

# Public Document Pack



To: All Members of the Council

Town House,  
ABERDEEN 24 February 2020

## **COUNCIL**

The Members of the **COUNCIL** are requested to meet in Council Chamber - Town House on **MONDAY, 2 MARCH 2020 at 10.30am.**

FRASER BELL  
CHIEF OFFICER - GOVERNANCE

## **B U S I N E S S**

### **ADMISSION OF BURGESSES**

- 1.1 Admission of Burgesses

### **NOTIFICATION OF URGENT BUSINESS**

- 2.1 There are no items of urgent business at this time

### **DETERMINATION OF EXEMPT BUSINESS**

- 3.1 Members are requested to determine that the exempt business be considered with the press and public excluded

### **DECLARATIONS OF INTEREST**

- 4.1 Members are requested to declare any interests (Pages 5 - 6)

## **DEPUTATIONS**

- 5.1 There are no deputations submitted at this time

## **MINUTES OF PREVIOUS MEETING OF COUNCIL AND URGENT BUSINESS COMMITTEE**

- 6.1 Minute of Meeting of Aberdeen City Council of 9 December 2019 - for approval (Pages 7 - 16)
- 6.2 Minute of the Meeting of the Urgent Business Committee of 19 December 2019 - for approval (Pages 17 - 20)

## **REFERRALS FROM COMMITTEES**

- 7.1 There are no referrals at this time

## **COUNCIL BUSINESS PLANNER**

- 8.1 Business Planner (Pages 21 - 24)

## **GENERAL BUSINESS**

- 9.1 Treasury Management Policy and Strategy - RES/20/043 (Pages 25 - 44)
- 9.2 Temporary Lease at Torry Battery - RES/20/058 (Pages 45 - 54)
- 9.3 Proposed Aberdeen Local Development Plan - PLA/20/032 (Pages 55 - 250)  
Please note that Appendices 2 to 12 associated with this item can be viewed [here](#).
- 9.4 Scheme of Governance Review - GOV/20/035 (Pages 251 - 584)

## **NOTICES OF MOTION**

### 10.1 Joint Notice of Motion by Councillor Copland and Councillor Lesley Dunbar (Pages 585 - 592)

That Council -

1. notes that Denis Law was born in Aberdeen on 24th February 1940 and was awarded the Freedom of the City of Aberdeen in 2017;
2. notes that Denis Law is the only Scottish Footballer to have won the prestigious FIFA Ballon d'Or award;
3. recognises the outstanding contribution made by the Denis Law Legacy Trust supporting and empowering young people to be confident, capable independent and responsible citizens within their own communities through sport the arts and culture and also recognises the work done by the Trust and thanks to Denis Law himself in being able to attract the Johan Cruyff Foundation to work collaboratively with the council in providing Cruyff Courts in the city - further proof of the standing Denis Law is held in throughout the world;
4. notes that the Denis Law legacy Trust have outlined a Printfield 10 Project (A copy of proposed Printfield 10 Project is attached) which if implemented would celebrate, and recognise, Mr Law's roots and contribution to the city for years to come; and
5. welcomes the Printfield Community Forum working in partnership with the Denis Law Legacy Trust to promote Denis Law's childhood roots at Printfield and instructs the Chief Officer – City Growth to discuss with the Denis Law Legacy Trust the proposed Printfield 10 Project to include public art work and report back, if applicable to the City Growth and Resources Committee for its consideration.

### 10.2 Councillor Macdonald

That Council

1. believes everyone should have a safe, secure and affordable home;
2. supports the aims of the Shelter Scotland Charter for Change housing rights campaign "Are you with us?" to demonstrate our support for laws to be strengthened to ensure there is a right to safe, secure and affordable homes for all;
3. instructs the Chief Executive to write to Shelter Scotland expressing the Council's support for the campaign's aims; and
4. instructs the Chief Executive to write to the Scottish Government expressing the Council's support for the campaign's aims and seeking the Scottish Government's support in delivering them by providing sufficient resources to meet current and new legislation.

## **EXEMPT / CONFIDENTIAL BUSINESS**

### 11.1 There are no items of exempt or confidential business at this time

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

Should you require any further information about this agenda, please contact Allison Swanson, tel. 01224 522822 or email [aswanson@aberdeencity.gov.uk](mailto:aswanson@aberdeencity.gov.uk)



## **DECLARATIONS OF INTEREST**

You must consider at the earliest stage possible whether you have an interest to declare in relation to any matter which is to be considered. You should consider whether reports for meetings raise any issue of declaration of interest. Your declaration of interest must be made under the standing item on the agenda, however if you do identify the need for a declaration of interest only when a particular matter is being discussed then you must declare the interest as soon as you realise it is necessary. The following wording may be helpful for you in making your declaration.

I declare an interest in item (x) for the following reasons .....

*For example, I know the applicant / I am a member of the Board of X / I am employed by...* and I will therefore withdraw from the meeting room during any discussion and voting on that item.

### **OR**

I have considered whether I require to declare an interest in item (x) for the following reasons ..... however, having applied the objective test, I consider that my interest is so remote / insignificant that it does not require me to remove myself from consideration of the item.

### **OR**

I declare an interest in item (x) for the following reasons ..... however I consider that a specific exclusion applies as my interest is as a member of xxxx, which is

- (a) a devolved public body as defined in Schedule 3 to the Act;
- (b) a public body established by enactment or in pursuance of statutory powers or by the authority of statute or a statutory scheme;
- (c) a body with whom there is in force an agreement which has been made in pursuance of Section 19 of the Enterprise and New Towns (Scotland) Act 1990 by Scottish Enterprise or Highlands and Islands Enterprise for the discharge by that body of any of the functions of Scottish Enterprise or, as the case may be, Highlands and Islands Enterprise; or
- (d) a body being a company:-
  - i. established wholly or mainly for the purpose of providing services to the Councillor's local authority; and
  - ii. which has entered into a contractual arrangement with that local authority for the supply of goods and/or services to that local authority.

### **OR**

I declare an interest in item (x) for the following reasons.....and although the body is covered by a specific exclusion, the matter before the Committee is one that is quasi-judicial / regulatory in nature where the body I am a member of:

- is applying for a licence, a consent or an approval
- is making an objection or representation
- has a material interest concerning a licence consent or approval
- is the subject of a statutory order of a regulatory nature made or proposed to be made by the local authority.... and I will therefore withdraw from the meeting room during any discussion and voting on that item.

## ABERDEEN CITY COUNCIL

Town House,  
ABERDEEN, 9 December 2019

### MINUTE OF MEETING OF ABERDEEN CITY COUNCIL

Sederunt:

Lord Provost Barney Crockett, Chairperson;  
Depute Provost Jennifer Stewart; and

#### COUNCILLORS

GILLIAN AL-SAMARAI  
YVONNE ALLAN  
CHRISTIAN ALLARD MEP  
ALISON ALPHONSE  
PHILIP BELL  
MARIE BOULTON  
DAVID CAMERON  
JOHN COOKE  
NEIL COPLAND  
WILLIAM CORMIE  
SARAH CROSS  
STEVEN DELANEY  
ALAN DONNELLY  
JACQUELINE DUNBAR  
LESLEY DUNBAR  
SARAH DUNCAN  
STEPHEN FLYNN  
GORDON GRAHAM  
ROSS GRANT  
MARTIN GREIG  
DELL HENRICKSON  
RYAN HOUGHTON

MICHAEL HUTCHISON  
CLAIRE IMRIE  
FREDDIE JOHN  
JENNIFER LAING  
DOUGLAS LUMSDEN  
SANDRA MACDONALD  
NEIL MacGREGOR  
AVRIL MacKENZIE  
ALEXANDER McLELLAN  
CIARÁN McRAE  
M. TAUQEER MALIK  
THOMAS MASON MSP  
JESSICA MENNIE  
ALEXANDER NICOLL  
AUDREY NICOLL  
JAMES NOBLE  
JOHN REYNOLDS  
PHILIP SELLAR  
GORDON TOWNSON  
JOHN WHEELER  
and  
IAN YUILL

Lord Provost Barney Crockett, in the Chair

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

<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=122&MId=6759&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 minute and this document will not be retrospectively altered.**

**WELCOME**

1. The Lord Provost welcomed the following three newly elected Councillors:

- Councillor Cross, Scottish Conservative and Unionist, Bridge of Don Ward;
- Councillor Mennie, Scottish National Party, Bridge of Don Ward; and
- Councillor Audrey Nicoll, Scottish National Party, Torry/ Ferryhill Ward

**ADMISSION OF BURGESSES**

2. The persons undermentioned were admitted into the presence of the Council and passed as Burgesses of Guild in respect of their respective Acts of Admission in the Guild Burgess Book:-

Atli Arnason, Managing Director, Aberdeen  
 Seonaidh Baker, Operations Manger, Incorporated Trades, Aberdeen  
 Gary Catto, Engineer, Aberdeen  
 Dr Duncan Cockburn, Director of Policy and Planning, Robert Gordon University, Aberdeen  
 Anne Donald, Teacher (Retired), Aberdeen  
 John Dunn, Marine Research (Retired), Aberdeen  
 Ronald Findlay, Police Officer (Retired), Aberdeen  
 Geoffrey Marston, Police Officer (Retired), Aberdeen  
 Forbes McCallum, Deputy Lieutenant City of Aberdeen, Aberdeen  
 Dr Olga Runcie, Consultant Psychiatrist, Aberdeen  
 David Strachan, Company Director, Aberdeen  
 Fraser Henderson, Financial Services Administrator, Aberdeen

**URGENT BUSINESS**

3. At this stage, Councillor Flynn requested that the following notice of motion be accepted as urgent business onto today's agenda by the Lord Provost:

That the Council agrees that Councillor Houghton be removed from office as the Business Manager.

Councillor Flynn advised that the matter was urgent as he was not aware of the matter in advance of the deadline for notices of motion and in light of the suspension of the Councillor Houghton from the Conservative and Unionist Group he believed that consideration of him continuing in the position as Business Manager was urgent.

The notice of motion was ruled incompetent by the Lord Provost as it did not comply with the terms of Standing Order 5.1 (Removal from Office).

Thereafter, Councillor Flynn moved as a procedural motion, seconded by Councillor Jackie Dunbar:-

That the Council suspend Standing Order 5.1 (Removal of Office).

On a division, there voted:-

For the procedural motion (22) - Councillors Al-Samarai, Allard MEP, Alphonse, Cameron, Cooke, Copland, Cormie, Delaney, Jackie Dunbar, Flynn, Greig, Henrickson, Hutchison, MacGregor, McLellan, McRae, Mennie, Alexander Nicoll, Audrey Nicoll, Noble, Townson and Yuill.

Against the procedural motion (23) - Lord Provost; Depute Provost; and Councillors Allan, Bell, Boulton, Cross, Donnelly, Lesley Dunbar, Duncan, Graham, Grant, Houghton, Imrie, John, Laing, Lumsden, Macdonald, MacKenzie, Malik, Mason MSP, Reynolds, Sellar and Wheeler.

**The Council resolved:-**  
to reject the procedural motion.

**In accordance with Standing Order 31.7, Councillors Al-Samarai, Allard MEP, Alphonse, Cameron, Cooke, Copland, Cormie, Delaney, Jackie Dunbar, Flynn, Greig, Henrickson, Hutchison, MacGregor, McLellan, McRae, Mennie, Alexander Nicoll, Audrey Nicoll, Noble, Townson and Yuill intimated their dissent against the foregoing decision.**

## **DECLARATIONS OF INTEREST**

4. The following declarations of interest were intimated at this stage:

Councillor Mason MSP declared a general interest by virtue of his position as a Member of the Scottish Parliament for North East Scotland.

Councillor Allard MEP declared a general interest by virtue of his position as a Member of the European Parliament for Scotland.

In relation to item item 9(d) (Governance Review of Trusts – Update) (Article 10 of this minute refers), the following declarations were made:

- The Lord Provost declared a non financial interest as the sole elected member who was a Trustee of a Trust that bore the Lord Provost's title and which was proposed to receive the remaining funds from Trusts that were proposed to be wound up. The Lord Provost considered that the nature of his interest required him to leave the meeting prior to consideration of the item. The Depute Provost would assume the Chair for this item.
- Councillor Boulton declared an interest as a member of the McBey Trust and the Aberdeen Music Festival Trust (Aberdeen International Youth Festival). Councillor Boulton considered that the nature of her interests did not require her to leave the meeting.
- The Depute Provost declared an interest as a member of the McBey Trust. The Depute Provost considered that the nature of her interest did not require her to leave the meeting.

## Council Meeting, 9 December 2019

- Councillors Al-Samarai Delaney, Donnelly, Houghton and Lumsden all declared an interest as members of the Proctor's Orphanage Trust. None of the Councillors considered that the nature of their interest required them to leave the meeting.

In relation to item 9(f) (Progress Update on Armed Forces Covenant accreditation process) (Article 12 of this minute refers), the following declarations were made:

- Councillor Hutchison declared an interest in by virtue of his position as a serving member of the Armed Forces Reserves. Councillor Hutchison considered that the nature of his interest did not require him to leave the meeting prior to consideration of the item.
- Councillors Henrickson and Houghton declared an interest as former members of the Armed Forces but did not consider that the nature of their interests required them to leave the meeting.
- Councillor Mennie declared an interest by virtue of her partner's position as a serving member of the Armed Forces Reserves. Councillor Mennie did not consider that the nature of her interest required her to leave the meeting.

## MINUTE OF MEETING OF ABERDEEN CITY COUNCIL OF 2 SEPTEMBER 2019

5. The Council had before it the minute of meeting of Aberdeen City Council of 2 September 2019.

**The Council resolved:-**

to approve the minute as a correct record.

### BUSINESS PLANNER

6. The Council had before it the business planner as prepared by the Chief Officer - Governance.

**The Council resolved:-**

- to note that item 4 (Aberdeen Local Development Plan) had been delayed to the next meeting of Council on 2 March 2019 as the Council was awaiting a report from the Scottish Government regarding the Strategic Development Planning Authority before the proposed Local Development Plan could be published; and
- to note the business planner.

### APPOINTMENT OF EXTERNAL MEMBERS - EDUCATION OPERATIONAL DELIVERY COMMITTEE - GOV/19/402

7. The Council had before it a report by the Chief Officer - Governance which sought approval for the appointment of two new parent representatives to the Education Operational Delivery Committee.

**The report recommended:-**

that the Council agree the appointment of Ms Tracey Blackie and Mr Rick Sansom as the new parent representatives on the Education Operational Delivery Committee with immediate effect.

**The Council resolved:-**

to approve the recommendations.

**LICENSING BOARD VACANCY - GOV/19/427**

8. The Council had before it a report by the Chief Officer - Governance which informed the Council in terms of s4(2) of Schedule 1 to the Licensing (Scotland) Act 2005 ("the 2005 Act") of the resignation of a Member of the Licensing Board, and sought the appointment of a Member to fill the resultant vacancy in terms of s2(4) of Schedule 1 of the 2005 Act.

**The report recommended:-**

that the Council –

- (a) note the resignation of Councillor John from the Licensing Board as of 2 September 2019; and
- (b) hold an election at the meeting of 9 December to appoint a Member to fill the vacancy on the Licensing Board.

**The Council resolved:-**

- (i) to approve recommendation (a); and
- (ii) to appoint Council MacKenzie to fill the vacancy on the Licensing Board.

**FAMILY LEAVE FOR ELECTED MEMBERS - GOV/19/429**

9. The Council had before it a report by the Chief Officer - Governance which provided details of guidance which was endorsed by COSLA (Convention of Scottish Local Authorities) Leaders and issued to Scottish Councils to consider adopting which would support Elected Members during periods of maternity, paternity, shared parental and adoption leave.

**The report recommended:-**

that the Council agree to adopt COSLA's "Family Leave Guidance for Councils", as appended to the report.

**The Council resolved:-**

to approve the recommendation.

## DECLARATION OF INTEREST

**In accordance with Article 4 of this minute, the Lord Provost left the meeting prior to consideration of the following item of business. The Depute Provost assumed the chair for this item of business only.**

### GOVERNANCE REVIEW OF TRUSTS - UPDATE - GOV/19/446

**10.** With reference to Article 12 of the minute of its meeting of 10 September 2018, the Council had before it a report by the Chief Officer - Governance which provided an update on the ongoing work to review, wind up and/or amalgamate uneconomic or obsolete Trusts.

#### **The report recommended:-**

that the Council –

- (a) acting in their capacity as trustees of the Educational Trusts listed in Appendix A:-
  - (i) approve the proposed actions in relation to each Trust as detailed in Appendix A; and
  - (ii) instruct the Chief Education Officer, following consultation with the Chief Officer – Governance, to take any necessary steps to implement these proposals;
- (b) acting in their capacity as trustees of the Children’s Social Work Trusts listed in Appendix B:-
  - (i) approve the proposed actions in relation to each Trust as detailed in Appendix B; and
  - (ii) instruct the Chief Officer – Integrated Children’s and Family Services, following consultation with the Chief Officer – Governance, to take any necessary steps to implement these proposals;
- (c) acting in their capacity as trustees of the Adult Social Work Trusts listed in Appendix C:-
  - (i) approve the proposed actions in relation to each Trust as detailed in Appendix C; and
  - (ii) instruct the Chief Officer – Aberdeen City Health and Social Care Partnership (ACHSCP), following consultation with the Chief Officer – Governance, to take any necessary steps to implement the proposals;
- (d) acting in their capacity as trustees of the Arts and Culture Trusts listed in Appendix D:-
  - (i) approve the proposed actions in relation to each Trust as detailed in Appendix D; and
  - (ii) instruct the Chief Officer – City Growth, following consultation with the Chief Officer – Governance, to take any necessary steps to implement these proposals;
- (e) acting in their capacity as trustees of the Trusts listed in Appendices A to D, instruct the Chief Officer – Governance, following consultation with the Chief Officer – Finance, to obtain authorisation from relevant regulatory authorities to vary the constitutions of the Trusts with a balance sheet of less than £20,000 to allow trustees to apply reserves;



- (f) acting in their capacity as trustees of the City of Aberdeen Council Guildry and Mortification Funds (SC011857), Lands of Skene (SC018533) and Lands of Torry (SC021299), note the progress of the reorganisation of these Trusts;
- (g) acting in their capacity as trustees of the Bridge of Don Fund (SC018551),
  - (i) approve the change of name of this charity from the Bridge of Don Fund to the Bridges of Aberdeen Heritage Trust; and
  - (ii) instruct the Chief Officer – Governance to take any necessary steps to implement this proposal;
- (h) acting in their capacity as trustees of the Robert Skene Mathew Bequest, Molly Craig Fund and Stewart Reid Memorial Fund:-
  - (i) instruct the Chief Officer – Governance, following consultation with the Chief Officer – Finance, to wind up the Trusts and transfer the funds to the Lord Provost’s Charitable Trust (SC028829); and
- (i) nominate an elected member for appointment as a trustee to Robb’s Trust.

**The Council resolved:-**

- (i) to approve the recommendations (a) to (h); and
- (ii) to nominate Councillor Cross for appointment as a trustee to Robb’s Trust.

**TREASURY MANAGEMENT POLICY AND STRATEGY - MID YEAR REVIEW - RES/19/432**

11. Council had before it a report by the Director of Resources which provided an update on Treasury Management activities undertaken to date during financial year 2019/20.

**The report recommended:-**

that the Council note the Treasury Management activities undertaken in the 2019/20 financial year to date, as detailed in the report.

**The Council resolved:-**

to approve the recommendation.

**PROGRESS UPDATE ON ARMED FORCES COVENANT ACCREDITATION PROCESS - CUS/19/461**

12. With reference to Article 15 of the minute of its meeting of 10 September 2018, the Council had before it a report by the Director of Customer which provided an update on progress made to date on the Armed Forces Covenant accreditation process.

**The report recommended:-**

that the Council -

- (a) note the progress made to date on the Armed Forces Covenant and Defence Employer Recognition Scheme (ERS); and
- (b) note the intention to submit an application for gold award accreditation by 31 March 2020.

**The Council resolved:-**

to approve the recommendations.

**NOTICE OF MOTION BY COUNCILLOR FLYNN**

**13.** The Council had before it the following notice of motion by Councillor Flynn:-

“This Council:

1. notes that hundreds of thousands of women had significant pension changes imposed on them by the Pensions Acts of 1995 and 2011 with little to no personal notification of the changes. In some cases, women had only two years notice of a six-year increase to their state pension age;
2. further notes that many women born in the 1950's were living in hardship with their retirement plans having been significantly changed. Many of these women were already out of the labour market, caring for elderly relatives, providing childcare for grandchildren, or suffer discrimination in the workplace so struggle to find employment. Women born in this decade were suffering financially;
3. understands that these women had paid their tax and national insurance with the expectation that they would be financially secure when reaching 60 and that it was not the pension age itself that was in dispute - it was widely accepted that women and men should retire at the same time;
4. agrees that the rise in the women's state pension age had been too rapid and had happened without sufficient notice being given to the women affected, leaving women with no time to make alternative arrangements;
5. calls upon the UK Government to make fair transitional state pension arrangements for all women born in the 1950s, who had unfairly borne the burden of the increase to the State Pension Age (SPA) with lack of appropriate notification; and
6. instructs the Chief Executive to write to the Secretary of State for Work and Pensions to outline the council's position.

Councillor Flynn moved, seconded by Councillor Mennie:-

That the Council approve the notice of motion.

Councillor Laing moved as an amendment, seconded by Councillor Lumsden:-

That the Council -

- (a) agree the notice of motion;
- (b) note that Section 24 of the Scotland Act 2016 amends the Scotland Act 1998, allowing the Scottish Parliament to introduce Discretionary payments to top up reserved benefits to an individual who is entitled to a reserved benefit and appears to require financial assistance in addition to any amount the individual receives by way of reserved benefit;
- (c) note the 1998 Act, as amended, defines reserved benefit as, “a benefit which is to any extent a reserved matter;
- (d) note that the 1998 Act (as amended by Section 28 of the Scotland Act 2016) allows the Scottish Parliament to create new benefits which could include WASPI women; and
- (e) therefore, agree to instruct the Chief Executive to write to the First Minister urging the Scottish Government to use the powers of the Scottish Parliament to provide financial assistance to WASPI women should the UK Government fail to act.

On a division, there voted:-

For the motion (19) - Councillors Al-Samarai, Allard MEP, Alphonse, Cameron, Cooke, Copland, Cormie, Jackie Dunbar, Flynn, Henrickson, Hutchison, MacGregor, McLellan, McRae, Mennie, Alexander Nicoll, Audrey Nicoll, Noble and Townson.

For the amendment (26) - Lord Provost; Depute Provost; and Councillors Allan, Bell, Boulton, Cross, Delaney, Donnelly, Lesley Dunbar, Duncan, Graham, Grant, Greig, Houghton, Imrie, John, Laing, Lumsden, Macdonald, MacKenzie, Malik, Mason MSP, Reynolds, Sellar, Wheeler and Yuill.

**The Council resolved:-**

to adopt the amendment.

- **BARNEY CROCKETT, Lord Provost.**

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## URGENT BUSINESS COMMITTEE

ABERDEEN, 19 December 2019. Minute of Meeting of the URGENT BUSINESS COMMITTEE. Present:- Councillor Laing, Convener; Councillor Lumsden, Vice Convener; and Councillors Bell (as substitute for Councillor Houghton), Boulton, Cameron (as substitute for Councillor Flynn), Jackie Dunbar, Grant, Alex Nicoll and Yuill.

The agenda associated with this minute can be found [here](#).

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 Section 1.3 of the Committee Remit 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 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 notice of motion was of an urgent nature and required to be considered this day to enable the Committee to consider the matter at the earliest available opportunity and take decisions thereon.

### DECLARATIONS OF INTEREST

2. There were no declarations of interest.

### JOINT NOTICE OF MOTION BY COUNCILLORS BOULTON, LAING AND LUMSDEN

3. The Committee had before it a joint notice of motion by Councillors Boulton, Laing and Lumsden in the following terms:-

“That the Committee -

- (1) note that Councillor Donnelly was convicted on 13 December 2019 and is due to be sentenced at the end of January 2020;
- (2) note that Councillor Donnelly has resigned from the Scottish Conservative and Unionist Party;
- (3) note that Councillor Donnelly is no longer a member of the administration;
- (4) call upon Councillor Donnelly to resign as a Councillor of Aberdeen City Council;
- (5) instruct the Chief Officer - Governance to bring proposals to Full Council on 2 March 2020 to consider the re-allocation of committee places and outside

## URGENT BUSINESS COMMITTEE

19 December 2019

- bodies following Councillor Donnelly's resignation from the Scottish Conservative and Unionist Party; and
- (6) instruct the Chief Officer - Governance, as part of the proposals referred to in (5) above, to also seek proposals for the removal and/or appointment of:
- a. Lord Provost;
  - b. Depute Provost;
  - c. Leader or Co-Leaders;
  - d. Depute Leader;
  - e. Business Manager;
  - f. Depute Business Manager; and
  - g. Conveners and Vice-Conveners."

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

- (i) to note that Councillor Donnelly was convicted on 13 December 2019 and is due to be sentenced at the end of January 2020;
- (ii) to note that Councillor Donnelly has resigned from the Scottish Conservative and Unionist Party;
- (iii) to note that Councillor Donnelly is no longer a member of the administration;
- (iv) to call upon Councillor Donnelly to resign as a Councillor of Aberdeen City Council and instruct the Chief Executive to inform him of the decision of Council;
- (v) to instruct the Chief Officer - Governance to bring proposals to Full Council on 2 March 2020 to consider the re-allocation of committee places and outside bodies following Councillor Donnelly's resignation from the Scottish Conservative and Unionist Party;
- (vi) to instruct the Chief Officer - Governance, as part of the proposals referred to in (v) above, to also seek proposals for the removal and/or appointment of:
  - (a) Lord Provost;
  - (b) Depute Provost;
  - (c) Leader or Co-Leaders;
  - (d) Depute Leader;
  - (e) Business Manager;
  - (f) Depute Business Manager; and
  - (g) Convener and Vice-Conveners;
- (vii) to agree to remove Councillor Donnelly from all outside bodies where he has been appointed as a named member and that replacement appointments be made in line with point (v) above;
- (viii) to agree, should Councillor Donnelly resign as a Councillor by 6 January 2020, to instruct the Chief Officer - Governance to bring proposals to a special meeting of Full Council immediately following the outcome of the by-election, on a date to be agreed by the Lord Provost, to consider the re-allocation of committee places and outside bodies, should the political composition have changed; and
- (ix) to agree that Councillor Donnelly be referred to the Ethical Standards Commissioner and instruct the Chief Executive to make the referral.

