RISK

The principal risk is that the Council would be giving up any control or influence over staffing costs at the lower end of the grade structure. This will lead to increases in the pay bill beyond the level agreed as part of national bargaining. To date it has been possible to absorb these additional costs within annual budgets.

8. BACKGROUND PAPERS

Living Wage, a Guide for Employers (published by The Poverty Alliance in association with the Living Wage Foundation and the Scottish Government).

9. COMMENTS FOLLOWING CONSULTATION

Comments have been received from the GMB representative to the effect that they are supportive of continuing to pay the Living Wage, but that the costs and restrictions associated with accreditation may not be justified. (Appendix 2)

10. REPORT AUTHOR DETAILS

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Scottish Procurement

Scottish Procurement Policy

Note

SPPN 1/ 2015

Date 4 February 2015

Evaluating employment practices and workforce matters, including living wage, in public contracts

Purpose

1. This note provides information on how and when employment practices and 'workforce matters', including payment of the living wage, should be considered in the course of a public procurement exercise as a key driver of service quality and contract delivery. It is issued in advance of the full implementation of the provisions of the Procurement Reform (Scotland) Act 2014 and the Statutory Guidance to be published under the Act.

Key Points

- A bidder's employment practices and its approach to its workforce can have a direct impact on the quality of service it delivers and, sometimes, of the goods it supplies and works performed;
- Wherever it can be deemed relevant to quality of service or goods or delivery/performance of the contract, it is important to ensure that a bidder's employment practices and approach to the workforce it will engage to perform the contract is evaluated as part of the procurement exercise;
- Fair pay, including payment of the living wage, is one of the ways a bidder can demonstrate that it takes a positive approach to its workforce;
- Consideration of the bidder's approach to employment practices and workforce matters must be proportionate and based on the nature, scope, size and place of the performance of the contract.

- The purchaser must consider the bidder's overall approach to employment practices and workforce matters – this should include all relevant evidence, including remuneration and employee representation, demonstrating the employer's approach to being a good employer delivering good quality services.

Background

2. The Scottish Government values the delivery of high quality services and recognises that service levels are often critically dependent on the quality and engagement of the workforce engaged in delivering public contracts. We expect those who deliver public contracts to adopt fair employment practices for all workers engaged on delivering the contract. This includes not only workers they directly employ but workers who they will engage with through, for example, employment agencies and/or “umbrella” companies. We believe that workers who are treated fairly, who are well-rewarded, well-motivated, well-led and who have appropriate opportunities for training and skills development are likely to deliver a higher quality of service and that good relationships between the contractor and the workforce contribute importantly to sustainable economic growth.

3. The Scottish Government considers the payment of the living wage to be a significant indicator of employer commitment in this regard. The Scottish Government has obtained clarification from the European Commission that public bodies are unable to make payment of the living wage a mandatory requirement as part of a competitive procurement process, (see SPPN 4/ 2012). It is therefore not possible to reserve any element of the overall tender score solely to the payment of a living wage. It is, however, possible to encourage suppliers to pay a living wage as part of a procurement exercise and the Scottish Government has recently successfully piloted this approach in a tender exercise; see paragraphs 7 and 8 below.

4. It is right to expect those who deliver public contracts to adopt fair employment practices. This includes, for example, no inappropriate use of zero hour's contracts and ensuring that workers receive fair terms and conditions and a fair pay. This also applies where an employment agency is used to supply workers to perform the contract who are employed by an umbrella company. In this context, an “umbrella” company is one which acts as an employer to agency workers who work under fixed term contract assignment. Inappropriate use of an umbrella company could include, but not be limited to, engaging staff employed by the company to exploit workers through excessive administrative charges, issuing incomplete or confusing pay slips, moving staff on to the “umbrella” company without their prior knowledge and consent and using them as a device to reduce workers' pay or conditions. The Freelancer & Contractor Services Association (FCSA) has established a code of conduct which includes provisions aimed at promoting good practice in this area. Where a contractor may use agency staff in the performance of the contract, we recommend that purchasers consider making it a condition of contract that the contractor complies with FCSA's code of conduct.

5. The Scottish Government has a range of internal policies in place to support a well-rewarded, well-motivated, well-led workforce. Details at Annex A include a pay policy that includes a commitment to supporting the living wage for the duration of this parliament, fair employment practices, no inappropriate use of zero hours contracts and the encouragement of staff to join an appropriate Trade

Union and to play an active part in it, making sure their views are represented. In order to ensure the highest standards of service quality in public service contracts, contractors are expected to demonstrate a similarly positive approach to workforce-related matters as part of a fair and equitable employment and reward package.

6. The Procurement Reform (Scotland) Act 2014 allows Ministers to publish statutory guidance on the selection of bidders and the award of contracts. Scottish Ministers will consult on the content of such statutory guidance including addressing issues associated with fair employment practices and how to promote the living wage in public tender exercises in the context of a package of workforce matters this month. This Scottish Procurement Policy Note (SPPN) is issued pending the commencement of the relevant provisions and publication of statutory guidance, which we expect to publish following consultation with stakeholders in late 2015.

Pilot approach - Workforce Matters Invitation to Tender Question

7. The recent Scottish Government pilot focussed on the use of an Invitation to Tender (ITT) question on 'workforce matters' in the tender exercise for catering services on its premises. Following completion of the selection stage of the procurement process, the ITT described the Government's approach to 'workforce matters' and asked bidders to demonstrate their own approach. On this occasion, we reserved 10% of the overall quality scoring for the responses to the question. It is important, however, that the amount of marks allocated is proportionate and takes account of the likely impact on quality for that particular contract. In some cases, e.g. personal social care, the impact on quality will merit a high score. In other cases, where workforce matters may be relatively less important to quality, the amount of marks may need to be lower. Each procurement must be considered on its own merits.

8. In the catering services procurement, evaluations were undertaken on the basis of the comprehensiveness and quality of the overall package of measures (i.e. not focussing solely on one aspect of workforce matters). The award of this contract guarantees that all those working on it will benefit from a package of positive workforce measures, which will include payment of the living wage.

9. The text at Annex A is how we recommend purchasers address workforce matters at the contract award stage of relevant procurement procedures. It has been developed in light of our experience in relation to the catering contract pilot.

Considerations in applying this approach in public contracts

10. Any decision to include a question on 'workforce matters' in a tender exercise should be made on a case by case basis and the question should be framed in a way that is consistent with the principles deriving from the Treaty on the Functioning of the European Union: transparency, equal treatment, non-discrimination, proportionality and mutual recognition. The following factors should also be considered:

- In a tender exercise the selection and award criterion must be relevant to the subject matter of the contract; therefore it is important to consider the

extent to which a contractor's approach to its workforce is related to the subject matter of the contract;

- Workforce matters are most likely to be relevant in relation to contracts involving services and construction;
- It is right to expect all suppliers who deliver public contracts to adopt fair employment practices;
- When weighting the 'workforce matters' question, it is important to be proportionate and take into account the relevance of workforce to the subject matter and quality of the service delivery, goods supplied or the delivery of the contract;
- When evaluating bidders' responses to this question it is important to take into account the comprehensiveness and quality of the complete package of measures in general and not to treat any individual element more favourably than any other.

11. In deciding whether or not workforce matters are relevant to the quality delivered under a contract, purchasers should consider, for that particular type of contract, whether:

- the purchaser has any previous experience of workforce matters or poor employment practices, including pay and conditions, impacting on the quality of service to be delivered;
- there is any history of low pay in that sector;
- there is a risk that those working on the contract might be exploited in any way, e.g. through the inappropriate use of zero hours contracts or as a result of being employed by an umbrella company;
- contractors might seek to cut their costs through driving down workers' terms and conditions, including pay;
- the contractor's workers will be required to interact directly with the public body's employees and/or members of the public and whether they will spend any time on the public body's premises.

If the answer to any of the above questions is "yes", then workforce matters are likely to be a relevant consideration for the contract in question. This is not, though, an exhaustive list and other factors may be relevant depending on the specifics of an individual contract.

Existing contracts

12. Public bodies may have existing contracts where workforce matters are an issue, for example low pay or the inappropriate use of zero hours contracts. In such instances, it may be feasible to address these issues by varying the terms of the existing contract, but caution should be exercised and account should be taken of a range of factors.

13. Where a contract has been awarded which includes a provision to amend the contract, then provided the variation takes place within the parameters set by the contract there should be little or no risk of legal challenge.

14. Where there is no power to vary the contract, some adjustments may be still be possible without risk of challenge, but significant variations to contracts do bring a risk of challenge. Caselaw on this matter (*Presstext Nachrichtenagentur v Republik Österreich* C-454/06) confirms that an amendment of a contract which is significant will amount to the illegal direct award of new contract without competition. Economic advantage given to a contractor as a result of variation will, prima facie, be considered significant as will any amendment which could have distorted competition or have a discriminatory effect and lead to a different outcome in the procurement. A simple obligation on the part of the contractor to make payment of no less than the living wage whilst not making any consequent changes to employees' contractual terms is unlikely to be controversial in this respect.

15. The new EU Procurement Directive provides what may be described as a "safe harbour" in relation to variations of contract, with an upper limit in relation to variations of not more than 10% by value for services contracts and 15% for works contracts, provided that in each case the value of the variation remains less than the applicable EU threshold value for a contract of the relevant type. Where the contract is below the EU threshold or otherwise exempt, there is likely to be less risk of challenge to any variation. 16. It should again be emphasised that a contract condition or any other measure that would make payment of at least the living wage mandatory cannot be included as a requirement of a competitive procurement which is subject to EU law.

17. The Scottish Government has recently reviewed its current contracts where the contractor's workers routinely work on Government premises. In the case of three contracts where not all workers were currently receiving at least the living wage, a variation has been applied to ensure that all individuals performing these contracts on Government premises are to be paid an hourly rate at least equal to the living wage, whilst maintaining other workforce benefits and avoiding any reduction in contract performance standards.

Action Required

18. Public bodies are asked to note the advice in this policy note and are asked to adopt it, wherever it is legally possible to do so, in their own procurement procedures. If you are in any doubt as to whether adopting the measures proposed are legally possible you should take appropriate legal advice.

ANNEX A

Workforce Matters Invitation to Tender Question The Scottish Government (SG) is persuaded by evidence which shows that the delivery of high quality public services is critically dependent on a workforce that is well-motivated, well led and has appropriate opportunities for training and skills development. These factors are also important for workforce recruitment and retention, and thus continuity of service. SG itself has adopted workforce policies to meet these requirements. These policies include:

- a pay policy that includes a commitment to supporting the living wage for the duration of this parliament;
- fair employment practices;
- clear managerial responsibility to nurture talent and help individuals fulfil their potential;
- a strong commitment to Modern Apprenticeships and to the development of Scotland's young workforce;
- support for learning and development;
- no inappropriate use of zero hours contracts;
- no inappropriate use of "umbrella" companies
- flexible working;
- flexi-time; and
- career breaks.

The Scottish Government also attaches importance to ensuring effective consultation and involvement of staff and Scottish Government management work in partnership with the trade union. While it is, of course, a personal decision whether or not to join a Trade Union, the Scottish Government encourages its staff to join an appropriate Union and to play an active part within it, making sure their views are represented.

In order to ensure the highest standards of service quality in this contract we expect contractors whose workers work alongside ours to take a similarly positive approach to workforce-related matters as part of a fair and equitable employment and reward package.

Workforce Matters (X%*)

Q - Please describe how your organisation proposes to commit to being a best practice employer in this respect in the delivery of this contract. Answers need not be constrained to or be reflective of any of examples given alongside this question.

Good answers will reassure evaluators that your company takes the engagement and empowerment of workers seriously; takes a positive approach to rewarding workers at a level that can help tackle poverty (e.g. through a commitment to paying at least the living wage), adopts fair employment practices, provides skills and training which help workers fulfil their potential, that you do not exploit workers (e.g. in relation to matters such as the inappropriate use of zero hours contracts or "umbrella" companies); and that your company will demonstrate organisational integrity with regards to the delivery of those policies, including having arrangements in place to ensure effective employee representation. This reassurance should be achieved by providing tangible and measurable examples that can be monitored and reported during contract management procedures.

Insert response here

Comments Received from GMB Representative

As a Trade Union Representative I am supportive of the living wage, however there appears to be a lot of restraints or conditions applied to this plus an annual cost, I anticipate that due to costs Aberdeen City may put a moratorium on awards and accreditations that cost the council, however it is just a thought I have on the matter.

ACC apply the Living wage anyway so going through an outside body to be accredited with something we do and at our cost does not seem to sit right.

Surely a statement on application forms stating the fact we pay the living wage should satisfy the applicant.

As was said this is not something the public would be interested in and to be accountable to a third party appears a bit at odds with ACC's own controls.

Although I support the Living wage I have reservations over the need to be accredited, I am sure we do not need to accrue Brownie Points to demonstrate fair practices, the demonstration is in the pay packet.

7 - EHRIA Summary and Action Planning

Report Title	Living Wage Accreditation			
Assessment not required	Evidence			
Assessment completed	As a result of completing this assessment, what actions are proposed to remove or reduce any risks of adverse outcomes which were identified.			
Identified Risk and to whom:	Recommended Actions:	Responsible Lead:	Completion Date:	Review Date:
None – the proposal has been assessed as having a neutral equalities and human right impact and therefore no risks have been identified	No recommended actions have been identified as the proposal does not result in any identified risks.			

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8: Sign off	
Completed by (Names and Services) :	Karen Templeton, Human Resource and Customer Services
Signed off by (Head of Service) :	Ewan Sutherland, Head of Human Resource and Customer Services
<p>Only sections 7 and 8 will be attached to the committee report</p> <p>The full EHRIA will be published on Aberdeen City Council's website under http://www.aberdeencity.gov.uk/xeq_EHRIA_Search.asp</p> <p>Please send an electronic format of the full EHRIA without signature to SHoward@aberdeencity.gov.uk</p>	

ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	11th May 2016
DIRECTOR	Interim Director of Corporate Governance
TITLE OF REPORT	Investors in Young People Accreditation
REPORT NUMBER	CG16/045
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

The Chief Executive was instructed by the Council to bring forward proposals to Council meeting in May 2016 on how the Council can become accredited under the Investors in Young People quality standard. This report details the steps required to achieve accreditation.

2. RECOMMENDATION(S)

It is recommended that the Council:

- (i) Approves assessment by Investors in People for the purposes of attaining the Investors in Young People accreditation.

3. FINANCIAL IMPLICATIONS

The cost of an initial Investors in Young People assessment against the basic standard is approximately £9,500. This would be incurred in year 1.

Should the Council wish to be assessed against the 'Extended Framework' (see 5 below) an additional cost of approximately £2,600 would be applicable, thereby giving a total cost of £12,100 for an 'Extended Framework Assessment' (i.e. with the opportunity for accreditation against Standard, Silver or Gold as appropriate).

After this initial assessment, the Council would enter into an annual assessment cycle whereby only part of the standard would be assessed each year over a 3 year period. The annual cost of this would be approximately one third of the full assessment cost. However, as

parts of the Council already have Investors in People recognition there would be a discount (up to 25%) if both standards follow an annual assessment cycle. This is due to some employees qualifying for both standards and as such they would not need to be interviewed twice given the evidence acquired would be used in each assessment.

Anticipated costs for the next 4 years therefore would be:

Initial assessment in 2016 - £9,500 - £12,100 (depending on whether being assessed against Extended Frameworks or not).

2017 - £3700 (estimated)

2018 - £3700 (estimated)

2019 - £3700 (estimated)

4. OTHER IMPLICATIONS

No other implications.

5. BACKGROUND/MAIN ISSUES

With a disproportionate number of young people being regarded as not in employment, education or training (NEET) in Scotland, it is important that the Council, as a public body and a socially responsible organisation, tries to assist, where possible, the transition into work for this demographic group.

While this will be of obvious benefit to the young people involved it should also be advantageous to the Council as an organisation delivering services now and into the future through having a more diverse workforce, the makeup of which is representative of the people it serves.

Gaining the accreditation should also serve to indicate to both employees and potential job applicants that the Council is an employer of choice which applies good employment practices

Investors in People

Investors in People (IIP) is a nationally recognised framework that helps organisations to improve their performance and realise their objectives through the effective management and development of their people.

In partnership with the Scottish Government, IIP have created a new accreditation called Investors in Young People (IIYP).

The key aims of the IIYP framework are that it –

- Challenges and encourages employers to consider the capacity and capabilities they need to achieve their goals and objectives

- Provides a clear link between organisational need and the recruitment and development of young people
- Offers guidance and encouragement to employers to access the range of support services available
- Provides recognition to employers who are effective in their approach to recruiting, retaining and developing young people.

In light of the work and initiatives being undertaken or planned in relation to the employment of young people within the Council, it is considered that the Council will have a reasonable prospect of attaining this accreditation.

Accreditation Process

The IIYP standard is an outcome based framework that primarily uses 1-2-1 interviews with a range of employees to gather evidence.

The accreditation process would start with an initial health check of the organisation. This would give an approximation as to where we are and would give an indication as to whether accreditation would be expected to be achieved at first assessment.

Once the initial health check and assessment have been completed the Council will enter into a 3 year cycle of annual assessments. These annual assessments will generally consider 3 or 4 of the 10 indicators that constitute the standard until all have been assessed.

If it was identified after the initial health check that the Council were unlikely to achieve accreditation, the organisation would be given 12 months to implement an improvement plan devised in conjunction with IIP to address any identified shortcomings.

Extended Framework

As well as the basic standard, there is an Extended Framework for IIYP for gaining accreditation at Standard, Silver or Gold levels. These levels are measured against criteria that progress from what is referred to as '**Developed**' to '**Established**' and then '**Advanced**'.

As the organisation further develops the Improving Staff Experience Programme, it is anticipated that, in time, the Council will seek assessment against the extended framework and aim to achieve the Gold award.

6. IMPACT

Improving Customer Experience –

- In having a more diverse workforce where the make-up of the Council is representative of the people it serves, the Council will be better positioned to understand the varying needs of the citizens of Aberdeen.

- Having greater diversity within the workforce is also desirable in terms of innovation in service delivery. This is due to the greater range of experiences that can be reflected and drawn upon when considering new ways of working.
- Improved succession planning should result by having in place a more extensive talent pool. This will improve our ability to 'grow our own' and help safeguard future service delivery.

Improving Staff Experience –

- Any initiative that eases the transition into work for young people should lead to greater employee engagement with the anticipated associated benefits of increased productivity and reduced absence.
- There should be a benefit to managers' professional development as they increase their people management capability through working with young employees. This, in turn, will aid managers that have young clients accessing their services.

Improving our use of Resources –

- Though the assessment will focus on young people it will, by consequence, evaluate our recruitment and retention, employee development and employee support mechanisms on an organisation-wide basis and help identify whether best use is being made of resources.

Corporate -

This proposal is directly aligned to the aims of the Strategic Workforce Plan in that it will enable the Council to better 'grow our own' employees.

This proposal will also support the Aberdeen Guarantees initiative by ensuring that, as an employer, the Council adopts and utilises best practice in assisting young people into the workplace.

In terms of corporate social responsibility the benefits are twofold –

1. Perceptions of the Council should improve as we are seen to try and help young people into work
2. If young people move on to other organisations they take good employment practice/behaviours with them.

The corporate body will also benefit by being in the position to reference the IYYP award in any employee value proposition communications. This will bolster the Council's employer of choice credentials which, in turn, should lead to a higher calibre talent pool to recruit from.

The IYYP standard identifies greater interaction with young people in schools and in further education as a key feature. As such the proposal should also support the delivery of the Children's & Young People's Rights and Participation Strategy aim of -

- Increasing levels of participation by children and young people in decision making from a personal level to city wide, with all children and young people aged 3-25 having the opportunity to contribute ideas across the city. Children and young people will know that their ideas are listened to and responded to.

Public –

It is not expected that this report will be of interest to the public. An EHRIA has been completed in respect of the proposal within the report and has identified a positive impact in relation to the protected characteristic of age in respect of the younger age group, which are under-represented in the organisation.

7. MANAGEMENT OF RISK

There may be a minor reputational risk to the Council were it not to achieve accreditation.

8. BACKGROUND PAPERS

No background papers

9. REPORT AUTHOR DETAILS

David Forman, HR Adviser (Policy and Performance),

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Tel: 01224 523089

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7- EHRIA Summary and Action Planning					
Report Title	Proposal to seek Investors in Young People accreditation for the Council				
Assessment not required	N/A				
Assessment completed	Yes				
Identified Risk and to whom:	Recommended Actions:	Responsible Lead:	Completion Date:	Review Date:	
N/A (the proposal has been assessed as having a neutral equality and human rights impact in relation to all the protected characteristic groups except Disability where it is identified as having a positive impact, therefore no risks have been identified as	N/A (as the proposal has been assessed as having a neutral (and in the case of Disability a positive) equality and human rights impact, there is no requirement for any actions).				

there should be no negative impacts).				
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8: Sign off	
Completed by (Names and Services) :	David Forman, HR & Customer Service, Corporate Governance
Signed off by (Head of Service) :	Ewan Sutherland, Head of HR and Customer Service
<p>Only sections 7 and 8 will be attached to the committee report</p> <p>The full EHRIA will be published on Aberdeen City Council's website under http://www.aberdeencity.gov.uk/xeq_EHRIA_Search.asp</p> <p>Please send an electronic format of the full EHRIA without signature to SHoward@aberdeencity.gov.uk</p>	

Agenda Item 7(h)

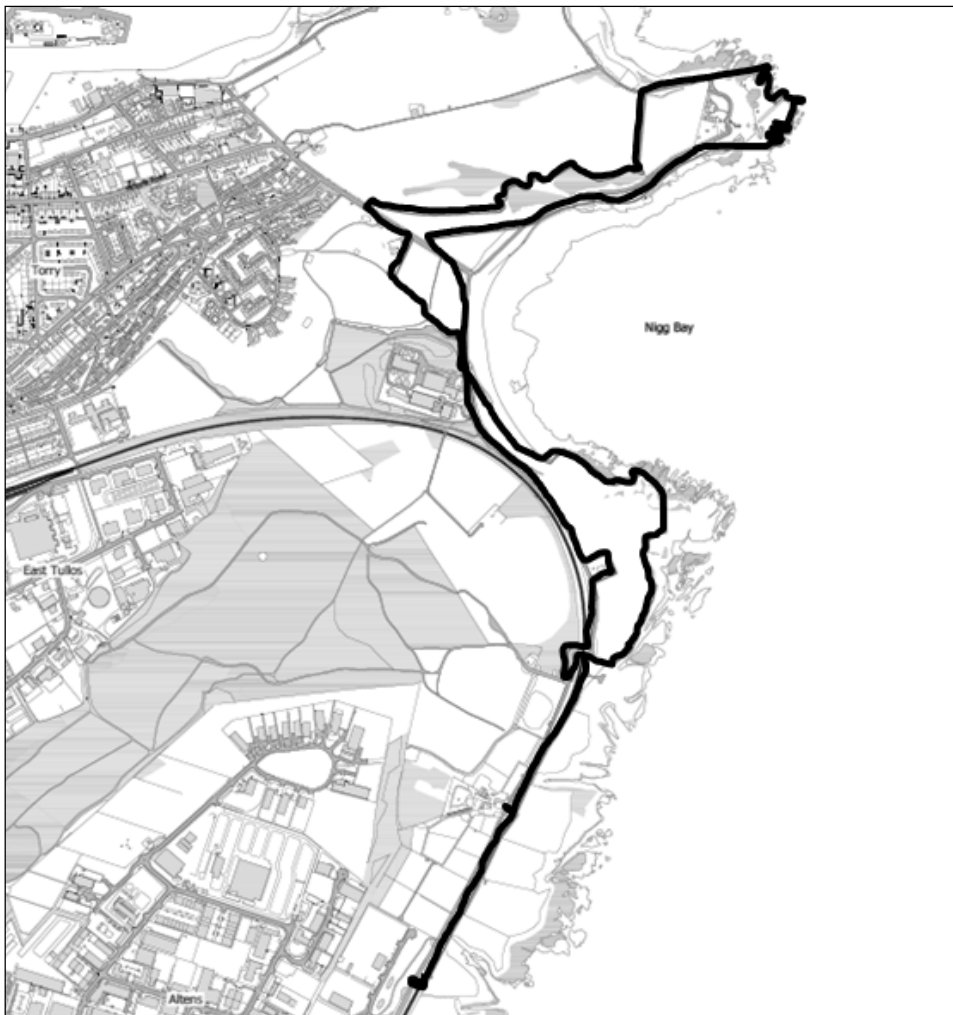
Aberdeen City Council: Meeting of Full Council – 11 May 2016

LAND AT BAY OF NIGG, COAST ROAD / GREYHOPE ROAD, TORRY

NATIONAL DEVELOPMENT COMPRISING CONSTRUCTION OF NEW INFRASTRUCTURE TO FACILITATE THE CREATION OF A NEW DEEP WATER HARBOUR, INCLUDING NEW ROADS, PARKING AND MEANS OF ACCESS, TEMPORARY CONSTRUCTION AND FABRICATION AREAS AND OTHER ASSOCIATED DEVELOPMENT WHICH MAY INCLUDE PUBLIC REALM AREAS, PATHS, LIGHTING AND SIGNAGE.

For: Aberdeen Harbour Board

Application Type:	Planning Permission in Principle	Advert : Section 34 -Proj. Pub. Concern
Application Ref.:	P151742	Advertised on: 04 November 2015
Application Date:	04/11/2015	Council Date: 11 May 2016
Officer :	Gareth Allison	Community Council : No observations
Ward:	Torry/Ferryhill	
(Y Allan/A Donnelly/J Kiddie/G Dickson)		



RECOMMENDATION:

Approve subject to conditions ensuring restoration and reinstatement of all temporary working / manufacturing areas; and requiring submission of precise details relating to all aspects of road design, realignment and off-road cycle path improvements.

DESCRIPTION

The site comprises a 30ha linear stretch of inland coastline at Bay of Nigg, running from the Girdleness to Gregness headlands, and to the east of the railway line heading southwards.

RELEVANT HISTORY

The Harbour Revision Order & Marine Licences: Aberdeen City Council confirmed its support, as a statutory consultee, of the Harbour Revision Order (HRO) and Marine Licences (ML) on 31 March 2016. These are the formal consenting procedures for physical construction of the harbour, administered by Transport Scotland and Marine Scotland respectively on behalf of Scottish Ministers.

Pre-Determination Hearing (including Site Visit), 16 April 2016: Members heard from officers; the agents acting on behalf of Aberdeen Harbour Board; and 3 members of the public that had registered objections to the proposals; the points of which are fully considered in the Evaluation section of this report.

PROPOSAL

This application for Planning Permission in Principle (PPiP) seeks consent solely for construction of the inland infrastructure components required to facilitate the creation and provision of the harbour, as follows:

Roads Realignment: Coast Road, Greyhope Road & St Fittick's junction – to enable new and safe access to the site, and to accommodate the physical construction of the harbour. The Coast Road to St Fittick's Road corridor would be realigned and widened over a distance of approximately 280m, with potential for resurfacing and verge works to facilitate road improvements. Greyhope Road would be repositioned and realigned over a distance of approximately 310m, north of its current alignment, with the Coast Road / St Fittick's Road / Greyhope Road junction repositioned approximately 150m north-west from its current location.

Potential Temporary Construction/Site Establishment Areas: 3 areas proposed at St Fitticks, Girdleness, and Gregness – to enable preparation / production of materials used in the formation of the breakwaters, quays and piers etc.

Off-road Cycle Path Improvements: to provide new off-road section of cycle path east of the railway line between Hareness Road and the railway bridge.

ENVIRONMENTAL STATEMENT

The proposal was subject to an Environmental Impact Assessment (EIA) under Schedule 2 of the Environmental Impact Assessment (Scotland) Regulations 2011. An Environmental Statement (ES) was submitted in support of the application, although it does not form part of the application itself. However, provided it serves a planning purpose, any information from the EIA process may be material and considered alongside the provisions of the development plan. The ES identifies the likely environmental effects of the wider harbour development through the study and analysis of individual issues, predicting and assessing the projected impacts and proposing measures to mitigate the effects.

Supporting Documents: All details relating to this application, including the ES, can be viewed at: <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=151742>

PRE-APPLICATION CONSULTATION

The proposed development was subject to pre-application consultation between the applicant and the local community; a requirement for applications falling within the category of national developments as defined in the 'Hierarchy of Development' Regulations. The applicants fulfilled all obligations to the expected standard.

REASON FOR REFERRAL TO FULL COUNCIL

Planning legislation requires applications for national development to be determined by the Full Council.

CONSULTATIONS

The following bodies have confirmed 'no objections in principle subject to conditions':

- Roads Development Management(RDM)
- Environmental Health (EH)
- Flooding (FL)
- Scottish Environment Protection Agency (SEPA)
- Scottish Natural Heritage (SNH)
- Network Rail (NR)
- Scottish Water (SW)

The following bodies have confirmed 'no objections/observations':

- Community Councils
- Historic Environment Scotland (HES)

REPRESENTATIONS

17 no. objections and 1 no. representation of support have been received. 8 no. additional representations referred to the physical construction / impact of the harbour and thus are not material to the consideration of this PPIp. The concerns noted in those that are relevant are considered in full below.

EVALUATION

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

Evaluation of this PPIp is restricted specifically to the impact of the proposed works, and does not consider the physical construction / impact of the harbour itself. Furthermore it is focussed solely on the principle of the proposals; it is acknowledged that specific details are not yet known due to the nature of the design and build process. The planning system ensures the Council retains suitable control over such details through the subsequent submission and evaluation of Matters Specified in Conditions (MSC) applications. In this regard, the proposal is assessed under the following considerations and policies.

Environmental Statement: assessment of this application must consider the information contained in the ES to be satisfied on its adequacy. This information should be of reasonable relevance to assess the effects of the project, with the emphasis being on the 'main' or 'significant' environmental effects to which the development is likely to give rise. When considering the ES alongside the specific works proposed within this PPIp,

the Council is satisfied that the main environmental effects have been sufficiently considered, thus meeting the requirements of the Regulations.

National Planning Framework 3 (NPF3), 2014: identifies construction of a harbour at Bay of Nigg as the preferred development option to expand and directly respond to capacity constraints of the existing harbour, to the benefit of the city region and Scotland as a whole. The principle of the proposal is therefore established at the top tier of the planning hierarchy.

Aberdeen City & Shire Strategic Development Plan (SDP), 2014: supports the principle of the development by identifying the harbour in the National Renewables Infrastructure Plan, as a key port which can enable growth and diversification of the regional economy.

Aberdeen Harbour Revision Order & Marine Licences: The Council has confirmed its formal support of both.

Aberdeen Local Development Plan (ALDP), 2012: With principle endorsement at both national and strategic level, it follows that the local development plan would seek to facilitate and support the development; promoting a general presumption in favour of major and essential infrastructure projects where they can be suitably accommodated. Furthermore;

- ALDP: Policy NE1 – Green Space Network (GSN): The proposals form part of a major infrastructure development that necessitates crossing the GSN. Through MSC applications, the Council can ensure, and will require, that the final design details take into account the coherence of the network, and include suitable measures to respect wildlife, access and outdoor recreation objectives.
- ALDP: Policy NE2 – Green Belt: Exceptions to green belt restrictions are applicable as this is essential infrastructure which cannot be accommodated elsewhere. As noted above, subsequent MSC applications will consider the specific details and ensure that these are both appropriate and suitable for their context and setting.

Proposed Aberdeen Local Development Plan (PALDP), 2016: recognises the significant pressures for expansion which cannot be met within the existing harbour, and identifies the Bay of Nigg site as an opportunity site (OP62) for a new harbour development. Policy NE1 'Green Space Network' and Policy NE2 'Green Belt' substantially reiterate the principle support of the current ALDP.

Detailed Proposals: it is acknowledged that the proposed works are required to facilitate the wider harbour project, and thus the principle of each aspect is considered appropriate and reasonable. Nonetheless the duty of Planning Authority remains to ensure that the impact of such works can be accommodated without adverse impact on the surrounding area. Given the nature of the design and build process, it is reasonable that the applicants can submit the necessary details through conditions of this PPIp, as MSC applications. Such applications would include direct consultation with all statutory ACC services and external bodies, thereby ensuring a fully informed and detailed evaluation in all respects. ACC officers are satisfied that the details of each element can be sufficiently assessed through this process, and relevant conditions are therefore attached in respect of each. Formal directions are included to allow extended timescales for submission to reflect the nature of the proposal within the overall project.

MATTERS RAISED IN REPRESENTATIONS

Loss of open space / land for road alterations & temporary construction areas:

The land required to accommodate the road alterations will ensure suitable levels of both road standard and safety, and will improve an existing junction in terms of forward visibility and access. All remaining land that would be lost would only be used for a temporary period, following which it would be fully reinstated to its previous condition. Through the separate HRO / ML process the applicant is also committed to providing new areas of planting to enhance remaining areas and compensate for those that are lost, thus ensuring a sufficient overall level of green space provision remains within the area. On balance the proposed loss of land is acceptable subject to reinstatement via condition, and approval of specific details via MSC applications.

Direct and consequential impact on local business: The proposal includes the temporary use of land currently in use by a local business. Whilst land ownership is a private legal matter between respective parties, it is noted that the proposed area would be used on a temporary basis, and is considered essential for production purposes to construct, and subsequently secure the viability of, the physical harbour itself. As such, and with no permanent loss, the short-term impact would be considered acceptable subject to reinstatement via condition, and approval of specific details via MSC applications.

Road safety, hazard, risk, and impact on existing road network: The change to the existing road network is minor and would secure suitable standards and safety levels, whilst improving the existing junction. Officers consider the proposals acceptable subject to approval of specific details via MSC applications.

Visual, noise, light and air quality impact: Any impacts would be confined to, and result from works and plant located within the proposed temporary areas, thus are considered both manageable and reversible. MSC applications will ensure the Council retains adequate control over siting and placement of components; and through the utilisation of relevant environmental regulations to control noise, lighting levels and impact on air quality, minimise the impact on surroundings and residential amenity. Further conditions will ensure reinstatement of the land to its previous condition.

General impact on local environment, natural habitat: The wider, cumulative environmental impact deriving from the harbour project as a whole has been considered under the HRO and ML processes, with the applicant agreeing a suitable package of mitigation and compensation measures. This includes traffic generation and road condition / capacity etc. For the purpose of this evaluation the impact should be considered directly on the basis of the proposed works, i.e. the roads realignment, temporary construction / laydown areas and cycle path improvements. Given their nature and scale, such works will result only in minor impacts, the majority of which will be temporary and to localised areas, which can be suitably assessed and controlled through approval of MSC applications and reinstatement of land to its previous condition.

Incompatibility with existing uses: The works which relate directly to the existing public highway / cycle track will maintain this use, whilst also providing improvements and enhanced surface treatments, and thus are considered compatible. The areas proposed as construction / laydown areas will undoubtedly change the use, but on a temporary basis. With long term reinstatement secured through condition, and the overall benefits of the temporary use to facilitate the wider harbour project; the interim impact will not adversely affect the long-term use of the land and is therefore considered acceptable on balance.

RECOMMENDATION

Approve subject to conditions ensuring restoration and reinstatement of all temporary working / manufacturing areas; and requiring submission of precise details relating to all aspects of road design, realignment and off-road cycle path improvements (full details in appendix).

REASON FOR RECOMMENDATION

The principle of the proposed development is fully recognised in planning policy at both national (NPF3) and strategic level (the Aberdeen City & Shire SDP); insofar as it would provide essential infrastructure to facilitate an identified national development that has the potential to deliver economic and social regeneration, and long-term economic prosperity within the north east and the wider Scottish economy. Likewise it is supported at local level via policies of both the current ALDP and the proposed ALDP, with a clear acceptance of the need to expand the current harbour at this site and to enable provision of the essential infrastructure to do so; on the proviso that all works are designed to prevent and minimise adverse impact. The Council is satisfied that this can be achieved successfully through conditions and submission of MSC applications; and in doing so will substantially address the concerns raised in representations. On this basis, and with there being no material considerations that would outweigh the above policy position, the Council recommends that the application be approved subject to conditions.

Aberdeen City Council: Meeting of Full Council – 11 May 2016

Planning Application in Principle: Ref P151742

APPENDIX

The recommendation to approve the application is subject to the following conditions, directions and informatives:

CONDITIONS

(1) MSC SUBMISSION – ROAD WORKS / DRAINAGE

That, no development associated with the road and drainage works pursuant to the planning permission in principle hereby approved shall be carried out until such time as a further application has been made to the Planning Authority, within 2 years of the date of this planning permission in principle hereby approved, for approval of the matters specified in this condition and such approval has been granted; these matters being details of:

- i. All proposed road works; including location; alignment; and typical cross-section details; and
- ii. All proposed drainage provision, including a Detailed Surface Water Drainage Plan; showing full details of drainage that is to be tied into the existing drainage system, or alternative arrangements to the satisfaction of the Planning Authority.

– in the interests of road safety, the free flow of traffic, sustainable drainage, and flood risk prevention and protection.

(2) TEMPORARY AREAS

That, no development associated with the temporary construction areas pursuant to the planning permission in principle hereby approved shall be carried out until such time as a further application has been made to the Planning Authority for approval of the matters specified in this condition and such approval has been granted; these matters being details of all proposed works within the temporary construction and fabrication areas identified on drawing no 'Acad 01/4a'. Such details shall include location; layout; materials; siting, nature and specification of equipment; means of access; boundary treatments, parking and lighting – in order to safeguard local amenity.

(3) REINSTATEMENT OF TEMPORARY AREAS

That, no development associated with the reinstatement of the temporary construction and fabrication areas as referred to in condition 2 above, pursuant to the planning permission in principle hereby approved shall be carried out until such time as a further application has been made to the Planning Authority, within 2 years from the date of the planning permission in principle hereby approved, for approval of the matters specified in this condition and such approval has been granted; these matters being a proposed scheme of restoration and reinstatement of the temporary construction and fabrication areas as referred to in Condition 2 of this consent. Thereafter all reinstatement works shall be implemented in accordance with the details therein, and completed within 6 months of the cessation of such use – in order to minimise the level of visual intrusion and ensure the reinstatement of the site to a satisfactory condition.