**- JENNIFER LAING, Convener.**

**URGENT BUSINESS COMMITTEE**  
19 December 2019

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	A	B	C	D	E	F	G	H	I
1	<b>COUNCIL BUSINESS PLANNER</b> The Business Planner details the reports which have been instructed by the Council as well as reports which the Functions expect to be submitting for the calendar year.								
2	<b>Report Title</b>	<b>Minute Reference/Committee Decision or Purpose of Report</b>	<b>Update</b>	<b>Report Author</b>	<b>Chief Officer</b>	<b>Director</b>	<b>Terms of Reference</b>	<b>Delayed or Recommended for removal or transfer, enter either D, R, or T</b>	<b>Explanation if delayed, removed or transferred</b>
3			<b>02 March 2020</b>						
4	Scheme of Governance Review	To report with proposals following a further review of the Scheme of Governance.	<b>A report is on the agenda.</b>	Fraser Bell	Governance	Governance	13		
5	Treasury Management Policy and Strategy	To outline the Treasury Management Policy and Strategy for 2020/21 to 2022/23 for approval.	<b>A report is on the agenda.</b>	Neil Stewart	Finance	Resources	5		
6	Proposed Aberdeen Local Development Plan	To present the proposed Aberdeen Local Development Plan.	Delayed from meeting on 9/12/19 as the Council was awaiting a report from the Scottish Government regarding the Strategic Development Planning Authority before the proposed Local Development Plan can be published. <b>A report is on the agenda.</b>	Gale Beattie	Strategic Place Planning	Place	8		
7	Committee Places	UBC 19/12/19 resolved to instruct the Chief Officer - Governance to bring proposals to Full Council on 2 March 2020 to consider the re-allocation of committee places and outside bodies following Councillor Donnelly's resignation from the Scottish Conservative and Unionist Party.	<b>This is covered in the Scheme of Governance report on the agenda.</b>		Governance	Governance	7		
8	Appointments to Positions	UBC 19/12/19 resolved to instruct the Chief Officer - Governance, as part of the proposals referred to in (v) above, to also seek proposals for the removal and/or appointment of: (a) Lord Provost; (b) Depute Provost; (c) Leader or Co-Leaders; (d) Depute Leader; (e) Business Manager; (f) Depute Business Manager; and (g) Convener and Vice-Conveners	<b>This is covered in the Scheme of Governance report on the agenda.</b>		Governance	Governance	7		

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Director	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
9	Temporary Lease at Torry Battery	To advise of a proposed temporary lease at Torry Battery	<b>A report is on the agenda.</b>	Cate Armstrong	Corporate Landlord	Resources	Introduction 6		
10			<b>03 March 2020 (Budget meeting)</b>						
11	Council Delivery Plan 2020/21	To present the Council's Delivery Plan for 2020/21 and detail the Council's priorities for 2020/21.	<b>A report is on the agenda for the Budget Meeting on 3 March 2020</b>	Martin Murchie	Business Intelligence and Performance	Commissioning	2		
12	General Fund Revenue Budget and Capital Programme 2020	To set the General Fund Revenue Budget and Capital Programme	<b>A report is on the agenda for the Budget Meeting on 3 March 2020</b>	Jonathan Belford	Finance	Resources	1 and 2		
13	Common Good Budget 20/21	To provide details of the draft Common Good Budget for consideration by members	<b>A report is on the agenda for the Budget Meeting on 3 March 2020</b>	Jonathan Belford	Finance	Resources	2		
14	Housing Revenue Account Budget 20/21	To provide members with information to allow the setting of the rent level for 2020/21 as well as provisional rent levels for future years. In turn this will allow a capital programme for 2020/21 as well as a provisional programme for future years.	<b>A report is on the agenda for the Budget Meeting on 3 March 2020</b>	Jonathan Belford	Finance	Resources	2		
15	Policy that Specifies the Existing Granite Setts and Lock Block Streets - NOM Former Cllr Corall	Council 15/03/17 referred the terms of the motion to Communities, Housing and Infrastructure Committee. "agrees to instruct the Interim Director of Communities, Housing and Infrastructure to develop a policy that specifies: a. the location of existing granite sett and lock block streets; b. which ones should be maintained; and c. what maintenance procedure should be used; and gives a commitment that any future repair work will be carried out sympathetically and appropriately."	Transferred from the ODC business planner at its meeting on 9 January 2020.	Angus MacIver/ Paul Davies	Operations and Protective Services	Operations	Previous Council Decision	R	It is recommended that there will be a service standard relating to setts, rather than a Policy. The service standard is contained in Appendix 11 of item 5.2 the agenda for the Council meeting on 3 March 2020 states that the Council will adhere to a setts procedure.
16			<b>29 June 2020</b>						
17	Treasury Management Policy and Strategy - Year End Review	To update the Council on Treasury Management activities undertaken during financial year 2019/20.		Neil Stewart	Finance	Resources	5		

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Director	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
18	Council Annual Effectiveness Report and Committee Annual Effectiveness Reports	To present the annual effectiveness report for Council, as well as the annual effectiveness reports of the various committees, which have been considered by those committees.		Allison Swanson	Governance	Governance	10		
19	Council Diary	To present the Council diary for approval.		Lynsey McBain	Governance	Governance			
20			<b>24 August 2020</b>						
21									
22			<b>14 December 2020</b>						
23	Fairer Aberdeen Fund Annual Report 2019/20	To provide members with the Fairer Aberdeen Fund Annual Report for 2019/20.		Susan Thoms	Early Intervention and Community Empowerment	Customer	Council decision		
24	Treasury Management Policy and Strategy - Mid-Year Review	To update the Council on Treasury Management activities undertaken to date during the financial year 2020/21.		Neil Stewart	Finance	Resources	5		

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## ABERDEEN CITY COUNCIL

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<b>COMMITTEE</b>	Council
<b>DATE</b>	02 March 2020
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Treasury Management Policy and Strategy
<b>REPORT NUMBER</b>	RES/20/043
<b>DIRECTOR</b>	Steven Whyte
<b>CHIEF OFFICER</b>	Jonathan Belford
<b>REPORT AUTHOR</b>	Neil Stewart
<b>TERMS OF REFERENCE</b>	5

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### **1. PURPOSE OF REPORT**

- 1.1 To outline the Treasury Management Policy and Strategy for 2020/21 to 2022/23, for approval.

### **2. RECOMMENDATIONS**

That Council: -

- 2.1 Approve the Council's Treasury Management Policy Statement for 2020/21 to 2022/23 as detailed at Appendix 1;
- 2.2 Approve the Council's Borrowing Strategy for 2020/21 to 2022/23 as detailed at Appendix 2;
- 2.3 Approve the Council's Investment Strategy for 2020/21 to 2022/23 as detailed at Appendix 3; and
- 2.4 Approve the Council's Counterparty list as detailed at Appendix 4.

### **3. BACKGROUND**

#### **3.1 Introduction**

- 3.1.1 The Council approved a Treasury Management policy for the financial years 2019/20 to 2021/22 on 4 March 2019. Part of this policy is to report annually on a strategy for future financial years. A final report reviewing Treasury

Management activities for the year, as well as a mid-year review, will also be presented to full Council, in due course.

3.1.2 Councils are required by the Local Government Capital Expenditure Limits (Scotland) Regulations 2004 to have regard to the Prudential Code for Capital Finance in Local Authorities (“the Code”) when carrying out their duties under part 7 of the Local Government in Scotland Act 2003.

3.1.3 It is a requirement of this Code that Treasury Management is carried out in accordance with good professional practice. The Code requires compliance with the CIPFA "Code of Practice for Treasury Management in the Public Services", which this Council does. The CIPFA Code of Practice state that Treasury Management Strategy reports must be approved by full Council.

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

### **3.2 Treasury Management Policy Statement 2020/21 to 2022/23**

3.2.1 The proposed Treasury Management Policy Statement for 2020/21 to 2022/23 is set out in detail at Appendix 1 and is subject to annual review. This Policy Statement uses a form of words as recommended by CIPFA in its Code of Practice for Treasury Management in the Public Services.

### **3.3 Borrowing and Investment Strategy 2019/20 to 2021/22**

3.3.1 There are no key changes within the Council’s Borrowing and Investment Strategies for 2020/21 to 2022/23.

3.3.2 Appendix 2 includes for approval, the Council's Borrowing Strategy for 2020/21 to 2022/23. Appendix 3 includes for consideration and approval, the Council's Investment Strategy for 2020/21 to 2022/23. These strategies are subject to annual review.

3.3.3 The process of setting these strategies takes account of the pre-existing structure of the Council’s debt and investment portfolios. The limits on fixed rate debt and variable rate debt within this Treasury Management Strategy may be subject to further change, in line with market conditions. However, any such change to these limits would be reported to Council.

3.3.4 One of the key areas of the Local Government Investments (Scotland) Regulations 2010 (the “investment regulations”) is permitted investments. Under the regulations and the associated Finance Circular 5/2010, local authorities are required to set out in their Strategy the types of investment that they will permit in the financial year. These are known as permitted investments. The Council is required to set a limit to the amounts that may be held in such investment types at any time in the year, although some types of investment may be classed as unlimited, e.g. Bank deposits (subject to individual Counterparty list limits).

3.3.5 Permitted Investment instruments identified for use in the financial years 2020/21 to 2022/23 are listed in Appendix 3.

The Annual Investment Strategy is also required to identify: -

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

### **3.4 Counterparty List**

3.4.1 The Council, as part of its Treasury Policy, has an approved listing of banks and other financial institutions (the Counterparty list) with which it can undertake short-term money investments.

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

3.4.3 The Counterparty list was last updated on 24 June 2019, and is attached at Appendix 4, for approval.

3.4.4 Last year, in order to assist the Pension Fund to manage their cashflow position, additional capacity was added to the Council's Money Market Fund limits. Limits of £20m per fund, were raised to £50m, in line with levels utilised during the Bond Issuance. This allowed the Loans Fund to accept additional sums of up to £200m from the Pension Fund. The Pension Fund has since reduced its temporary balance in the loans fund to c.£65m. In line with this reduction, the updated Counterparty List at Appendix 4 proposes to reduce Money Market Fund limits from £50m to £30m.

### **3.5 CIPFA Code of Practice for Treasury Management in the Public Services**

3.5.1 A revised version of the Treasury Management Code of Practice was issued by CIPFA in December 2017. The Treasury Management Policy Statement, Borrowing and Investment Strategy documents contained within this report have been prepared in line with this latest version.

### **3.6 The Prudential Code for Capital Finance in Local Authorities**

3.6.1 Similarly a revised version of the Prudential Code contained several changes to the governance around Prudential Code borrowing. The main changes were the inclusion of a new Capital Strategy, and the removal of some previously reported indicators.

3.6.2 The Capital Strategy will demonstrate that the Council takes capital expenditure and investment decisions in line with service objectives and properly takes account of stewardship, value for money, prudence, sustainability and affordability. The Capital Strategy will also set out the long-term context in which

capital expenditure and investment decisions are made and give due consideration to both risk and reward and impact on the achievement of priority outcomes.

- 3.6.3 The Capital Strategy will be developed, reported for approval and implemented in due course.
- 3.6.4 The ability for the Council to set the scope and size of its capital plans remains unrestricted, but the prudential system processes have been strengthened to set out greater consideration of prudence, with sustainability and risk reporting to be improved through governance procedures.
- 3.6.5 The Council remains required to comply with the requirements of the Prudential Code. This includes the setting of several Prudential Indicators.
- 3.6.6 Included within these indicators are several Treasury Management Indicators for External Debt boundaries. The Code does state "It will probably not be significant if the operational boundary is breached temporarily on occasions due to variations in cash flow. However, a sustained or regular trend above the operational boundary would be significant and should lead to further investigation and action as appropriate".
- 3.6.7 The Council has in place an early warning system to highlight when these indicators are likely to be breached. No indicators were breached during the previous year.
- 3.6.8 The Prudential Indicators 2019/20 to 2023/24 will be considered and approved by Council at its budget meeting on 3rd March 2020.

### **3.7 National Limit on Local Authority Borrowing**

- 3.7.1 HM Treasury has a reserve power to limit local authority borrowing for 'national economic reasons'. Legislation specifies that any such 'National Limit' would be used to protect the country's economic interest if local borrowing under the Prudential Code, albeit prudent locally, were unaffordable nationally.
- 3.7.2 In principal, a national limit could be set at any point during any financial year. Any such national limit would be implemented, based on local authorities outstanding borrowing with all future borrowing being reduced proportionately. There are no known plans for the introduction of a national limit.

## **4. FINANCIAL IMPLICATIONS**

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



whether the capital financing costs can be contained within the revenue budgets.

## 5. LEGAL IMPLICATIONS

- 5.1 There are no direct legal implications arising from the recommendations of this report, however it should be noted that the issuance of the Bonds requires the Council to comply with the Market Abuse Regulations, the Disclosure and Transparency Rules, the Listing Rules and ongoing obligations as set out in the London Stock Exchange Admission and Disclosure Standards.

## 6. MANAGEMENT OF RISK

	Risk	Low (L), Medium (M), High (H)	Mitigation
<b>Financial</b>	Loss of deposit in a failed bank or financial institution	L	The Council has strict lending criteria, only financial institutions with the highest credit ratings are included on the Council's Counterparty list. The list is compiled in conjunction with the Council's Treasury Advisors and is under constant review.

## 7. OUTCOMES

The proposals in this report have no impact on the Local Outcome Improvement Plan or the Target Operating Model.

## 8. IMPACT ASSESSMENTS

Assessment	Outcome
<b>Equality &amp; Human Rights Impact Assessment</b>	Not Required
<b>Privacy Impact Assessment</b>	Not Required
<b>Duty of Due Regard / Fairer Scotland Duty</b>	Not Applicable

## **9. BACKGROUND PAPERS**

- 9.1 CIPFA "Code of Practice for Treasury Management in the Public Services ";  
CIPFA "The Prudential Code for Capital Finance in Local Authorities";  
Link Asset Services "Treasury Management Annual Investment Strategy";  
Scottish Government "The Investment of Money by Scottish Local Authorities".

## **10. APPENDICES**

- 10.1 Appendix 1 - Treasury Management Policy Statement for 2020/21 to 2022/23  
Appendix 2 - Borrowing Strategy for 2020/21 to 2022/23  
Appendix 3 - Investment Strategy for 2020/21 to 2022/23  
Appendix 4 - Counterparty List

## **11. REPORT AUTHOR CONTACT DETAILS**

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ABERDEEN CITY COUNCIL

TREASURY MANAGEMENT POLICY STATEMENT FOR 2020/21 TO 2022/23

The proposed Treasury Management Policy for 2020/21 to 2022/23 is as follows:

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

**ABERDEEN CITY COUNCIL**

**BORROWING STRATEGY FOR 2020/21 TO 2022/23**

The proposed Treasury Management Borrowing Strategy for 2020/21 to 2022/23 is as follows:

1. Under the Prudential Code previous borrowing restrictions linked to consents no longer apply. Despite raising their borrowing rates by 1% last year, longer dated PWLB (Public Works Loans Board) rates, in periods from 40 to 50 years, continue at relatively low levels and the strategy would be to borrow, if required, in these periods to take advantage of those rates. Rates are monitored on an on-going basis to determine the optimum time to undertake any necessary borrowing. When decisions on new borrowing are being made, due consideration must also be given to the Council's Debt Maturity Profile.
2. Approximately 42% of the Council's borrowing is in long-term fixed rate loans. Whilst there is no immediate intention to reschedule these debts in 2020/21, if opportunities arise to do so that will result in a decrease in the Council's cost of borrowing then these will be fully examined to determine whether this represents Best Value. Due care and attention to FRS 25 and 26 will be examined prior to entering any such commitment.
3. It is recommended that the Council sets an upper limit on its fixed interest rate exposures for 2020/21, 2021/22 and 2022/23 of 100% of its net outstanding principal sums.
4. It is further recommended that the Council sets an upper limit on its variable interest rate exposures for 2020/21, 2021/22 and 2022/23 of 30% of its net outstanding principal sums. This means that the Chief Officer - Finance will manage fixed interest rate exposures within the range 70% to 100% and variable interest rate exposures within the range 0% to 30%.
5. It is recommended that the Council sets upper and lower limits for the maturity structure of its borrowing as follows:

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

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

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

## STATUTORY REPAYMENT OF LOANS FUND ADVANCES

The Council is required to set out its policy for the statutory repayment of loans fund advances prior to the start of the financial year. The repayment of loans fund advances ensures that the Council makes a prudent provision each year to pay off an element of the accumulated loans fund advances made in previous financial years.

For Loans Fund balances outstanding as at 1 April 2019, the policy will be to adopt a simplified prudent approach that uses an average Loans Fund repayment period of 40 years, applying an annuity method. The interest rate used for the annual repayment will be 5%, with this being the average consolidated rate on the Councils external borrowing for the period 2003/04 to 2018/19.

The average life and average interest rate will be kept under review each year to ensure they remain prudent.

The policy is subject to the following details:

- An average Asset life for the year's total advances will normally be used. There will not be separate schedules for the components of a building (e.g. plant, roof etc).
- The Average Asset Life will be determined by the Chief Officer - Finance.
- The interest rate used in the annuity calculation will be determined by the Chief Officer - Finance.
- Loans Fund Repayments will commence in the year following the year in which capital expenditure financed from borrowing is incurred, except for assets under construction where repayments will be deferred until the year after the asset becomes operational.
- Other methods to provide for debt repayment may occasionally be used in individual cases where this is consistent with the statutory duty to be prudent, as justified by the circumstances of the case, at the discretion of the Chief Officer - Finance.
- If appropriate, shorter repayment periods (i.e. less than the asset life) may be used for some or all new borrowing.
- The policy will aim to support the maintenance of a balanced and sustainable HRA business plan.
- Where revenue contributions or specific grants are received from government or other sources that can be associated with the debt financing costs of capital investment, then the repayments will be profiled in line with the income profile (e.g. TIF, City Deal). These will be kept under review to ensure the provision for repayment remains prudent.
- The Council may make additional voluntary debt repayment provision from revenue or capital resources. In this case, the Chief Officer - Finance may make an appropriate reduction in later years' levels of Loans Fund Repayments.

The policy was previously approved by the City Growth & Resources committee on 25 April 2019 and can be viewed via the following link:  
<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=618&MId=6191&Ver=4>

**ABERDEEN CITY COUNCIL**

**INVESTMENT STRATEGY FOR 2020/21 TO 2022/23**

The proposed Treasury Management Investment Strategy for 2020/21 to 2022/23 is as follows:

1. The Council's investment priorities are: -
  - (a) the security of capital and
  - (b) the liquidity of its investments.
2. The strategy is designed to ensure that the Council complies with all applicable legislation and regulation relating to the management of portfolio liquidity risk and has robust controls in place to protect the financial soundness of this Council.
3. The strategy must be read in conjunction with all applicable operational policies. The strategy is aligned with the low risk appetite of this Council and fundamentally with the two key principles of preservation of capital and guarantee of liquidity of the investments. The strategy has also been designed to provide the Council with the flexibility to obtain an adequate return on its investments in line with predefined levels of security and liquidity.
4. The Council's approved counterparty list will be adhered to when making short-term investments and reviewed as necessary. This ensures that only those counterparties with the highest credit ratings are used within the maximum limits set. If it is considered necessary to make any changes to the list Committee approval will be sought.
5. Prior to the introduction of the current investment regulations, investments made by Scottish local authorities were limited to one year. This restriction was removed from 1<sup>st</sup> April 2010 and the Council accordingly has used these powers when such investing is both appropriate and attractive, while respecting the key principles of preservation of capital and guaranteeing the liquidity of the investments.
6. Rates offered by approved counterparties are monitored on an on-going basis to determine the optimum time to undertake any investments. When decisions on new investments are being made, due consideration must also be given to the Council's projected cashflow position.
7. With the introduction of investment regulations, the Local Authority investment market will start to develop new investment products. In order to protect against any possible loss of income, the power to add a new investment instrument to the list of Permitted Investments, should be delegated to the Chief Officer - Finance. Any such approval would be reported at the next City Growth and Resources Committee meeting.

8. Liquidity of its investments is a key priority of the Council. To ensure good availability of liquidity for cashflow purposes, no more than 50% of the Council's available investments should be placed in longer-term, fixed rate investments. The remainder will be kept in highly liquid investments and invested on a short-term basis, using either Bank deposits or "Aaa"/"AAA" rated Money Market Funds.
9. Any change in the level of liquidity held will require approval from the Chief Officer - Finance and will be reported at the next City Growth and Resources Committee meeting.
10. The level of liquidity required at any given time will be based on several factors, including: -
  - (a) the Council's cashflow requirements over the months ahead. This would include any known payments to third parties, loan repayments etc.
  - (b) the level of surplus funds administered on behalf other bodies such as the Pension Fund, ALEOs and Trusts, as these funds may be called back at any time by the bodies.
  - (c) any payment with regards to capital projects which may require financing at short notice.

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### LIST OF PERMITTED INVESTMENTS

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

#### DEPOSITS - Unlimited (subject to individual Counterparty list limits)

- Debt Management Agency Deposit Facility
- Term deposits – local authorities (as per Counterparty list)
- Call accounts – banks and building societies (as per Counterparty list)
- Term deposits – banks and building societies (as per Counterparty list)
- Fixed term deposits with variable rate/maturities (Structured deposits, as per Counterparty list)

#### COLLECTIVE INVESTMENT SCHEMES - £240m

- Government Liquidity Funds
- Money Market Funds (subject to individual Counterparty list limits)
- Enhanced cash funds
- Gilt Funds
- Bond Funds

#### GOVERNMENT SECURITIES - £100m

- Treasury Bills
- UK Government Gilts
- Bond issuance (from financial institution guaranteed by UK Government)
- Bonds issued by multi-lateral development banks



## CORPORATE SECURITIES - £10m

- Certificates of deposit (as per Counterparty list)

## PERMITTED INVESTMENTS - NON-TREASURY INVESTMENTS

- The Council can also invest in the following areas, which are out with the Treasury Management scope and would be subject to separate committee approval: -
  - a) All shareholding, unit holding and bond holding, including those in a local authority owned company;
  - b) Loans to a local authority company or other entity formed by a local authority to deliver services, including Joint Venture entities;
  - c) Loans made to third parties;
  - d) Investment properties.

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## TREASURY RISKS AND CONTROLS

All treasury borrowing and investments are subject to the following risks: -

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

Control: This authority has set minimum credit criteria to determine which counterparties and countries are of sufficiently high creditworthiness to be considered for investment purposes.

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

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

3. Market risk: this is the risk that, through adverse market fluctuations in the value of the principal sums an organisation borrows and invests, its stated treasury management policies and objectives are compromised, against which effects it has failed to protect itself adequately. However, some cash rich local authorities

may positively want exposure to market risk e.g. those investing in investment instruments with a view to obtaining a long-term increase in value.

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

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

Control: This authority manages this risk by having a view of the future course of interest rates and then formulating a treasury management strategy accordingly which seeks to minimise borrowing costs.

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

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

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## OBJECTIVES OF PERMITTED INVESTMENTS

DEPOSITS - The following forms of 'investments' are more accurately called deposits as cash is deposited in an account until an agreed maturity date or is held at call.

- Debt Management Agency Deposit Facility (DMADF) – This offers the lowest risk form of investment available to local authorities as it is effectively an investment placed with the Government. As it is low risk it also earns low rates of interest. The longest period for a term deposit with the DMADF is 6 months.
- Term Deposits – This is the most widely used form of investing used by local authorities. It offers a much higher rate of return than the DMADF. In addition, longer term deposits offer an opportunity to increase investments returns by locking in high rates ahead of an expected fall in the level of interest rates.
- Call accounts – The objectives are as for Term Deposits, but with instant access to recalling cash deposited. This generally means accepting a lower rate of interest than that which could be earned from the same institution by making a term deposit. Use of call accounts is highly desirable to ensure that the authority has ready access to cash for liquidity purposes.
- Fixed term deposits with variable rate/maturities – This encompasses all types of structured deposits. There has been considerable change in the types of structured deposits brought to the market over the last few years, some of which

are already no longer available. In view of the fluid nature of this area, this section allows flexibility to adopt new instruments as and when they are brought to the market.

- Deposits with Counterparties currently in receipt of government support/ownership – These banks offer another dimension of creditworthiness in terms of Government backing through either partial or full direct ownership. The view of this authority is that such backing makes these banks attractive institutions with whom to place deposits.

#### COLLECTIVE INVESTMENT SCHEMES -

- Money Market Fund (MMF) – By definition, MMFs are AAA rated and are widely diversified, using many forms of money market securities including types which this authority does not currently have the expertise or capabilities to hold directly. Money Market Funds can have either a constant net asset value (CNAV) or a low volatility net asset value (LVNAV).
- Due to the high level of expertise of the fund managers and the huge amounts of money invested in MMFs, and the fact that the weighted average maturity (WAM) cannot exceed 60 days, MMFs offer a combination of high security, instant access to funds, high diversification and good rates of return compared to equivalent instant access facilities. They are particularly advantageous in falling interest rate environments as their 60-day WAM means they have locked in investments earning higher rates of interest than are currently available in the market.
- MMFs also help an authority to diversify its own portfolio and offer an effective way of minimising risk exposure while still getting much better rates of return than available through the DMADF.
- Government Liquidity Funds – These are the same as money market funds (see above) but only invest in government debt issuance with highly rated governments. Due to the higher quality of underlying investments, they offer a lower rate of return than MMFs. However, their net return is typically on a par with the DMADF, but with instant access.
- Enhanced cash funds – These funds are similar to MMFs, can still be AAA rated but have variable net asset values (VNAV). They aim to achieve a higher yield and to do this either take more credit risk or invest out for longer periods of time, which means they are more volatile.
- These funds can have WAMs and Weighted Average Life (WALs) of 90 – 365 days or even longer. Their primary objective is yield and capital preservation is second. They therefore are a higher risk than MMFs and correspondingly have the potential to earn higher returns than MMFs.
- Gilt Funds – These are funds which invest only in UK Government gilts. They offer a lower rate of return than bond funds but are highly rated both as a fund and through investing only in highly rated government securities. They offer a higher rate of return than investing in DMADF, but they do have an exposure to movements in market prices of assets held.

- Bond Funds – These can invest in both government and corporate bonds. This therefore entails a higher level of risk exposure than gilt funds and the aim is to achieve a higher rate of return than normally available from gilt funds by trading in non-government bonds.

GOVERNMENT SECURITIES – The following types of investments are where a local authority directly purchases a particular investment instrument - a security. It has a market price when purchased and that value can change during the period the instrument is held until it matures or is sold. The annual earnings on a security is called a yield - it is normally the interest paid by the issuer divided by the price paid, unless the security is initially issued at a discount (e.g. treasury bills).