(4) ADDITIONAL WORKS

That, no development connected with any individual works referred to in the description of the development pursuant to the planning permission in principle hereby approved,

and not otherwise addressed through respective conditions, shall be carried out until such time as a further application has been made to the Planning Authority, within 4 years from the date of the planning permission in principle hereby approved, for approval of the matters specified in this condition and such approval has been granted; these matters being full details of any additional, associated development that is required within and directly abutting the application site and as identified within the description of the development, including full details of any footpaths and cycle paths – in order to safeguard local amenity.

(5) COASTAL – TOPOGRAPHICAL SURVEY

That, no development associated with the road and drainage works pursuant to the planning permission in principle hereby approved shall be carried out until such time as a further application has been made to the Planning Authority for approval of the matters specified in this condition and such approval has been granted; these matters being a pre-works Topographical Survey and a programme for submission of a post-works Topographical Survey. The surveys shall demonstrate that the works proposed under this application will not have any additional detrimental effect on the supporting coast line on Grey Hope Road and the Coast Road as a result of the proposed development, and thereafter all approved works shall be implemented in accordance with the details therein – in the interests of road safety.

(6) COASTAL – MONITORING PLAN

That, no development associated with the road and drainage works pursuant to the planning permission in principle hereby approved shall be carried out until such time as a further application has been made to the Planning Authority, within 2 years from the date of the planning permission in principle hereby approved, for approval of the matters specified in this condition and such approval has been granted; these matters being a Monitoring Plan. The plan shall demonstrate that the works proposed under this application will not have a detrimental effect on the existing coastal edge on Grey Hope Road and the Coast Road, and shall include relevant measures to ensure they are not put at risk as a result of the proposed development. Thereafter all approved works shall be implemented in accordance with the details therein – in the interests of road safety.

(7) SEPA – CEMP

That, no development pursuant to the planning permission in principle hereby approved shall be carried out until such time as a further application has been made to the Planning Authority for approval of the matters specified in this condition and such approval has been granted in direct consultation with SEPA; these matters being a Construction Environmental Management Plan relating specifically to the works proposed within this application. Thereafter all approved works shall be implemented and carried out in accordance with the details therein – in order to minimise the impacts of necessary construction works on the environment.

(8) SEPA – CULVERTS

That, no development associated with works that would impact the existing culvert capacity pursuant to the planning permission in principle hereby approved shall be carried out until such time as a further application has been made to the Planning Authority, within 1 year of the date of the planning permission in principle hereby approved, for approval of the matters specified in this condition and such approval has been granted in direct consultation with SEPA; these matters being a scheme demonstrating that the capacity of existing culverts will not be reduced as a result of the proposed development – in order to minimise the impacts of necessary construction works on the environment.

(9) SNH – ENGINEERING ASSESSMENT

That, no development associated with infrastructure works on the land above Nigg Bay SSSI pursuant to the planning permission in principle hereby approved shall be carried out until such time as a further application has been made to the Planning Authority, within 2 years from the date of the planning permission in principle hereby approved, for approval of the matters specified in this condition and such approval has been granted in direct consultation with SNH; these matters being an Engineering Assessment. The assessment shall demonstrate that there would be no adverse impact on the Nigg Bay SSSI as a direct result of the construction and operation of any infrastructure works, whether temporary or permanent, proposed within this application. Thereafter all approved works shall only be implemented where the assessment has demonstrated no adverse effect, and shall be carried out in accordance with the details therein – in order to protect the interests of Nigg Bay SSSI.

DIRECTIONS

(1) DIRECTION UNDER SECTION 59 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997:

That the subsection (2)(a)(i) of section 59 shall apply as respects the permission with the substitution for the period of 3 years referred to in that subsection of 5 years, as is considered appropriate by the planning authority in this instance on the basis of the scale of the allocation. The provisions of section 59(2) shall therefore be read as follows; that this planning permission in principle shall lapse unless a further application or applications for approval of the matters specified in all conditions attached to this grant of planning permission in principle across the entire site has been made before whichever is the latest of the following;

- i. The expiration of 5 years from the date of this grant of planning permission in principle;
- ii. The expiration of 6 months from the date on which an earlier application for the requisite approval of matters specified in conditions was refused;
- iii. The expiration of 6 months from the date on which an appeal against such refusal was dismissed;

– pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

(2) DIRECTION UNDER SECTION 59 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997:

That the subsection (2)(b)(ii) of section 59 shall apply as respects the permission with the substitution for the period of 2 years referred to in that subsection of 4 years, as is considered appropriate by the planning authority in this instance on the basis of the scale of the allocation. The provisions of section 59(2) shall therefore be read as follows; that, this planning permission in principle shall lapse on the expiration of 4 years from the approval of matters specified in conditions being obtained (or, in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development to which the permission relates is begun before that expiration – pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

INFORMATIVES

(1) ACCESS RIGHTS TO RAILWAY BRIDGES

Additional servitude rights of access/bridge agreements in respect of the two southern bridges (133/385 and 133/386) would have to be secured from Network Rail for the creation of any proposed pedestrian links – in order to control impacts on railway and user safety.

(2) DRAINAGE ADJACENT TO RAILWAY LINE

All surface or foul water arising from the development must be collected and diverted away from Network Rail Property. Any Sustainable Urban Drainage Scheme should not be sited within 10 metres of railway infrastructure and should be designed with long term maintenance plans which meet the needs of the development – in order to control drainage impact on the rail network

(3) ACCESS RESTRICTION

If not already in place, the applicant must provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. Network Rail recommends a 1.8 metre high 'rivet-less palisade' or 'expanded mesh' fence. Network Rail's existing boundary measure must not be removed without prior permission – in order to prevent unauthorised and unsafe access to the railway.

(4) PROXIMITY TO RAILWAY LINE

Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks - in order to ensure that construction works are undertaken in a safe manner which does not disturb the operation of the neighbouring railway.

(5) NETWORK RAIL CONTACT

The developer must contact Network Rails' Asset Protection Engineers regarding the above matters:

Network Rail Asset Protection Engineer
151 St. Vincent Street
Glasgow
G2 5NW
Tel: 0141 555 4087
E-mail: AssetProtectionScotland@networkrail.co.uk

Mrs Betty Lyon
38 Tullos Crescent
Torry
Aberdeen
AB11 8JW

I am a Torry resident and I strongly object to the New Harbour Proposal for the following reasons:

NEEDS OF THE AREA

There is limited open green space in Torry that is accessible to the public. The health of Torry people has been shown to be worse than many other areas of city – this development will not help this as there is a lot of research evidence that accessible, green spaces are beneficial to the health and wellbeing of the local community. In addition, a recent research paper* provides evidence that accessible, green spaces also contribute to more social cohesion and significantly lower crime rates.

The Bay of Nigg and its surrounding area provide a valuable free, accessible leisure resource for local people which cannot be replaced. Unlike many areas of the city, Torry does not have its own large park or similar facility. The bay is one of the few areas in Torry where you can get away from the hustle and bustle and hear nothing but the natural sound of the waves, rather than the noises of industry, traffic and other people.

The “land take” associated with this development seems to have been creeping further and further up St Fittick’s Road. We need to be absolutely clear exactly what land will be lost and what land could be at potential risk in the future as I strongly feel that this has not been clearly communicated. Many people seem completely unaware that the golf practice area would virtually disappear and that Walker Park will be taken over as a temporary construction area.

Also, if this development goes ahead, it could open the door to further unwelcome development of the area, by strengthening the case for new roads to be built across more of Torry’s green space, such as the recently-restored wetlands and in close proximity to Tullos Primary School.

**Netta Weinstein et al “Seeing the community for the trees: The links among contact with natural environments, community cohesion and crime” Bioscience, November 2015*

COMPATIBILITY WITH EXISTING USES

The Bay of Nigg is already used by ramblers, birdwatchers, paragliders, dog walkers, mountain bikers, anglers, kayakers, surfers, kite flyers etc. This area will be completely inaccessible if the new harbour goes ahead. From the Environmental Impact Assessment (prepared by the Harbour Board) little work seems to have been undertaken to establish how the area is used and viewed by the LOCAL population who will have to live next to this development. This to me is an unacceptable oversight.

For generations, people with local connections have scattered their loved one's ashes in the Bay of Nigg (the area has a strong seafaring background). Where will people pay their respects in the future when the bay is inaccessible and surrounded by nine and a half foot high security fencing? The harbour board have been asked about this previously at meetings of Torry Community Council, but have yet to provide an adequate response and this aspect does not appear to feature in their planning application.

PROVISION OF SUITABLE ACCESS AND TRANSPORTATION

I am very worried about the additional traffic that will be created both during the construction and during the operation of this new harbour.

Road safety is already an issue on the length of St Fittick's Road from the Nigg Bay Golf Club to its north junction with Greyhope Road as there is no pavement for pedestrians. This is a three-quarter width road, already heavily used by HGVs and rush hour "rat-runners", but also frequently used by pedestrians and people accessing the golf course. If this development goes ahead, many pedestrians who would have walked to the Bay of Nigg could instead use this route for a leisure walk to the river/coast which along with the increased traffic, significantly worsens the risk of accidents.

During construction, a large number of HGVs will use three-quarter width Coast Road and have to negotiate the tight bends at the railway bridge – this will lead to further congestion, delays and potentially damage to the bridge (either from overuse or accident). What is the fallback plan if for example, the bridge is damaged by a heavy vehicle? Where will traffic be re-routed or will HGV movement be suspended until the bridge is declared safe again? For safety reasons, I would ask that no harbour HGVs would be permitted to use the residential streets in Torry.

Also, these additional HGVs will pass close to Doonies Farm. This facility is frequented by families and I feel that an increase in traffic will be detrimental to the safety of visitors to the farm, particularly young children.

Hareness Roundabout is already at capacity according to Aberdeen City Council – if traffic routed this way as suggested by Harbour Board, this could well lead to gridlock.

Wellington Road is already congested and has poor air quality. A large number of additional residences are being built at its southern end in the Cove area which will exacerbate this issue. Various high-density housing has been recently completed or is planned for Torry and Abbotswell which will also make these traffic problems worse. Harbour traffic will only add to these congestion problems and I cannot see an easy solution.

During construction and operation, I would request that strict mitigation measures are employed to ensure that harbour traffic does not use residential roads in Torry, including Victoria Road.

The harbour board also claims that it wants to attract cruise ships. In the EIA, it is proposed that 40 luxury coaches would be needed to transport cruise passengers. Which routes would these take? The same as the HGVs? This would carry the same risk to the Coast Road infrastructure as described above.

The harbour board also propose to close Greyhope Road from Girdleness Lighthouse to the Coast Road for 18 months. I find this unacceptable as this effectively doubles the traffic using the remainder of Greyhope Road (i.e. traffic heading east then having to U-turn and head back)

which is a three-quarter width road narrowing to single carriageway in places due to landslips undermining it in recent years. This will place additional stress on this already weakened road, increasing the likelihood of further serious failure. What mitigation is proposed for this? If the section of Greyhope Road left open does fail, how will people (and emergency vehicles) access the Torry Battery and the houses adjacent to the Girdleness Lighthouse?

NUISANCES CAUSED BY THE DEVELOPMENT

Noise

The current harbour works 24/7 and there is noticeable noise from this, particularly from vehicle reversing alarms and work when loading/unloading containers as well as engine noise. This is especially troublesome during the night when the noise is sufficient to waken local residents. As mitigation, I would strongly suggest working hours (both construction and operation of the harbour) be confined to daylight hours with reduced hours at weekends to give local residents some respite. In addition, I would request that robust measures be taken to minimise the amount of noise transmitted from the development – perhaps landscaping measures or improved soundproofing for homes adjacent to the bay?

Smell and fumes

I would expect that the strictest measures be rigorously enforced to ensure that there are no smell and fumes issuing from the harbour. The people of Balnagask have had to live with the odours from the Wastewater Treatment Plant for 10 years and deserve to have a life free from unpleasant odours. This harbour should not deal in any materials that have the potential to create unpleasant odours/fumes and the harbour itself should be maintained in such a way that smell/fume nuisance is not generated there either.

It should be noted that Scottish Water on the advice of Professor Rob Jackson have recently amended their modelling systems to take account of a “barrier” effect created by the River Dee which “traps” odour and pollution in the Torry area. I do not believe that this microclimate effect has been explored in the harbour board’s EIA. If this is the case, I strongly advise that this effect is examined as a matter of urgency.

Lights

The tower lights in the proposed development are over 80 feet high. I would expect these at the very least to be directional and dimmable to reduce disturbance to local residents. I would also like to ask is there a reason why they need to be so high. Could lighting be confined to selected, active areas of the harbour rather than being “always on”?

VIEW OF STATUTORY AND OTHER CONSULTEES

There is an old information board in the Bay of Nigg car park, erected by Aberdeen City Council and several partner organisations. Part of this sign reads:

For these reasons it is important to protect this area of countryside from being built upon, to improve its appearance and to offer everyone the opportunity to enjoy it.

I hope and trust that the council keeps this particular promise about the Bay of Nigg. The bay forms an important part of our local environment and its loss would lead to the fragmentation of natural habitats.

SCOTTISH PLANNING POLICY

It is my opinion that aspects of this application are not in the spirit of Scottish Planning Policy (SPP) and Planning Advice Note 3/2010 Community Engagement. SPP, paragraph 6 reads: "Such engagement between stakeholders should be early, meaningful and proportionate. Innovative approaches, tailored to the unique circumstances are encouraged". Paragraph 7 reads: "... developers should ensure that appropriate and proportionate steps are taken with communities ..."

Torry will be the area most impacted by this development. Approximately 15% of the local population does not have English as their first language, but not one document has been produced in an alternative language, effectively excluding a significant proportion of locals from the planning process. There are no statements in other languages on any of the documents advising how people can source copies in their native language either. I feel that this is discrimination against this section of the local population and should be addressed as a matter of urgency.

Many locals are unaware of the plans and their scale. No leaflet drop has been carried out to local homes – I consider this unacceptable for a project estimated to cost £320 million. Leaflet drops have recently been undertaken by Aberdeen City Council (Energy from waste plant) and Scottish Water (upgrading works at Wastewater Treatment Plant) so there is ample precedent for this.

Although the development was advertised in a local free newspaper (Aberdeen Citizen) this is not circulated in the Torry area which demonstrates a lack of consideration towards appropriate and meaningful consultation with locals.

Also, concerned Torry residents appeared on a local radio show on 4 December 2015 to talk about the Bay of Nigg (show was scheduled to last one hour). Despite being invited and given ample notice the harbour board did not attend in person but submitted a brief statement instead. I consider this lack of engagement with locals to be unacceptable.

SPP Paragraph 28 reads: "The aim is to achieve the right development in the right place; it is not to allow development at any cost".

I strongly believe that the risks of this development solidly outweigh the benefits for the local community and that our voices have not been heard. In addition, much of the economic case for this development was made when oil was over \$100 a barrel. With oil now being approximately \$40 a barrel and predicted to decrease further, I believe that the economic case needs to be revisited at the very least and revised as necessary, otherwise if this new harbour is constructed it could well be a "white elephant" and we will have lost our bay for no good reason.

The Bay of Nigg is one of the last natural, accessible green spaces in Torry. For many in the community, this development is inappropriate in its location and scale, however we have been given little opportunity to have our voices heard.

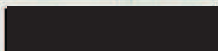
SPP Paragraph 35 reads: "... applicants should provide good quality and timely supporting information that describes ... the implications of the proposal". The images of the development that have been circulated in the local press are in my view, misleading. They seem to disguise the true scale of this development and lack detail on all the infrastructure (e.g. car parks, welfare blocks, security fencing etc) that will be associated with a new harbour. This must be rectified as a matter of urgency so that the public and councillors have a true picture of the impact of this development.

The Environmental Impact Assessment was only made publicly available in early November, so the public have the statutory minimum of 42 days to examine it. As this document is four volumes and is estimated to weigh 25kg, I feel that this is unacceptable.

At the October meeting of Torry Community Council, it was recommended that the harbour board arrange a public meeting to enable the public to fully debate the development. To date, this has not been done and I consider this a serious oversight. How do people know all the implications of these proposals without having the chance to discuss them meaningfully? I would strongly recommend that a public meeting is organised as a matter of urgency to allow a true debate on the development. I think this is a wholly proportionate response to a development costing £320 million.

SPP Paragraph 230 reads: "Development of land allocated as green infrastructure ... will not result in a deficit of that provision within the local area ..."

If this development goes ahead it will have a huge impact on the amount of accessible natural space in the community. I feel that this is in contravention of paragraph 230.



Trudie Leask
185 Victoria Road
Torry
Aberdeen
AB11 9NE

Planning and Sustainable Development
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

11 December 2015

Dear Sir/Madam

ABERDEEN HARBOUR DEVELOPMENT, NIGG BAY, ABERDEEN

I wish to raise an objection to the above development.

No Benefits for Torry

Barton Willmore and the harbour board state this is a great asset that will bring opportunity and regeneration to the local community but despite attending 2 exhibitions and 1 of the meetings and asking at each one for the details of these opportunities and regeneration plans not once have I been given a single answer to that question and feel this statement has no depth to it and has simply been put in to try and fool the Torry community against the negative impacts of the project. I feel Torry is seen as seen as a community that may not object as much as other areas.

In Barton Willmore's initial document comparing the sights of Footdee to Nigg Bay it states "although North Beach offered greater scope to create the required berthing the development of Footdee offers little in the way of community benefit and should be rejected as it would generate significant opposition from the public."

Traffic

The increase on traffic in Victoria Road will be horrendous. There are already numerous heavy lorries thundering up and down this residential area already without adding to this.

The council have advised as this is a major access road for emergency services they cannot introduce traffic calming measures.

Barton Willmore say their intention is to direct traffic onto the coastal road but the intention of the Queen Elizabeth Bridge was to direct traffic onto Wellington Road and not through Torry so as they say the world is full of good intentions that never happen. A

report I obtained from Police Scotland under the Freedom of Information (Scotland) Act 2002 states there have been 9 accident on Victoria Road in the last 24 months – most likely the most on any residential road in Aberdeen city.

Also we have Wellington Road and Market Street 2 of the roads which already have the worst air pollution in Scotland.

This is a residential area and the road is dangerous enough without introducing further traffic and fumes.

Environment Impact.

We will lose the Dolphins. The blasting, dredging and general work will drive them away. The Dolphins bring people to the area that would normally never come here. A chance to see Torry in a different and positive light. This will be lost.

At a meeting held in the summer by the council locals wanted facilities installed for these visitors. What are they going to come and see now dredging and blasting?

Add to this plants, fish and other marine life that will be lost. Many of these being rare species

Green space is also going to disappear – parts of Walker Park, St Fitticks Park and Balnagask Golf Course are all going. Some for the period of development, some for good. Is this necessary? Surely development could have taken place elsewhere and have been floated in.

The beautiful views over the Bay if Nigg will be removed and replaced by a concrete jungle surrounded by 9 feet high fences and 81 feet high lighting.

I don't see how the removal of green space from an area where a great many people stay in flats with little or no garden space as a benefit or the removal of the visitors we get to the area brought in by the Dolphins.

Waste Water Works

The Community Council have also worked hard to get rid of the Torry stench but there is concern all the dredging and drilling could cause damage to the ancient sewage pipe I see nothing put in place to protect this so more months of stench for the community resulting in health problems.

House Prices

With 19 months of blasting and dredging which appears from the plans to be continuous and not contained within certain hours and the possibility of pollutants from the building process and the decommission. The increase in traffic. The huge development right on our doorstep. The loss of green space and the harbour board taking over the full Torry coastline are all detrimental to the area and are certain to decrease the value of property.

Marketing Images and Harbour Activity

The harbour board have tended to market this development very much for luxury cruise ships. Only when questioned at their presentations or exhibitions do they say yes it's a working harbour it's for everything. I believe this cruise ship marketing has been a bit false and misleading when in reality cruise ships are likely to make up only 2% of the harbour traffic. Decommissioning is one of the things it will be used for. This can bring radioactive and cancerous materials. Surely the location of the harbour so near housing for this type of activity is completely wrong. The cruise ships being used as the main focus on the marketing has been misleading

Harbour Communication

The harbour board website states "strong ethos of communication with stakeholders including local residents as residents have a crucial role to play in guiding Aberdeen Harbour forward."

If this is the actual case why was none of the posters or none of the literature regarding the development on the Harbour Board website in another language. Torry has a huge amount of east European residents so how did the Harbour Board communicate with them over the development? There was also no posters other than one in the Library on the council run exhibition or leaflets drops locally advising about any of the meetings. Not everyone listens to the local radio or has access to the internet.

I feel the strong ethos of communication has not been fulfilled

Also I must raise the point that when I attended the council run exhibition I was extremely disappointed to be told by the older woman Council representative that this was simply a going through the motions exercise as it was a national development and had already been decided and the purpose of the council exhibition was simply to let people object to the details of the scheme rather than the scheme itself. This was obviously false information and I'm disappointed the council sent a representative to the community so unaware of the facts and felt that was acceptable on such a major development.

Torry has always been used as a dumping ground – old Torry was demolished to make way for a harbour development in favour of allowing Footdee to remain intact, we have a waste water plant, a planned incinerator and now another planned industrial site will surround the areas remaining coastline. The initial study identified Footdee equally if not more preferable to Nigg Bay other than the residents would complain more. I'm sure the cruise ship market the harbour board are so desperately soliciting would much rather welcome stepping off the ships to the quaint homes of Footdee than the welcome of the smelly Waste Water plant in Torry.

In my opinion Torry has too much to lose and nothing to gain from this development.

Yours faithfully

[REDACTED]

TRUDIE LEASK



From: [REDACTED]
Sent: 15 December 2015 20:50
To: ms.marinelicensing@scotland.gsi.gov.uk; harbourorders@scotland.gsi.gov.uk; PI
Subject: BAY OF NIGG, ABERDEEN - PROPOSED HARBOUR DEVELOPMENT

Dear Sir/Madam

BAY OF NIGG, ABERDEEN - PROPOSED HARBOUR DEVELOPMENT

I live nearby on Polmuir Road and would like to object to the proposal to build a new harbour in the Bay of Nigg Aberdeen. Some of my reasons for objecting are below.

The Bay of Nigg and its surrounding area provide a valuable leisure resource for local people which cannot be replaced. I personally use the area for walking, running, surfing and fishing and feel that it is a unique and important area of Aberdeen. In particular for surfing this area is a popular and high quality spot on this stretch of coast.

The Bay of Nigg is used by ramblers, birdwatchers, paragliders, dog walkers, mountain bikers, kayakers, surfers, kite flyers etc. This area will be completely inaccessible if the new harbour goes ahead. The bay is one of the last natural green spaces in a densely-populated area.

Best regards

Erlend
Inkster
95 Polmuir Road
Aberdeen
AB11 7SJ

Doonies Farm

Coast Road

Nigg

Aberdeen

AB12 3LT

24/11/2015

Dear Sir,

I am writing to comment on the planning application lodged by Aberdeen Harbour Board, application reference 151742.

My wife and I are the tenants of Doonies Farm and we have a 15 year lease with Aberdeen City Council, commencing 2010, to operate the farm as a visitor attraction and rare breeds farm. The loss of 8.63 hectares of land to accommodate the construction of the southern breakwater and associated infrastructure will result in Doonies farm becoming a non-viable business. We will have no alternative but to cease operations and close the farm down.

Barton Willmore continually refers to the land in question as part of Loirston Country Park. I am not aware that Loirston Country Park was ever formally adopted by Aberdeen City Council but in any case, in the 22 years that I have been associated with the farm the fields have always been part of Doonies farm.

The harbour development will have the following financial consequences for our business;

1. Loss of land on which to make our winter fodder and loss of land for grazing animals. The expense of buying fodder, plus the cost of transporting it to the farm for up to 30 weeks of the year is prohibitive.
2. Loss of annual agricultural subsidy.
3. A forced reduction in the amount of livestock we can keep and subsequently a large reduction in the amount of income we can generate.

The second issue we have with the planning application concerns the proposed off road cycle path improvements as stated on page 12 of the Final Planning Statement document.

I fail to see how you can "improve" something that does not exist. There is no off road cycle path to improve. The cycle path uses the Coast Road. The creation of a new cycle track through the fields of

Doonies farm will create serious management issues for the farm. There is only an indicative plan shown but I would bring to your attention the following points;

The path appears to go through field gateways

The path appears to utilise an existing farm vehicle track.

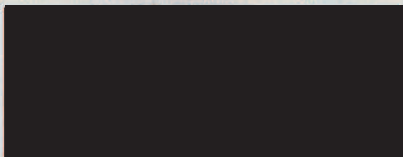
The path would cut off the water supply for livestock in the last field before the railway underpass.

The path re-joins the Coast Road at a point where there is a dip in the road as it approaches the busy junction with Hareness Road. That part of the Coast Road is often in shade due to the railway embankment and I predict that there will be a serious accident, as cyclists emerge out of the railway underpass onto the Coast Road.

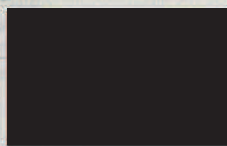
My final concern relates to the proposed resurfacing and "significant" improvements to the Coast Road (volume 2 Environmental Statement, Chapter 18, Traffic and Transport). Any disruption to vehicle access to the farm for our customers during resurfacing work will have severe financial implications for our business. Likewise any road widening along the part of the Coast Road that is adjacent to the farm fields or entrance will be detrimental to the farm (Design Statement, Final Planning Statement 2.2). The car park is not large enough to accommodate all the vehicles at busy times and any road widening will make the situation worse. Tractor and trailer access is required to the stone barn and adjoining yard. Any loss of the concrete apron in front of the barn will mean that the tractor would have to hold up traffic in order to access the only secure building on the farm.

I trust that these concerns will be addressed and action taken that will allow Doonies Farm to continue operating for the benefit of the people of Aberdeen.

Yours sincerely,



Graham Lennox



Debbie Lennox

Wilma Henderson

From: webmaster@aberdeencity.gov.uk
Sent: 03 December 2015 19:28
To: PI
Subject: Planning Comment for 151742

Categories: SmartSaved

Comment for Planning Application 151742

Name : Aberdeen Civic Society
Address : c/o 5 Louisville Avenue
Aberdeen
AB15 4TT

Telephone :

Email : [REDACTED] type :

Comment : Aberdeen Civic Society supports the application for an extension to the harbour. We do have concerns about how traffic is going to be managed in the area and in this regard would wish to remain involved as proposals are firmed up.

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ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	11 May 2016
DIRECTOR	Pete Leonard
TITLE OF REPORT	Roads Hierarchy
REPORT NUMBER	CHI/16/089
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

- 1.1 This report advises Members of progress to date on the preparation of the new roads hierarchy, which will provide a policy context for future transport planning and forms the basis of identifying future projects after completion of the Aberdeen Western Peripheral Route (AWPR).

2. RECOMMENDATIONS

- 2.1 It is recommended that Members:

- i) Note the contents of this report,
- ii) Agree the proposed principles for the future distribution and management of traffic across the City, following the opening of the Aberdeen Western Peripheral Route,
- iii) Instruct officers to engage with stakeholders on the proposed framework and intended hierarchy including an on-line consultation with stakeholders and the public, and report back to the appropriate Committee after the summer recess.

3. FINANCIAL IMPLICATIONS

- 3.1 Financial implications will be included in future reports as more defined projects and business cases become available. Funding has been made available from NESTRANS in 2015/16 and 2016/17, to take forwards the framework and design of the new locals roads signing which will require to be implemented with the opening of the AWPR.

4. OTHER IMPLICATIONS

- 4.1 Any other implications will be included in future reports as detailed information becomes available. A new Roads Hierarchy is required for the City post-AWPR, not only to ensure the City maximises and locks

in the benefits of this and other major transport infrastructure under construction across the City, but also to ensure the successful delivery of the Local Development Plan, the Sustainable Energy Action Plan, the City Centre Masterplan (CCMP) and the recently approved Local Transport Strategy. There will be implications in terms of changes to people and goods routing, traffic management and modal/ route priority.

5. BACKGROUND/MAIN ISSUES

- 5.1 The AWPR is currently planned to be opened at the end of 2017 and this provides a once in a lifetime opportunity to shape the city's transport infrastructure to better meet the current and future needs of a global City and support the continued economic wellbeing. At the same time, the recently approved CCMP, a 25-year improvement plan for the city centre, sets out to transform the heart of the city from one which is heavily congested with motorised vehicles, into a world class destination which encourages and facilitates pedestrian and cycle movement, similar to other advanced global cities.
- 5.2 A report on Transport Implications – City Centre Masterplan Projects, is also being presented to this Council meeting for consideration. A key issue identified in that report is the need to reduce general peak traffic levels by some 20%, to enable the transportation and public realm objectives relating to pedestrian, cycle and bus movement in the city centre streets to be achieved. Traffic modelling undertaken for that report indicates that the “Inner Relief Road” approach, as originally envisaged within the CCMP, will not provide the overarching principles to enable delivery of the masterplan and so an alternative approach has been developed.
- 5.3 This alternative, which has been identified from a range of options considered, requires a different approach for the distribution of traffic across the City and to/around the City Centre, which:
- maximises the use of the AWPR,
 - directs traffic to the most appropriate routes as early as possible in the journey,
 - enables good access to the City Centre with appropriate priority for active and sustainable modes. This report seeks to identify what this new approach to the City's road network could look like.
- 5.4 Aberdeen City and Aberdeenshire local authority areas both have some of the highest car ownership rates in the UK and in the post-AWPR era, continued increases are unsustainable if the wider aspirations identified in paragraph 4.1 above are to be achieved. It will therefore be necessary to manage how people travel by car in a different way. Car traffic will continue to be accommodated but it may require alternative routes to be taken to reach destinations, which may be longer in distance and time.

- 5.5 In order to ensure access is maintained to a city centre which aims to prioritise people movement over motorised vehicle congestion, it will be necessary to ensure that the whole transport network, from the outskirts at the new AWPR, all the way into the heart of the city centre, is modified and managed to prioritise and support active and sustainable travel, enable appropriate movement of goods, and where necessary, improved to support identified areas of development. With much of the existing road space being for pedestrians and other sustainable modes in the longer term, it is not desirable or practical or affordable to create a road network that deals with projected levels of car traffic, especially in an area with existing air quality problems. Instead, the intention is to retain access to all city centre car parks, albeit certain car parks will be easier to access from particular directions than others and support people access via mass transit modes, such as bus and train travel.
- 5.6 Efficient and high quality bus travel will become even more important in ensuring good access to the city centre, so traffic management measures to support this will be considered which will make that modal choice more attractive to people who currently depend on the private car for making such journeys, especially those undertaken during the peak periods on the road network, when queues and delays are at their highest levels.
- 5.7 The successful delivery of the above, which will take several years to achieve, will:
- help encourage and increase walking and cycling for short trips which will contribute to a healthier society and a reduction in activity related illness,
 - enable a more reliable, punctual and attractive public transport network to operate,
 - support appropriate commercial and residential development,
 - deliver improvements to the environment both in terms of vehicle emissions and noise levels,
 - make best use of the built environment, from our buildings, to areas where people want to spend time during the course of a day.
- 5.8 The Scottish Transport Appraisal Guidance (STAG) was used for a high level assessment, to sift through the options then identify a preferred option. Full details of the assessment methodology and 3-stage process used, are contained in Appendix 1 to this report. The preferred option consists of the creation of 3 zones with demand management restriction for vehicles movements between them. Public transport and cycling corridors will penetrate each of the zones, while CCMP / Sustainable Urban Mobility Plan (SUMP) proposals for pedestrians and cyclists and public transport users will remain in the city centre. This option is illustrated on a plan at the end of Appendix 1.

- 5.9 For the zones to be effective in terms of regulating general traffic routing into the city centre, traffic management measures will be required. Those details will form part of the next stage of assessment as the boundaries are at this time indicative and potentially subject to modification and options will be reported back to the appropriate Committee, along with proposals for advising members of the public.
- 5.10 The following principles will be applied within the framework
- Strategic radial routes from the AWPR junctions will focus trips into and out of the city centre and to key locations. The key radials therefore are:
 - North-east* – A90 Ellon Road/ A956 King Street
 - North* – Third Don Crossing/ Berryden Corridor
 - North-west* – A96/A947 Inverurie Road/Great Northern Road/ Oldmeldrum Rd/Stoneywood Rd/ Berryden
 - West* – A944 Skene Road/Lang Stracht/Westburn Road
 - South 1* – Stonehaven Rd/ Great Southern Rd/ Riverside Drive
 - South 2* – A956 Wellington Road/ Queen Elizabeth Bridge
 - Former ‘through city traffic’ will be directed to AWPR and round the city
 - Routing from the city centre will direct ‘all traffic’ to the nearest available key corridor to access the new A90 (AWPR):
 - HGV traffic will be routed around AWPR as much as possible rather than through the city centre
- 5.11 The CCMP supporting and enabling transportation measures as identified in the CCMP report being considered by this Council meeting, has to be managed and operated in a way that manages general traffic around the city centre. For example, if you approach the city centre from the north, you would be advised to select one of the north car parks then return the way you came, after your stay. Alternatively, if you wished to park at Union Square and your origin was from north of Aberdeen, you would be directed round the AWPR or Parkway and Anderson Drive (depending how far north your journey started) to then approach this car park from the south.
- 5.12 The de-trunked A90 (Anderson Drive / Parkway) through the city will defer to the key radial routes in the new roads hierarchy, and be used for orbital links between the radials. This will help to achieve traffic reduction in the city centre; improve bus punctuality and reliability; and redress the balance between place and movement in the city centre.
- 5.13 Combined with the delivery of public realm improvements in the city centre which are proposed in the CCMP, streets will be given the hierarchy of priority recommended in the national policy “Designing Streets” – with walking, cycling, public transport, freight, taxis, all afforded higher priority than private cars.
- 5.14 A number of strands of work are already underway or have been completed to help inform the development and delivery of such a new

roads hierarchy and will tie into the objectives of the Local Development Plan, and the CCMP:

- new signage for the city's local roads network is currently being developed to complement the AWPR signing, and this is summarised in Appendix 2 to this report,
- various junction reviews are underway to identify options post-AWPR that could better meet the needs of pedestrians, cyclists and public transport. This includes reviewing junctions on the current trunk road, as these are expected to be transferred to the Council's responsibility in 2018.

6. IMPACT

6.1 Improving Customer Experience –

The contents of this report and the recommendations relate to the delivery of the new roads hierarchy, which if successful in achieving the benefits associated with the completion of the AWPR, will improve Aberdeen for all those who live in, work in and visit it.

6.2 Improving Staff Experience –

By developing a defined, fully resourced programme of delivery for the new roads hierarchy, with key stage decision making, committed to by the Council, this will enable staff, with stakeholders and the public, to confidently and timeously optimise the benefits of the AWPR completion.

6.3 Improving our use of Resources –

Further resources will continue to be required for the wider delivery of the transport network plan to support the successful provision of a range of benefits for citizens and business across the City. The intention is to benefit from economies of scale, by co-ordinating delivery of the new roads hierarchy, the associated signing review, the CCMP and SUMP, cross-city connections, and elements of the Local Transport Strategy Action Plan. Officers will continue to maximise opportunities for external funding to assist with delivery.

6.4 Corporate -

Positive decision making informing the progressive implementation of the new roads hierarchy directly supports a range of policies and strategies including:

Aberdeen – the Smarter City vision:

- *We will encourage and support citizens to participate in the development, design and decision making of services to promote civic pride, active citizenship and resilience,*
- *We will provide a clean, safe and attractive streetscape and promote bio-diversity and nature conservation. We will encourage wider access to green space in our streets, parks and countryside,*

- *We will invest in the city where that investment demonstrates financial sustainability based on a clear return on investment,*
- *We will encourage cycling and walking,*
- *We will provide and promote a sustainable transport system, including cycling, which reduces our carbon emissions.*

6.5 Public –

The contents of this report are likely to be of public and media interest as it relates to how the road network will be managed following completion of the AWPR, which is a significant investment for the City and Region.

7. MANAGEMENT OF RISK

7.1 The new roads hierarchy will contribute significantly to the regeneration of the city centre, and if the new roads hierarchy cannot be implemented for the completion of AWPR in December 2017, the potential benefits of the AWPR would not be realised in the city.

7.2 If a decision is not made, then there are the following risks:

- Reputational risk – undermines the Council investment into AWPR, Berryden Corridor Improvement and CCMP, so the public / stakeholders could perceive that the Council is unable to deliver strategic improvements to the city on time or deliver the projects to lock in the benefits of the AWPR;
- Traffic disruption – without adequate directional road signing and delivery of associated projects to lock in the benefits of the AWPR, road users including bus passengers would be likely to suffer from further congestion and delays;
- City Centre Masterplan – Unstable traffic conditions will occur if robust plans are not put in place to address the projected increases in vehicle movements, and this will inevitably result in poorer air quality in various parts of the city.

8. BACKGROUND PAPERS

None

9. REPORT AUTHOR DETAILS

Mark Wilkie
 Senior Engineer – Transport Strategy and Programmes
MWilkie@aberdeencity.gov.uk
 01224 523482

APPENDIX 1 – SUMMARY OF ASSESSMENT METHODOLOGY AND
OUTCOMES

1. INTRODUCTION

1.1 This STAG (Scottish Transport Appraisal Guidance) based study has been undertaken to identify how the Aberdeen City and Aberdeenshire local transport networks should operate in the post-Aberdeen Western Peripheral Route (AWPR) scenario. From studies undertaken in 2008 relating to locking in the benefits of the AWPR, the following reductions in daily traffic had been predicted:-

• A90 North of Murcar Roundabout	18%
• A90 Midway along Parkway	25%
• A956 at Bridge of Don	16%
• A947 at North end of Dyce	12%
• A96 at Tyrebagger (West of AWPR)	9%
• A90 North Anderson Drive	17%
• A944 Kingswells (East of AWPR)	1%
• A90 Anderson Drive	20%
• A956 Market Street	10%
• A93 Milltimber (East of AWPR)	25%
• A90 at Bridge of Dee	15%

1.2 Note that the above predictions need to be reviewed in terms of recent studies being carried out in the city centre and other parts of the city. These studies are still ongoing but initial outcomes suggest that traffic in the City Centre is predicted to increase by 5 - 8% over 2012 levels by 2023, even with the AWPR in place. This is due to an intensification of development beyond that originally assessed as part of the AWPR scheme. Therefore, the effects of the AWPR are being reviewed as part of the ongoing City Centre Masterplan (CCMP) work and any updated predictions will need to be considered as part of this ongoing study.