- Treasury Bills – These are short term bills (up to 12 months, although none have ever been issued for this maturity) issued by the Government and so are backed by the sovereign rating of the UK. The yield is higher than the rate of interest paid by the DMADF and another advantage compared to a time deposit in the DMADF is that they can be sold if there is a need for access to cash at any point in time. However, there is a spread between purchase and sale prices so early sales could incur a net cost during the period of ownership.
- UK Government Gilts – These are longer term debt issuance by the UK Government and are backed by the sovereign rating of the UK. The yield is higher than the rate of interest paid by the DMADF and another advantage compared to a time deposit in the DMADF is that they can be sold if there is a need for access to cash at any point in time. However, there is a spread between purchase and sale prices so early sales may incur a net cost. Market movements that occur between purchase and sale may also have an adverse impact on proceeds. The advantage over Treasury bills is that they generally offer higher yields the longer it is to maturity, if the yield curve is positive.
- Bond issuance (from financial institution guaranteed by UK Government) – This is similar to a gilt due to the Government guarantee.
- Bonds issued by multi-lateral development banks (MLDBs) – These are similar to both gilts and bond issuance but are issued by MLDBs which are typically guaranteed by a group of sovereign states e.g. European Bank for Reconstruction and Development.

CORPORATE SECURITIES – The following types of investments are where a local authority directly purchases a particular investment instrument – a security. It has a market price when purchased and that value can change during the period is held until it is sold. The annual earnings on a security is called a yield – the interest paid by the issuer divided by the price paid. These are similar to government securities although they generally have a higher risk than government debt and as such earn higher yields.

- Certificates of deposit (CDs) – These are shorter term securities issued by deposit taking institutions (mainly financial institutions). They are negotiable instruments, so can be sold ahead of maturity and purchased after they have been issued. However, that liquidity can come at a price, where the yield could be marginally less than placing a deposit with the same bank as the issuing bank.

## PERMITTED INVESTMENTS - NON-TREASURY INVESTMENTS

- The Council recognises that investment in other financial assets and property primarily for financial return, taken for non-treasury management purposes, requires careful investment management. Such activity includes loans supporting service outcomes, investments in subsidiaries/ALEOs, and investment property portfolios.

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**COUNTERPARTY LIST**

**Deposits up to 12 months**

All the banks listed in this category have a suggested duration of 12 months from our treasury advisors, Link Asset Services (LAS) credit rating list – i.e. the highest rated

**UK Nationalised and Part Nationalised Banks - £30m limit**

The Royal Bank of Scotland Group plc  
(includes Royal Bank of Scotland plc, National Westminster Bank plc)  
(actual rating overridden by the significant UK Govt. Ownership, i.e. >20%)

**UK Banks - £30m limit**

HSBC Bank plc  
Lloyds Banking Group (includes Bank of Scotland)  
Handelsbanken PLC

**Other Banks - £20m limit**

Countries with a minimum of AA+ Sovereign rating and Banks with a suggested duration of 12 months from LAS credit rating list – i.e. the highest rated

**Australia - AAA**

Australia and New Zealand Banking Group Ltd.  
Commonwealth Bank of Australia  
National Australia Bank Ltd.  
Westpac Banking Corp.

**Canada - AAA**

Bank of Montreal  
Bank of Nova Scotia  
Canadian Imperial Bank of Commerce  
Royal Bank of Canada  
Toronto-Dominion Bank

**Finland – AA+**

Nordea Bank ABP

**Germany - AAA**

DZ BANK AG Deutsche Zentral-Genossenschaftsbank  
Landwirtschaftliche Rentenbank  
NRW.BANK

### **Netherlands - AAA**

Bank Nederlandse Gemeenten N.V.  
Cooperatieve Rabobank U.A.  
ING Bank N.V.

### **Singapore - AAA**

DBS Bank Ltd.  
Oversea-Chinese Banking Corp. Ltd.  
United Overseas Bank Ltd

### **Sweden - AAA**

Skandinaviska Enskilda Banken AB (SEB)  
Svenska Handelsbanken AB  
Swedbank AB

### **Switzerland - AAA**

UBS AG

### **UK Local Authorities (including Police Authorities) – £20m limit (per authority)**

## **Deposits up to 6 months**

### **UK Banks - £20m limit**

Abbey National Treasury Services PLC  
Barclays Bank PLC  
Close Brothers Ltd  
Goldman Sachs International Bank  
Santander UK PLC  
Standard Chartered Bank  
Sumitomo Mitsui Banking Corporation Europe Ltd

### **UK Building Societies - £10m limit**

Coventry Building Society  
Nationwide Building Society

## **Deposits up to 3 months**

### **Council's Bankers - £30m limit**

Clydesdale Bank plc

### **UK Building Societies - £10m limit**

Leeds Building Society  
Skipton Building Society  
Yorkshire Building Society

## **Collective Investment Schemes - £240m total limit**

### **Money Market Funds - £30m limit**

Aberdeen Liquidity Fund – Sterling  
Deutsche Managed Sterling Fund  
Federated Short Term Sterling Prime Fund  
Goldman Sachs Sterling Liquid Reserve Fund  
HSBC Sterling Liquidity Fund  
Insight Liquidity Fund  
Morgan Stanley Sterling Liquidity Fund  
State Street Global Advisors GBP Liquidity Fund



## ABERDEEN CITY COUNCIL

<b>COMMITTEE</b>	Council
<b>DATE</b>	2 March 2020
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Temporary Lease at Torry Battery
<b>REPORT NUMBER</b>	RES/20/058
<b>DIRECTOR</b>	Steven Whyte - Resources
<b>CHIEF OFFICER</b>	Stephen Booth Chief Officer – Corporate Landlord
<b>REPORT AUTHOR</b>	Cate Armstrong
<b>TERMS OF REFERENCE</b>	Intro. 6

### 1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise members of an approach by Greyhope Bay Ltd to lease ground within and adjacent to the Torry Battery.

### 2. RECOMMENDATIONS

That Council: -

- 2.1 acting in their capacity as trustee of the Lands of Torry (charity number SC021299)
- (i) approve the recommendation to grant a 5 year lease of ground in and adjacent to The Torry Battery to Greyhope Bay Ltd at a proposed peppercorn rent of £1.00 per annum;
  - (ii) instruct the Chief Officer – Governance to conclude the appropriate legal agreements incorporating various qualifications as necessary to protect the Council's and Trust's interests.

### 3. BACKGROUND

- 3.1 Legal title to the Torry Battery and the adjacent car parks is held in the name of Aberdeen City Council, however they form part of the assets which are held by the "Lands of Torry" a charitable trust of which Aberdeen City Council is trustee.

- 3.2 The Torry Battery is a Scheduled Monument which is set within an area of ground which is zoned as Green Belt within the Aberdeen Local Development Plan 2017. The Torry Battery was built in 1860 and formed part of the defence for the Aberdeen City and Harbour. Last occupied in 1953, it was designated as an Ancient Monument by Scottish Ministers in 2000.
- 3.3 The Torry Battery is a popular destination for people wishing to watch the birds which nest in and around the monument and also the dolphins which are resident in the mouth of Aberdeen Harbour from April until August.
- 3.4 Greyhope Bay Ltd (company number SC519938) is a non-profit organisation, which has been granted a temporary planning consent to site a temporary modular unit to provide a viewing platform and coffee shop facility. It has also been granted all the relevant permissions required from Historic Scotland, in regards to the Ancient Monument Status of the Battery. An application for planning consent can be submitted by someone who does not have a legal interest over the ground.
- 3.5 Greyhope Bay Ltd has approached the Council to request a five-year lease of the site. The area of the site extends to circa 840sq. m, however the tenant will not be permitted to enclose the site, to ensure access to the site is maintained for general public. The main terms are shown below.

Tenant	Greyhope Bay Ltd
Lease Term	5 years
Lease Expiry	5 years from Date of Entry
Rent	£1.00 per annum
Rent Review	None
Tenant Works	Erection of a temporary enclosed viewing platform with ancillary coffee point, decked access walkway, outside seating area and wc facilities.
Tenants Obligation	Greyhope Bay Ltd and its contractors shall take access and carry out the works with the least inconvenience, disturbance or disruption reasonably practicable to the Council.  They shall make good at Greyhope Bay's Ltd own expense, to the satisfaction of the Council, all damage arising out of, or incidental to, the taking of access and carrying out the works, including any damage to any adjoining property. If any resultant damage is not made good to the Council's satisfaction, the Council will undertake the appropriate works and recharge the cost of the works to the tenant.

- 3.6 The proposed development would be sited on the top of the Torry Battery Monument site, outside the northern part of the perimeter wall, on the top of a grassy mound and above the hillside overlooking the sea to the north (Appendix I).

- 3.7 The proposed site is to be used as a leisure / recreational facility which will cater for visitors to the viewpoint. The main modular unit will be set up as shelter from which visitors can look out to sea; and will provide catering facilities for visitors.
- 3.8 The plans include constructing a timber decked area stretching from the gate of the Battery across to the far side with a timber path leading up to the viewing shelter. Seating will be provided both internally and externally for visitors to the site. There will also be a modular unit for toilet facilities located in the west most carpark of the site. The proposed layout is shown in Appendix II.
- 3.9 The proposed development does not enclose the Torry Battery site or surrounding ground. Therefore, the Torry Battery will remain open and accessible to any member of the public wishing to visit the site. Further there will be welfare facilities available for those in the vicinity of the site.
- 3.10 The site has not been advertised for lease on the open market as it is a Scheduled Ancient Monument, further it is set within an area zoned as Green Belt land, and therefore would not be considered an appropriate location for commercial premises.
- 3.11 Greyhope Bay Ltd does not propose to secure the site to provide its visitor's exclusive use of the occupied ground and as a non-profit making enterprise will use any profits accumulated from the venture for the benefit of the charity.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 The income from the Trust is to be split between the Common Good Fund (51%) and the University of Aberdeen Bursary Fund (49%). The financial implications of leasing the site for 5 years at a rent of £1.00 per annum would be the potential shortfall in revenue that could be attained if a market rent were to be charged, this can be mitigated by the benefit to the local community by the provision of the welfare and hospitality services in an isolated site outwith the built-up area. It should also be noted that the market potential is likely to be limited due to the open nature of the site, which would not permit the tenant to secure the site as access to the site must be preserved for the public.

#### **5. LEGAL IMPLICATIONS**

- 5.1 Torry Battery is a trust asset and land can be an essential and valuable asset to a Trust as such trustees must be assured that the disposal of land is in the best interests of the Trust. There is a general power in the Trusts (Scotland) Act 1921 that allows trustees to grant leases of any duration (including mineral leases) of the heritable estate or any part thereof and to remove tenants.

The purpose of the Trust is to promote and advance education. It is considered that the provision of hospitality and welfare facilities and a viewing platform in terms of the proposed Lease in this popular, but isolated site would provide benefit to both the local community and those who come from further afield to view the resident wildlife, an environmental resource.

5.2 Torry Battery is a trust asset that is managed by the Council. The Council is required to dispose of any property owned or managed by it, at market value under the Disposal of Land by Local Authorities (Scotland) Regulations 2010. A lease agreement at less than market rent can be permitted in terms of these Regulations provided that the Council is satisfied that the disposal for the price offered is reasonable, and the lease of this site is likely to contribute to the promotion of (a) economic development or regeneration; (b) health; (c) social well-being; or (d) environmental well-being. The recommendations in this report would be consistent with the 2010 regulations.

## 6. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
<b>Financial</b>	By granting a lease at less than market rent the council could be criticised under best value guidance	L	The proposed lease is to a charity for a period of five years, which will provide facilities for the use of both the local community and visitors to the area.
<b>Legal</b>	Legal implications are set out as above.	L	N/A
<b>Employee</b>	Consideration has been given to any risks and no risk or impact was identified.	N/A	N/A
<b>Customer</b>	Consideration has been given to any risks and no risk or impact was identified.	N/A	N/A
<b>Environment</b>	The Ancient Monument may be damaged during the developments works or occupation.	M	Protective measures can be included within the legal agreement, to ensure the lessee takes the appropriate measures to minimise the risk.
<b>Technology</b>	Consideration has been given to any risks and no risk or impact was identified.	N/A	N/A

<b>Reputational</b>	If this proposal is not accepted there may be a perception from the public that the Council and Trust is not prepared to assist a local charity in delivering its objectives in Aberdeen	L	Approval of the recommendations would mitigate this risk.
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## 7. OUTCOMES

<b>Local Outcome Improvement Plan Themes</b>	
	<b>Impact of Report</b>
<b>Prosperous Economy</b>	Stretch Outcome 1 Approval of the recommendation will help ensure that a new facility, providing welfare and hospitality services, is available for both the local community and visitors to the area, encouraging visitors to stay within the area longer, and contributing to the economy of the Torry locality.
<b>Prosperous People</b>	Stretch Outcome 11. A facility such as the one proposed is likely to encourage people from across the city to come to the site to see the Dolphins and birdlife; encouraging healthy, and family friendly activities for all ages
<b>Prosperous Place</b>	No direct link to LOIP outcomes

<b>Design Principles of Target Operating Model</b>	
	<b>Impact of Report</b>
<b>Partnerships and Alliances</b>	If the recommendation is approved the proposed facility will improve community engagement and build a stronger involvement in place making for the people involved in the project and living within the community. The project will also contribute the commitment to joint learning.

## 8. IMPACT ASSESSMENTS

Assessment	Outcome
Equality & Human Rights Impact Assessment	To be assessed. Any impact at all will be positive through the provision of, currently unavailable, welfare facilities.
Data Protection Impact Assessment	Not required.
Duty of Due Regard / Fairer Scotland Duty	n/a

## 9. BACKGROUND PAPERS

## 10. APPENDICES (if applicable)

Appendix I – Location Plan  
Appendix II - Layout Plan of proposed development

## 11. REPORT AUTHOR CONTACT DETAILS

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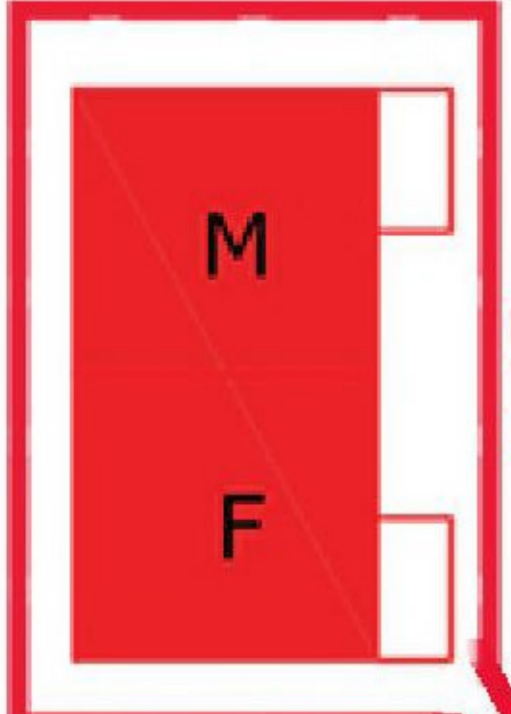


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Car Park



NEW TEMPORARY TOILET FACILITIES  
9sqm



Existing gorse



Proposed soakaway location

Reinstate gorse / wild grass

proposed container 57.6sqm

900mm High Timber balustrade shown dashed

Treated Timber Decking on timber battens

Timber ramp from existing hardstanding to decking

Ramp up constructed from timber deck slats with black anti-slip strips

BATTERY ENTRANCE

AMENDMENTS	
DATE	REVISION
A	
B	
C	
D	
E	

PROJECT	Greyhope Bay Planning Application
SITE	Torry Battery
CLIENT	Greyhope Bay Limited

TITLE	Site Plan
DWG NO.	PL2A
DATE	Nov 2018
REVISION	B
SCALE	1:200@A3

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## ABERDEEN CITY COUNCIL

<b>COMMITTEE</b>	Council
<b>DATE</b>	2 March 2020
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Proposed Aberdeen Local Development Plan
<b>REPORT NUMBER</b>	PLA/20/032
<b>DIRECTOR</b>	N/A
<b>CHIEF OFFICER</b>	Gale Beattie
<b>REPORT AUTHOR</b>	Andrew Brownrigg
<b>TERMS OF REFERENCE</b>	2.8: The approval of the Local Development Plan

### 1. PURPOSE OF REPORT

- 1.1 This report presents the Proposed Aberdeen Local Development Plan (the Proposed Plan) and Delivery Programme for approval. The Proposed Plan will then be released for a 12 week consultation period, during which representations can be received. It sets down the development land allocations and associated policies that will guide planning decisions in the City. Once approved the Proposed Plan will constitute the Council's settled view and be a case by case material consideration in the determination of planning applications, along with the adopted Plan.

### 2. RECOMMENDATIONS

That Council:-

- 2.1 Approve the Aberdeen Local Development Plan – Proposed Plan and Delivery Programme;
- 2.2 Instruct the Chief Officer of Strategic Place Planning to publish the Proposed Plan for a 12 week period for representations;
- 2.3 Instruct the Chief Officer of Strategic Place Planning to publish the Delivery Programme, and other technical documents which support the Proposed Plan;

- 2.4 Instruct the Chief Officer of Strategic Place Planning to complete the Environmental Report including Habitats Regulations Appraisal and Strategic Environmental Assessment in consultation with Scottish Natural Heritage, and publish and consult on both of them alongside the Proposed Plan;
- 2.5 Instruct the Chief Officer Strategic Place Planning to work with NHS Grampian public health to ensure that the Health in All policy approach is implemented in Aberdeen Planning Guidance and delivered through the development management process;
- 2.6 Instruct the Chief Officer Strategic Place to work with relevant stakeholders to prepare a Child Friendly version of the Plan when adopted; and
- 2.7 Instruct the Chief Officer Strategic Place to correct any drafting errors as may be necessary

### **3. BACKGROUND**

#### **The Proposed Local Development Plan**

- 3.1 The current 2017 Local Development Plan needs to be replaced within 5 years and this Proposed Plan is an important step towards doing so. It follows consultation undertaken on a Main Issues Report which was carried out in spring 2019. This attracted 633 representations making around 2000 points and these can be seen on the Council's website. Appendix 3 of this report groups the points made into issues and responses have been made to these. The consultation on the Main Issues Report helped us in writing the Proposed Plan.
- 3.2 Around 140 development proposals were submitted by developers and landowners for inclusion into the Proposed Plan. These were assessed against a number of criteria to determine their suitability. The assessments of development options can be seen in the Development Options Assessments (Appendix 4).
- 3.3 Much of the content of the Proposed Plan remains similar that in the 2017 Local Development Plan. However, a number of new opportunity sites have been identified which may be of interest to members, and further commentary on some of them is provided below.
  - OP2 Berryhill and Cloverhill – Residential Development (previously employment land)
  - OP4 North Denmore – Residential
  - OP6 WTR Site at Dubford – Residential
  - OP11 Balgownie Area 4 – Residential
  - OP12 Silverburn House – Residential
  - OP14 Former Cordyce School – Housing, garden centre and/or health and fitness
  - OP17 Former Bucksburn Primary School – Medical centre or residential

- OP24 Central Park Dyce – Medical centre
- OP26 Old Skene Road – Residential
- OP30 Kingsford – New stadium and training facilities
- OP56 St Fitticks Park – Energy Transition Zone
- OP61 Doonies – Energy Transition Zone
- OP35 Summerfield House, Eday Road – Residential
- OP37 Woodend Hospital – Residential
- OP42 Hazlehead Park – Hotel and Equestrian Centre
- OP66 Granitehill – Residential
- OP69 152 Don Street Old Aberdeen – Residential
- OP70 Denburn Valley – City Centre Masterplan Intervention Area
- OP76 Former Raeden Centre – Residential
- OP78 Frederick Street – Small brownfield opportunity
- OP80 Mastrick Clinic – Uses supporting Mastrick Neighbourhood Centre
- OP81 Queens Square - City Centre Masterplan Intervention Area
- OP83 Urquhart Building, City Hospital – Residential
- OP84 Resource Centre, City Hospital – Small scale retail, commercial or office
- OP89 Kaimhill Outdoor Centre – Residential
- OP91 Union Street West - City Centre Masterplan Intervention Area
- OP94 Tillydrone Primary School – New primary school
- OP95 Station Gateway - City Centre Masterplan Intervention Area
- OP96 Castlegate and Castlehill - City Centre Masterplan Intervention Area
- OP100 North Dee - City Centre Masterplan Intervention Area
- OP106 Torry Waterfront - City Centre Masterplan Intervention Area
- OP110 Heart of the City - City Centre Masterplan Intervention Area

3.4 On 21 January 2020, the Strategic Development Plan Authority received the Examination Report into the Proposed Strategic Development Plan for Aberdeen City and Aberdeenshire. The main issue arising from this is that the Housing Allowances for the period 2020-32 has been increased by 938 units for both Aberdeen City and Aberdeenshire which will need to be accommodated in both Local Development Plans. In response, a site of 1000 units has been identified at OP2 Murcar and 100 units at OP12 Silverburn House. Both sites are already allocated for employment use and both were subject to development bids to change this to residential. In this instance, the loss of this employment land is not considered critical at a time when there is a substantial supply of employment land around the city, as well as land identified for harbour related uses. The slight over-allocation of housing would ensure that, should any other sites be removed (for instance during the Examination), there is a lower risk of other less desirable and late stage sites being brought in as replacements.

3.5 Hazlehead hotel and equestrian centre has had a consent in place for some time awaiting a legal agreement. The legal agreement has been signed and so the proposal is now included in the Plan as OP42.

- 3.6 Energy transition refers to the global energy sector's shift from fossil-based systems of energy production and consumption including, oil, natural gas and coal – to renewable energy sources like wind, tidal and solar. Aberdeen is ideally placed, geographically, to capitalise on energy transition opportunities which will help to safeguard the City region's economic future. It also has the skills and workforce to diversify within the energy sector. The construction of Aberdeen South Harbour creates the opportunity to help accommodate energy transition-related uses. An Energy Transition Zone is therefore identified at St Fitticks Park (OP56) and Doonies (OP61) and a new Policy B5 will allow for the development, production, assembly, storage and/or distribution of infrastructure required to support low-carbon and renewable energy related industries.
- 3.7 The 7 City Centre Masterplan Interventions are also identified for the first time.
- 3.8 The Opportunities Schedule in Appendix 2 of the Proposed Plan provides more details on these proposals, as well as some of the issues which would need to be addressed if they were to be developed. In addition, several changes to land zonings have been made – largely to more accurately reflect what is present on the ground. Opportunity sites which have been developed (or which will soon finish) have been removed.
- 3.9 A number of policy changes have been made to encourage more tourism and cultural activities in the city centre. In addition, it is proposed to change the Union Street retail frontage policy to an active frontage policy. This will allow for a greater range of uses such as services, leisure, food and drink if an open, public and active frontage is maintained. This is in response to decline in demand for purely retail uses along Union Street, and the risk of creating long-term vacancies.
- 3.10 Health and wellbeing are key components of the Plan, reflecting both their historic connection with planning and the need to ensure that we not only provide healthcare services, but create environments that foster health, encourage active lifestyles and reduce inequalities in well-being. This health for all theme will be further developed in future guidance as outlined in recommendation 2.5
- 3.11 Some policies have been amended in order to clarify them and some have been amalgamated. New policies in the Proposed Plan are listed below;
- WB1 Healthy Developments
  - WB4 Specialist Care Facilities
  - WB5 Changing Places
  - VC1 Vibrant City
  - VC2 Tourism and Culture
  - VC5 City Centre Living
  - VC6 West End Area
  - T2 Sustainable Transport
  - T3 Parking
  - H7 Student Accommodation Developments
  - H8 Houses in Multiple Occupation and Overprovision

- NE2 Green and Blue Infrastructure
- R8 Heat Networks
- B5 Energy Transition Zone

3.12 We have also prepared a Delivery Programme (Appendix 2) which sets out what actions are needed for the policies and proposals in the Plan to be delivered, who is responsible for delivering them and the expected timescale for doing this. The Delivery Programme will be monitored, updated regularly and published every two years.

3.13 An Environmental Report has been prepared (Appendix 5). This is a statutory requirement and is done to address all the effects that the LDP will have on the environment. A further statutory requirement is Habitats Regulation Assessment (also Appendix 5). This analyses the implications of the Plan on affected Natura 2000 sites such as the River Dee Special Area of Conservation. Due to the impacts of the Report of Examination into the Strategic Development Plan, work is continuing to agree a finalised layout for the Habitats Regulation Appraisal with Scottish Natural Heritage (SNH). Recommendation 2.4 above, allows officers to continue to work with SNH but this will not impact on the content of the Proposed Plan. Should SNH wish to propose changes that would impact on the content of the Proposed Plan this will have to be done by way of representations to the Examination in Public. These documents need to be released alongside the Proposed Plan for consultation.

3.14 A number of background papers have been produced in order to support for the Proposed Plan;

- Brownfield Urban Capacity Study - produced to identify potential brownfield housing sites and to estimate the number of units these sites are likely to produce. This helps us to decide how many housing allocations the Proposed Plan should identify (Appendix 6).
- Strategic Flood Impact Assessment – to identify potential flooding and drainage issues (Appendix 7).
- An update of the Aberdeen City and Aberdeenshire Retail Study has been prepared which supports our approach to retail planning and the city centre. A summary of the study is attached as Appendix 8.
- An Onshore Wind Spatial Framework is required to identify areas of search for significant wind farm proposals (Appendix 9). However, because of constraints around Aberdeen comprising the built-up area, green belt and airport, our Framework concludes that there are no suitable areas of search for large scale wind farms in the Aberdeen area. Smaller scale individual turbines would continue to be dealt with through the planning application process on a case by case basis.
- A Transport Background paper details a number of transport projects and interventions which will support the proposals in the Proposed Plan (Appendix 10).
- A Feasibility Study into the Aberdeen Energy Transition Zone at Aberdeen Harbour South (Appendix 11).

## **Implications of the Planning (Scotland) Act 2019**

- 3.15 Scottish Government advice suggests that the new development planning system is expected to commence around the fourth quarter to 2021. As long as Council's can approve a Proposed Local Development Plan prior to that, they can proceed to adoption under the current legislation. In doing so however, there is an expectation that Councils should look to the new system in preparing their plans. For instance statutory Supplementary Guidance will cease to have effect under new style LDP's and Councils are encouraged to reduce the extent of them. It is likely that most of our current Supplementary Guidance will become non-statutory documents which we propose to call Aberdeen Planning Guidance. An exception to this is the likely continuation of the Supplementary Guidance on Planning Obligations.