1.3 The following high level STAG assessment is set out as follows:

- problems/ opportunities
- aims/ objectives
- development of options that might address/ take advantage of the above (optioneering)
- appraisal
- conclusion

- 1.4 This assessment was undertaken collaboratively by transportation officers of Aberdeen City and Aberdeenshire Councils together with colleagues from NESTRANS, the Regional Transport Partnership.

2 PROBLEMS AND OPPORTUNITIES

- 2.1 The most significant problem post AWPR is that the City's road network is prioritised and signed in relation to the current trunk road network i.e. A90 Anderson Drive/ Parkway, and this will no longer be appropriate when the AWPR is open. Much of our existing infrastructure is based on the existing trunk road and many of the junctions favour north/south routing rather than in and out from the AWPR.

- 2.2 The opportunity is that with the construction of the new trunk road – the AWPR – further west, the City's road network can be reprioritised to not only lock in the benefits created by this new infrastructure, but also to manage traffic in a new way to meet the changing needs of the City as defined in the Local Development Plan, Local Transport Strategy (LTS) and City Centre Masterplan.

3 AIMS AND OBJECTIVES

- 3.1 The LTS has a range of outcomes for transport across the City, and this was recently refreshed and agreed by this Council in January 2016. Consideration of the LTS outcomes, and the problems and opportunities defined above, informed the development of a range of project specific, Transport Planning Objectives. The STAG process itself requires specific criteria to be considered within the assessment methodology. It is important to note when assessing options against the following, that scoring was undertaken on the basis of impacts on the whole city, not just the city centre. The following therefore forms the criteria for assessment of options:-

Transport Planning Objectives

1. Create a city centre that is conducive to walking and cycling
2. Reduce bus journey times to make them competitive with car journey times
3. Improve reliability to make public transport more attractive
4. Ensure effective and efficient movement of goods to city centre and harbour
5. Facilitate removal of air quality management areas
6. Ensure effective use of post-AWPR transport network and maximise the benefits by "locking in" the additional capacity created by committed road schemes, towards sustainable transport modes
7. Support implementation of the city centre masterplan

8. Reduce the number and severity of transport casualties in the city centre
9. Increase modal share for public transport and active travel

STAG Criteria

1. Environment – cleaner, greener
2. Safety – safer and more secure
3. Economy – enable the efficient movement of people and goods
4. Integration – promote health and sustainability
5. Accessibility – enable social inclusion

4 OPTION DEVELOPMENT AND ASSESSMENT

4.1 Consideration of the City Centre Masterplan and Local Transport Strategy informed a range of possible options which were subsequently refined and are shown in Table 1 as options 1 to 6. Note that there are potentially hundreds of variations of these 6 options, and these have been sifted out as to their practicality, deliverability, and affordability leaving the 6 identified.

4.2 The assessment of these options against the criteria revealed that no single option best met these objectives, while elements of some of the options did indicate merit and further consideration. This outcome informed the development of a range of 'hybrid options', taking the better elements from options 1 to 6, to form four new options – 7 to 10, also defined in Table 1 and these were also subject to the same level of assessment.

Table 1: Description of Options

Option	Description
1) BASELINE - Do Minimum	Committed Schemes including AWPR, Third Don Crossing, Berryden Corridor Improvement, Airport Link Road / Park and Choose site at Dyce, Haudagain Improvement (Transport Scotland), South College Street Improvement.
2) CCMP / SUMP + Inner Relief Road (IRR)	Improvements for the benefit of pedestrians, cyclists and buses, including restriction of car movements + signing and traffic management measures to direct drivers round IRR to nearest junction to city centre destination / car park. Bus priority along Union Street (King St to Crown St), King Street south, Broad Street, Market Street North, Bridge Street. Pedestrian priority on Schoolhill, Justice Mill Lane, Rose Street, George St. Removal of Commerce St/ West North St roundabout, cyclist route on Beach Boulevard and Crown Street.

<p>3) Sustainable Transport Max + City Centre Demand Management</p>	<p>Priorities altered on radial routes crossing the de-trunked A90, to support buses and cyclists :- Bus priority linking Park & Choose sites length of Union Street, King Street, Wellington Road, Langstracht, Great Northern Road, Bedford, Berryden Guild Street, Market Street North, Broad Street, Bridge Street, Union Terrace, Part of Schoolhill, Blackfriars Street, St Andrews St. Cycle improvements with localised bus improvements on Great Western Road, Holburn Street, Queens Road/ Carden Place, Anderson Drive, South College Street, George Street, Gallowgate. De-trunked A90 Anderson Drive / Parkway / Ellon Road, supported by signing strategy, to reduce cross-city centre trips, especially by HGVs.</p>
<p>4) Vehicle Max</p>	<p>Outer Relief Road + Radial Routes widened to increase capacity for general traffic +, optimising flows by linking traffic lights, removing on-street car parking, and reinstating prohibited turning movements.</p>
<p>5) Two Zone System</p>	<p>Segregation of city centre into north and south zones, by banning specified turns for general traffic + Improvements for the benefit of pedestrians, cyclists and buses, including restriction of car movements. Use south side of Beach Boulevard, Union Street, Albyn Place, Queens Road to Anderson Drive to create a traffic management divide between north and south with exception of Denburn and Trinity Centre car park belonging to North of City. Public Transport allowed through, other vehicles not. All vehicles from north must park in north car parks, all vehicles from south must park in south car parks. To park in different car park, must use Anderson Drive or AWPR.</p>
<p>6) Three Zone System</p>	<p>Segregation of city centre into north, west and south zones, by banning specified turns for general traffic. Improvements for the benefit of pedestrians, cyclists and buses, including restriction of car movements. South side would enter from Wellington Road and Victoria Bridge along Market Street and would get no further north than Commerce Street. Access only to Union Square and NCP car park. West side would be bounded by Riverside Drive, South College Street, Bridge Street, Union Terrace, part of Schoolhill, Harriet Street, Crooked Lane, Blackfriars Street, west side of Berryden, north side of Westburn Road with car park access to South College Street car park, Harriet St car park, Denburn and Chapel Street. North of the City would be bounded by Berryden, north of Westburn Road and in the south Union Street, Justice Street and the Beach Boulevard. Car park access would be to Trinity Centre along Denburn, Loch Street, Frederick Street, Gallowgate and West North Street.</p>

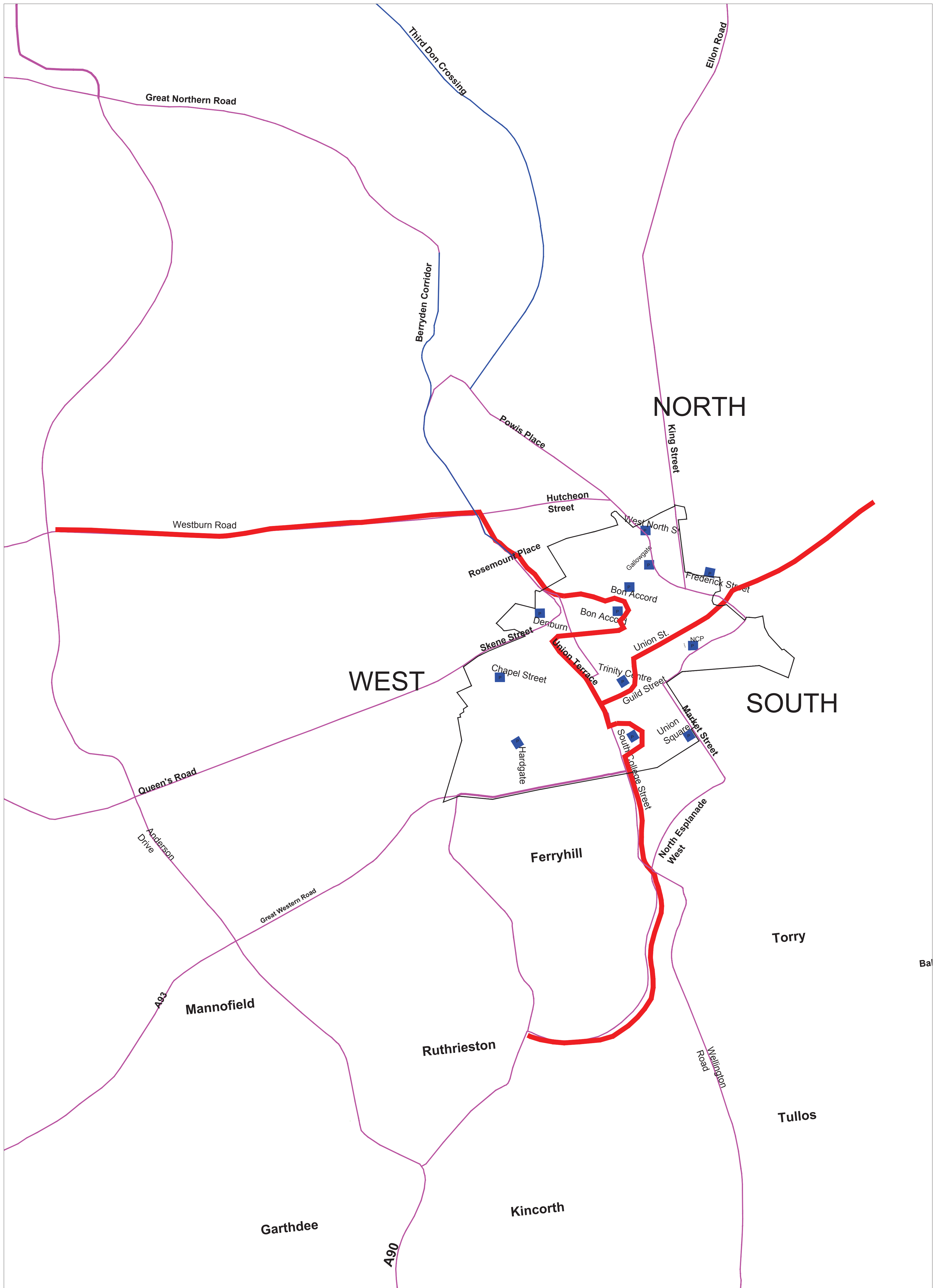
7) Hybrid of Options 2 and 3	Public transport and cycling improvements to all radials, localised bus improvements where full scale bus improvements not possible. CCMP/ SUMP proposals for pedestrian, bus and cycle priority in City Centre, banned right turns for general traffic. Excludes Inner Relief Road from Framework Option 2.
8) Hybrid of Options 2 and 6	Creation of 3 zone system with demand management restrictions between zones for all vehicles except buses. CCMP/ SUMP proposals for City Centre, including ped/ cycle/ bus priority improvements. Excludes Inner Relief Road from Framework Option 2.
9) Hybrid of Options 3 and 6	Creation of 3 zone system with demand management restrictions between zones for all vehicles except buses. Public transport and cycling improvements to all radials, localised bus improvements where full scale bus improvements not possible.
10) Hybrid of Options 2, 3 and 6	Creation of 3 zones with demand management restriction for vehicles between them. Public transport and cycling corridors will penetrate each of the zones while CCMP/ SUMP proposals for ped/cycling and public transport will remain in the city centre. Excludes Inner Relief Road from Framework Option 2.

5 OUTCOMES

- 5.1 Options 1, 2 and 4 were the least favourable in terms of meeting the transport planning objectives and STAG criteria. Option 1 is a benchmark scenario, against which positive improvements can be measured; Option 2 would still allow cross-city centre movements by general traffic, albeit intercepting radial journeys and diverting them round the inner relief road to their destinations; and Option 4 is pro all vehicle movements and would have a negative impact on pedestrians, cyclists and bus users, in conflict with the objective of the CCMP and LTS to make the city centre a nicer and safer place for people to move around.
- 5.2 Option 5 – a 2-zone system – would be less effective in terms of meeting the transport planning objectives and STAG criteria than a 3-zone system. This is because there are more environmental benefits to be obtained in separating the city centre into 3 zones instead of 2, which would not be as effective in directing vehicles to their destination.
- 5.3 Options 3 and 6 were more effective than the above in terms of meeting the transport planning objectives and STAG criteria, so Option 6 – a 3-zone system – was taken forward into hybrid options 9 and 10.

Option 3 had constituent elements which were taken into hybrid options 7, 9 and 10.

- 5.4 Whilst hybrid options 7, 8 and 9 were moderately effective, the most effective hybrid option in terms of meeting the transport planning objectives and STAG criteria was option 10 – a combination of a 3-zone system in the city centre, with public transport and cycling corridors penetrating each of the zones, and CCMP proposals to improve facilities for pedestrians, cyclists and bus users in the city centre.
- 5.5 The overall conclusion from this high level assessment is that option 10 best meets the objectives set out earlier. Option 10 would therefore be the most likely approach to re-define the current roads hierarchy post AWPR which would successfully support the delivery of the CCMP, LTS, Local Development Plan and would also complement the strategy for the AWPR junction signing strategy, as outlined in the next Appendix.
- 5.6 Option 10, like many other options, would require a range of traffic management changes to facilitate its implementation, including but not restricted to:
- Pedestrian improvements – footways, paths, crossings, wayfinding
 - Cycle ways, advanced stop lines at junctions and parking measures
 - Bus priority, real time information, kerbside shelters
 - Lower speed limits and traffic calming in residential areas
 - Local roads signing aligned to AWPR signing and 3-zone system
 - Car park access strategy for the city centre
 - Roundabouts changed to signalised junctions
 - Junction improvements including reprioritisation along radial routes
 - Prohibition of traffic movements at key junctions
 - Re-classification of some roads.



KEYS:

- Zone boundary
- P Car Park
- Major Roads Network

- Committed Road Schemes
- City Centre

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Three Zone System with Demand Management to restrict North/South, North/West and West/South Movements Description:

Divide City Centre into three zones North, West and South. Southside will enter from Wellington Rd and Victoria Bridge along Market St. and would go no further North than Commerce St. Access only to Union Square and NCP car parks. West side will be bounded by Riverside Drive and South College St. East and Bridge St., Union Terrace - part of Schoothill, Harriet St., Crooked Lane, Blackfriars St., west side of Berryden, North side of Westburn Rd. with car park access to South College St. car park, Harriet St. car park, Denburn and chapel St. car parks. North of the city would be bounded by Berryden, North of Westburn Rd., and in South Union St., Justice St., and the Beach Boulevard. Car park access would be to Trinity Centre along Denburn, Loch St., Frederick St., Gallowgate St. and North West St.



ABERDEEN CITY COUNCIL		
ABERDEEN CITY ROAD HIERARCHY STRATEGIC TRANSPORT APPRAISAL OPTIONS MAP		
Three Zone System with Demand Management to Restrict North/South, North/West and West/South Movements		
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April 2016		Drawing No. 05
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CHI/16/089 ROADS HIERARCHY

APPENDIX 2 - SIGNAGE REVIEW

1. BACKGROUND

- 1.1 As the implementation of the Aberdeen Western Peripheral Route (AWPR) has progressed, principles have been established regarding the content of the strategic directional signage onto and off the AWPR route.
- 1.2 Transport Scotland and the AWPR delivery team have confirmed the content of the strategic directional signs as they refer to the routing of traffic into the city and to key points of interest.
- 1.3 In order to ensure vehicles use the AWPR to access and egress the city network at the most appropriate points, advice will be provided to travellers to access Aberdeen North, West and South. Key regional destinations are also being identified including Aberdeen International Airport, Aberdeen Royal Infirmary, Aberdeen Harbour, Aberdeen Exhibition and Conference Centre, both universities and the City Centre.

2. ABERDEEN CITY DIRECTIONAL SIGNAGE FRAMEWORK

- 2.1 A framework is now being developed to take the AWPR strategic directional signage through onto the local, city network. The framework will define the in/out and out/in routing to support the new roads hierarchy, post AWPR, and the objectives outlined above.
- 2.2 There are approximately 800 directional signs within the city which could be affected by these changes. Details of the existing signs have now been recorded. Additional signs may be identified as the project progresses.
- 2.3 In addition to the re-routing of general traffic, the detrunking of Anderson Drive/ Parkway and sections of the existing A90 will require signs to be changed from trunk road signs to local signs; road numbering will be affected; directions to key destinations may change; and links to Aberdeenshire and beyond will be directed, at the earliest appropriate point to the new A90 route (AWPR).
- 2.4 At present, a light touch approach is being applied to the city centre as significant factors relating to the City Centre Masterplan (CCMP) and the Sustainable Urban Mobility Plan (SUMP) development which will have an impact on vehicle routing, will be subject to due diligence

over their respective implementation periods.2.5 The following principles will be applied within the framework:

- Radial routes from the AWPR junctions will focus trips into and out of the city centre and to key locations
- General traffic trips will be directed within Areas:
 - North – Key corridors A90(N) at Blackdog junction , A947 at Goval junction, A96 at Craibstone junction
 - West – Key corridor A944 at Kingswells South junction (N.B. A93 at Milltimber junction and Kingswells North junction are not considered strategic routes and are directed for the use of local traffic only)
 - South – Key corridors A956/ A92(S) at Charleston junction
- HGV traffic will be routed round AWPR with access from the South being directed into the city via A90 (T) Cleanhill junction and egress from the South being directed onto A92(T) via the Charleston junction
- Former 'through city traffic' will be directed to AWPR and round the city
- Routeing from the city centre will direct 'all traffic' to the nearest available key corridor to access the new A90 (AWPR)
- Signing text to be concise to ensure signs are easily read and understood.

2.6 Due to the volume of signs involved and the extent of the network covered by these changes it will be necessary to phase the implementation.

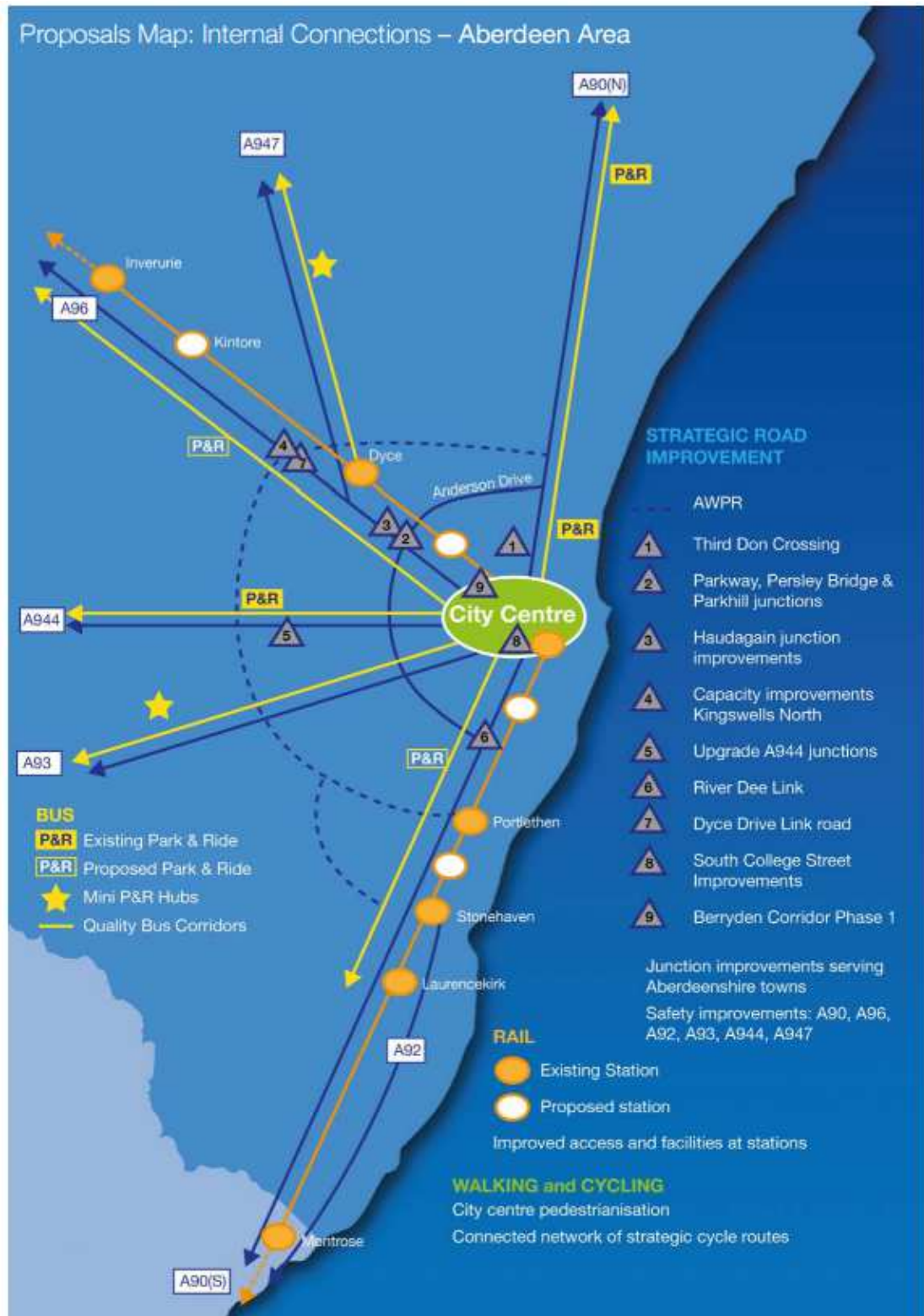
Phase 1 – from existing trunk road network (Anderson Drive/ Parkway) out to AWPR will require to be signed on opening of the new route, to ensure continuity of journey information for those exiting the AWPR into the city.

Phase 2 – from existing trunk road network (Anderson Drive/ Parkway) into the city centre limits.

Phase 3 – City Centre will require amendments to be made to the key signs with further changes being implemented as CCMP schemes are delivered.

3. SUPPORTING MEASURES

3.1 Signage alone will not fully support the aims of the Roads Hierarchy and SUMP, therefore traffic management measures and infrastructure changes will be identified following agreement of the Signage Framework. Such measures will be brought to the appropriate Committee for approval as required.



4. OUTLINE ACTION PLAN

4.1 This is a preliminary indication of the action plan required for delivery of revised signage in line with AWPR completion:

Item	Action	Delivery dates
Signage Framework	Framework to be used to identify sign changes	May 2016
	Design of new signs/ sign changes	June – September 2016
Communications Plan	Progress updates to Members	Ongoing
	Information to general public	Ongoing
Implementation Programme	Determination of procurement process ((Phased delivery of signs (((Oct 2016 Phase 1 – End 2017 Phase 2 – Spring 2018 Phase 3 – Summer 2018 and ongoing through delivery of CCMP
Traffic Management and infrastructure changes to support new Roads Hierarchy	Identification of key corridor measures to support sustainable and active travel	Ongoing
	Protection of residential areas from rerouted traffic	Ongoing

ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	11 May 2016
DIRECTOR	Pete Leonard
TITLE OF REPORT	Transport Implications – City Centre Masterplan Projects
REPORT NUMBER	CHI/16/061
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

This report advises Members of the results of the transportation assessment and traffic modelling undertaken for the City Centre Masterplan (CCMP) interventions as instructed by Council on 16 December 2015.

2. RECOMMENDATION(S)

It is recommended that Members:

- i) Note the contents of this report, and especially the optimum phasing of key transport proposals, and
- ii) Agree that the wider transportation impact of the City Centre Masterplan can be accommodated on the road network subject to suitable enabling measures being introduced and
- iii) Agree the design concepts for options for Broad Street for public consultation, and
- iv) Instruct officers to report back to the Council in June 2016 on the responses to the Broad Street options public consultation.

3. FINANCIAL IMPLICATIONS

- 3.1 The design of the Broad Street options for the purposes of public consultation has been accommodated from the £1.12M set aside within the contract with Muse for public realm works. The public consultation costs have been absorbed within existing budgets. The on-going transportation assessment of specific and wider implications of the City Centre Masterplan (CCMP) continues to be funded from the Non Housing Capital allocation for Central Aberdeen Transport infrastructure, supported by contributions from Nestrans.

- 3.2 Further financial implications will be included in future reports as new information becomes available.

4. OTHER IMPLICATIONS

- 4.1 The 'place' to be created in Broad Street may be subject to planning permission if there are engineering works due to the setting of Marischal College as a listed building. The involvement of the public and stakeholders such as Historic Scotland would be part of the planning process.
- 4.2 Detailed traffic management and access requirement proposals will need to be developed for any option that is being progressed. This will require identification and promotion of Traffic Regulation Orders (TRO) for each CCMP project. The TRO processes can be undertaken using existing internal resource.

5. BACKGROUND/MAIN ISSUES

- 5.1 Reference is made to the decisions of the Council on 16 December 2015 and 2 March 2016 regarding the reports entitled 'Transport Implications – City Centre Masterplan Projects'.

Reference is also made to the decision of the Council on 24 June 2015 in regard to the report entitled 'Aberdeen City Centre Masterplan and Delivery Programme', which was agreed unanimously. It was further resolved that each project will be subject to detailed scrutiny and the normal development control processes and to agree in principle the interventions set out in the City Centre Masterplan and Delivery Programme. It was also noted 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 and 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.

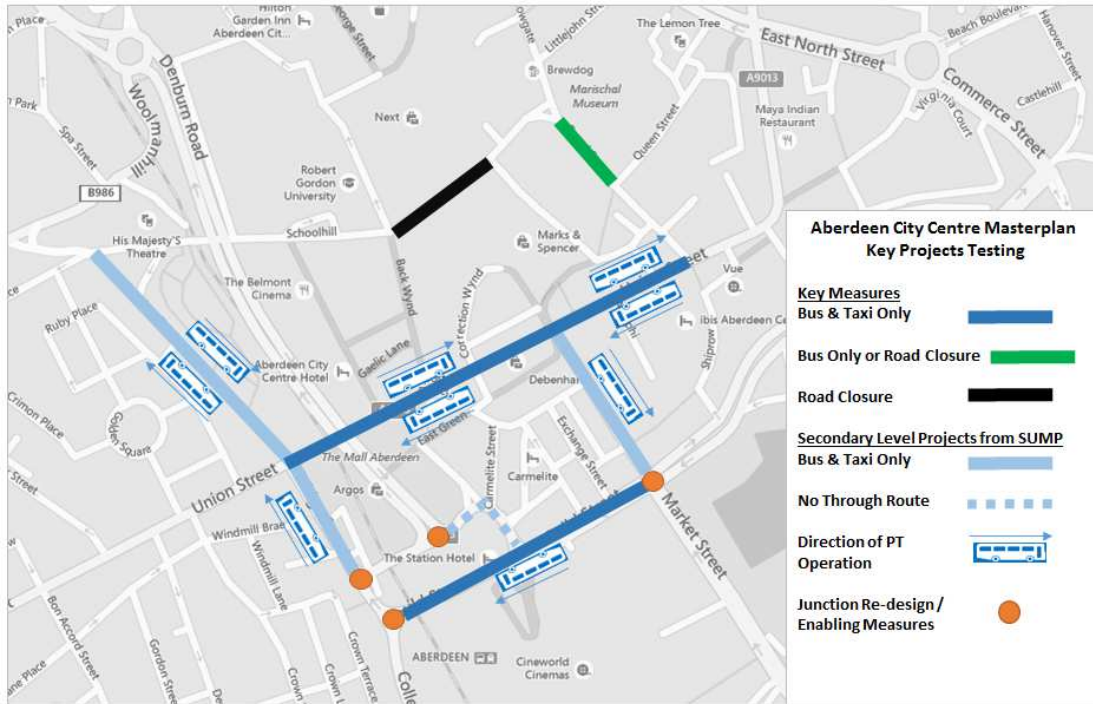
- 5.2 This report provides details of the transport implications of the various City Centre Masterplan interventions and the proposals for the Broad Street options public consultation.
- 5.3 This report is complemented by the report entitled 'Roads Hierarchy' which is also being presented to Council and sets out the principles for distributing traffic into and around the city centre.

5.4 **Transport Implications – City Centre Masterplan Projects**

- 5.4.1 When considering the masterplan there are four strategic transport projects which impact directly on the movement of everyone within and

out-with the city centre i.e. Broad Street, Schoolhill/Upperkirkgate, Union Street and Guild Street as these result in widespread redistribution of traffic beyond the city centre.

5.4.2 The following diagram identifies the locations and types of key transport measures that were assessed.



5.4.3 The less strategic parts of the transport network generally carry lower volumes and are mostly of a very local access nature.

5.4.4 The traffic modelling element of the assessment used the City Centre Paramics microsimulation model, which was updated in 2012 using a range of data gathering techniques including junction turning movement counts, ANPR (automatic number plate recognition) and bus stop dwell time surveys. The model was also informed by the strategic model for the region – Aberdeen Sub-Area Model (ASAM). Any outcomes from the detailed modelling process will be fed back into the ASAM model as a means of identifying the wider distribution impacts.

5.4.5 The following key statistics have been extracted from the 2012 model:

- Almost a third of traffic is simply passing through the city centre.
- Almost half of trips to car parks involve cross city centre movements.
- Nearly three quarters of city centre journeys are less than three miles.

High level conclusions from the above:

- Significant volumes of trips have no destination in the city centre
- Significant proportions of car parking trips generate cross city centre movements
- Significant volumes of trips are of a short distance nature (easily undertaken by means other than by car)

5.4.6 To test the impact of the CCMP, a 2023 Reference Case model was developed which includes assumptions for committed and future developments and the impact of the AWPR.

The volume of traffic growth predicted between 2012 and the 2023 associated with the above changes is predicted to be 5-8% in the city centre model area which equates to approximately 16,000 additional vehicles per weekday. This includes the 'with AWPR development' and is the base case against which the CCMP proposals are being assessed.

5.4.7 The testing includes modelling of each key transport project within the Masterplan as separate entities, followed by various combinations. This enables an optimal sequence of project delivery including mitigation at locations to offset traffic displacement to be developed.

5.4.8 The testing highlighted the need to change the layout and in some cases type of junctions to not only to cater for the displacement of traffic from the city centre but also to address existing poor arrangements for pedestrians and cyclists.

5.4.9 The following details the optimum delivery programme identified through the testing process and the reasoning for the implementation order being proposed.

1. Broad Street 'Bus Only' or 'Road Closure' – **Key Infrastructure Project**

- Interventions have minimal impact on the rest of the network and do not require a traffic demand reduction to be able to operate.
- 'Bus only' has the least impact on the travelling public.
- 'Full closure' will impact significantly on bus users.

2. Bridge Street 'Bus & Taxi Only'

- Required to facilitate Guild Street proposals.

3. Market Street (North) 'Bus & Taxi Only'

- Reduces traffic demand on Union Street (which is required when Guild Street is restricted).

- Required to facilitate Guild Street proposals.
4. South College Street Junction - enabling measure (still requires detailed assessment)
- Capacity improvements essential prior to the implementation of key east-west routes (Guild Street & Union Street).
 - Traffic patterns at South College Street directly affected by the north-south traffic throughput at Denburn Road.
5. Guild Street 'Bus & Taxi Only' – **Key Infrastructure Project**
- Requires network traffic demand reduction of approximately 5%.
 - Requires Bridge Street and Market Street interventions to already be in place.
 - Guild Street has a lower impact on the surrounding road network than the Union Street project. In addition, if Union Street was restricted first, significant congestion would occur on Guild Street.
6. Eastern Corridor Improvements
- Union Street and Guild Street interventions both result in a significant relocation of traffic to the Eastern Corridor. Improved junction capacity is required through the Eastern Corridor (at Commerce Street/Virginia Street and Commerce Street/Beach Boulevard) prior to the implementation of both of these interventions. The Eastern Corridor enabling measures proposals are therefore required prior to the implementation of Union Street interventions but could be considered earlier.
7. Union Terrace 'Bus & Taxi Only'
- Interventions required in advance of the Union Street intervention to prevent significant levels of displaced traffic routing along Schoolhill. This would improve the operation of Public Transport in this area.
8. Union Street 'Bus & Taxi Only' – **Key Infrastructure Project**
- With above interventions already in place, this measure requires network traffic demand reduction of approximately 10%.
 - Requires Broad Street and Union Terrace interventions in place to protect Schoolhill from significant increases in traffic.
9. Mounthooly Roundabout Improvements
- Forms part of the George Street area traffic management proposals but is also required to maximise the operation of the eastern corridor.

- Can be considered before or after Union Street interventions are implemented.

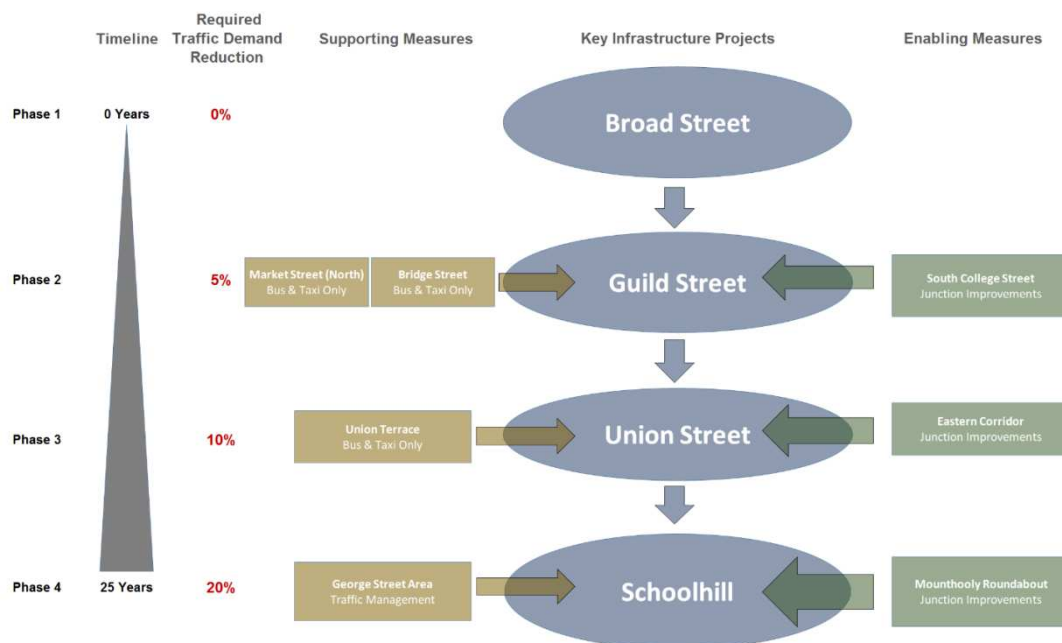
10. George Street Traffic Management Interventions

- Wide area traffic management required around George Street area (south of Hutcheon Street) to restrict through traffic but retain car park access. Required as part of the Schoolhill closure intervention.

11. Schoolhill 'Closure' – Key Infrastructure Project

- With above interventions already in place, this measure requires network traffic demand reduction of approximately 20%.
- Schoolhill closure would force high volumes of traffic through the John Street and Maberly Street corridors.

5.4.10 The summary of the key findings are represented diagrammatically below:



5.4.11 To deliver the full City Centre Masterplan (key measures), it is anticipated that there would require to be approximately a 20% reduction in the anticipated traffic demand. This traffic would have to relocate out-with the City Centre or change travel mode in order to allow the network to operate satisfactorily. Measures required to achieve this are covered in the 'Roads Hierarchy' report which considers a comprehensive range of measures, including:

- Information and communication.
- Making walking and cycling more attractive.

- Improvements to make public transport more attractive.
- Car Park access strategy – including traffic management to remove cross city trips.
- Removal of significant strategic trips from the City Centre – addressed through the development of a suitable Roads Hierarchy.

5.4.12 The modelling concludes that Broad Street is the natural start point for the CCMP transport proposals because it has the least impact on the strategic road network and the displaced traffic can be accommodated on the wider city centre road network.

The Executive Summary of the modelling testing report is attached as Appendix 1.

5.5 **Broad Street Options**

5.5.1 There are three options being considered for Broad Street: open to all traffic; open to bus and cycle only; or full pedestrianisation.

5.5.2 Prior to the Council meeting (2 March 2016) designs for Broad Street options were presented to Members to demonstrate what the space could look like for each option, showing a revised design with space for traffic limited to two lanes with no space for bus waiting, public transport and bicycle only access, and full pedestrianisation, respectively.

5.5.3 The designs for Broad Street also identify the space available for events/ special occasions (including access to Marischal Square Quad to connect to events at that location) and this has been informed by knowledge and experience of events planning across the City in terms of public circulation, emergency access, different types of events and their space requirements.

5.5.4 Limited additional temporary events space could be created on specific occasions via temporary road closures for options that maintain vehicular traffic in some way, subject to emergency access requirements. The types of events/ special occasions that could be considered for this space on Broad Street includes seasonal markets, concerts, significant cultural events i.e. tying in with events inside Marischal College Quadrangle, new annual festivals and sporting events.

Consultation

5.5.5 It is suggested that consultation at this stage should focus on the preferred design options: open to all traffic; part-pedestrianisation; or full pedestrianisation.

5.5.6 The public can also make comment on what they think is appropriate

with regards to the detail of the space – such as the materials, soft and hard landscaping, street furniture and any public art installations that might be included – should the space be transformed in any way from the status quo.

- 5.5.7 It is recommended that the consultation material is sent to a number of key stakeholders and partners (such as Aberdeen Inspired, Cycle Forum, Civic Forum, etc.) as well as it being made available on-line with the opportunity to comment through an on-line survey. For those without internet access, the consultation material will be distributed to a number of locations such as libraries with the opportunity to send in comments. A comments box will be made available in the Marischal College foyer along with the consultation material. It is anticipated that the consultation will take place for four weeks from Monday 16 May until Sunday 12 June 2016.