### **Next stages**

- 3.16 The next stage in preparing the new Aberdeen Local Development Plan is for the Council to agree the content of the Proposed Plan and to publish it for public scrutiny. The Proposed Plan is a critical stage in the process. Whereas the Main Issues Report contained officers' views as to future development options and policy matters, the Proposed Plan becomes the City Council's settled view as to the form and content of the final adopted Local Development Plan.
- 3.17 Because the Council will have taken a decision on the content of the Plan, our focus for consultation has to be on informing people of its content and advising them of the process for making representations and the next steps in the process. There are certain legal requirements for publicising the Proposed Plan which we need to meet but we will add further measures including:-
- a) Allowing 12 weeks for representations, rather than the statutory minimum of six weeks.
  - b) Publishing an advice note informing people of the procedures for representations and examination of the Plan.
  - c) Holding a meeting with community council representatives to explain the process.
  - d) Holding a series of staffed exhibitions at venues across the city where people can ask questions and advice will be offered.
- 3.18 Once the Proposed Plan has been published the Council must consider all the representations it receives. Minor modifications arising from the representations can be made to the Plan if it is deemed appropriate. However, major modifications at this point will require the whole Plan to be amended and re-published for consultation, causing a significant delay. Examples of a 'major' modification would be the addition or deletion of a policy or development proposal or a change of zoning. If no significant changes are proposed, a summary of unresolved issues and the Council's responses to them must be prepared. These will require to be agreed by Full Council prior to submitting both them and the Proposed Plan to Scottish Ministers. The Scottish Ministers will then appoint a person (a Reporter) to hold an Examination in Public on the Proposed Plan.



3.19 After completing the Examination, the Reporter will present his or her conclusions and recommendations to the Council and to Scottish Ministers. The Council must take on board the conclusions and recommendations before proceeding to adopt the Plan. Only in very exceptional circumstances can the Council chose not to do this, these are:

- a) Would have the effect of making the LDP inconsistent with the National Planning Framework;
- b) Are incompatible with Part IVA of the Conservation (Natural Habitats etc) Regulations 1994; or
- c) Are based on conclusions that could not reasonably have been reached based on the evidence considered at the examination.

#### **4. FINANCIAL IMPLICATIONS**

4.1 There will be costs associated with printing the Proposed Plan and some of the supporting documents. There will also be costs associated with running public events, advertising, publicity and printing material. In total these costs should amount to no more than £20,000 and can be met from the Development Plan budget within Strategic Place Planning's General Fund revenue budget.

4.2 It is likely that an Examination into the Proposed Local Development Plan will take place in 2021. Based on past experience, the cost of the Examination could be in the region of £50,000 to £100,000 depending on the level of objections. It is expected that these costs can also be met from within the existing budgets noted above.

4.3 There is likely to be significant cost in operating and setting up Policy H8 Houses in Multiple Occupation and Overprovision, with associated costs to enforce HMO's operating without Planning Permission. To set up the policy a GIS process is required to calculate the overprovision element of the policy. This initial setup will cost between £15,000 & £25,000. At this time this is only an estimate. In addition, there will be an ongoing annual cost. According to 2018 figures, the cost of operating the policy would be between £40,000 & £105,000. The number of new HMO applications within the City in 2018 was 88. The fee available to process such applications stands at £401 with the likely cost to process applications standing between £750 & £1,500, based on evidence from Heads of Planning Scotland. Given the complexity of these applications we estimate that the net cost will be closer to the higher figure meaning every application will see a loss of between £350 and £1,100 to the planning service.

#### **5. LEGAL IMPLICATIONS**

5.1 This Local Development Plan will be prepared under the current planning legislation. The next Local Development Plan will be prepared wholly under the new emerging planning legislation.

5.2 Scottish local authorities are required to prepare Local Development Plans every 5 years under the Town and Country Planning (Scotland) Act (1997). In doing so, Section 18 of the Act requires planning authorities to first compile Proposed Local Development Plan which must set out our general proposals for development in the area. The detailed legal requirements for preparing a Local Development plan are set out in Circular 6/2013 Development Planning. Publishing the Proposed LDP will ensure the Council meets the statutory timeframes for the next Local Development Plan.

5.3 Further legal implications are discussed in paragraphs 3.15 to 3.19 inclusive.

## 6. MANAGEMENT OF RISK

The table below outlines the key risks. However, a more detailed legal and financial risk register has been created which looks at each individual policy in the Proposed Plan. This is show in Appendix 12.

<b>Category</b>	<b>Risk</b>	<b>Low (L) Medium (M) High (H)</b>	<b>Mitigation</b>
<b>Financial</b>	Not having an up to date Local Development Plan could lead to more costly planning appeals being made.	L	A Development Plan Scheme, setting out the delivery actions and timescales for the Local Development Plan has been produced. This will be updated annually.
<b>Legal</b>	Failure to deliver an up-to-date Local Development Plan in line with legislation.	L	Agreeing the Proposed LDP will allow us to progress with a Local Development Plan and replace it within its 5 year lifespan.
<b>Employee</b>	N/A		
<b>Customer</b>	Not delivering a Local Development Plan would increase uncertainty of developers, the public and investors.	L	Agreeing the Proposed LDP will allow us to progress with a Local Development and replace it within its 5 year lifespan.
<b>Environment</b>	N/A		
<b>Technology</b>	N/A		
<b>Reputational</b>	Failure to deliver a Local Development Plan could negatively affect the Council's	L	A Development Plan Scheme, setting out the delivery actions and timescales for the Local Development Plan has been

	current good reputation in terms of keeping development plans up to date.		agreed by the Council. This will be updated annually.
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## 7. OUTCOMES

<b>Local Outcome Improvement Plan Themes</b>	
	<b>Impact of Report</b>
<b>Prosperous Economy</b>	By identifying employment land opportunities, the Proposed Plan will contribute towards a 10% increase in employment across priority and volume growth sectors by 2026
<b>Prosperous People</b>	The production of a child friendly version of the Plan when adopted will contribute towards a Child Friendly City which supports all children to prosper and engage actively with their communities by 2026.
<b>Prosperous Place</b>	Local Development Plan policies will contribute to addressing climate change by helping to reduce Aberdeen's carbon emissions, and adapting to the impacts of our changing climate.

<b>Design Principles of Target Operating Model</b>	
	<b>Impact of Report</b>
<b>Customer Service Design</b>	There is a statutory process which must be followed in publicising the Proposed Plan. However, further engagement measures are outlined in paragraph 3.12.
<b>Organisational Design</b>	Input from Council services is sought through an LDP Working Group.
<b>Governance</b>	Internal governance mechanisms are in place to ensure the Proposed plan and Delivery Programme are presented to Council to enable the Council to meet its legal obligations.
<b>Workforce</b>	There is a Team dedicated to delivering the Local Development Plan, although many other Council services provide input.

<b>Process Design</b>	Not applicable.
<b>Technology</b>	The Proposed Plan will be published in both digital and paper formats.
<b>Partnerships and Alliances</b>	Although led by Aberdeen City Council, the project benefits from the input of a wider client group, including representatives from local and national key agencies and partners. This input will continue through the LDP process.

## 8. IMPACT ASSESSMENTS

<b>Assessment</b>	<b>Outcome</b>
<b>Equality &amp; Human Rights Impact Assessment</b>	A full EHRIA has been completed.
<b>Data Protection Impact Assessment</b>	A DPIA has been carried out
<b>Duty of Due Regard / Fairer Scotland Duty</b>	The Fairer Scotland Duty has been considered as part of the EHRIA.

## 9. BACKGROUND PAPERS

Circular 6/2013 Development Planning

<https://www.gov.scot/publications/planning-series-circular-6-2013-development-planning/pages/6/>

Scottish Planning Policy (Scottish Government)

<https://www.gov.scot/binaries/content/documents/govscot/publications/publication/2014/06/scottish-planning-policy/documents/00453827-pdf/00453827-pdf/govscot%3Adocument>

National Planning Framework 3 (Scottish Government)

<https://www.gov.scot/publications/national-planning-framework-3/>

Proposed Aberdeen City and Shire Strategic Development Plan 2018 (SDPA)

[file:///C:/Users/abrownrigg/Downloads/Proposed\\_Strategic\\_Development\\_Plan\\_2018%20\(1\).pdf](file:///C:/Users/abrownrigg/Downloads/Proposed_Strategic_Development_Plan_2018%20(1).pdf)

Aberdeen Local Development Plan 2017 (Aberdeen City Council)

<https://www.aberdeencity.gov.uk/services/planning-and-building/local-development-plan/aberdeen-local-development-plan>

## 10. APPENDICES

Appendix 1 – Proposed Aberdeen Local Development Plan  
Proposal Map  
City Centre Map  
Constraints Map

The following Appendices can be viewed [here](#)

Appendix 2 – Delivery Programme  
Appendix 3 – Responses to Main Issues Report Representations.  
Appendix 4 – Development Options Assessments  
Appendix 5 – Environmental Report and Habitats Regulations Assessment  
Appendix 6 – Brownfield Urban Capacity Study  
Appendix 7 – Strategic Flood Risk Assessment  
Appendix 8 – Retail Study Summary  
Appendix 9 – Onshore Wind Spatial Framework  
Appendix 10 – Transport Background Paper  
Appendix 11 – Aberdeen Energy Transition Zone Feasibility Study  
Appendix 12 – Legal and Financial Risk Register

## 11. REPORT AUTHOR CONTACT DETAILS

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# Proposed Aberdeen Local Development Plan 2020





## Aberdeen Local Development Plan - Proposed Plan

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## **Forewords** (Final Wording to be Agreed with Convenors)

### **Foreword from the Convenor of Strategic Place Planning**

Health and well-being are key components of creating successful, sustainable places. National Planning Framework 3, Scottish Planning Policy and the Aberdeen City and Aberdeenshire Strategic Development Plan all highlight the relationship between well-planned places, a healthy lifestyle, well-being and social inclusion.

Planning and health and well-being have historic connections. Planning by public authorities was initially used as a mechanism for improving the health of the working population in the Victorian era. More recently, good health and well-being are intrinsically linked to the UN Sustainable Development Goals in particular Goal 3: Ensure healthy lives and promote well-being for all at all ages.

Ensuring physical and mental health and well-being goes beyond providing healthcare services, development should create a healthy environment whilst not contributing to negative health outcomes. This relies on creating environments that foster better health, have reduced inequalities in well-being and which allow people to live active, engaged, independent and healthy lifestyles.

The Aberdeen Community Planning Partnership's Local Outcome Improvement Plan 2016-2026 (LOIP) notes there are wide divisions in health and life expectancy between the richest and the poorest communities in our City, with a 14 year life expectancy gap reported between some areas. The LOIP aims to help individuals and communities look after their health, particularly through the choices they make and lifestyles they adopt. Consideration also has to be given to future need, changing demographics, an ageing population and dementia friendly design. Evidence has shown well planned local environments and good quality housing can have a substantial impact on the quality of life of someone living with dementia, and more widely to the general population.

As outlined by the World Health Organisation: 'Preventing disease through healthy environments' (2016), city planning and management are of particular importance for reducing the burden of unhealthy environments. The creation of places which foster physical and mental health and well-being is dependent on policies being considered holistically. Local development plan policies on open space, natural environment, sustainable and active travel, housing, food growing, energy, heating, and quality placemaking by design all facilitate health and well-being implicitly, whereas policies on air quality, noise, and specialist care facilities are more direct in their link to health and well-being. As such;

- Safe, convenient active travel and good neighbourhood design promotes physical activity, enhances social connections and strengthens mental health.
- Compact neighbourhood design with walkable local facilities and public transport accessibility allows car free access to services, amenities and employment which increase health benefits and reduces the impact of poverty
- Increased access to natural and planned open space with varied and safe opportunities to play and meet has a positive impact on physical activity levels and mental health.
- A mix of good quality affordable homes of all types and sizes to meet differing needs increase health benefits and reduces the impact of poverty.
- Protection from environmental hazards; increasing air and water quality, reducing noise pollution, and reducing carbon emissions has a positive impact on physical and mental health.

The Planning Scotland Act 2019 brings health to the forefront of planning once more. Health Impact Assessments will ensure the health and well-being needs of Aberdeen's population, and the likely effects of development and use of land on those health needs are assessed

This is the first Local Development Plan to be produced since the formation of the Aberdeen Integration Authority. As a result of the Joint Working (Public Bodies) legislation, the local authority now has a vested interest and responsibility to improve the health and wellbeing of all citizens of Aberdeen and is able to bring its planning levers to bear.

We now have the opportunity to use our spatial planning for the next 10 years, to focus on improving the health and wellbeing of citizens. But we also have to use our spatial planning in order to support the energy transition of the city to enable the achievement of (+SG target) whilst also ensuring the continued economic success of the city. So a triple aim of this local development plan is

- to improve the health and well being of our citizens,
- To support the energy transition of the city to zero emissions
- To support the continued economic vibrancy of the city through the facilitation of expansion in all the infrastructure required to enable economic growth

To achieve this triple aim, we need to use the full development management cycle and the decision making within this cycle, to support the realisation of the triple aim. Opportunities to influence outcomes of planning decisions include:

- Masterplanning processes
- Pre-application conversations
- Consultation on planning applications
- Delivery and implementation of development

I would like to thank all those who have contributed to the development of the local development plan and I look forward to supporting the triple aim objectives through the development management cycle.

**Cllr Marie Boulton, Convenor, Strategic Place Planning Committee**

## **Foreword from the Convenor, Integrated Children Services**

There is growing evidence that the first 1000 days of a child's life are crucial in their overall lifespan, with the rate of brain development especially important within this timeframe. Indeed the rate of brain development prior to birth, and the physical and environmental conditions in which the foetus develops are critical factors in establishing the likelihood of positive life outcomes for us all. The optimal rate of development cannot be repeated and poor brain development can lead to a number of infectious and non communicable diseases such as obesity, diabetes and psychiatric illness developing in later life. Our increased knowledge and awareness of causes, consequences and outcomes allows us to take steps to prevent these poorer outcomes from becoming a reality. We are taking steps already, but the deliberate use of the planning levers available to us as council, within this local development plan, is a bold first step in linking planning directly to outcomes being experienced by children.

The United Nations Convention on the Rights of the Child contains 54 articles declaring how states should protect the interests of children to "ensure to the maximum extent possible the survival and development of the child". It is critical therefore that we use all the powers available to us as a layer of government to maximise the development of all children in Aberdeen.

We plan for the future of our communities to ensure the future prosperity and wellbeing of our children and their families. It is vital therefore that the voice of today's children have been heard and reflected in this future spatial plan. Aberdeen has started the process of becoming a Child Friendly City through its partnership with Unicef on the Child's Rights Partners programme. The goal of the programme is to change the way councils work with and for children, create opportunities for children and families to have a say in the delivery of services and ensure children are surrounded by responsive, connected and empowered support.

It is our intention to produce a child friendly version of the local development plan, thereby paving the way for future discussions on planning and city creation.

**Cllr John Wheeler, Convenor of Integrated Children Services**



## **Foreword, Chair of the Aberdeen Community Planning Partnership**

Our vision is of Aberdeen as ‘a place where all people can prosper’. The Local Outcome Improvement Plan (LOIP) sets out a ten-year programme for how Community Planning Aberdeen will realise this vision by 2026, in partnership with local people, places and communities. The LOIP was first developed by the Partnership in 2016 and, almost two and a half years later, Community Planning Aberdeen has been reflecting on how far we have come in achieving our vision. A vision which matches the triple aim objectives of this Local Development Plan:

- To improve the health and well-being of our citizens
- To support the energy transition of the city to zero emissions
- To support the continued economic vibrancy of the city

So, what do we know?

### Health and well-being of our citizens

The population needs assessment shows wide divisions in health and life expectancy between the richest and the poorest communities in our city. Given people living just a few streets apart in some areas of Aberdeen find themselves with life expectancies more than 14 years apart, we have committed to addressing this through a stretch outcome to increase the healthy life expectancy for the people of Aberdeen. As the quality of the place we live can have a major impact on people’s health and wellbeing we have identified a number of improvement projects that will help us to achieve this outcome. They include reducing food poverty through extending food provision and promoting the benefits of community food growing; reducing Aberdeen’s carbon footprint through reducing waste and supporting active travel by increasing cycling and walking opportunities across the city. We are also working with communities to prepare resilience plans to help communities to come together to support each other.

### Energy Transition of the City

In response to the Climate Change Act, we have seen significant momentum building to respond to the emerging challenges and opportunities that policy presents. With the rapid transfer of oil and gas expertise to develop low carbon solutions, Aberdeen is well positioned to respond and our city’s role in contributing to decarbonisation will be key. The reality is that Aberdeen is strategically placed to enable local, national and international energy transition through its economic and industrial strengths in energy. Our Regional Economic Strategy and the LOIP both identify energy transition as priorities. That means, as a council and as a city we need to work to diversify our economy by ensuring green infrastructure investments are being developed and all our young people can access skills, training and job opportunities. This Local Development Plan provides that strategic and policy commitment with clarity around the spatial implications of energy transition in the years ahead. In turn this sends a

message out to business and investors that Aberdeen continues to be a key business base and a major contributor to Government targets towards net zero. It builds on the council's delivery of Hydrogen Aberdeen, and our collaborative work with industry and universities as part of our City Region Deal. This Plan will enable us to secure the maximum environmental, social and economic benefits for all the people living, working and investing in Aberdeen.

### Economic Vibrancy of the City

Our data shows some indication of an improving economic situation over the last two years. There has been an increase in hotel occupancy from 56.6% to 62.5% and city centre premise occupancy rates have increased to 90.8%. The number of new jobs being created from inward investment projects has increased alongside a 14% increase in business gateway growth companies being accepted into Scottish Enterprise's growth pipeline. Business Gateway start up numbers have also increased by 6%. We expect to see further improvement in our economic data in the months to come as a result of our efforts to rejuvenate the City Centre and the major infrastructure developments taking place.

There has been a power of work across the Partnership which needs to be acknowledged and celebrated, but there is still so much to be done. The data has allowed us to make an honest appraisal of where Aberdeen is as a City and where the Partnership is in terms of meeting the needs of our communities. The refreshed LOIP refocuses the Partnership on those critical issues through our 15 new stretch outcomes which communicate what will be different by the end of this ten-year plan. This marks a maturing of how we are working together and in partnership with our communities. It signals our joint commitment, confidence and ambition to achieve our vision of Aberdeen as a place where all people can prosper.

I am delighted both as chair of the Aberdeen Community Planning Partnership and as Co-Leader of Aberdeen City Council, to see the Local Development Plan being aligned to the ambitions we have for improving outcomes for the place, economy and people of Aberdeen. It is my intention to explore further how the licensing powers of the council can also be more deliberately used to contribute to the triple aims set out in this plan whilst also exploring how the trading standards function of council can also be used.

**Cllr Jenny Laing, Chair of Aberdeen Community Planning Partnership**

# 1.0 A Sustainable Vision for Aberdeen

## Context

1.1 Planning's role has long been one of managing multiple complex and often competing factors to arrive at a well-considered and balanced decision. Its origins stem from a realisation that an imbalance had developed in society during the industrial revolution, and that a system was needed to correct and shepherd future development. Much like the modern-day principles of sustainable development, planning has always sought to balance social, environmental and economic needs, to deliver development that is sustainable, and where possible balance these three pillars of society.

1.1.1 Climate Change is now recognised internationally as one of the greatest challenges facing the planet. Responding to the Intergovernmental Panel on Climate Change (IPCC) statement that, "*Limiting global warming to 1.5°C would require rapid, far-reaching and unprecedented changes in all aspects of society.*" Scotland has set an ambitious target of achieving Net Zero by 2040 and reducing its emissions by 75% by 2030. To achieve this all aspects of society and the economy must be mobilised to reduce emissions across all sectors.

1.1.2 At its heart, the planning system in Scotland seeks to delivery sustainable healthy communities. This is enshrined at all levels of the planning system, from The Planning (Scotland) Act 2019 through National Planning Framework, Scottish Planning Policy, down to Local Development Plans and Aberdeen Planning Guidance. The planning hierarchy requires that these principles are at the heart of Local Development Plans and that they specifically aim to deliver places which are sustainable and healthy.

1.1.3 In Aberdeen, the Local Development Plan begins this process by assessing all development bids against our sustainability checklist. This checklist scores development bids against 21 criteria which include amongst others, natural conservation, landscape fit, accessibility, proximity to facilities such as health, access to active travel routes and to public transport. All of our site assessments are made public and are available on our website as well as being reported to committee with the Local Development Plan.

1.1.4 These checklist scores are then used to help determine which sites best achieve the Local Development Plans goals of delivering high quality places which are sustainable and healthy. In parallel to this, the policies within the Plan aim to support the sustainable delivery of these developments.

1.1.5 While our policy framework covers areas such as Low and Zero Carbon Buildings, and Water Efficiency, Renewable and Low Carbon Energy Developments and Heat Networks it is important to note that all of the policies in the plan have been

developed to reduce their impact on the environment or indeed promote environmental objectives.

1.1.6 Emphasis has been placed on creating sustainable places and the circular economy, thereby reducing energy use and the need to travel. Ensuring housing, leisure and work are co-located where possible and encourage active or public transport in place of the car.

1.1.7 The policies which make for a sustainable- place also make for a healthy place. In this plan for the first time our polices have been co-designed with NHS Grampian Health, to ensure wherever possible that a health in all policies approach is taken. In parallel to this, a new chapter focused on Health and Wellbeing has been introduced, and now with the support of the Planning (Scotland) Act 2019, this plan includes a policy on Health Impact Assessments. This policy will seek to ensure that where possible, all development maximises opportunities to positively impact on health outcomes.

## **Vision to 2032 and beyond.**

1.2 This Local Development Plan represents Aberdeen City Councils land use strategy for Aberdeen for 10 years from 2022. Its aim is to support the Councils vision of creating a sustainable and socially equitable future for the city, as the home to its residents, as the regional centre of the North East, and as one of Scotland's most important economic engines.

1.2.1 Aberdeen is a global city, an ambitious city, a city with a long history of being unafraid to change or reinvent itself. In economic terms a city that has gone through many periods of growth and retraction and moved its economic focus to embrace opportunity when it arose. In social terms a city with a strong sense of community, yet a global city made up of many different and distinct communities. And all of this in the environment of a compact coastal city, surrounded and intersected by greenspace and rivers. A city with an extensive network of open space, core paths and a growing active travel network. A city with a magnificent coastline facing out to the North Sea, and it is from the North Sea that it has gained its recent global status.

1.2.2 Recognised internationally as a global leader in the oil and gas industry, the influence of this, and its supporting industries, have been considerable over the past four decades. Helping to raise living standards in the city and contributing to income levels above the national average, it has also resulted in strong rates of employment and provided opportunities across a range of supporting sectors.

1.2.3 Aberdeen has become a premier centre for business and education with two world class universities. Innovation has been driven forward by these universities working with industry, and partnerships have been forged across sectors to support this. Aberdeen City Council has been an intrinsic partner in this process. Working

with partners including those within the European Union, Aberdeen has developed the largest hydrogen bus fleet in Europe and an extensive range of supporting infrastructure.

1.2.4 This innovation, in conjunction with the energy sectors existing expertise, is helping many traditional oil and gas companies move away from fossil fuels to new technologies which are low, or zero carbon. Aberdeen is well placed to capitalise on this energy transition and has already seen significant investment in the sector. In this plan we have identified our first “**Energy Transition Zone**” a land use zoning and supporting policy specifically aimed at supporting the delivery of low and zero carbon technologies, placing Aberdeen at the forefront of this emerging industry.

The “**Energy Transition Zone**” has been placed adjacent to Aberdeen’s South Harbour Extension and the rail line to maximise the development opportunities.

1.2.5 Aberdeen’s City Region Deal is helping to build on these innovations by supporting the delivery of a range of infrastructure, from transport to high speed broadband. This in turn is enabling regional diversification into other sectors such as life sciences, renewable and alternative energy, food and drink, and technology and digital. The cities transport network continues to be improved with the delivery of the Aberdeen Western Peripheral Route, expansion of the Airport and a range of other transport projects across the city.

1.2.6 As Scotland’s third largest city, Aberdeen also remains an important regional centre for culture, retailing and leisure. Aberdeen’s built environment is a legacy of an earlier period of strong economic growth in the 19<sup>th</sup> century, which saw the city gain global recognition for its exports of granite. This granite heritage gives Aberdeen its other name, *The Granite City*, but more importantly has resulted in a wealth of listed buildings, conservation areas and other cultural and artistic assets including art galleries, theatres and museums. In recent years, supported by Aberdeen City Council, many of these buildings have been restored and extended and a complementary program of festivals introduced to celebrate these cultural assets.

## **The Future**

1.3 If Aberdeen is to maintain this momentum however, new challenges have to be faced, and its future depends on how well it responds to them. While Aberdeen has seen great success, not all of its residents have benefited equally, and to compound this climate change now poses one of the most significant challenges ever faced by mankind. While the Local Development Plan is a land use planning document its reach and influence is often broad. If we are to achieve a sustainable and socially equitable future, the Local Development Plan must play its part, leading where it can and supporting other plans where it cannot. In that sense the Local

Development Plan represents one of the tools Aberdeen can use to respond to these significant challenges.

1.3.1 The Aberdeen Local Development Plan 2022 is a clear 10 year planning framework for the city. The Aberdeen of the future will be sustainable, inclusive, vibrant, adaptable and prosperous. In a future of reduced resources, we must ensure that we push ourselves to achieve the best outcomes for our residents while limiting our impact on the planet. This can only be done by ensuring we use resources wisely and measure our effectiveness to gauge our success. To meet these aims we have ensured that the Local Development Plan includes three sets of metrics:-

- A. To assess our impact in terms of Sustainability  
The United Nations Sustainable Development Goals (SDG)
- B. To assess our impact in terms of Health  
The Scottish Governments Health Priorities for Scotland
- C. To assess our impact in terms of the Cities Social Priorities  
Local Outcome Improvement Plans Stretch Outcomes.

#### A. The United Nations Sustainable Development Goals (SDG)



1.3.2 The 17 Sustainable Development Goals (SDGs) of the 2030 Agenda for Sustainable Development are the blueprint to achieve a better and more sustainable future for all. They address the global challenges we face, including those related to poverty, inequality, climate, environmental degradation, prosperity, and peace and justice. The interrelated goals must be achieved by 2030. The integration of the SDG's into the Aberdeen Local Development Plan 2022 are the early stages of an increasingly focussed approach. In the next Local Development Plan we intend to inspect the targets that sit beneath the 17 SDG and ensure closer alignment and policy coherence between targets and the Local Development Plan policies. Ultimately, all development can achieve each of the 17 SDGs, however it is accepted that some policies will have a more immediate association to some SDGs. Within the Local Development Plan policies, the associated SDG's are represented. The relevance of Local Development Plan policies in aligning to, and delivering specific SDGs, is shown in Table 1.

1.3.3 The Local Development Plan forms only one part of a multi layered, and multi-agency partnership to achieve the SDGs. The Local Development Plan sets the land use framework against which the SDGs can be achieved whilst strengthening the city's reputation as a progressive and attractive place to live, work, play and visit.

## B. Health Priorities for Scotland

1.3.4 At a national level, and through the Planning Act, the relationship between health and wellbeing and planning is being rediscovered. The six Public Health Priorities for Scotland aim to tackle inequality in health and wellbeing; to achieve this positive social, economic and physical environment is fundamental. By considering the Public Health Priorities for Scotland in the Local Development Plan we aim to better the health and wellbeing for all people at all ages in Aberdeen.

1.3.5 It is of course important to remember that the origins of Town Planning are rooted in improving the health of people, but it is always beneficial to refocus our efforts. To do that all of the policies within the Local Development Plan have been examined with a view to improving and assessing their health impact. Many of the policies, with the help of the *Aberdeen Health and Social Care Partnership*, have been modified to bring health to the fore. A strong focus has been placed on limiting the negative impacts and enhance the positive impacts of all the policies, and a new **Health and Wellbeing** chapter has been added to the plan. This chapter sees the introduction of a **Healthy Development** policy which asks what the health impact of developments is likely to be. For smaller scale developments this will be more limited and easier to gauge but for larger developments this will require a Health Impact Assessment.

1.3.6 All of this is done with a view to helping to deliver these health priorities.



1. A Scotland where we live in vibrant, healthy and safe places and communities.
2. A Scotland where we flourish in our early years.
3. A Scotland where we have good mental wellbeing.
4. A Scotland where we reduce the use of and harm from alcohol, tobacco and other drugs.
5. A Scotland where we have a sustainable, inclusive economy with equality of outcomes for all.
6. A Scotland where we eat well, have a healthy weight and are physically active.



## C. Local Outcome Improvement Plans

1.3.7 The purpose of creating a healthy and sustainable future is best summed up in the vision for the *Local Outcome Improvement Plan 2016-2026*, **‘a place where all people can prosper.’** In many respects this vision sums up not only the purpose of the SDGs and the Health Priorities for Scotland, but the purpose of planning. It is for this reason that *Community Planning Aberdeen’s* (LOIP) is a useful benchmark against which to measure the success of the Local Development Plan. While the LOIP will be updated periodically throughout the life of the Plan, it’s stretch outcomes will nevertheless be useful targets against which to assess outcomes. As with the Health Priorities it must always be remembered that as a land use plan, the Local Development Plan can best support the stretch outcomes in the LOIP through creating a health environment and creating opportunities. While not always directly impacting on the outcomes themselves, many cannot be achieved without an appropriate environment.

Table 1 shows which policies support the Stretch Outcomes.



**Table 1: Sustainable Development Goals, Public Health Priorities and Local Outcome Improvement Plan**

Likely impact areas of the Local Development Plan on

Policy	Policy Name	Sustainable Development Goals	Public Health Priorities	Local Outcome Improvement Plan	
				Impact	Deliver
LR1	Land Release Policy			1	
	Brownfield	3,7,8,9,11,12,13 & 15	P1	3,4,5,6,7,8,9,10, 11,12,13	
	Greenfield	3,7,8,9,11,12,13 & 15	P1	3,4,5,6,7,8,9,10, 11,12,13	
LR2	Delivery of Mixed-Use Communities	1,3,4,6,7,8,9,11,12, 13,15 & 17	P1, P2, P3, P5 & P6	3,4,5,6,7,8,9,10, 11,12,13	
WB1	Healthy Developments	1,3,4,6,7,8,9,11,12, 13,15 & 17	P1, P2, P3, P5 & P6	3,4,5,6,7,8,9,10, 11,12,13	15
WB2	Air Quality	3,7,8,9,11,12,13 & 15	P1	3,4,5,6,7,8,9,10, 11,12,13	
WB3	Noise	3,7,8,9,11,12,13 & 15	P1	3,4,5,6,7,8,9,10, 11,12,13	
WB4	Specialist Care Facilities	1,3,4,6,7,8,9,11,12, 13,15 & 17	P1, P2, P3, P5 & P6	3,4,5,6,7,8,9,10, 11,12,13	
WB5	Changing Place Toilets		P1 & P3	3,4,5,6,7,8,9,10, 11,12,13	
NE1	Green Belt	3,6,11,12,13,14 & 15	P1, P2, P3, P5 & P6	3,4,5,6,7,8,9,10, 11,12,13	
NE2	Green and Blue Infrastructure	3,6,11,12,13,14 & 15	P1, P2, P3, P5 & P6	3,4,5,6,7,8,9,10, 11,12,13	
NE3	Our Natural Heritage	3,6,11,12,13,14 & 15	P1, P2, P3, P5 & P6	3,4,5,6,7,8,9,10, 11,12,13	
NE4	Our Water Environment	3,6,11,12,13,14 & 15	P1	3,4,5,6,7,8,9,10, 11,12,13	
NE5	Trees and Woodland	3,7,8,9,11,12,13 & 15	P1	3,4,5,6,7,8,9,10, 11,12,13	
D1	Quality Placemaking	3,6,7,11,12,13,15 & 17	P1 & P5	3,4,5,6,7,8,9,10, 11,12,13	14,15
D2	Amenity	3,11,12,13,15 & 17	P1, P3, P5 & P6	3,4,5,6,7,8,9,10, 11,12,13	14,15
D3	Big Buildings	3,11,12,13,15 & 17	P1 & P5	3,4,5,6,7,8,9,10, 11,12,13	
D4	Landscape	3,6,11,12,13,14 & 15	P1, P2, P3 & P6		14,15
D5	Landscape Design	3,6,11,12,13 & 15	P1, P3, P5 & P6		14,15
D6	Historic Environment	6,11,12,13 & 15	P1 & P3		14
D7	Our Granite Heritage	6,11,12,13 & 15			14
D8	Windows and Doors	11 & 12			
D9	Shopfronts	11 & 12			
R1	Minerals	3,8,9,11,12,13 & 15	P1 & P5	1,13	14

R2	Degraded and Contaminated Land	3,8,9,11,12,13 & 15	P1 & P5		14
R3	New Waste Management Facilities	3,7,8,9,11,12 & 13	P1 & P5	3,4,5,6,7,8,9,10,11,12,13	14
R4	Energy from Waste	3,7,8,9,11,12 & 13	P1 & P5	1,13	14
R5	Waste Management Requirements for New Development	3,9,11,12 & 13	P1 & P5	1,13	14
R6	Low and Zero Carbon Buildings, and Water Efficiency	3,6,7,9,11,12,13,14 & 15	P1 & P5	3,4,5,6,7,8,9,10,11,12,13	14
R7	Renewable and Low Carbon Energy Developments	3,6,7,9,11,12,13,14 & 15	P1 & P5	3,4,5,6,7,8,9,10,11,12,13	14
R8	Heat Networks	7,8,9,11,12 & 13	P1 & P5	3,4,5,6,7,8,9,10,11,12,13	14
H1	Residential Areas	1,3,4,6,7,8,9,11,12,13 & 15	P1, P2, P3, P5 & P6	3,4,5,6,7,8,9,10,11,12,13	
H2	Mixed Use Areas	1,3,4,6,7,8,9,11,12,13 & 15	P1, P2, P3, P5 & P6	3,4,5,6,7,8,9,10,11,12,13	
H3	Density	3,11,12,13 & 15	P1, P2, P3, P5 & P6	3,4,5,6,7,8,9,10,11,12,13	14
H4	Housing Mix and Need	3,10,11 & 12	P1, P2, P3, P5 & P6	3,4,5,6,7,8,9,10,11,12,13	
H5	Affordable Housing	3,10,11 & 12	P1, P2, P3, P5 & P6	3,4,5,6,7,8,9,10,11,12,13	
H6	Gypsy and Traveller Caravan Sites	3,10,11 & 12	P1, P2, P3, P5 & P6	3,4,5,6,7,8,9,10,11,12,13	
H7	Student Accommodation Developments	1,3,4,6,7,8,9,11,12,13 & 15	P1, P2, P3, P5 & P6	3,4,5,6,7,8,9,10,11,12,13	
H8	Houses in Multiple Occupation and Overprovision	1,3,4,6,7,8,9,11,12,13 & 15	P1, P2, P3, P5 & P6	3,4,5,6,7,8,9,10,11,12,13	
CF1	Existing Community Sites and Facilities	3,10,11,12,13 & 15	P1, P3 & P5	3,4,5,6,7,8,9,10,11,12,13	
CF2	New Community Facilities	3,10,11,12,13 & 15	P1, P3 & P5	3,4,5,6,7,8,9,10,11,12,13	
VC1	Vibrant City	8,11,12 & 13	P1 & P5	3,4,5,6,7,8,9,10,11,12,13	
VC2	Tourism and Culture	8,11,12 & 13	P1 & P5	3,4,5,6,7,8,9,10,11,12,13	
VC3	Network of Centres	8,11,12 & 13	P1 & P5	3,4,5,6,7,8,9,10,11,12,13	
VC4	City Centre and Retail Core	8,11,12 & 13	P1 & P5	3,4,5,6,7,8,9,10,11,12,13	
VC5	City Centre Living	3,7,8,9,10,11,12,13 & 15	P1 & P5	3,4,5,6,7,8,9,10,11,12,13	14
VC6	West End Area	3,4,7,8,9,11,12,13 & 15	P5	3,4,5,6,7,8,9,10,11,12,13	
VC7	West End Shops and Cafes	8,11,12 & 13	P1 & P5	3,4,5,6,7,8,9,10,11,12,13	

VC8	Town, District, Neighbourhood and Commercial Centres	8,11,12 & 13	P1 & P5	3,4,5,6,7,8,9,10, 11,12,13	
VC9	Out of Centre Proposals	8,11,12 & 13	P1 & P5	3,4,5,6,7,8,9,10, 11,12,13	
VC10	Local Shop Units	8,11,12 & 13	P1 & P5	3,4,5,6,7,8,9,10, 11,12,13	
VC11	Beach and Leisure	8,11,12 & 13	P1 & P5	3,4,5,6,7,8,9,10, 11,12,13	
VC12	Retail Development Serving New Development Areas	3,8,9,10,11,12,13 & 15	P1 & P5	3,4,5,6,7,8,9,10, 11,12,13	
I1	Infrastructure Delivery and Planning Obligations	1,2,3,4,6,7,8,9,10,1 1,12,13,14,15 & 17	P1, P2, P3, P5 & P6	3,4,5,6,7,8,9,10, 11,12,13	
T1	Land for Transport	3,8,9,11,12,13,14 & 15	P1, P3, P5 & P6		15
T2	Sustainable Transport	3,8,9,11,12,13,14 & 15	P1, P3, P5 & P6	3,4,5,6,7,8,9,10, 11,12,13	15
T3	Parking	3,8,9,11,12,13 & 15	P1, P3, P5 & P6	11	15
CI1	Digital Infrastructure	8,9,11 & 12	P5	1,13	
CI2	Telecommunications	8,9,11 & 12	P5	1,13	
B1	Business and Industrial Land	3,8,9,11,12,13 & 15	P5	1,13	
B2	Business Zones	8,9,11 & 12	P5	1,13	
B3	Aberdeen International Airport and Perwinnes Radar	8 & 9	P5	1,13	
B4	Aberdeen Harbours	8 & 9	P5	1,13	
B5	Energy Transition Zone	3,6,7,9,11,12,13,14 & 15	P5	3,4,5,6,7,8,9,10, 11,12,13	
B6	Pipelines, Major Hazards and Explosive Storage Sites	3,8 & 9	P5	1,13	

## Local Development Plan in context.

1.4 The Local Development Plan is not written in isolation. Engagement, consultation and conversations on its content through the Pre-Main Issues and Main Issues Report stage are fundamental in shaping the document, alongside analysis of international, national, and local strategies and policies. The Local Development Plan is responsible for balancing the intricacies of these differing elements with the aim of achieving a spatial strategy and policies for the future land use in Aberdeen. As mentioned above the Local Development Plan is only one of the tools available to the Council to help achieve its goals and objectives.

Infographic to be produced representing this.

Council	Regional	National / International
Local Outcome Improvement Plan City Centre Masterplan Core Paths Plan Open Space Strategy Food Growing Strategy Local Transport Strategy Local Housing Strategy Culture Aberdeen Air Quality Action Plan Climate Roads Hierarchy Sustainable Urban Mobility Plan	Aberdeen City and Shire Strategic Development Plan Regional Transport Strategy Regional Economic Strategy Tourism Strategy River Dee Catchment Management Plan	UN Sustainable Development Goals National Planning Framework 3 Scottish Planning Policy Designing Streets Creating Places Our Place in Time Historic Environment Policy for Scotland Marine Spatial Plan Water Framework Directive Climate Other local Authorities LDP Health Priorities 4 Scotland Scotland's Forestry Strategy

## Child Friendly Version of the Local Development Plan 2022

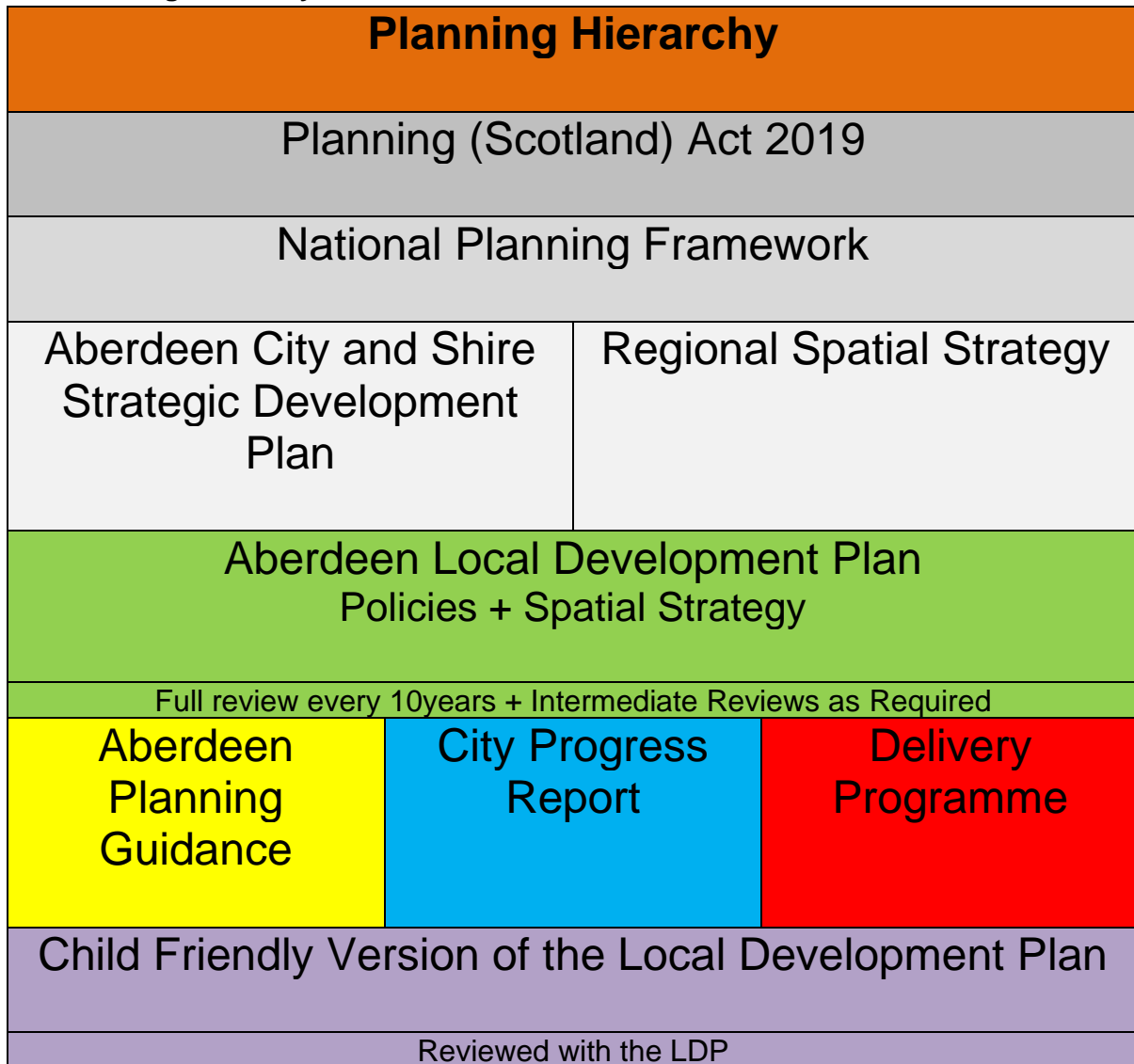
1.5 As the Local Development Plan covers a 10 year timeframe is it important to ensure young people and children are included in discussions. The benefits of doing so increase awareness of the Local Development Plan, increase participation and confidence when engaging with spatial planning and ensure we create a city for all. Aberdeen has started the process of becoming a Child Friendly City through its partnership with Unicef on the Child's Rights Partners programme. The goal of the programme is to change the way councils work with and for children, create opportunities for children and families to have a say in the delivery of services and ensure children are surrounded by responsive, connected and empowered support.



***It is our intention to produce a child friendly version of the local development plan after it is adopted, thereby paving the way for future discussions on planning and city development.***

## 2.0 How to use this Plan

The Planning Hierarchy in Scotland.



2.1 In 2019 the new Planning (Scotland) Act came into force. This has introduced many changes which will come into force in line with a timetable being produced by the Scottish Government. While this Plan cannot reflect all these changes, until such time as they have come into force, it has introduced those appropriate at this time.

## **National Planning Framework for Scotland**

2.2 The National Planning Framework (NPF3) is currently under review and its replacement (NPF4) will set out Scotland's vision for the future as well as introducing national policies on various topics. The current National Planning Framework (NPF3) reflected Aberdeen's position as Scotland's third largest city and significant economic engine, and together with the rest of the North East, the important role it plays in Scotland's success. Its key vision for Scotland's spatial development was to create:

- a successful, sustainable place;
- a low carbon place;
- a natural, resilient place; and
- a connected place.

2.3 NPF3 did this by identifying a number of important infrastructure projects across the North East, and in Aberdeen specifically. Many of these, such as rail improvements from Aberdeen to Inverness and the Central Belt, Aberdeen South Harbour Extension, the AWPR, Improvements to Aberdeen Airport and the Dualling of the A96, are either now completed, or well under way. These projects were deemed essential to Aberdeen's continued success and were reflected in Aberdeen's City Region Deal. Planning authorities must take NPF3 into account when preparing development plans and it is a material consideration in determining planning applications. This will remain the position until it is replaced by NPF4.

2.4 Until the new NPF4 is in place the Aberdeen Local Development Plan will continue to work to the existing NPF3 and the Strategic Development Plan. However once adopted the new NPF4 will represent a material consideration in determining future planning applications.

## **Aberdeen City and Shire Strategic Development Plan**

2.5 The Strategic Development Plan (SDP) represents the regional spatial plan for the City Region. It reflects the National Planning Framework and sets out the strategy for the growth of the North East. The main aims of the Strategic Development Plan are to:

- provide a strong framework for investment decisions which will help to
- grow and diversify the regional economy in a sustainable manner;
- promote the need to use resources more efficiently and effectively whilst
- protecting our assets; and,
- take on the urgent challenges of climate change.

2.6 The Strategic Development Plan promotes four strategic growth areas which will be the focus for development. These strategic growth areas are Aberdeen City and the three transport corridors between Huntly and Aberdeen, Aberdeen and Laurencekirk and Aberdeen to Peterhead. These growth corridors, through NPF3, have seen significant investment, such as the AWPR, rail improvements and the



Aberdeen Harbour Extension and it is expected that through NPF4 the importance of Aberdeen's success in national terms will continue to be reflected.

### **Aberdeen Local Development Plan – Working Towards the Vision**

2.7 The Local Development Plan represents our spatial vision for Aberdeen and sets out how we aim to achieve this. It is one of the most important vehicles in delivering the Council's objectives and will have a very significant impact on the city over its lifetime. It does this by identifying which land is being allocated to meet the City's development needs to 2040 and beyond, and it sets out the planning policies we will apply in promoting the healthy and sustainable growth of Aberdeen over this period.

2.8 The Plan has been developed in the context of a new emerging planning system in Scotland. It has taken account of all changes made to date, for example the removal of statutory supplementary guidance and has been co-designed with NHS Grampian Public Health, to reflect the strengthening relationship between planning and health within the Planning (Scotland) Act 2019.

2.9 The Plan contains a spatial strategy which explains our overall view of where development should go and the principles behind that. All sites allocated in the Plan have been assessed against sustainable development and health principles to ensure the most appropriate sites are chosen. We have identified development sites and the scale of development we expect to see on each site. We have also specified what developers need to do when designing and delivering development, emphasising the need for masterplans, drawn up with local community involvement, for all the major sites. Our policies set out the requirements for different types of development and explain what uses are acceptable in different areas. More information and advice is contained in Aberdeen Planning Guidance which is approved by Aberdeen City Council. This can relate to specific sites or to specific types of development. We have also prepared a Delivery Programme which sets out what actions are needed for the policies and proposals in the Plan to be delivered, who is responsible for delivering them and the expected timescale for doing this. The Delivery Programme will be monitored and updated regularly and published annually.

2.10 All development must comply with policies which seek to create a sustainable city. The Local Development Plan contains different types of policies:

- Map based policies, which apply to a specific area on the Proposals Map.
- City wide policies, which apply to all new development proposals.
- Topic policies, which apply to a certain type of development.

2.11 It is important to remember that development proposals will be assessed against a number of policies within the Local Development Plan, so it must be carefully considered as a whole. Reference should also be made to appropriate Aberdeen Planning Guidance and Supplementary Guidance as well as national policy and the Strategic Development Plan.

## 3.0 The Spatial Strategy

### Overview

3.1 Development should meet the needs of the whole community. It should be of the right type in the right place at the right time. Promoting good design, mixing uses and re-using previously developed land will help to deliver good placemaking. The city centre is the commercial, economic, social, civic and cultural heart of Aberdeen. This Plan supports a strong and thriving city centre to deliver the wider strategic aims of the Strategic Development Plan and transformational projects identified in the City Centre Masterplan.

3.2 Regeneration of city centre sites and other brownfield sites throughout the existing built-up area for appropriate uses is encouraged. Brownfield sites are expected to contribute an increasing amount of our housing requirements over the period to 2032. The Plan identifies specific brownfield housing sites and explains the potential for others to come forward. Sites are also identified for other uses which complement existing communities.

3.3 A mixture of house types, employment opportunities and supporting development is important if we are able to offer a wide range of services and facilities which underpin Aberdeen's role at the core of the city region. All development proposals in this Plan are listed in Appendix 2 and shown on the Proposals Map. They include a wide range of proposals including housing, employment, sport and recreation, infrastructure, community, quarries, energy, regeneration, retail and mixed uses. Some of these were identified in the 2017 Local Development Plan. However, this Plan also includes new proposals including health centres, a new stadium and city centre regeneration proposals. New housing and employment proposals are set out in the next section.

### Housing and Employment Land Requirements

3.4 The Strategic Development Plan housing allowances and employment land allocations are set out in Table 2 below. The Local Development Plan needs to show how these allowances and allocations will be met.

**Table 2 Strategic Development Plan Housing and Employment Land Figures**

Housing Allowances			Employment Land Allocations	Employment Land: Strategic Reserve
2020-32	2033-35	2036-40	To 2032	2033-40
5107	4500	4002	105 hectares	70 hectares

3.5 Aberdeen will accommodate around half of the new housing and employment land needed to meet the strategic needs of the City Region over the next 20 years as set out in the Strategic Development Plan. A substantial housing land supply is already in place as a result of sizable allocations and consents. This is resulting in significant planned expansions around Aberdeen. These largely greenfield developments will continue to provide opportunities for exciting new ways of delivering communities guided by detailed masterplans prepared in consultation with local communities.

3.6 The Strategic Development Plan states that new housing allocations should reuse brownfield land and attempt to utilise the current constrained supply in the first instance. This Local Development Plan endorses that approach and looks to ensure that at least 40% of all new housing in Aberdeen is built on brownfield sites in line with SDP targets. Because we already have substantial greenfield allocations both in and around Aberdeen we have kept our new greenfield housing allocations to a minimum.

3.7 This Local Development Plan needs to show how we will meet the 5107 housing allowance which the Strategic Development Plan sets for Aberdeen for the period to 2032. Potentially, any sites not identified as being 'effective' in the 2019 Housing Land Audit (HLA) could be counted towards the allowances for 2020-32. This Plan will include the following:

Greenfield sites identified in the 2017 ALDP but not in the 2019 HLA	42 units
Brownfield Sites identified in the 2019 Brownfield Urban Potential Study	3807 units
Total	3849 units

3.8 We have not counted the 2464 constrained greenfield sites from the 2019 HLA on the basis that most of them are part of larger sites and may not all be delivered during that period. This means we would have up to 3849 units which can be counted towards the 5107 allowances, leaving a shortfall of 1258 units which will be met through the new allocations set out below.

**Table 3 New Housing Allocations for 2020-32**

Reference	Site	Proposal	Issues
OP2	Cloverhill and Berryhill	1000 homes	Former employment land. Primary and secondary education capacity issues need to be addressed. Masterplan required.

OP12	Silverburn	100 homes	Former employment land. Primary and secondary education capacity issues need to be addressed. Needs to link into OP2 and OP13 – the AECC site.
OP14	Cordyce School, Dyce	50 to 100 homes	Capacity of the site is dependent on design and access issues.
OP6	WTR Site at Dubford	0.57 hectares for housing	Small brownfield housing opportunity that should look to integrate with the neighbouring development at Dubford.
OP4	North Denmore	30 homes	Housing opportunity on land in North Denmore.
OP11	Balgownie Area 4	15 homes	Small housing opportunity on land next to the new development at Home Farm.
OP35	Summerfield House, Eday Road	1.1 hectares for housing	Brownfield housing opportunity.
OP37	Woodend Hospital	7.1 hectares for housing	Large brownfield housing opportunity which includes some open space and listed buildings.
OP26	Old Skene Road	14 homes	Small greenfield site next to Kingswells.
OP66	Granitehill	300 homes	Brownfield housing opportunity in an industrial location. Education capacity issues need to be addressed.
OP69	152 Don Street, Old Aberdeen	50 homes	Well connected brownfield opportunity in a conservation area.
OP76	Raeden (eastern part)	1.48 hectares for housing	Presence of mature trees and walled garden means that only a small part of this site may be suitable for housing.

OP83	Urquhart Building, City Hospital	0.28 hectares for housing	Housing opportunity would allow the re-use of this listed building.
OP89	Kaimhill Outdoor Centre	35 homes	Housing development in conjunction with open space improvements.

## Brownfield Sites

3.10 Redeveloping the urban area can regenerate communities, maintain local services, remove local eyesores, bring land and buildings back into effective use, remediate contamination and reduce the need for car-based travel. It can also be used to create productive open space. Brownfield development may present difficulties, such as land assembly or site preparation but these are likely to be outweighed by the benefits. Planning briefs or masterplans may be required for larger brownfield sites or sites in sensitive locations and where appropriate, an assessment of contamination will be required prior to the granting of planning permission.