6. IMPACT

6.1 Improving Customer Experience:

The contents of this report and the recommendations relate to the delivery of the City Centre Masterplan, which is aimed at improving the City Centre for all those who live in, work in and visit it. This would include the following benefits:

- Quality of life - People could feel more content in a more pleasant environment, as reported in other cities with similar projects.
- Health – with more people walking in the area there could be a reduction in inactivity-related illness.
- Environmental - positive impact on air quality due to a reduction of emissions from vehicles in the area. Noise levels would be lower too.

6.2 Improving Staff Experience:

A defined, fully resourced programme of delivery for the City Centre Masterplan with key stage decision making, committed to by the Council, will enable staff, with stakeholders and the public, to confidently and timeously realise the City Centre Masterplan. The recent appointment of the City Centre Director will assist this process.

6.3 Improving our use of Resources:

Internal resources and partnership working with developers have already been identified to continue to deliver the instructions of Council in December 2015 and March 2016. Further resources will continue to be required for the wider delivery of the transport network plan to support the successful delivery of the City Centre Masterplan, which has identified a range of benefits for citizens and business across the

City. Internal resources will also be used to undertake the public consultation for Broad Street.

6.4 Corporate:

Positive decision making informing the progressive implementation of the City Centre Masterplan directly supports a range of policies and strategies including:

Aberdeen – the Smarter City vision:

- We will encourage and support citizens to participate in the development, design and decision making of services to promote civic pride, active citizenship and resilience.
- We will improve access to and increase participation in arts and culture by providing opportunities for citizens and visitors to experience a broad range of high quality arts and cultural activities.
- We will provide a clean, safe and attractive streetscape and promote bio-diversity and nature conservation. We will encourage wider access to green space in our streets, parks and countryside.
- We will invest in the city where that investment demonstrates financial sustainability based on a clear return on investment
- We will encourage cycling and walking.
- We will provide and promote a sustainable transport system, including cycling, which reduces our carbon emissions.

Single Outcome Agreement:

The 2013 Single Outcome Agreement has been informed by a range of public engagement exercises, including the 'City Voice' questionnaires, one of which reflected that *'61% of respondents stated that things had got a bit or much worse in relation to an 'attractive city centre'*. Delivery of the City Centre Masterplan will aim to address this.

Strategic Infrastructure Plan:

Stakeholder engagement which informed this Plan revealed that the 'poor state' of the City Centre is one of a number of issues identified as a common theme *'In terms of the attractiveness and marketing of the city to attract workers, visitors and investment...'*. This Plan also states that *'A high quality of life is integral to attracting and retaining the talent and investment needed to grow the economy. This sense of place, with a key emphasis on the city centre, is crucial in underpinning economic growth and essential in underpinning the necessary infrastructure requirements.'* One of the key goals of this Plan is City Centre Regeneration and the delivery of the City Centre Masterplan will contribute significantly to achieving this. Specific wider benefits would include:

- Improved safety as a result of less road traffic;
- Improved access - as a result of easier access and parking for cyclists, bus passengers, pedestrians and the vehicles that remain on the roads in the area, the cumulative reduction in journey times would be used more productively elsewhere.
- Economic growth - The project could provide a more pleasant environment which would increase the footfall in the area increasing retail sales, spending, employment and the number of businesses operating in the city centre.
- Competitiveness – For Aberdeen to maintain its global competitiveness, the quality of the ‘place’, the commercial space and the public realm around it all have a role. These proposals all contribute to that quality. Investors recognise the positive correlation between their business development and growth and the quality of the public realm, which becomes a virtuous circle with more people wanting to live as well as work in the city centre and increased residential opportunities.

This Plan also recognises that a range of traffic management and transport network improvements in and around the City Centre, delivery of air quality, road safety and economic benefits and support for the key strategic priority around City Centre Regeneration. The development and delivery of a Sustainable Urban Mobility Plan for the City Centre, as part of the wider Masterplan, are also recognised as key to improving accessibility to all, increasing walking and cycling opportunities and improving public transport.

6.5 Public:

The contents of this report are likely to be of public and media interest as it relates to the City Centre, a significant economic asset for the City and Region. An Equality and Human Rights Impact Assessment has been undertaken as part of the Aberdeen City Centre Masterplan and Delivery Programme presented to Council on 24 June 2015. A Privacy Impact Statement is not required for this report.

7. MANAGEMENT OF RISK

7.1 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.

7.2 There is also a risk in not delivering the public realm works on Broad Street for the completion of Marischal Square in July 2017. Officers have been made aware that the contractors need a 52 week lead in time to deliver the public realm works for the scheduled completion of the development. Therefore, a decision must be made by July 2016.

7.3 If a decision is not made then there are the following risks:

- Reputational risk – undermines the Council investment into Marischal Square and the public/ stakeholders could perceive that the Council is unable to deliver improvements to the city centre on time or deliver the projects within the masterplan;
- Cost of delivery – although the £1.12M is safeguarded for works on Broad Street it would cost more and take longer to work through an agreement with another contractor at a later date;
- Attractive investment – there may be some risk in letting the spaces with the lack of a decision on the public realm and how this will tie in with the development;
- Traffic disruption – works at a later date will cause traffic disruption in the city centre and this is likely to be worse with Marischal Square in use; and
- Aesthetics – when Marischal Square is opened, Broad Street will look as it does at the moment as there will have been no improvements to the public realm.

8. BACKGROUND PAPERS

Report to Council – 16 December 2016 – Transport Implications – City Centre Masterplan Projects –CHI/15/299

Report to Council – 2 March 2016 – Transport Implications – City Centre Masterplan Projects –CHI/16/006

Full Technical Traffic Modelling Report (available on request)

9. REPORT AUTHOR DETAILS

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APPENDIX 1

Traffic Modelling Testing Report - Executive Summary

Aberdeen City Council

Aberdeen City Centre Masterplan Testing – Phase 2 & 3

Traffic Model Testing Report – Executive Summary

<i>Date :</i>	8 April 2016	<i>Distribution :</i>	
<i>Author :</i>	Callum Guild	Hugh Murdoch	ACC
<i>Reviewer:</i>	Bob Nicol	Joanna Murray	ACC
<i>Reference :</i>	TPXACCM1\77954	Ken Neil	ACC

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1. INTRODUCTION

Study Brief

Under the Scotland Excel Framework, Aberdeen City Council (ACC) commissioned SIAS Limited (SIAS) in September 2015 to undertake transport model testing of key transport related elements of the proposed Aberdeen City Centre Masterplan, using the Aberdeen City Centre S-Paramics Model.

This Summary Report will provide an overview of the assessment undertaken for each key infrastructure proposal in isolation (Phase 2 testing) and in combination with other proposed infrastructure measures in the City Centre (Phase 3 testing), leading to a proposed implementation strategy for the full Masterplan infrastructure.

Purpose of Study

The purpose of modelling various infrastructure proposals and combinations of proposals, relating to the City Centre Masterplan is that it:

- Provides guidance into the development of a logical framework for implementation of the full scheme infrastructure.
- Seeks to limit the impact of re-locating traffic from the City Centre
- Identifies potential enabling measures to assist the City Centre road network to function, and when such enabling measures would be required
- Identifies where best to initiate the implementation programme

Background

The Aberdeen City Centre Masterplan proposals were proposed by independent consultants BDP and accepted by Aberdeen City Councillors at their full council meeting of 24 June 2015. The full Masterplan proposals include the restriction to general traffic through most of the core area of the city centre area. The implementation of the Masterplan will develop incrementally over the next 20 - 25 years. ACC is, therefore, required to consider the development and infrastructure measures as packages or phases of implementation in the coming years.

Traffic Modelling

ACC currently has a traffic model covering Aberdeen City Centre area. This traffic forecasting tool is to be utilised to assist in the development of these phases of Masterplan implementation. The development of the Aberdeen City Centre Paramics Model (ACCPM12) is detailed in a separate Report, *Aberdeen City Centre: 2012 Base Model Development Report* (SIAS Ref. 75883, November 2013).

SIAS was required to develop a 2017 and 2023 Reference Case Network, which includes the Berryden dualling proposals as previously detailed in the report *Berryden Corridor Study – Traffic Modelling* (SIAS Ref. 71550, July 2009) and also includes the South College Street junction (with QEII Bridge) proposals as previously detailed in *South College Street Junction – Phase 4 Testing* (SIAS Ref. 67586, April 2007).

The City Centre Masterplan proposals were required to be assessed on the 2023 Reference Case Model network as this model scenario includes all currently known committed developments within the City Centre and surrounding network.

Further updates to the committed development content of the 2023 model network are detailed in the report '*Aberdeen City Centre Masterplan – Phase 1, Traffic Model Testing Report* (Ref: TPXACCM1\77681, December 2015),

During the Phase 1 model test programme, changes to the detailed design of the Berryden Rd dualling scheme were being developed. Prior to the next phase of testing, the 2023 Reference Case model was again updated to include junction design changes at Elm Place / Berryden Road and Rosemount Place / Skene Square to reflect the latest designs. This is detailed in the report '*Aberdeen City Centre Masterplan – Phase 2 & 3, Traffic Model Testing Report* (Ref: TPXACCM1\77953, April 2016),

2. TRAFFIC MODEL TESTING

Introduction

As detailed above, the City Centre Masterplan proposals were required to be assessed on the 2023 Reference Case Model network.

It would be impossible to develop and assess all the public realm detail in each model scenario within the study timeframe, therefore the Phase 2 and 3 model testing was undertaken as a 'high level' assessment, which included:

- All interventions modelled
- Key junctions assessed and signal timings / phases amended if necessary
- Bus route revisions applied
- Indicative junction enabling measures (signalisation of existing roundabouts)
- Global model traffic demand reduced until the model is able to run without network 'failure' – i.e. significant congestion causing model gridlocking.

Approximately 45 separate network scenarios were assessed in the AM (06:00-10:00), PM (15:00-19:00) and Saturday (12:00-16:00) Peak models

Phase 1 Testing – Summary

As detailed in the Report ‘*Aberdeen City Centre Masterplan – Phase 1, Traffic Model Testing Report*’ (Ref: TPXACCM1\77681, December 2015), the following conclusions were drawn from the study:

- The Broad Street interventions have a low impact on traffic flow changes through the City Centre
- Bus & Taxi only interventions on Union Terrace are recommended as a complimentary measure. This would reduce the impact of displaced traffic and further improves the operation of public transport in this area of the network.
- Broad Street restriction options include full closure, Bus & taxi only, or bus only.
 - Full closure significantly affects the PT network coverage, particularly if Schoolhill were to also be closed to all traffic in the future
 - Low volume of taxis currently use Broad St, if it were restricted to buses only, this would help create a more pedestrian friendly area on Broad St whilst Union Terrace would be still available for taxi routing.
- Schoolhill road closure has implications to increased traffic demand through the shopping area north of the Bon Accord Centre
 - Traffic restriction measures are therefore required throughout the George St shopping area to restrict rat-running but retain car park and local access
 - These measures require a significant reduction in traffic demand through the city centre and are therefore not a short term option

Phase 2 Testing – Assessing Interventions in Isolation

Phase 2 model testing was developed to assess the implications of applying each key restriction in isolation on the model network to determine the impact on the wider network. There are no interventions in place on Broad Street or Union Terrace in these scenarios.

All model test scenarios were able to operate at the full predicted traffic demand for 2023, with the exception of the Guild St, Wapping St, & Carmelite St Test, where the network failed around the South College Street area unless the overall traffic demand was reduced by 5%. This highlighted the linkage between the Guild St, Wapping St, & Carmelite St proposals and South College Street improvements,

The following summarises the key implication of each restriction:

Union Street Interventions (Bus & Taxi Only)

- wide implications to re-routing traffic

- Migration of traffic to Schoolhill – pedestrian safety issues
- Congestion issues around South College St & Berryden Rd / Hutcheon St

Guild Street (East of Carmelite St) Interventions (Bus & Taxi Only)

- Migration of traffic to Market Street (north) and Union Street
- Therefore increase in traffic demand through Air Quality Management Area (AQMA)
- Migration of traffic from Denburn Corridor to ‘Eastern Corridor’ (Commerce St, East & West North St)

Bridge St Interventions (Bus & Taxi Only)

- Little impact on the operation of the wider network
- Interventions will assist the operation of Guild St, Wapping St, & Carmelite St

Market Street (North of Guild St) Interventions (Bus & Taxi Only)

- Low impact on the operation of the wider network
- Forces traffic out to Eastern Corridor
- Reduces traffic demand on Union Street & Broad St (could offset negative impact of Guild St interventions)
- Interventions will assist the operation of Guild St, Wapping St, & Carmelite St

Guild St, Wapping St, & Carmelite St Road Infrastructure (Wapping St closure, Guild St East as bus only westbound)

- Migration of traffic to Union St & Market St (AQMA areas)
- Migration of traffic also to South College Street – significant congestion area
- Scheme requires a reduction in routing lanes from the existing 2 lane gyratory to one lane in each direction at Wapping St / Bridge St.
- The scheme includes a one-way bus route clockwise on Market St, Guild St and Bridge St
- Additional testing has shown that 2 way bus routing would also work and may be more beneficial for catchment and stopping arrangements

Junction Enabling measures

The Phase 2 model testing highlighted the need to improve the traffic capacity through the Eastern corridor to cater for the displacement of traffic from the city centre. The Masterplan also highlights this requirement and the need to improve the junctions of Commence St /

Virginia St and Beach Boulevard / Commerce St for traffic capacity and also for pedestrian and cyclist crossing facilities

Through a series of model tests, junction improvements were developed and proposed at these two locations to improve the operation of the network for all traffic modes. The Commerce St / Virginia St junction proposals require the Hanover St / Castle Terrace arm to be closed off and an additional traffic lane on Virginia St to allow 2 routing lanes for the north-south movement.

The Beach Boulevard / Commerce St junction proposals include the signalisation of the junction with Park Street closed off to facilitate a 4 arm signalised junction.

The above measures were collectively deemed the Eastern Corridor Improvements and were carried forward through the Phase 3 model testing.

Phase 3 Testing – *Combination Testing*

Objectives

Phase 3 model testing was developed to assess various combinations of City Centre traffic interventions associated with the Masterplan proposals. The objective of assessing the impact of the various traffic interventions in this way is to:

- Identify a logical framework for implementation of the scheme road infrastructure
- Sees to limit the impact of relocating traffic
- Identify enabling measures and when it would be required
- Identify where best to start in the short term

Test Programme

ACC and SIAS developed a model testing programme which enabled all the key infrastructure measures to be assessed in numerous combinations with other measures. Appendix A details the model testing programme.

In all test scenarios, Broad Street was assessed with both a bus only restriction and also with full closure (between Upperkirkgate and Queen Street).

Criteria for Assessment

The criteria for assessment for each model test scenario was to identify the level of traffic demand that the model could run at in each peak period. For example, if a scenario ran at 80% demand, then this suggests that there would need to be a 20% reduction in traffic within the city centre network to enable the network to operate without significant congestion and network instability.

Model Test Results

Appendix A also shows the demand level at which each network scenario was able to run. It can be seen from the table, that as more interventions are included within the City Centre network, the lower the overall traffic demand the network can accommodate.

The following key points for each proposed City Centre restriction / Enabling measures have been drawn from the model testing:

Broad Street Interventions

- Does not significantly impact on the rest of the City Centre (except Union Terrace)
- Retaining bus only operation, as opposed to a full closure, is recommended as it allows significantly better coverage for public transport through the city centre area, particularly when Schoolhill is closed to all traffic.

Bridge Street Interventions

- Does not significantly impact on the rest of the City Centre network
- Will require consideration of potential rat running through Crown St area
- Required to facilitate Guild St, Wapping St, & Carmelite St proposals

Market Street (north) Interventions

- Forces traffic out to the Eastern Corridor
- Reduces traffic demand on Union Street (which is required when Guild Street is restricted as this has the opposite effect)
- Required to facilitate Guild St, Wapping St, & Carmelite St proposals

Guild St, Wapping St, & Carmelite St

- Key Measure
- Requires Bridge Street and Market Street interventions in place to limit traffic conflict points at Wapping Street and to facilitate a one-way clockwise bus operation
- Closure of this east-west route impacts on the other east-west routes in the network, particularly at South College Street junction (to North Esplanade West)
- Impacts on the traffic demand that the network can operate at

Union Terrace Interventions

- Manages potential traffic displacement from Broad Street interventions if Bridge St is unrestricted
- Broad Street and Union Terrace together assist in keeping traffic volumes lower on Schoolhill when Union Street is restricted
- Improves the operation of public transport in this area

Union Street Interventions

- Key Measure
- Has a significant impact on the wider network due to its current function as a strategic traffic corridor and impacts on the traffic demand that the network can operate at
- Requires Broad Street and Union terrace interventions in place to protect Schoolhill from significant increases in traffic
- Impacts on the traffic demand that the network can operate at (and more than Guild St, Wapping St, & Carmelite St)
- Union Street plus Guild St, Wapping St, & Carmelite St infrastructure proposals require approximately 10-15% overall traffic reduction in the PM peak to allow the network to operate

Schoolhill & George Street Area Interventions

- George Street area traffic management required in combination with Schoolhill closure to restrict strategic traffic from the George St shopping areas
- With all Schoolhill & George St interventions in place, this has a significant impact on the east-west routing choices and therefore affects the demand level at which the network can operate

Eastern Corridor Enabling Measures

Each Test series was considered both with and without the Eastern corridor enabling measures to assess at which level of restriction within the City Centre would their enabling measures be required.

The conceptual scheme was able to provide approximately 30% more traffic through Commerce Street in the PM peak hour than the existing roundabout. This allowed the overall network to operate at 5% more capacity in some PM peak and Saturday Peak scenarios. The testing also suggested that the Eastern Corridor Enabling measures was required prior to both Union Street and Guild Street interventions being in place.

Mounthooly Roundabout Enabling Measures

With the Eastern Corridor enabling measures included with all the key Masterplan road interventions, the need for further junction enabling measures was identified for Mounthooly Roundabout. Again, this has also been identified within the Masterplan itself.

Conceptual options for Mounthooly Roundabout were developed through model testing, each based upon a signalised junction configuration. A signalised junction option also provides benefits to active travel in terms of accessibility and road safety.

The conceptual schemes were able to provide between 5-10% greater capacity through the junction and reduce the overall congestion in the area. Further changes to the George Street area were identified from the network running more free at Mounthooly and further traffic management amendments were made in this area of the network.

South College Street Enabling Measures

Throughout the model testing, congestion issues are noted around the South College St / Ferryhill / Fish Precinct area. The current proposed scheme (developed in 2008-9) cannot cater for the proposed traffic displacement from the city centre plus the increase in traffic generated from Union Square Shopping Centre and the new office developments off North Esplanade West. Conceptual revised designs have been considered but not in line with the City Centre Masterplan proposals. This area therefore still requires further detailed assessment.

Berryden Dualling Corridor Enabling Measures

Throughout the model testing, congestion issues are noted around the Berryden Road / Hutcheon Street area. The Berryden Dualling scheme is included within all the model scenarios. The detailed design for this junction is currently being re-assessed which may or may not provide additional traffic capacity benefits.