3.11 Appendix 1 shows the brownfield sites identified through the Brownfield Urban Capacity Study that have been assessed as suitable for potential future housing development. The Brownfield Urban Potential Study shows that the sites in Appendix 1, Table 1 have the potential to accommodate up to 3807 homes depending on the density of development. None of these sites were regarded as effective in the 2019 Housing Land Audit (used as the basis for calculating the Strategic Development Plan allocations) so there is no double counting. We are confident that more brownfield sites will emerge and receive planning consent during the lifetime of the Local Development Plan.

3.12 Alongside the brownfield sites identified for housing, there are sites capable of accommodating other uses, such as for business, retail and leisure. These are shown in Appendix 2 along with all other opportunity sites suitable for a variety of uses. This gives further detail and particulars of each site and its capabilities. Opportunity sites are shown on the Proposals Map.

## Period 2 Allowances 2033-35 and Period 3 Allowances 2036-40

3.13 We will continue to identify the 3440 homes at Greenferns, Greenferns Landward, Grandhome and Newhills which the 2017 Local Development Plan identifies for its Phase 2. These sites can be set against the new Period 2 Allowances for 2033-35. We do not propose to identify any further sites to meet the allowances for Periods 2 and 3. Neither Scottish Planning Policy or the Strategic Development Plan requires this Plan to do so. There is already a very healthy and long-term housing land supply in Aberdeen and we do not think that having more longer term allowances is necessary. Further brownfield, city centre masterplan and

other windfall sites will also emerge over the next few years which will augment the already generous supply of housing land which we have.

## Employment Land Allocations

3.14 The Strategic Development Plan asks Local Development Plans to make sure there is at least 60 hectares of marketable land available to businesses at all times in a range of places within Aberdeen City. In addition, at least 20 hectares of the marketable employment land in the Strategic Growth Areas should be of a standard which will attract high quality businesses or be suitable for company headquarters.

3.15 The 2019 Employment Land Audit shows that there is around 210ha of marketable employment land in Aberdeen. This figure is reduced to 142ha with the re-allocation of Cloverhill and Berryhill. Of this remaining land, around 49ha is on allocated sites around the city (Table 4). The rest is on undeveloped land in the existing zoned business and industrial estates such as Findlay Farm, Dyce Drive and so on. Because of this healthy position, we do not consider it necessary to identify any further employment land in this Plan.

3.16 In addition, the land currently identified in the LDP 2017 as Phase 2 employment land at OP1 Murcar, OP18 Craibstone North and Walton Farm and OP60 Charleston will be identified as Strategic Reserve Employment Land for the period 2032-40 in line with the Strategic Development Plan requirement.

*Table 4 Employment Land Allocations and Strategic Reserve Employment Land*

Employment Land (hectares)	Existing to 2032 (marketable land in brackets)*	Strategic Reserve 2033 to 2040
OP1 Murcar		27 hectares
OP19 Rowett North	34.5 hectares (22.5hectares)	
OP18 Craibstone North & Walton Farm	1.5 hectares	18.5 hectares
OP29 Prime Four Kingswells	50 hectares (16.5 hectares)	
OP63 Prime Four Extension	13 hectares	
OP34 Greenferns	10 hectares	
OP38 Countesswells	10 hectares (10 hectares)	
OP48 Oldfold	5 hectares	
OP59 Loirston	11 hectares	
OP60 Charleston		20.5 hectares
<b>Total</b>	<b>135 hectares</b>	<b>66 hectares</b>
Strategic Development Plan Allocations	105 hectares	70 hectares

\* Marketable Land figures from the 2019 Employment Land Audit.

## Land Release

3.17 The greenfield allocations will be assessed against the following land release policy.

### **Policy LR1 - Land Release Policy**

Part A - Existing Housing Allocations and Housing Allowances to 2032 and Employment Allocations up to 2032

Housing and employment development on existing allocated sites and housing allowance sites for the period up to 2032 will be approved in principle within areas designated for housing or employment. Development on an allocated site or in close proximity to an allocation that jeopardises the full provision of the allocation will be refused.

Part B – Housing and Employment Land for the period 2033 – 2040

Housing and employment development on sites allocated in the period 2033-40 are safeguarded for future development and will be released by a review of the Local Development Plan. Development on a site allocated in these phases or in close proximity to an allocation that jeopardises the full provision of the allocation will be refused. The housing and employment land sites for the period 2033-40 are as follows;

OP9 Grandhome – 2300 homes (from a total of 7000)

OP21 Rowett South – 240 homes (from a total of 1940)

OP22 Greenferns Landward – 500 homes (from a total of 1500)

OP33 Greenferns – 400 homes (from a total of 1350)

OP1 Murcar – 27 hectares Employment Land

OP18 Craibstone North & Walton Farm – 18.5 hectares Employment Land

OP60 Charleston – 20.5 hectares Employment Land

3.18 In order to help deliver mixed communities, and assist in the provision of employment land, large sites should include a mix of housing, employment and other uses as set out in Masterplans. This will improve the delivery of employment land for new or expanding businesses, support economic growth and deliver sustainable communities.

3.19 The Land Release Policy areas are shown on the Proposals Map, and covers sites with multi-phase allocations and the Phase 2 sites. Where a housing or employment site is wholly phased within the period to 2032, it will be zoned as either H1 Residential or given an appropriate employment zoning, but the LR1 Policy will also still apply to them.

## Delivery of Mixed Use Communities

### Policy LR2 - Delivery of Mixed Use Communities

Other small scale complementary uses will be supported within allocated sites provided there is no conflict with the spatial strategy of the Plan or the achievement of the specified housing and employment provision. Developments including provision for both housing and employment land will be required to service the employment land along with the associated phases of the housing development. This means that the road, water, gas and electricity infrastructure will need to be considered for the whole site.

## Growing Aberdeen

3.20 The following expansion areas were identified in the previous Local Development Plan and have been carried over into this one.

3.21 Significant land allocations are identified in the Bridge of Don area north of the River Don to support the Energetica Corridor and meet the requirements of the Strategic Development Plan. This seeks to improve the economy and promote the energy industry along the Aberdeen to Peterhead growth corridor. The most significant proposals are the new community at **Grandhome** and mixed-use opportunities at the former Aberdeen Exhibition and Conference Centre. Former employment land at Murcar has been re-allocated to housing and re-named Cloverhill and Berryhill.

3.22 Substantial land allocations are identified in the **Dyce and Bucksburn** A96 corridor close to Aberdeen International Airport, which is one of the gateways to the Energetica corridor. There is a significant amount of employment land around Dyce Drive and the area around Newhills will become a new community.

3.23 Business land is identified at Prime Four Business Park, **Kingswells**. The main housing sites in this area are at Maidencraig (750 homes) on the A944 corridor and at Greenferns (1,350 homes plus 10 hectares of employment land) close to **Northfield**. The new stadium and training facilities are identified at Kingsford for the first time in this Plan.

3.24 A new community at **Countesswells** was identified in the 2012 Local Development Plan. This area benefits from being close to the employment sites at Kingswells. This development includes 3000 homes, 10 hectares of employment land plus appropriate community facilities.

3.25 Relatively limited development is proposed along the **Deeside** corridor with only one major site identified at Oldfold. Further smaller sites are proposed near Peterculter. There are significant transport and educational capacity infrastructure constraints in the area which restrict the scale of future development.



3.26 South of the River Dee, **Loirston** is identified to accommodate a new community. The other major development in this area is the **Aberdeen South Harbour**. The Plan also identifies two areas close to Aberdeen Harbour South specifically as an Energy Transition Zone. Further details of this can be seen in Policy B5.

3.27 Numerous brownfield proposals are identified in **Aberdeen** with some significant proposals at Granitehill, Haudagain, Woodend Hospital, Pittodrie and the Broadford Works. This Plan also identified the seven **City Centre** Masterplan intervention areas.

3.28 In order to support the delivery of large scale and often multi phased developments, masterplans and development frameworks have been produced. The full list of masterplans and development frameworks are found within section 11 of the Plan. Masterplan Zones have been identified there and within these zones developers will be expected to work together to prepare Masterplans for each zone.

3.29 These following residential sites are programmed to be built out over a number of years, and in many cases comprise multiple opportunity sites, or are in multi-ownership:

- OP38: Countesswells
- OP09: Grandhome
- OP28 & OP33: Greenferns
- OP59: Loirston
- OP31: Maidencraig South East & OP32: Maidencraig North East
- OP20: Craibstone South, OP21: Rowett South & OP22: Greenferns Landward is Newhills.
- OP02: Cloverhill and Berryhill

These sites are required:

- To provide a long-term vision.
- To be inclusive mixed-use communities, with a range of community facilities and services.
- To be a place with its own unique identity and sense of place shaped by and responding to existing character and adjacent communities.
- To be a place that is efficient and self-sustaining with low energy demands and promotes a healthy community lifestyles.
- To be a place with a varied and interesting urban form, supported by high quality architectural, urban and landscape design.
- To incorporate existing landscape and built features sensitively into sites.
- To provide a full range of building typologies and tenures that will create a diverse and inclusive community structure, offering housing choice and opportunities for all sectors of the community.
- To be active travel focussed and follow the transport hierarchy of pedestrian first.
- To be a place that includes an extensive green network across the site and that extends and links to the existing Core Path and habitat networks.
- To be a place where people can live, work and play without relying on private transport, with each neighbourhood area designed so that residents can access schools, shops, employment opportunities within walking distance of

- their home.
- To ensure all streets will be designed to create a legible hierarchy within the development. Streets will be designed firstly as places and will connect to existing places.

### **OP38 Countesswells**

3.30 Countesswells, a new place of 3000 homes, and 10 hectares of employment land with shops, parks, schools, public transport and community facilities, strategically placed to the west of city. A self-sustaining, well connected, permeable and identifiable community that fits within an attractive and well contained landscape setting, utilising the high amenity location between Countesswells woodland and Hazlehead Park.

3.31 A Development Framework and Phase One Masterplan has been prepared and sits as an Aberdeen Planning Guidance document to accompany this Plan. This document, and any subsequent Masterplans which fall from it, will be key material considerations in the assessment of any planning applications for the Countesswells area.

#### Key Principles:

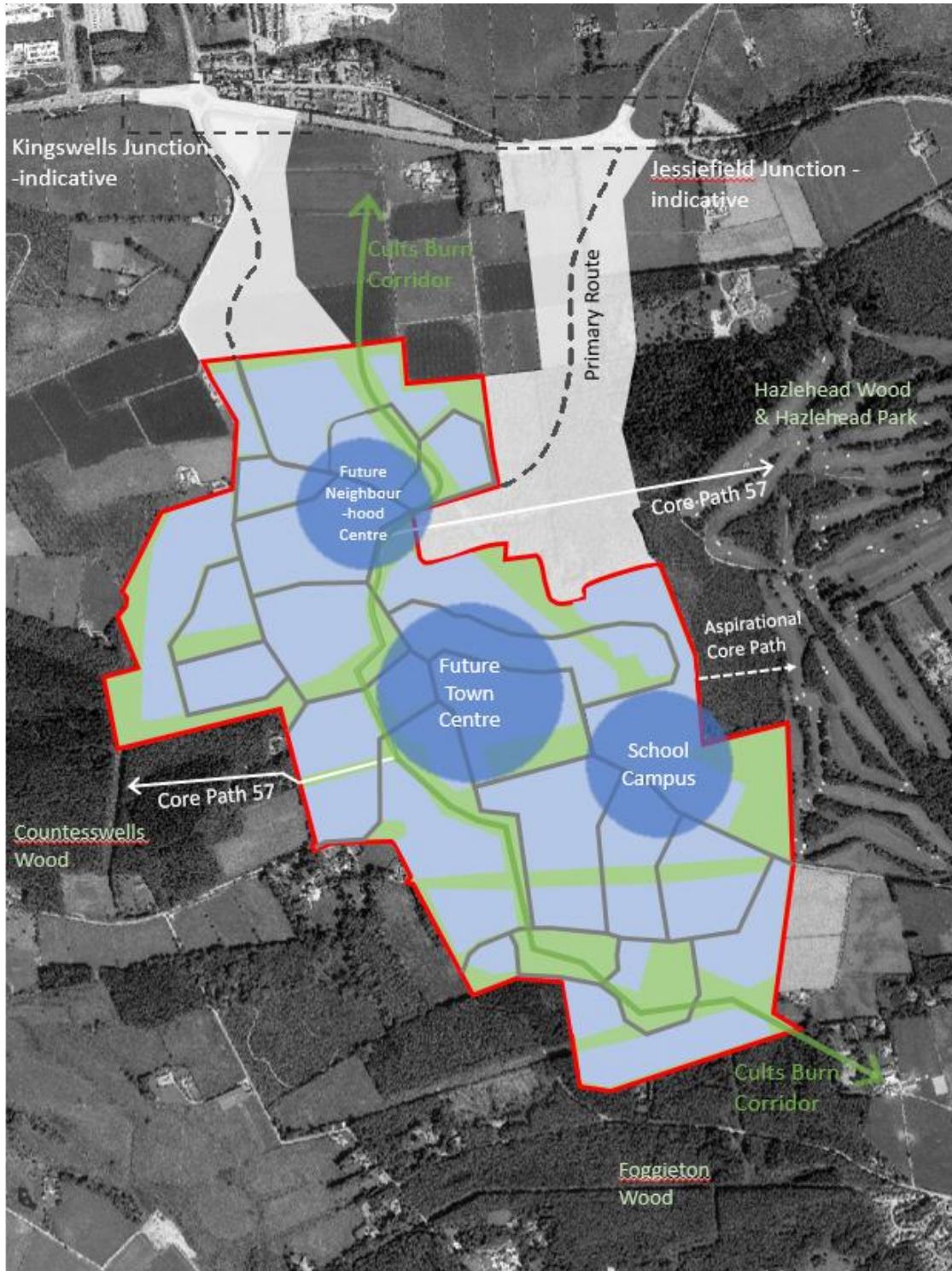
- Cults Burn Corridor runs through the centre of the site from north to south providing a high quality landscape and ecological corridor, enhanced biodiversity and Sustainable Urban Drainage System.
- A clearly defined open space strategy, focussing on Cults Burn Corridor, Central Park, Hazelden Park, allotments, 2 large scale play area and community sports facilities.
- A long-term vision for an inclusive mixed-use community.
- Future town centre, neighbourhood centre(s) and school campus and community sports facility provide the focus for community activity.
- Town Centre will have a focus to a central park, with mixed use, retail and employment uses.
- Future Neighbourhood Centre will include a primary school, with mixed use, retail and employment uses.
- School Campus and Community Sports Facilities will form an education hub with a primary and secondary school, sports facilities and health services. Opportunities to co-locate educational, health and other appropriate uses will be promoted.
- Access to existing and new recreation opportunities for pedestrians, cyclists and equestrian use from the north, south, east and west from existing and aspirational core paths.
- Served by pedestrian and cycle network and frequent public transport services including new and extended services.
- Seven main character areas will inform and influence the ongoing design,

detail layouts, and architecture.

- Transport infrastructure provided by two main new junctions to the north, Jessiefield junction and Kingswells junction.
- Phasing to be in accordance with the development framework.

### Indictive Diagram of Countesswells

(not to scale – further graphics editing required)



## **OP09: Grandhome**

3.32 Grandhome, located to the north of the city, will constitute a mixed use urban extension of 7000 homes and 5 hectares of employment land across seven individual neighbourhoods, each supported by shops and services. This new community will include schools, a community campus and health facilities and link into existing communities in Bridge of Don.

3.33 A Development Framework has been prepared and sits as an Aberdeen Planning Guidance document to accompany this Plan. This document, and any subsequent Masterplans which fall from it, will be key material considerations in the assessment of any planning applications for the Grandhome area.

### Key Principles

- Open space will be configured as a connected network, with around 85 hectares of formal and informal public open space proposed.
- A place which responds to its urban context adjacent to existing communities in Bridge of Don and the Energetica Corridor. This will include working with the natural topography of the site.
- A place informed by the transect-based design approach described in the Development Framework and focused around the development of a town centre and six other residential neighbourhoods with mixed-use cores.
- Community hubs will be located within three areas. Grandhome town centre will comprise a primary school and community sports facilities, mixed use, retail, and health care facilities. The Community Campus will comprise a primary and secondary school, library, community campus and sports facilities. The western neighbourhood centre will comprise a primary school and community sports pitches. Opportunities to co-locate educational, health and other appropriate uses will be promoted.
- A Gypsy and Traveller site will be provided on site.
- Architectural style across Grandhome will respect the local vernacular but also include contemporary aesthetics and materials.
- A new pedestrian / cycle bridge to the Davidson's Mill development to the south will be provided.
- A net positive impact will be achieved on adjoining protected or valuable habitats. The Monument Wood and hill top park will be preserved and enhanced. Traditional boundary treatments will be used as integral features.
- The main vehicular access will be provided from the Parkway, with secondary access points from Whitestripes Avenue to the east and Whitestripes Road to the north.
- The phasing strategy for the site will reflect the strategy outlined in the Development Framework, with development beginning in the eastern areas of the site, then progressing further north before moving towards the west.
- Continued community engagement will be promoted as the place grows.



# Indictive Diagram of Grandhome

(not to scale – further graphics editing required)



### **OP28 and OP33: Greenferns**

3.34 Greenferns will constitute a new place of up to 1470 homes and 10 hectares of employment land, with shops, parks, public transport and community facilities. Situated on the edge of several existing, well-established communities Greenferns will be a unique and recognisable place which also connects and integrates with the surrounding communities through sensitive design, good pedestrian connections and the potential for shared facilities.

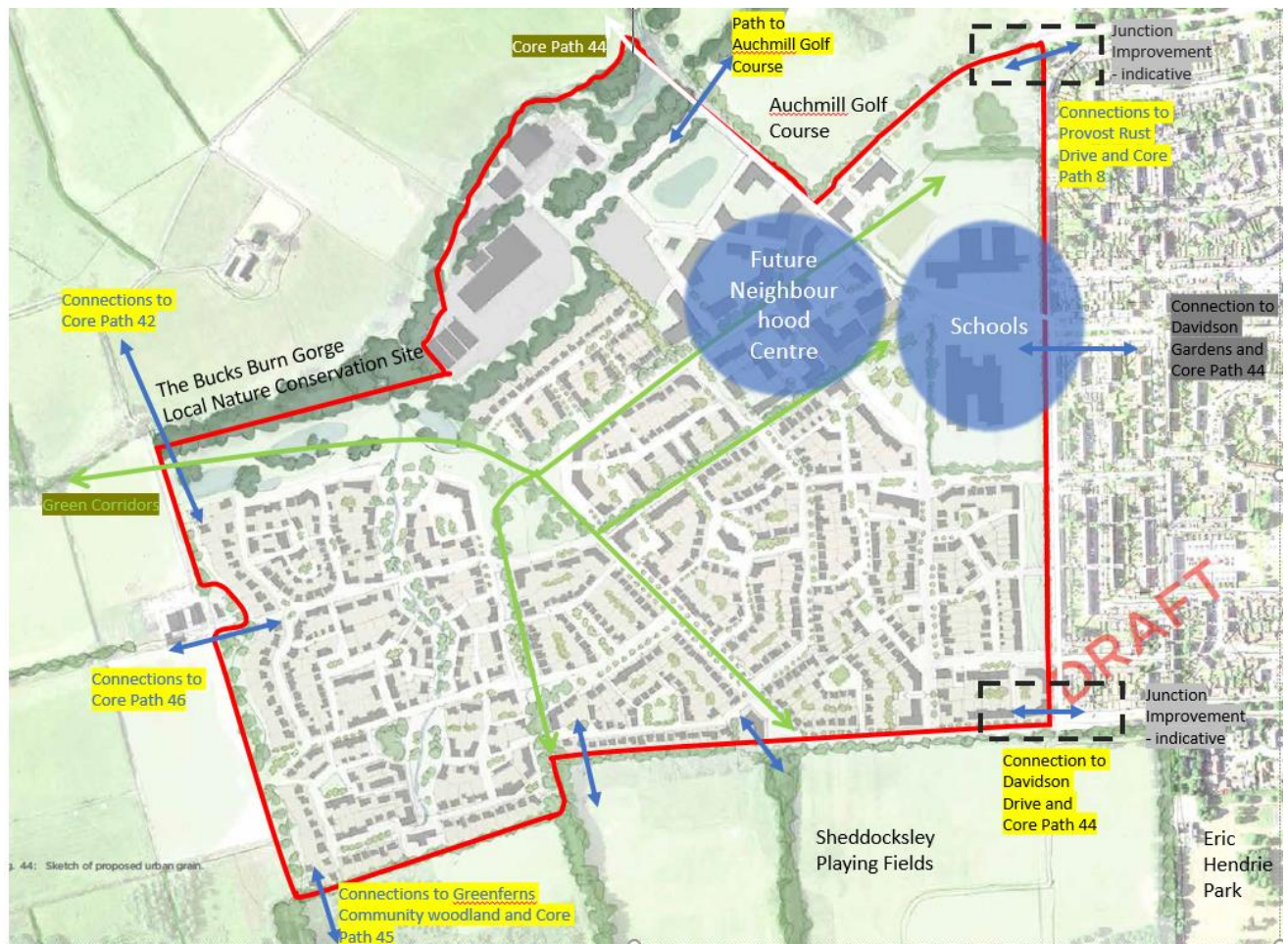
3.35 A Development Framework has been prepared and sits as an Aberdeen Planning Guidance to accompany this Plan. This document, and any subsequent Masterplans which fall from it, will be key material considerations in the assessment of any planning applications for the Countesswells area.

#### Key Principles:

- A place with a comprehensive open space strategy focussing on six areas of open space, play zones, and good connections to existing open space of Sheddocksley Playing Fields, Bucks Burn Gorge Local Nature Conservation Site, Greenfern Community Woodlands, Auchmill Golf Course and Eric Hendrie Park.
- A place that demonstrates a clear urban structure, focused around the development of a neighbourhood core with mix use, retail and health services, located adjacent to the existing Heathryburn Primary School and Orchard Brae School.
- The five main Character Areas described in the Development Framework will inform and influence the ongoing design, detailed layouts, and architecture.
- Integration of business use on site with a link provided between the existing site and the neighbourhood centre.
- The retention, enhancement and response to The Bucks Burn, the ridge line, existing field boundaries and ancient woodland will form the identity of Greenferns.
- Airport noise and safeguarding considerations will be applied to part of the site.
- Access to existing recreation and community services from the north, south, east and west from existing and aspirational core paths will be achieved.
- The phasing strategy for the site will reflect the strategy outlined in the Development Framework.

# Indictive Diagram of Greenferns

(not to scale – further graphics editing required)



## **OP59: Loirston**

3.36 Loirston occupies an important strategic position in the City as a gateway site, offering potential to connect to and support existing surrounding communities of Cove and Kincorth, as well as integrating with its distinctive landscape setting of Loirston Loch and Kincorth Hill. Proximity to the city centre and key employment areas has attractive potential for waterside mixed-use development.

3.37 A development framework was approved as part of the previous 2012 Local Development Plan, and an updated version is currently in progress.

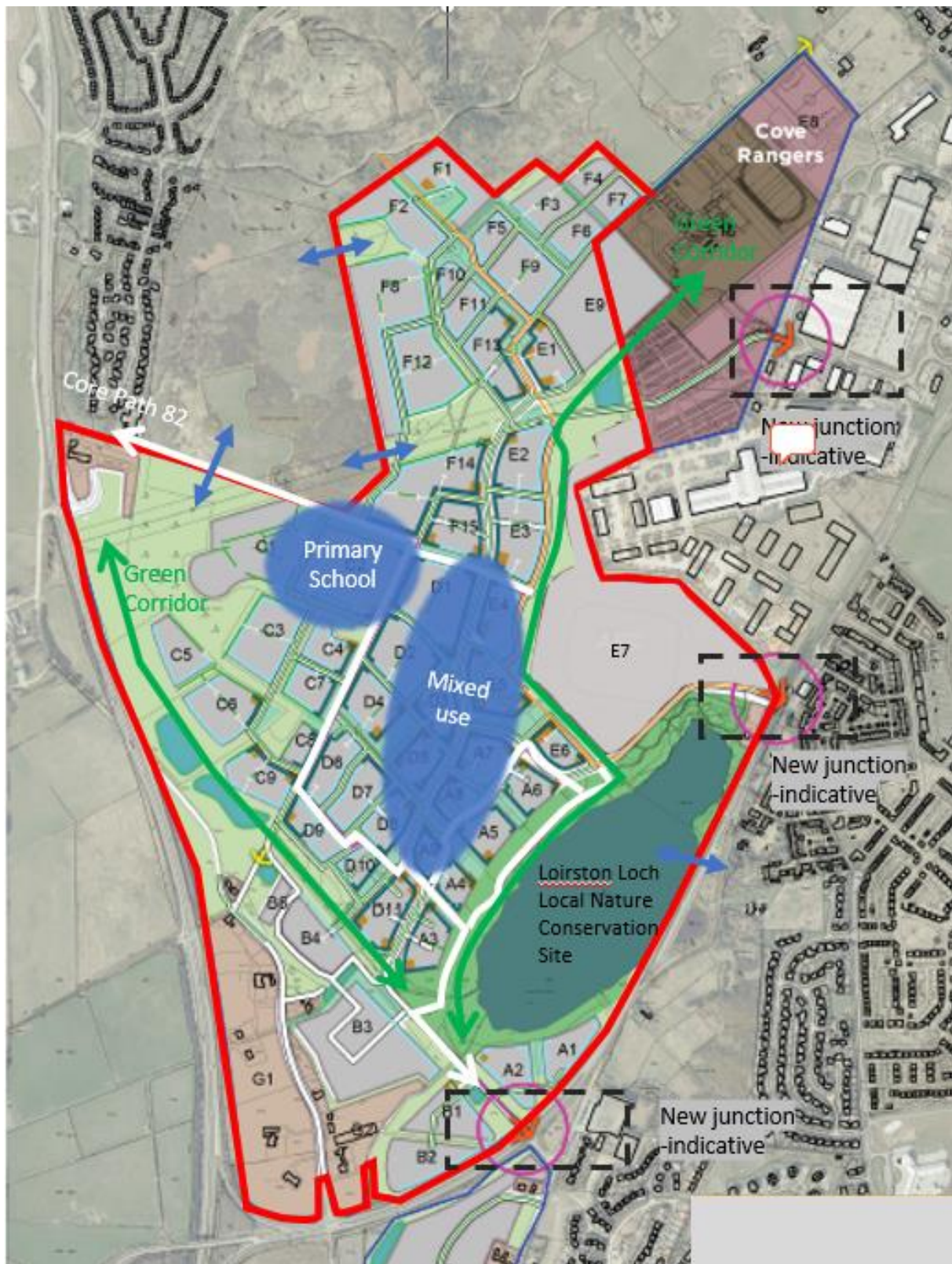
### Key Principles:

- Safeguard Loirston Loch (Local Nature Conservation Site) with channel improvements to entering watercourse and retention of drystone dykes.
- Development which takes account of key views and vistas, across the loch, to Cove/sea, along the improved watercourse and to hill and city beyond, to create a more coherent settlement with strong sense of place.
- Urban and civic spaces located along the central Primary Street.
- Access primarily from Wellington Road with additional access from Redmoss Road and Wellington Circle, to ensure bus routes, linkages to surrounding communities and a permeable network of streets and spaces.
- Creation of more than 5 hectares of major open space at Loirston Loch.
- A new neighbourhood centre comprising local retail and commercial units, community facilities, new education (primary school).
- The main Character Areas described in the Development Framework will inform and influence the ongoing design, detail layouts, and architecture.
- Higher density development proposed to follow the Lochside, to take advantage of views over the loch, with densities gradually decreasing as development moves west away from the Lochside.
- Phasing to be in accordance with the development framework.
- Gypsy and traveller site.



# Indictive Diagram of Loirston

(not to scale – further graphics editing required)



## **OP31 and OP32 Maidencraig**

3.38 Maidencraig will constitute an urban expansion of 750 new homes, split into two areas to the north and south of the Lang Stracht at the western edge of the city. Key to the area is the relationship to the Den of Maidencraig Local Nature Reserve and the need to ensure both parts of the site are easily connected to existing community areas such as Sheddocksley and Woodend.

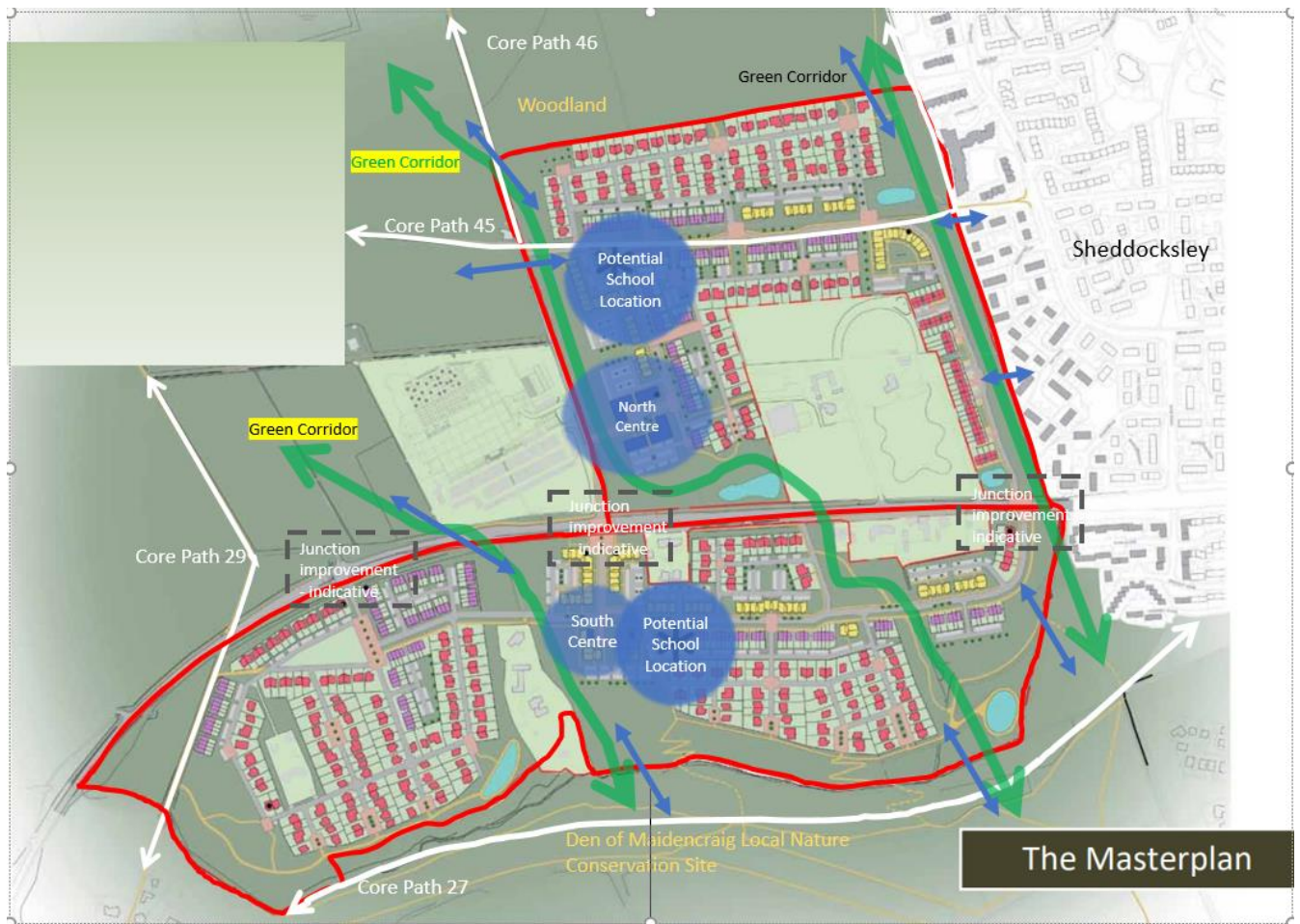
3.39 A Masterplan report has been prepared and sits as an Aberdeen Planning Guidance to accompany this Plan. This document will be key material considerations in the assessment of any planning applications for the Maidencraig area.

### Key Principles:

- A place effectively and sensitively nestled between established woodland to the north and the Den of Maidencraig to the south, and which will work to enhance landscape setting and existing features.
- An effective open space strategy will work to link woodland to the north and the Den of Maidencraig Local Nature Reserve to the south through green corridors within the site.
- A place that has connectivity with existing residential areas, and community facilities.
- A place which minimises the impact of the Lang Stracht on both visual and physical connectivity.
- A place that demonstrates a clear urban structure, focused around the development of two mixed use areas, one within each part of the site. .
- The three main Character Areas described in the Masterplan will inform and influence the ongoing design, detail layouts, and architecture. A northern square and southern square will incorporate commercial, retail and residential uses to support the surrounding community.
- The phasing strategy for the site will reflect the strategy outlined in the Masterplan, with development beginning in the east and progressing further west.
- Continued community engagement will be promoted as the place grows.

# Indictive Diagram of Maiden Craig

(not to scale – further graphics editing required)





## **OP20 Craibstone South, OP21 Rowett South, OP22 Greenferns Landward: Newhills Development Framework.**

3.40 Newhills will be a major urban expansion area and ultimately provide a new western boundary to the city. Newhills comprises three opportunity sites and will include 4,440 new homes as well as shops, parks, schools, public transport and community facilities spread across three mixed use centres.

3.41 A Development Framework has been prepared and sits as an Aberdeen Planning Guidance to accompany this Plan. This document, and any subsequent Masterplans which fall from it, will be key material considerations in the assessment of any planning applications for the Newhills area.

### Key Principles:

- A place with a comprehensive open space strategy totalling over 80 hectares across the site. This will include two areas of Major open space at Gough Burn Park and Burnbrae Commons, with six further areas of neighbourhood open space, including allotments, community gardens, play zones and sports facilities.
- A place focused around the opportunities of developing and integrating the three individual sites which make up the overalls Newhills area.
- A place that links into existing community areas at Bucksburn and Hopcroft and takes advantage of the close proximity to employment and leisure opportunities, such as The Event Complex Aberdeen (TECA), Three Hills Local Nature Conservation Site and Bucksburn Local Nature Conservation Site.
- A place with five main Character Areas as described in the Development Framework. A Gypsy and Traveller site will be provided on site.
- Mixed use centres will be located within each of the three opportunity sites. The northern section will comprise a village core. The middle section will have local retail, commercial, community and health use and the southern section will have mixed use and a primary school.
- Two primary schools are expected on the overall development site.
- Areas for outdoor sport and recreation will provide innovative ways to encourage healthy, active communities, for example through inclusion of a cross country and long distance running route as well as more traditional playing fields and games areas.
- Development will look to work alongside existing uses such as the SRUC campus and encourage shared use of community facilities where appropriate. Opportunities to co-locate educational, health and other appropriate uses will be promoted in the mixed-use centres.
- The phasing strategy for the site will reflect the strategy outlined in the Development Framework.
- Continued community engagement will be promoted as the place grows.

# Indictive Diagram of Newhills

(not to scale – further graphics editing required)



## 4.0 Monitoring & Review – Infrastructure Planning & Delivery

### Infrastructure Delivery for Developments

4.1 In the context of the move to ‘Net Zero’ and the continued pressure on resources, all infrastructure must be used to the fullest extent possible to ensure we achieve greatest value for money, reduce duplication and maximise capacity wherever possible. New infrastructure must only be sought where no acceptable alternative can be found, and new and innovative approaches to using and delivering infrastructure should be used wherever possible.

4.2 The timely delivery of infrastructure is crucial to the success and deliverability of developments. The Local Development Plan, in conjunction with the Delivery Programme aims to ensure infrastructure requirements are identified early in the development process and these tools will be used to monitor and help facilitate its delivery.

4.3 The Local Development Plan and the Action Programme are intended to help inform the Councils Capital plan and to help focus corporate, and national investment in the appropriate place, to maximise this infrastructure and deliver appropriate development.

Infrastructure Requirements from Masterplan Zones						
Development / Masterplan	Nature of the Contribution	Delivery				
		ACC	Developer	SW	NHS	Other
Cumulative Transport Infrastructure						
All	Contributions required in order to address the cumulative impact of development on the transport network. Possible issues to be resolved / schemes are listed in Supplementary Guidance and further detailed work is required to establish whether these are the most appropriate solutions for each development.	X	X			
Public Transport and Walking and Cycling Infrastructure						
All	New developments to be served by comprehensive pedestrian and cycle network and frequent public transport services including new and extended services.	X	X			
Roads						
Murcar & Dubford	Direct road access from Dubford and Mundurno onto local road connecting to B999 with potential new intersection.	X	X			
	New spur from Murcar to A90 Murcar roundabout.	X	X			
Grandhome	New road accesses from Grandhome onto Parkway.	X	X			
	Improve Whitestripes Road and B997 to appropriate design standards for forecasted traffic volumes and enable sufficient access to AWPR (does not include	X	X			

		further capacity improvements connecting the B977/B997 through Parkhill towards Dyce Drive).					
Stoneywood		New road connection from Stoneywood development to A947 with new junctions.	X	X			
Dyce Drive		Access from employment sites onto new Dyce Drive link road.	X	X			
Newhills Expansion		Road connection from existing roundabout at A96 / Dyce Drive through masterplan area and to Kepplehills Road.	X	X			
Greenferns		Road access from Greenferns to Provost Rust Drive and Provost Fraser Drive.	X	X			
Maidencraig		New major junctions on A944 to access Maidencraig sites.	X	X			
Kingswells		New major junction from employment development to access A944.	X	X			
Countesswells		New road links and major junctions at A944, with appropriate design standards to accommodate forecasted traffic volumes.	X	X			
Friarsfield		Upgrades to the local road network.	X	X			
Oldfold		New major junction connecting Oldfold to A93.	X	X			
Loirston		Road connections from Loirston to A956 through Industrial area to Southerhead Roundabout and using junction adjacent to Old Wellington Road (which could become a signalised junction).	X	X			
Secondary School Education (Contributions set against residential development sites only)							
Cloverhill, Berryhill & Dubford		Additional secondary school capacity.	X	X			
Grandhome		New secondary school provision.	X	X			
Greenferns & Maidencraig		Additional secondary school capacity at Northfield Academy	X	X			
Maidencraig		Additional secondary school capacity at Hazlehead Academy	X	X			
Countesswells		New secondary school provision	X	X			
Loirston		New secondary school provision	X	X			
Primary School Education (Contributions set against residential development sites only)							
Cloverhill, Berryhill & Dubford		Additional primary school capacity	X	X			
Grandhome		The equivalent provision of three to four new primary schools	X	X			
Stoneywood		Replacement primary school incorporating additional capacity.	X	X			
Newhills Expansion		The equivalent provision of two new primary schools	X	X			
Greenferns		New primary school provision	X	X			
Maidencraig		Additional primary school capacity required.	X	X			
Countesswells		The equivalent provision of two to three new primary schools	X	X			
Oldfold		New primary school	X	X			
Loirston		New primary school	X	X			
Water							
All		Contributions required in order to provide appropriate infrastructure for water supply and waste water		X	X		

		disposal. Scottish Water may explore the potential for addressing the cumulative impact of development on water related infrastructure.					
	Health (Contributions set against residential development sites only)						
	Dubford, Cloverhill and Berryhill (& possible contribution from site at East Woodcroft with Grandhome Zone 2)	Extension to Oldmachar Medical Practice at Jesmond Road to accommodate two additional GP's. Extension at Bridge of Don Dental Clinic at Cairnfold Road to accommodate General Dental services for one additional dental chair. One new Community Pharmacy.		X		X	
	Grandhome	New 16 GP Health Centre to accommodate existing four GP Practice with 12 additional GP's. Two new six chair Dental Surgeries. Four new Community Pharmacies.		X		X	
	Stoneywood	New 10 GP Health Centre (including land) to accommodate eight existing GP's with two additional GP's. Extension of Dyce Health Centre to accommodate two additional dental chairs. This facility could be included as part of the required new Health Centre, as specified above. One new Community Pharmacy.		X		X	
	Newhills Expansion	New 13 GP Health Centre (including land) to accommodate 6 existing GPs with seven additional GPs. New six chair Dental Surgery. This facility could be included as part of the required new Health Centre, as specified above. Three new Community Pharmacies.		X		X	
	Greenferns	New six GP Health Centre (including land already identified) to accommodate four existing GPs with two additional GPs. Two additional dental chairs required in Health Centre, as specified above.		X		X	
	Maidencraig Kingswells	Extension at Kingswells Health Centre to accommodate two additional GP's. New two chair Dental facility either in the recommended extension to the Kingswells Health Centre, or on a new site.		X		X	
	Countesswells	New five GP Health Centre (including land). New four chair Dental Surgery (including land). This facility could be included as part of the required new Health Centre as specified above. Two new Community Pharmacies.		X		X	
	Friarsfield	Extension to the existing Health Centre to support the General Medical Services for the increased population in the Cults community.		X		X	
	Oldfold	Extension to Peterculter Health Centre to accommodate one additional GP. Extension of Peterculter Health Centre to accommodate two additional Dental Chairs. One new Community Pharmacy.		X		X	
	Loirston	Extension to Cove Bay Health Centre to accommodate three additional new GPs. Extension at Cove Bay Health Centre to accommodate two additional Dental Chairs. One new Community Pharmacy.		X		X	



## **Monitoring Infrastructure and Development Delivery**

4.4 Monitoring is a crucial component of implementation of the Plan and will be carried out regularly. We will continually update data and review land use decisions, implementation, and assumptions, in order to identify the impact of the Plan, emerging problems and opportunities, or changing objectives.

4.5 Currently there are a number of means of recording development progress, including:-

- Housing Land Audit (HLA) – Reported Annually
- Employment Land Audit (ELA) – Reported Annually
- Brownfield Urban Capacity Study – When Required
- Development Activity Report – Reported Annually
- Retail Centre Health Checks – Reported every two years.

4.6 In monitoring the Plan, we will be able to see whether and how the policies of the Plan, Supplementary Guidance and Aberdeen Planning Guidance are working through, for example, analysis of Planning Committee and appeal decisions. In parallel to this the Council, through City Growth and its Business Intelligence and Performance Management clusters, gathers significant relevant data across multiple sectors. Under the Planning (Scotland) Act 2019 the Planning Authority also has a requirement to publish a report on Developer Obligations.

4.7 It is intended that these streams of data and reporting will be gathered together in an annual report called the City Progress Report. In turn this report will help inform the Council's Delivery Programme and its Capital Plan, to target infrastructure delivery in the appropriate locations and at the appropriate time. Over time this report will also help identify which are delivering on the outcomes of the Local Outcome Improvement Plan. It will also form part of the evidence base for the review process of the Local Development Plan, and feed into the Planning Performance Framework and Customer Service Excellence accreditation.

4.8 The Local Development Plan and the accompanying Supplementary Guidance and Aberdeen Planning Guidance will be updated to reflect any changes to our policy approach. The Delivery Programme will be updated to reflect progress with individual development proposals and actions for delivering and implementing planning policies. When appropriate we will undertake a review of the Local Development Plan.

## Delivering Sustainable Communities

This Section of the Plan sets out the Council's policies for ensuring that new development contributes to achieving our vision of a sustainable city and how we will meet the objectives and targets of the Strategic Development Plan.

### 5. Health and Wellbeing

5.1 Health and wellbeing are key components of creating successful, sustainable places. National Planning Framework 3, Scottish Planning Policy and the Aberdeen City and Aberdeenshire Strategic Development Plan all highlight the relationship between well-planned places, a healthy lifestyle, wellbeing and social inclusion.

5.2 Planning and health and wellbeing have historic connections. Planning by public authorities was initially used as a mechanism for improving the health of the working population in the Victorian era. More recently, good health and wellbeing are intrinsically linked to the UN Sustainable Development Goals in particular Goal 3: Ensure healthy lives and promote wellbeing for all at all ages.

5.3 Ensuring physical and mental health and wellbeing goes beyond providing healthcare services, development should create a healthy environment whilst not contributing to negative health outcomes. This relies on creating environments that foster better health, have reduced inequalities in wellbeing and which allow people to live active, engaged, independent and healthy lifestyles. Public Health Priorities for Scotland (2018) reinforces this approach, '*... it should be possible for everyone to be as healthy as they can be... the social, economic and physical environments we live in help create health and wellbeing, and local communities and public services make it possible for individuals to take positive decisions about their own health and feel supported to do so*'. The Aberdeen City Health and Social Care Partnership focus on improving the health and wellbeing of Aberdeen's citizens and seeks to reduce health inequalities.

5.4 Aberdeen's Local Outcome Improvement Plan 2016-2026 (LOIP) notes there are wide divisions in health and life expectancy between the richest and the poorest communities in our City, with a 14 year life expectancy gap reported between some areas. The LOIP aims to help individuals and communities look after their health, particularly through the choices they make and lifestyles they adopt. Consideration also has to be given to future need, changing demographics, an ageing population and dementia friendly design. Evidence has shown well planned local environments and good quality housing can have a substantial impact on the quality of life of someone living with dementia, and more widely to the general population. Publications such as Royal Town Planning Institute's 'Dementia and Town Planning', and Scottish Government's 'Planning Advice Note 78: Inclusive Design' can provide further guidance.

5.5 As outlined by the World Health Organisation: ‘Preventing disease through healthy environments’ (2016), city planning and management are of particular importance for reducing the burden of unhealthy environments. The creation of places which foster physical and mental health and wellbeing is dependent on policies being considered holistically. Local Development Plan policies on open space, natural environment, sustainable and active travel, housing, food growing, energy, heating, and quality placemaking by design all facilitate health and wellbeing implicitly, whereas policies on air quality, noise, and specialist care facilities are more direct in their link to health and well-being. As such;

- Access to safe, convenient active travel and good neighbourhood design promotes physical activity, enhances social connections and strengthens mental health.
- Compact neighbourhood design with walkable local facilities and public transport accessibility allows car free access to services, amenities and employment which increase health benefits and reduces the impact of poverty
- Increased access to natural and planned open space with varied and safe opportunities to play and meet has a positive impact on physical activity levels and mental health.
- A mix of good quality affordable homes of all types and sizes to meet differing needs increase health benefits and reduces the impact of poverty.
- Protection from environmental hazards; increasing air and water quality, reducing noise pollution, and reducing carbon emissions has a positive impact on physical and mental health.

5.6 The Planning (Scotland) Act 2019 brings health to the forefront of planning once more. Health Impact Assessments will ensure the health and wellbeing needs of Aberdeen’s population, and the likely effects of development and use of land on those health needs are assessed.

#### **Policy WB1 - Healthy Developments**

Developments are required to provide healthy environments, reduce environmental stresses, facilitate physical activity and promote physical and mental wellbeing.

National and major developments, and those requiring an Environmental Impact Assessment must submit a Health Impact Assessment (HIA) to enhance health benefits and mitigate any identified impacts on the wider determinants of health; this may involve planning obligations.

Further guidance can be found in Aberdeen Planning Guidance: Health Impact Assessments.

## **Aberdeen Planning Guidance**

### **Health Impact Assessment**

Aberdeen Planning Guidance (APG) on Health Impact Assessments supports policy WB1 by providing guidance on how developments will be expected to assess and demonstrate their compliance with the above policy. Accordingly, APG Health Impact Assessments includes advise on: the procedure for Health Impact Assessment submissions including screening, scoping, the appraisal, gathering an evidence base presenting findings and recommendations.

### **Air Quality**

5.7 Air quality is a key problem faced by cities throughout the world. Research from Kings College London and the United Kingdom government's Committee on the Medical Effects of Air Pollutants (COMEAP) estimates that between 28,000 and 36,000 people die as a result of air pollution every year in the UK. In Aberdeen, the most common pollutants are nitrogen oxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub>) related to road traffic emissions.

5.8 As part of our statutory duties under the UK Environment Act 1995 the Council undertakes monitoring and assessment of seven key pollutants recognised to impact on health. Aberdeen currently exceeds the EU annual mean objective for nitrogen dioxide and the annual mean national objectives for both nitrogen dioxide and particulate matter, resulting in three Air Quality Management Areas (AQMAs) being declared:

- City Centre (encompassing Union Street, Market Street, Virginia Street, Commerce Street, Guild Street and Bridge Street, and parts of Holburn Street, King Street and Victoria Road);
- Anderson Drive (incorporating the whole of Anderson Drive, the area around the Haudagain roundabout and the A96 to Howes Road); and
- Wellington Road (from the Queen Elizabeth II Bridge to Balnagask Road).

5.9 Significant improvements in air quality can only be achieved through the implementation of national and local policies, particularly relating to transportation and planning, that support sustainable development and reduced car dependency, support active travel and encourage the uptake of cleaner vehicles. Aberdeen's Air Quality Action Plan identifies a range of measures to be implemented to tackle the air quality problem. Well-designed places that encourage access by walking, cycling and public transport and which can accommodate no/low emission and/or alternative fuel vehicles such as electric and hydrogen cars are key to ensuring that new development is sustainable, enhances air quality, manages exposure and reduces overall emissions. The preservation and enhancement of green infrastructure in development proposals can also contribute towards improving air quality. The 2011 Air Quality Action Plan will be refreshed by 2021 to account for emerging legislation and policy on air quality to update existing actions and identify new measures that will be implemented to improve air quality.

5.10 Scottish Government has committed to introduce Low Emission Zones into Scotland's four biggest cities between 2018 and 2020. Aberdeen City Council was awarded funding from Transport Scotland to support the development of a proposed Low Emission Zone (LEZ) in the city. The LEZ will set an environmental limit allowing access to only the cleanest vehicles and will help transform Aberdeen into a cleaner, healthier place to live, visit and work. As well as contributing to meeting the air quality objectives, the LEZ must also contribute to meeting the emission reduction targets set out in Part 1 of the Climate Change (Scotland) Act 2009.

#### **Policy WB2 - Air Quality**

Development proposals which may have a detrimental impact on air quality will not be permitted unless measures to mitigate the impact of air pollutants are proposed and agreed with the Planning Authority. Planning applications for such proposals should be accompanied by an assessment of the likely impact of development on air quality and any mitigation measures proposed.

The relevant Aberdeen Planning Guidance on Air Quality sets out the likely circumstances in which applicants must submit an assessment of the potential impact of particular types of development on existing and future air quality, particularly in and around Air Quality Management Areas and Low Emission Zones. It also provides guidance on the process of air quality assessment and how mitigation measures will be assessed and implemented.

### **Aberdeen Planning Guidance**

#### **Air Quality**

Aberdeen Planning Guidance (APG) on Air Quality supports policy WB2 by providing guidance on how developments will be expected to assess and demonstrate their compliance with the above policy, with regard to the delivery of Air Quality Management. Accordingly, APG: Air Quality includes advice on: policy and legislation, triggers for Air Quality Assessments, mitigation measures and biomass installations.

#### **Noise**

5.11 Noise is one of the most important environmental risks to physical and mental health and wellbeing. The European Union estimates that at least 100 million people in the EU are affected by road traffic noise, and in Western Europe alone at least 1.6 million healthy years of life are lost as a result of road traffic noise. According to national surveys undertaken in the UK, road traffic noise is the most important source of annoyance, followed by neighbour noise, aircraft noise, railway noise and industrial noise. Exposure to high noise levels seriously harms human health and interferes with people's daily activities at school, at work, at home and during leisure time. It can disturb sleep, cause cardiovascular and psychophysiological effects, reduce performance and provoke annoyance responses and changes in social behaviour.

5.12 The planning system supports the agent of change principle and has a role to play in ensuring that new development does not result in increasing numbers of people exposed to adverse noise impacts. The responsibility for mitigating any detrimental impact of noise from a new development or operation lies with those carrying out the new development or operation. By guiding development to the right locations and, where necessary, specifying design and layout issues, planning authorities can help to prevent and minimise exposure to environmental noise originating from various sources: transportation (road traffic, railway and aircraft) noise and leisure noise. Leisure noise in this context refers to all noise sources that people are exposed to due to leisure activities such as attending night clubs, pubs, live sporting events, concerts or live music venues.

5.13 As required by the European Noise Directive (2004) and Environmental Noise (Scotland) Regulations 2006, a Noise Action Plan has been developed for the Aberdeen area, identifying Candidate Noise Management Areas and Candidate Quiet Areas in the city. Candidate Areas have been assessed and those that have been successfully verified are recommended for progression to Noise Management Areas (NMAs) and Quiet Areas (QAs). NMAs are areas where people are most likely to be affected by noise (predominantly transport noise) and which must therefore be carefully managed, while QAs are areas where environmental noise quality is good and require protection against an increase in noise, which provide a range of benefits to health, wellbeing and the environment. Both NMAs and QAs must be protected from increases in noise exposure resulting from new development. It is also important to ensure that occupiers of a new development near to existing noise sources and existing noise sensitive developments located near to proposed new potentially noisy developments are protected from the adverse effects of noise.

### **Policy WB3 – Noise**

In cases where significant exposure to noise is likely to arise from development, a Noise Impact Assessment (NIA) will be required as part of a planning application.

There will be a presumption against noise generating developments, as identified by a NIA, being located close to noise sensitive developments, such as existing or proposed housing, while housing and other noise sensitive developments will not normally be permitted close to existing noisy land uses without suitable mitigation measures in place to reduce the impact of noise to an acceptable level.

Development within or near to Noise Management Areas (NMAs) and Quiet Areas (QAs) will not be permitted where this is likely to contribute to a significant increase in exposure to noise or a deterioration of noise conditions in these areas, or where this will reduce the size of, or cause an increase in the noise level within, the QA.

Further information on NIAs, NMAs and QAs, including maps of these areas, can be found in the relevant Aberdeen Planning Guidance which should be read in conjunction with this policy.