Issues

From Appendix A, it can be seen that the final model scenarios which includes all the key Masterplan interventions requires a reduction of at least 20% of the predicted traffic demand to allow the network to operate. This is a significant traffic reduction which cannot be achieved through mode shift alone.

The traffic modelling has shown a general movement of traffic out to the western model extent of Westburn Road / Argyll Place and beyond, as the interventions within the city centre area are incrementally increased. With the 'locking in the benefits' proposals to limit north-south routing on Anderson Drive (to give more time over to pedestrians, cyclists and east-west routing Public Transport), the impact of the migration of traffic from the city centre to areas on the periphery of the city centre is not currently known.

Berryden Road / Hutcheon St remains a congestion point in the network even with the current dualling and junction proposals. Unless strategic traffic demand through Berryden Road can be significantly reduced or a revised junction design promoted which can cater for the anticipated demand, this location will remain a pinch point in the road network.

The current South College St junction design cannot cater for the city centre interventions associated with the Masterplan infrastructure proposals plus the increases in traffic demand from Union Square and the office developments off North Esplanade West.

3. RECCOMENDATIONS

Implementation Proposal

Appendix B details the proposed implementation process which as been developed from the series of traffic model scenarios.

The following details the reasoning for the framework of implementation as proposed.

1. Broad Street Bus Only
 - Interventions have minimal impact on the rest of the network and do not require a traffic demand reduction to be able to operate
 - Full closure not recommended due to PT coverage implications

2. Bridge Street Bus & Taxi Only
 - Required to facilitate Guild St, Wapping St, & Carmelite St proposals
3. Market Street (N) Bus & Taxi Only
 - Reduces traffic demand on Union Street (which is required when Guild Street is restricted as this has the opposite effect)
 - Required to facilitate Guild St, Wapping St, & Carmelite St proposals
4. South College Street Junction Enabling measures (still requires detailed assessment)
 - Capacity improvements essential prior to the implementation of key east-west routes (Guild St & Union St)
 - Traffic patterns at South College Street directly affected by the north-south traffic throughput at Wapping Street as part of the Guild St, Wapping St, & Carmelite St
5. Guild St, Wapping St, & Carmelite St Road Infrastructure
 - Requires network traffic demand reduction of approximately 5%
 - Requires Bridge St and Market St interventions to already be in place
 - Guild St, Wapping St, & Carmelite St road interventions have a lower impact on the surrounding network than the Union St interventions. In addition, if Union St was restricted first, significant congestion may occur through Guild Street
6. Union Terrace Bus & Taxi Only
 - Both Broad St & Union Terrace interventions are required to keep traffic volumes on Schoolhill lower prior to restrictions being placed on Union Street
 - Broad Street interventions may result in increased traffic demand on Union Terrace prior to Bridge Street interventions being implemented. Monitoring of Union Terrace may therefore result in the requirement for the proposed Union Terrace restrictions to be implemented earlier in the programme.
7. Eastern Corridor Improvements
 - Union Street and Guild Street interventions both result in a significant relocation of traffic to the Eastern Corridor. Improved junction capacity is required through the Eastern Corridor (at Commerce St/Virginia St and Commerce St/Beach Boulevard) prior to the implementation of both of these interventions. The Eastern Corridor enabling measures proposals are therefore required prior to the implementation of Union Street interventions but could be considered even earlier.
8. Union Street Bus & Taxi Only

- With above interventions already in place, this measure requires network traffic demand reduction of approximately 10-15%
- Requires Broad Street and Union Terrace interventions in place to protect Schoolhill from significant increases in traffic

9 Mounthooly Roundabout Improvements

- Forms part of the George Street area traffic management proposals but is also required to maximise the operation of the eastern corridor
- Can be considered before or after Union Street interventions are implemented

10 Schoolhill Closure & George St Traffic Management Interventions

- Further impacts on the demand level that the network can operate at (requires 20% traffic reduction in PM and Saturday Peaks)
- Schoolhill closure on its own would force high volumes of traffic through the John St and Maberly St corridors
- Wide area traffic management required around George St area (south of Hutcheon St) to restrict through traffic but retain car park access

Implications for Delivery

To deliver the full City Centre Masterplan (key measures), it is anticipated that there would require to be approximately [a 20% reduction](#) in the anticipated traffic demand. This equates to approximately 4750 vehicles in the PM peak hour and over 42,500 vehicles in a full day which require to either relocate outwith the City Centre or change travel mode in order to allow the network to operate.

Achieving this will require a multifaceted approach over the full 20-25 year lifespan of the implementation programme through means such as:

- Inform & educate road users in Aberdeen – through consultation and marketing
- Modal shift to public transport – radial routes / corridor improvements required
- Modal shift to active travel – safe and attractive walking & cycling routes
- Car Park access strategy – to reduce cross city trips
- Removal of significant strategic traffic from the City Centre – addressed by above points, plus as part of a separate network hierarchy study

It is anticipated that the infrastructure delivery programme will be split into separate infrastructure projects as shown in Appendix B. Within each project, the following process will need to be undertaken:

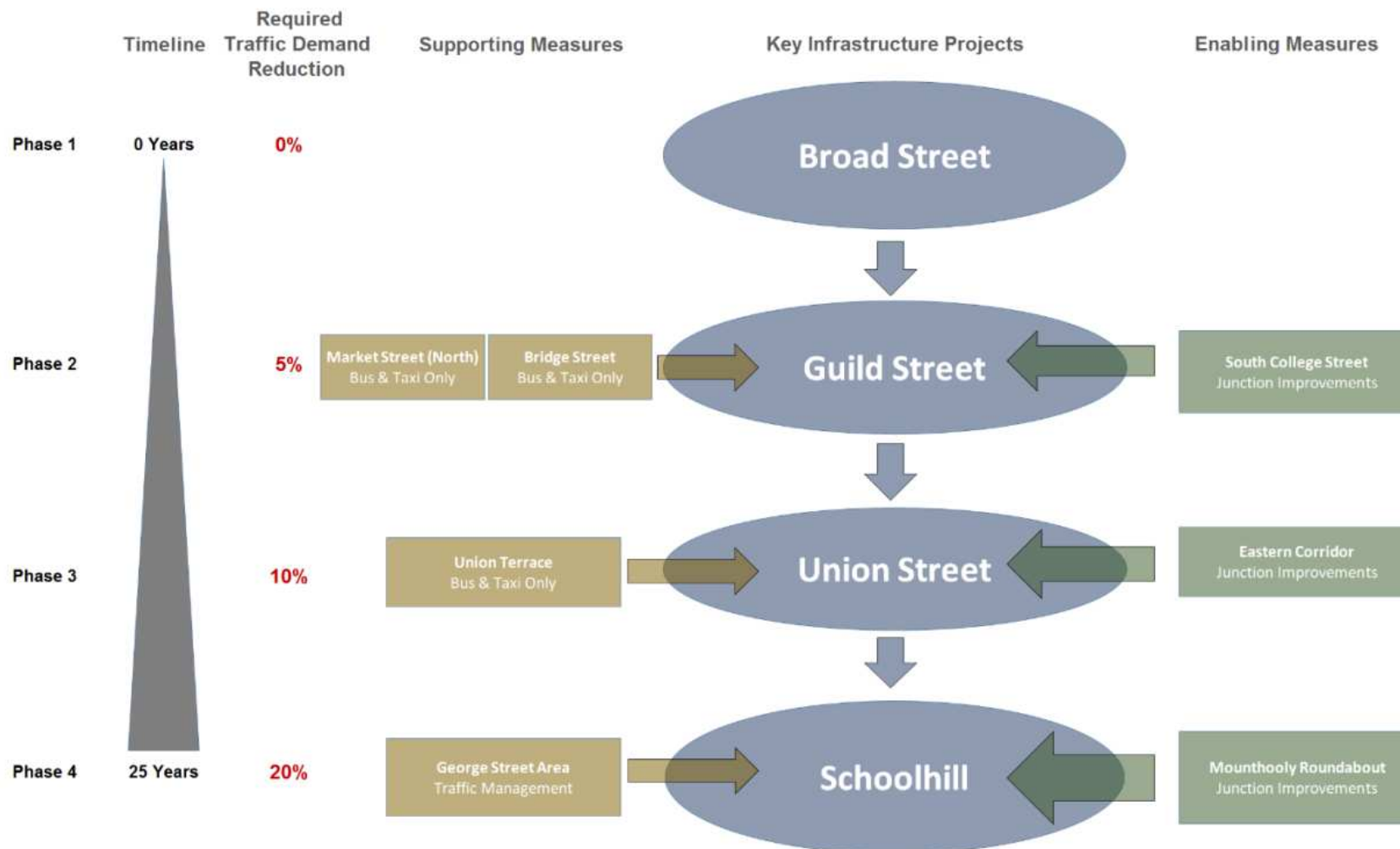
- Plan - detailed planning and design for all public realm elements
- Consultation
- Implementation - strategy & delivery
- Review – assess the impact of the measures against the predicted impact. Mitigate network or implementation strategy as necessary

Further Analysis

In terms of traffic modelling, this study has been undertaken as a high level assessment as detailed in Section 2.1. As part of the detailed planning and implementation strategy for each project, the following elements may require to be assessed within a traffic modelling environment:

- Re-assess South College Street scheme design within the context of Guild St, Wapping St, & Carmelite St proposals
- Development of full public transport network and bus stop arrangements
- Detailed assessment of signal junction phasing / staging / timing and linkage review
- Model more specific travel pattern changes – mode shift, strategic trip reduction / redistribution etc.
- Cross City Car Parking – as part of a City Centre parking Strategy
- Other Masterplan minor route proposals – i.e. Rose St Pedestrianisation, Golden Square public area etc.
- Bus Gate proposals into the City Centre
- Construction traffic management requirements

APPENDIX B – PROPOSED IMPLEMENTATION PROGRAMME



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ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	11 May 2016
DIRECTOR	Pete Leonard
TITLE OF REPORT	Berryden Corridor Improvements
REPORT NUMBER	CHI/16/100
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

- 1.1 To advise Council on the progress of the scheme including the specific option appraisal for the Caroline Place / Hutcheon Street Junction, and to see authority to proceed with public engagement which will allow the Council to subsequently approve the extent of land to be acquired through compulsory purchase order (CPO).

2. RECOMMENDATION(S)

- 2.1 It is recommended that the Council:

- a) notes the content of this report;
- b) Instructs officers to proceed with public engagement on the current draft design and to report back on the public response to the various options after the summer recess, anticipated to be the August Council meeting, with the preferred design option and land requirements for inclusion in the Compulsory Purchase Order (CPO);
- c) instructs officers, following due process, to arrange for the advanced demolition of any relevant property under Aberdeen City Council ownership in advance of the main scheme where there is a justification to do so subject to the approval of any contract by the relevant committee;

- d) Council amends Standing Orders to grant delegated powers to the Director of Communities, Housing & Infrastructure, after consultation with the Head of Legal & Democratic Services and the Convenor of Finance, Policy and Resources for officers to enter into negotiations with the developers of the Cornhill site to explore the possibility of incorporating advanced roadworks for the Berryden scheme within the proposed development site access and enters into an agreement to pay for such works where it would minimise network disruption and be economically advantageous for the delivery of the overall scheme.

3. FINANCIAL IMPLICATIONS

- 3.1 Land acquisition will be funded from the project's capital budget allocation.
- 3.2 As with any construction project there is a risk that construction costs may exceed the current projected budget.
- 3.3 There is a risk that land acquisition & compensation costs may exceed the current projected costs.

4. OTHER IMPLICATIONS

- 4.1 Resources from both Communities, Housing and Infrastructure and Corporate Governance will be required to complete the land acquisitions required to implement the scheme.

5. BACKGROUND/MAIN ISSUES

Background

The Berryden Corridor was identified as a key project within the Strategic Infrastructure Plan, which was approved in October 2013 and has been included in the Council's Non-Housing Capital Programme. As there have been many changes within the city that have a potential bearing on the project e.g. new and committed developments, the City Centre Masterplan (CCMP), the Local Development Plan, transport policies and priorities etc the previously approved design has been reviewed and updated to reflect the above factors.

Work to date

The draft design was subjected to a peer review by officers which highlighted a number of design critical aspects that needed to be considered for the scheme. In summary these included:

- Provision for pedestrians and cyclists to current standards
- Incorporation of appropriate landscaping in the built environment
- Dealing with surface water, in terms of sustainable urban drainage systems (SUDS) and possible strategic storage to relieve other areas in the city which may currently be affected by flooding incidents
- Linking to adjacent development
- Impact on adjacent properties including residential and commercial

Traffic modelling was updated to take account the above and to make an allowance for the CCPM projects as the original scheme was developed in the context of Union Street being closed to through traffic.

Hutcheon Street/Westburn Road/Berryden Road/Caroline Place was identified as a key junction for the corridor and the wider impacts of the CCMP and particular attention was paid to ensuring that the design for this junction would support the wider transport policies.

Some parts of the corridor are physically constrained, particularly at Caroline Place. The original design had intentionally reduced widths of the footway, carriageway and the proposed shared pedestrian/footway so as to offer an overall improvement over the current arrangement whilst minimising the potential for impacting upon existing properties.

The peer review centred around whether or not the proposed compromise was reducing the quality of the proposed facilities too much and was potentially contrary to policies and current standards. It was accepted that this needed to be counterbalanced with the potential impact on the adjacent properties which includes the Category C listed 'My Father's House' (former CLAN centre) and the properties that are within the conservation area, all of which are deemed to be of significant heritage value.

A number of different designs for the section from Bob Cooney Court to Rosemount Place were developed and an option appraisal undertaken which consider each of the alternatives against the relevant objectives from the Local Transport Strategy and other key documents

Although not as strategically critical when compared with the Caroline Place junction, the Berryden Retail Park north junction which was also reviewed. Originally it was proposed to remain as a roundabout but it is now considered that it would be more in keeping with current policies and aims to be converted to a set of traffic lights with pedestrian and cycling facilities incorporated.

Outline Description of Options Being at Caroline Place Junction

Option 1

A “Do minimum” scenario. Essentially considers very little alteration to the network as a baseline scenario.

Option 2

The design as proposed and approved in 2009.

Attempts to minimise the footprint of the scheme but has reduced carriageway, footway and shared cycle/footway facilities.

Option 3

An option that considered the removal of the proposed central reservation and consequently provide more width for the proposed carriageway, footway and shared cycle/footway facilities.

Removal of the central reservation leads to an increase length of crossing beyond which is recommended within relevant legislation.

Option 4

Similar to option 2 but includes a “walk with” pedestrian phase. This means that some of the pedestrian crossings would be active whilst some of the traffic lanes are running. The traffic model suggests that this will create a significant improvement in junction capacity.

Option 5

Similar to option 4 but seeks to improve the width of the proposed shared cycle / footway over a greater length and will result in improved visibility at the Skene Square business premises accesses.

Option 6

This option provides full width carriageway lanes and has improved footway and shared cycle/footway widths that should make them more attractive facilities to non-motorised users.

Securing Land Needed for the Project Delivery

It is recognised that it is unlikely that all land required for the project will be able to be secured through negotiation and therefore a Compulsory Purchase Order CPO will be required to secure the land necessary to progress the scheme. The use of CPO should be used as a last resort and where there are no other viable alternatives. In light of this the localised option appraisal exercise carried out for the Hutcheon Street /

Caroline Place junction is intended to identify the optimum solution for the project when considering all of the issues and provides a sound basis for the Council to make decisions around land required.

Current internal and external advice points to the Scottish Government policy in the use of CPO which lays down an expectation of sufficient engagement with those directly affected by the CPO. Best practice in regard to transport option appraisal would also point to a level of public engagement to contribute to the choice of the preferred option.

Officers would therefore propose to proceed with public engagement for the whole project from St Machar Drive to Rosemount Place via various means including follow up letters to those previously contact earlier this year. The final detail of how this engagement will be undertaken is still to be finalised but it needs to take account of the timing of other public consultation and engagement exercises also proposed in the coming weeks.

Officers will be expected to consider how any changes or alterations suggested by affected parties could be accommodated within the various options without detriment to the proposals.

As this is an important element of the option appraisal it will not be possible to finalise this important task until results summarised and incorporated into the wider appraisal summary. Once completed, the design and land take plans will be finalised and it is proposed that this will be reported to Council on the 17 August with a view to formally authorising the CPO to proceed.

The Council, or its predecessors, have managed to secure a number of sites/buildings that would be directly affected by any of the options. Some of these are now reaching a point where it makes sense to progress with demolition such as the derelict commercial premises 78 and 86 to 90 Powis Terrace.

Following a procurement processes it would be the intention to report the costs and preferred contractor to the relevant committee in due course to allow demolition to proceed during the course of this year, thereby reducing risks associated with inclusion at a later date.

Similarly the works have started on the redevelopment of part of the Cornhill Hospital site and officers would wish to engage with the developer to pursue possible opportunities to combine works and secure best value as well as possibility minimising impact and disruption in the longer term to people living in the area and travelling on this route.

6. IMPACT

Improving Customer Experience –

The Berryden Corridor Improvement would represent a substantial upgrade to the local and strategic transport network and would benefit a variety of users whether motor vehicle, bicycle or pedestrian. Improvement of this corridor also helps the delivery of other Aberdeen City Council policies.

Improving Staff Experience –

Improvement of this corridor helps the delivery of other Aberdeen City Council policies.

Improving our use of Resources –

The scheme would represent investment in our transport infrastructure and will extend the operational life of sections of existing road infrastructure thereby allowing for maintenance budget to be invested elsewhere on the network.

Corporate -

The project is in accordance with the Council's Community Plan where it assists in the delivery of the aim to "maintain and improve the range of transport choices available to, from and within the city" and it is a significant contribution to the achievement of outcomes 10, 12 and 14 within the Single Outcome Agreement which, in a local context, seek to improve sustainable travel options.

Aberdeen – The Smarter City has the priority of "provid[ing] and promot[ing] a sustainable transport system, including cycling, which reduces our carbon emissions." The project contributes to this.

The scheme is identified within the Local transport Strategy (LTS), the Strategic Infrastructure Programme and the City Centre Masterplan (CCMP).

Public –

There will be public interest in the scheme, in terms of its contribution to reducing congestion in the area, other local effects of the changes in the transport network and the impact it will have upon the built environment.

7. MANAGEMENT OF RISK

A number of key risks are currently identified with the delivery of this project.

- Failure to progress the project will have an impact on Aberdeen City Council's aspirations to provide a sustainable transport network in and around the city centre.
- The failure to deliver the project will affect the efficiency of other Council strategies such as the CCMP.
- Normal construction risks apply, especially in the current vibrant construction market where costs are in many cases being increased due to local labour shortages.
- Underground utilities represent a significant risk to the construction timescale and cost of the project
- The land acquisition & compensation settlement costs may increase beyond what has been estimated at this time.
- The need for approvals from external bodies such as Scottish Ministers and Historic Environment Scotland.

8. BACKGROUND PAPERS

Enterprise, Planning and Infrastructure Committee - November 2009

9. REPORT AUTHOR DETAILS

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