## **Aberdeen Planning Guidance Noise**

Aberdeen Planning Guidance (APG) on Noise supports the policy WB3 by providing guidance on how developments will be expected to assess and demonstrate their compliance with above policy, with regard to the delivery of noise management. Accordingly, APG: Noise includes advice on: policy and legislation, noise impact assessment, noise sources and development management.

## **Specialist Care Facilities**

5.14 There is a change in the age profile of Scotland toward an ageing population. Nationally, the percentage of the population over age 65 is one of the fastest growing age groups. Between 2014-2039, the percentage growth rate of those aged 65-68 years is 20% and the increase in those aged 75+ is around 65%. As specified in the Meeting Housing and Community Needs chapter, residential care or nursing homes are one way we can offer specialised residential accommodation for those who are no longer able to live independently. We will generally support proposals of this kind in order to accommodate all housing need and demand in the area. Where existing facilities are considered for re-development or Change of Use, we will seek supporting evidence to justify the loss of the facility. This will be considered on a case by case basis.

### **Policy WB4 – Specialist Care Facilities**

Proposals for new residential care facilities (such as Care Homes, Nursing Homes, Sheltered Living) should;

1. Be well-connected; located close to public transport links and community amenities for residents and staff, and provide visitor parking; and
2. Meet design and amenity standards in line with other types of 'residential' developments.

Proposals for the redevelopment, or Change of Use, of an existing development of this nature should be accompanied by sufficient supporting evidence justifying the loss of such a facility.

## **Changing Places Toilets**

5.15 Ensuring public developments are catering for the widest demographic is also important. The provision of accessible, changing places toilets in new major developments will support this.

### **Policy WB5 – Changing Places Toilets**

Major developments that are open to the public such as shops and leisure uses must provide free publicly accessible changing places toilets.

## 6. Protecting and Enhancing the Natural Environment

6.1 The natural environment and the landscape setting of Aberdeen is vital to achieving a sustainable city. A well cared-for natural environment provides a range of benefits for nature and people alike.

6.2 Safeguarding the natural environment will help us to mitigate and adapt to the effects of climate change, care for our green and blue infrastructure and enhance our biodiversity. It will also significantly contribute to local identity and placemaking objectives.

6.3 Good quality environments will also make a positive contribution to public health, which is discussed further in earlier sections of this Plan. This will be achieved through access to biodiverse open space, encouraging active travel modes such as walking and cycling, increasing food-growing opportunities and providing spaces for physical activities or simply peace of mind.

6.4 The Strategic Development Plan sets objectives for the region including ensuring that new development safeguards and, where appropriate, enhances the City Region's historic, natural and cultural assets and is within the capacity of the environment. Our policies for the Natural Environment have been formed on these principles:

- Protect sites and species which are most valuable to our natural heritage,
- Safeguard the unique landscape setting,
- Enhance the green and blue infrastructure in Aberdeen.

### Green Belt

6.5 The aim of the Green Belt is to maintain the distinct identity of Aberdeen, and the communities within and around the city, by defining their physical boundaries clearly. Safeguarding the Green Belt helps to avoid coalescence of these settlements and sprawling development on the edge of the city, maintain Aberdeen's landscape setting, and provide access to open space. The Green Belt directs planned growth to the most appropriate locations and supports regeneration.

#### **NE1 – Green Belt**

Development in areas defined as Green Belt on the Proposals Map will not be supported. Exceptions to this general presumption will only be supported where the proposal:

- a) is directly associated with and required for agriculture, woodland or forestry; or
- b) is for leisure or recreational uses compatible with an agricultural or natural setting; or
- c) is for the extraction of minerals or quarry restoration; or
- d) is associated with existing activities in the Green Belt and is within the boundary of that activity, is small-scale, does not significantly increase the intensity of the activity and the proposed built construction is subordinate to what already exists (including extensions to existing dwellings); or
- e) is directly associated with essential infrastructure such as



- telecommunications, electricity grid connections, transport proposals identified in the Plan or roads planned through masterplanning of sites, if they cannot be accommodated anywhere other than the Green Belt; or
- f) is related to the generation of renewable energy (wind turbine, solar farm, or hydro scheme) and/or heat; or
  - g) is for a dwelling house to replace a dwelling house. This will be on a 'one for one' basis for development of a similar scale within the same footprint or existing curtilage of the site. This may be applicable to vacant properties in poor condition. All applications will be considered on a case by case basis; or
  - h) is for the appropriate change of use of a building with a historic or architectural interest that makes a worthwhile contribution to the landscape character of the Green Belt; or
  - i) is for a conversion/ rehabilitation scheme of a historic building. If extending, the original building will remain visually dominant to the new extension, the design and siting of the extension will be sympathetic in terms of massing, detailing and materials, and it will relate well to the original building.

Also see further guidance in the Steading Conversions Section of Aberdeen Planning Guidance: New Development.

### **Green and Blue Infrastructure**

6.6 Scottish Planning Policy states that the planning system should protect and enhance green infrastructure networks in and around Scotland's cities. In line with the Strategic Development Plan, the Local Development Plan will play a key role in identifying existing and proposing new green networks and, where appropriate, considering enhancement and implementation opportunities, including through new development.

6.7 Aberdeen's Green Space Network is a strategic city-wide network that connects natural green and blue spaces and habitats to each other and the communities around them. It is made up of multiple components of 'green infrastructure'. In line with Scottish Planning Policy, this includes;

- Formally designated natural heritage sites;
- A diversity of habitats and their connectivity;
- Woodland, hedgerows and individual trees, especially veteran trees;
- Open Spaces defined in Aberdeen's Open Space Audit;
- Food-growing spaces (see paragraph 6.18);
- Spaces for physical activity and access to the outdoors; and
- Paths and links for pedestrians, wheeling and cycling.

6.8 The city's 'blue features' are also included within this Network. In line with Scottish Planning Policy, blue features include; rivers, wetlands, other water courses, ponds, sustainable urban drainage systems, porous paving, and coastal and marine areas including beaches.

6.9 By encouraging connectivity between habitats, the Green Space Network helps to improve the viability of species and the health of previously isolated habitats and ecosystems. An extensive network of open spaces, together with path networks, will also encourage active travel and healthier lifestyles. Protecting and enhancing the Green Space Network is essential in supporting successful placemaking and in helping to mitigate and adapt to the effects of climate change by; providing opportunities to enhance the landscape of Aberdeen, improve biodiversity and amenity, provide community food-growing spaces, and reduce the impact of flooding.

6.10 Temporary greening can be an appropriate way to create safe and attractive places prior to the development of sites. The Council will support the use of temporary greening of land awaiting development in principle, where appropriate. Consideration will be given to whether greening of a site could bring about a positive impact to the local environment and overall amenity of the area, without prejudicing the effectiveness and viability of the site, if it is allocated for development in the longer term.

6.11 The Council's online mapping tool provides detailed information about individual areas of Aberdeen's Green Space Network, including opportunities for improvement and enhancement.

### **Urban Green Space**

6.12 Scottish Planning Policy states that the planning system should promote and enhance open spaces for community use, sport and recreation, and that playing fields should be safeguarded from development. The Plan has identified this type of open space as Urban Green Space. The Plan will safeguard areas of Urban Green Space from development, unless replacement provision is provided according to the criteria set out in this policy.

6.13 The larger areas of Urban Green Space are identified on the Proposals Map. However, this policy applies to all areas of Urban Green Space that fall within this definition, including those not zoned or visible on the Proposals Map.

6.14 As clarified in the Glossary and Quality Placemaking by Design section of this Plan, 'open space' refers to public spaces, and 'amenity space' refers to private or residential spaces.

6.15 The Council's Open Space Audit and Open Space Strategy provide a strategic framework for creating, connecting and improving Aberdeen's open spaces. Good quality open space makes a vital contribution towards stronger communities and healthier lifestyles, making Aberdeen a more attractive place to live, work and invest.

### **Open Space Provision in New Development**

6.16 This Plan aims to ensure that new open space provided as part of new development is functional, useful and publicly desirable. For example, it may take the form of naturalised areas, green corridors, play space, or food-growing opportunities. Rather than provide minimum standards for open space based solely on quantity, it is vital that the policy requirements are also based on the quality *and* accessibility of that open space.

6.17 The Council's Open Space Audit showed an uneven distribution and varying quality of open spaces across city wards. Information from the Audit and other relevant strategies should always be applied when submitting proposals for development, to ensure that open space provided is of an appropriate scale and type and provides the necessary facilities to meet the needs of the local area.

### **Food-Growing Spaces**

6.18 The benefits of food-growing projects are multi-faceted; not only for placemaking, environmental and sustainability benefits and climate change mitigation, but for the health, social, physical and mental wellbeing benefits that these projects can bring for all sections of the community.

6.19 A Food Growing Strategy (Granite City Growing: Aberdeen Growing Food Together) has been prepared by the Council in line with the requirements of The Community Empowerment (Scotland) Act 2015. It aims to align other local relevant plans and strategies (such as the Local Outcome Improvement Plan, Locality Plans, and Open Space Audit) with the food-growing aspirations of the city.

6.20 As such, this Plan supports opportunities for food-growing projects in the city. This can be achieved through the protection and enhancement of existing open spaces identified on the Proposals Map. Specific areas with food-growing potential will be identified by the Food Growing Strategy using the Open Space Audit. It can also be achieved through meaningful open space provision in new developments. This is included within Policy NE2, and further guidance on food-growing is included in the Aberdeen Planning Guidance 'Open Space and Green Infrastructure'.

### **Outdoor Access and Core Paths**

6.21 Access to the outdoors for informal recreation contributes to everyday quality of life. Increased levels of physical activity outdoors can contribute to improved health and wellbeing, while access to high quality areas for outdoor recreation can make the city a more attractive place to live and work. Well managed access can also assist land management and contribute to an appreciation of the environment and natural heritage. It is therefore important that accessible, welcoming and well-managed access to Aberdeen's recreational areas and the surrounding countryside is protected and enhanced. This will facilitate opportunities for recreation and physical activity as well as sustainable and active travel.

## **NE2 – Green & Blue Infrastructure**

### **Green Space Network**

Development proposals will seek to protect, support and enhance the Green Space Network (identified on the Proposals Map). This broadly encompasses the wildlife, biodiversity, ecosystem services & functions, access, recreation, landscape and townscape value of the Green Space Network. Development that does not achieve this will not be supported.

Coherence of the Green Space Network should also be maintained when considering any development and infrastructure proposals. Where infrastructure projects or certain developments necessitate crossing the Green Space Network, they should maintain and enhance the coherence and quality of the network. In doing so, appropriate provision should be made for access across roads for wildlife and outdoor recreation.

Masterplans will determine the location, extent and configuration of the Green Space Network within the area, and its connectivity with the wider network.

### **Urban Green Space**

We will protect, support and enhance the city's Urban Green Space (parks, playing fields, sports pitches, woods, food-growing spaces, or all other areas including smaller spaces not identified on the Proposals Map such as amenity space or garden ground). Development proposals that do not achieve this will not be supported.

Exceptions may be made when an equivalent and equally convenient and accessible area for public space is provided by the applicant for Urban Green Space purposes, for example through the replacement of school buildings, within the locality of the site. In all cases, development will only be acceptable if it meets criteria set out in the Aberdeen Planning Guidance: Open Space and Green Infrastructure.

### **Open Space in New Development**

We will require the provision of biodiverse, usable and appropriate open space in new developments to ensure functionality. Please see Aberdeen Planning Guidance: Open Space and Green Infrastructure for information on how to calculate open space requirements, as well as different types of provision (including food-growing) and the expected accessibility and quality standards.

We will seek open space provision in all developments, including on brownfield sites. It may not be possible to increase the amount of open space on some brownfield sites, for example where existing buildings on the site are being retained. In these cases, appropriate design solutions to deliver on-site amenity will be sought in the first instance and commuted sums towards off-site provision or enhancement of existing open spaces will be sought where appropriate.

In areas where the Open Space Audit has shown that there is opportunity for improvement of existing open space, contributions may be sought to enhance

existing provision instead of new provision being required. The Open Space Audit and Strategy provides details of any improvements or enhancements that may be required to open spaces in different areas of the city, and how the linkages between them may be improved. Further guidance is included in Aberdeen Planning Guidance: Open Space and Green Infrastructure.

### **Outdoor Access and Core Paths**

New development will maintain and enhance the integrity of existing access rights to; land and water, Core Paths, other paths and rights of way, or safeguard potential access opportunities to these. This includes any impacts on access during the construction, operation, decommissioning and reclamation phases of development.

In exceptional circumstances routes may be affected by development. In these cases it will be necessary to maintain their condition, enhance their amenity value, or provide an alternative path or access (which links the same locations) that is safe, high quality and convenient for the public to use.

Development proposals should include new or improved provision for public access, permeability, and links to the core path network and green spaces for recreation and active travel within their design. We may seek Developer Obligations for Core Paths where appropriate.

Further information about the standards of infrastructure required are set out within Aberdeen Planning Guidance: Open Space and Green Infrastructure.

## **Aberdeen Planning Guidance**

### **Open Space and Green Infrastructure**

Aberdeen Planning Guidance (APG): Open Space and Green Infrastructure supports the above policy by providing guidance on how developments will be expected to assess and demonstrate their compliance with the above policy, with regards to the delivery of Open Space and Green Infrastructure. Accordingly, Open Space and Green Infrastructure includes advice on: Open Space provision in new development including food-growing, standards for Open Space in residential, brownfield and non-residential development, applying the policies, maintenance and management of Open Spaces, Green Space Network, and Outdoor Access Rights.

## **Our Natural Heritage**

### **Natural Heritage**

6.22 The protection, preservation and enhancement of natural heritage, including geodiversity, sites and species, are important aims of this Plan. All development will be required to protect and enhance natural heritage assets including maintaining and enhancing physical and functional habitat connectivity.

6.23 We will take a broad approach to protecting natural heritage. Development will be expected to demonstrate that it safeguards and/or enhances biodiversity, designated sites and protected species. We will also take into account the need to work with natural processes and to provide for healthy ecosystems; seek enhancements of ecosystem services through the retention and enhancement of our natural heritage assets; and ensure that overall biodiversity gains are delivered. The creation of multifunctional SUDs schemes which support biodiversity will be an important element of proposals.

6.24 The cumulative effects of development will be considered when assessing planning applications.

6.25 Climate change effects on species, habitats and connectivity should be considered in development proposals. Careful choices in design, siting, construction methods and plant selection are crucial and environmental enhancement net gains through development will have an overall positive effect on climate mitigation and adaptation. Disturbance of peat and other carbon rich soils, for example through excavation or drainage, developments which may result in the disturbance of peatland and carbon-rich soils will require an assessment of the likely effects on CO<sub>2</sub> emissions, to reduce the impacts of development on carbon dioxide emissions.

6.26 Natura sites include Special Protection Areas (SPA) and Special Areas of Conservation (SAC). Development that is likely to have a significant effect on any Natura site, either alone or in combination with other plans or projects, will require an Appropriate Assessment under the Habitats Regulations. The River Dee SAC is the only Natura site within the Plan area. Assessments will be required to consider all relevant Natura sites both within and outwith the Plan area. Other sites near to Aberdeen which may be impacted include, but are not limited to, the Ythan Estuary, Sands of Forvie and Meikle Loch (and proposed extension) and Loch of Skene Special Protection Areas (SPA).

6.27 National designations within the Plan area include Sites of Special Scientific Interest. Local designations include Local Nature Conservation Sites and Local Nature Reserves. These are shown on the Proposals Map. Please see the Aberdeen City Council website for a list of local designations.

6.28 Some of the species found in Aberdeen are protected under international and national law (including European Protected Species, and species protected under the Wildlife and Countryside Act 1981) while others are identified as being of local importance (North East Scotland Local Biodiversity Action Plan species).

## Policy NE3 – Our Natural Heritage

Development should not have a detrimental effect (directly or indirectly) on its own or in combination with other proposals) on:

- Sites, habitats, ecosystems or species protected by law or natural heritage designation;
- Sites which have been designated for their geodiversity value;
- Areas of peatland or other carbon-rich soils;
- Sites, habitats, ecosystems or species of regional or local nature conservation value.

Where a development is likely to affect any of the above assets it must demonstrate that alternative solutions have been considered and ruled out, detrimental effects can be minimised through mitigation and overall biodiversity gains can be achieved. Where detrimental effects are still unavoidable, development will only be supported where these adverse effects are clearly outweighed by social, environmental or economic benefits at a level which is at least equal to the designation's or species' importance (international, national or local).

### Designated Sites and Protected Species

Development that would have an adverse impact on a Natura site will only be permitted where there are no alternative solutions, and there are reasons of overriding public interest, including those of a social or economic nature, and compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

Development that is likely to impact upon a nationally designated site will only be supported where it would not adversely impact the integrity of the area or the qualities for which it has been designated. Where adverse impacts are unavoidable, they must be clearly outweighed by social, environmental or economic benefits of *national* importance.

Development that is likely to impact upon a locally designated site should minimise adverse impacts through careful design and mitigation measures. Where adverse impacts are unavoidable, they must be clearly outweighed by social, environmental or economic benefits of *city-wide* importance.

**For all development proposals**, the following is required;

- A thorough assessment of all natural heritage assets which may be impacted which includes:
  - habitats and species, designated or protected either internationally, nationally or locally, or of regional importance
  - an assessment of potential impacts of the proposal on the designated site or protected species in compliance with Scottish Planning Policy and the relevant legislation
  - the contribution of the site to the surrounding habitat network and proposals to prevent fragmentation or isolation of habitats and restore or create habitat links
  - an assessment of alternative solutions to avoid adverse effects

- proposals to mitigate any adverse effects
- provision to achieve overall biodiversity gains for the site
  
- A Construction Environmental Management Plan (CEMP) may be required to address any potential adverse impacts on designated sites, protected species, peatlands or carbon-rich soils, waterbodies or regionally important species and habitats during the construction phase of a development.
  
- Buffer strips are required for the protection and enhancement of water bodies and local biodiversity, including lochs, ponds, wetlands, rivers, tributaries, estuaries and the sea.

### **Carbon Rich Soils**

Development should avoid areas of peatland and other carbon-rich soils. There will be a presumption against development which would involve significant draining or disturbance of peatland or carbon-rich soils. Developments which may result in the disturbance of peatland and carbon-rich soils will require an assessment of the likely effects on CO2 emissions.

## **Aberdeen Planning Guidance**

### **Natural Heritage**

Aberdeen Planning Guidance (APG) Natural Heritage supports the above policy by providing guidance on how developments will be expected to assess and demonstrate their compliance with the above policy, with regards to Natural Heritage. Accordingly, APG includes advice on: Statutory Designated Sites, Protected Species, principles for protecting Natural Heritage, buffer strips, Environmental Impact Assessment, and Habitats Regulation Appraisal.

### **Our Water Environment**

#### **Flooding**

6.29 This Plan aims to manage and reduce flood risk by ensuring that new development does not take place on areas susceptible to flooding and incorporates appropriate and sustainable surface water management measures. The Council will also seek to protect land and green infrastructure with the potential to contribute to natural flood risk management from development. Development allocations in this Plan have been informed by a Strategic Flood Risk Assessment.

6.30 In accordance with the Flood Risk Management (Scotland) Act 2009, a Flood Risk Management Plan for Aberdeen City and Aberdeenshire is being prepared to address fluvial and coastal flooding. This will be complemented by a Surface Water



Management Plan which is also in preparation. Relevant Aberdeen Planning Guidance will be updated to reflect the actions and recommendations of these plans as necessary.

6.31 The ultimate responsibility for managing flood risk lies with land and property owners. All development proposals should take proper account of the likely future effects of climate change, including rising sea levels, greater frequency and duration of rainfall events, and extreme weather events. In assessing development proposals, we will consider flood risk from all potential sources including watercourses, storm and tidal surges and rising sea levels, rising groundwater, surface water and drainage systems. These will be assessed by the relevant authority.

6.32 The Scottish Environment Protection Agency's Flood Maps ([www.sepa.org.uk](http://www.sepa.org.uk)) provide an indication of areas potentially at risk from flooding. Where appropriate, we will consult with key stakeholders such as SEPA having had regard to the Flood Risk Framework as set out in Scottish Planning Policy.

### **Foul Drainage and Water Quality**

6.33 The Plan also seeks to achieve satisfactory disposal of sewage, thereby maintaining and improving standards of environmental quality, public health and amenity. Assessment of the adverse effects on the environment should include water sources/resources and groundwater. Developers will be required to demonstrate that their proposals for foul drainage conform to Scottish Water's current design standards (Sewers for Scotland v4.0 or its successors).

6.34 Water quality is vital for both human health and the health of aquatic ecosystems, and provides significant economic benefits, for example through fisheries and the tourism industry. Therefore, maintaining and improving water quality should be an important consideration in development proposals. We will contribute to achieving the EU Water Framework Directive's objectives of good ecological status of our water environment through the implementation of River Basin Management Plans.

### **Surface Water Drainage**

6.35 Sustainable Drainage Systems (SuDS) provide multiple benefits including managing flood risk, improving water quality and enhancing biodiversity. All new developments are required to make provision for SuDS and these should be designed in accordance with best-practice design guidance in the SuDS Manual (CIRIA C753), and the technical criterion set out in Sewers for Scotland v4.0 and its successors. In some circumstances, developments may also be required to adapt to flood risk by incorporating water resistant materials and forms of construction in line with the guidance set out in the Scottish Government's Online Planning Advice on Flood Risk.

6.36 The Council is developing strategic-level Regional SuDS to provide sustainable flood risk management at a strategic scale. There may be opportunities for developers to contribute to a Regional SuDS scheme to help address the impact of their development. Please see our Technical Advice Note (TAN) for more information.

### **Coastal Environment**

6.37 Aberdeen's coastline is an important environmental, social and economic asset which needs to be protected and enhanced. It has been classified into two types of area, developed and undeveloped coast (shown on the Proposals Map). In general, the developed coast is already a focus of economic or recreational activity and is likely to be suitable for further development, whereas the undeveloped coast is largely unspoiled and likely to be unsuitable for development.

6.38 The Marine (Scotland) Act 2010 introduced a new system of marine spatial planning for Scotland. The National Marine Plan, published by the Scottish Government in March 2015, sets out strategic policies for the sustainable use of Scotland's marine resources out to 200 nautical miles as well as Regional Marine Plans. If the need arises, Aberdeen Planning Guidance will be produced to take into account the provisions and requirements of the National and Regional Marine Plans when they are adopted.

6.39 Terrestrial planning law extends to the mean low water mark of ordinary spring tides, whereas marine spatial planning applies from Mean High Water Springs. All development proposals which affect the inter-tidal area, as well as the wider coastal area generally, should demonstrate the principles of Integrated Coastal Zone Management, which aims for the co-ordinated consideration of issues and policies relating to nature protection, aquaculture, fisheries, agriculture, industry, off shore wind energy, shipping, tourism, development of infrastructure and mitigation and adaptation to climate change.

6.40 A precautionary approach should be taken to assessing flood risk from the coast, taking into account the potential effects of climate change, such as sea-level rise and more extreme weather events.

## **NE4 – Our Water Environment**

### **Flood Risk & Management**

Development will not be supported if:

1. It increases the current and/or future risk of flooding
  - a. By reducing the ability of the functional flood plain to store and convey water; or
  - b. Through the discharge of additional surface water; or
  - c. By harming flood defences;
2. It would be at risk of flooding itself; or

3. Adequate provision is not made for access to waterbodies for maintenance; or
4. It would require the construction of new or strengthened flood defences that would have a significantly damaging effect on the landscape character, built and historic environment, infrastructure and natural heritage interests within or adjacent to a waterbody.

The piecemeal reduction of functional floodplains will be avoided. Development on the functional floodplain will only be considered where its location is essential for operational reasons. Development must be designed and constructed to remain operational during floods and not to impede water flow.

Applicants will be required to provide a Flood Risk Assessment where a development is likely to result in a material increase in the number of buildings or area of land at risk of flooding, or where it has been indicated in the opportunity sites schedule that one will be prepared. Potential flood risk is determined by a screening process, including consideration of the indicative flood risk maps produced by the Scottish Environment Protection Agency (SEPA) and the Council's Strategic Flood Risk Assessment.

There is a presumption against excessive engineering and culverting of waterbodies. Natural treatments of floodplains and other water storage features will be preferred wherever possible. There will be a requirement to restore existing culverted or canalised water bodies to a naturalised state where this is possible. Where the Council agrees that culverts are unavoidable for technical reasons, they should be designed to maintain existing flow conditions and aquatic life. Any proposals for new culverts should have a demonstrably neutral impact on flood risk and be linked to long term maintenance arrangements to ensure they are not the cause of flooding in the future.

### **Foul Drainage & Water Quality**

Connection to the public sewer for foul drainage will be a prerequisite of all development where this is not already provided. Private wastewater treatment systems in sewered areas will not be permitted. In areas not served by the public sewer, a private sewer treatment system for individual properties will be permitted provided that the developer demonstrates that there will be no adverse effects on the environment, amenity and public health.

### **Surface Water Drainage**

All new developments are required to incorporate SuDS to manage surface water, with the exception of single dwellings/extensions to residential properties or discharges to coastal waters. For change of use and/or redevelopment, opportunities should be sought to retrofit SuDS where appropriate.

SuDS components need to be selected based on specific site opportunities and constraints and provision should be addressed as part of a Drainage Impact Assessment (DIA). DIAs will be required for new development proposals of 5 or more homes or 250 square metres non-residential floorspace. DIAs will also be required if the proposal falls within a sensitive area (identified in the TAN). DIAs should detail how surface water will be managed.

Further information on flooding and drainage can be found in the SuDS TAN.

### **Coastal Development**

Development will not be supported in undeveloped coastal areas (shown on the Proposals Map). Exceptions to this general presumption will be considered where the proposal:

1. Is dependent on that coastal location given the purpose and operation of the development; and
2. There is no other suitable site, including brownfield land; and
3. It respects the character and value of the landscape, the natural and historic environment, and the recreational value of the surrounding area; or
4. There is an overriding environmental benefit from the proposal.

The exceptions listed above, where considered acceptable in principle must also meet all of the following criteria:

1. The development must not be located in an area at risk of coastal erosion or flooding;
2. A Topographical Survey (in agreement with SEPA) must accompany applications for development;
3. Public access to and along the coast must be protected and promoted wherever possible; and
4. Where marine noise modelling is deemed necessary by the Council or key agencies, it must be demonstrated that adverse impacts on bottlenose dolphins, Atlantic salmon, and any other protected species will be avoided.

## **Aberdeen Planning Guidance**

### **Flooding, Drainage and Water Quality**

Aberdeen Planning Guidance (APG) Flooding, Drainage and Water Quality supports the above policy by providing guidance on how developments will be expected to assess and demonstrate their compliance with the above policy, with regard to Flooding, Drainage and Water Quality. Accordingly, APG Flooding Drainage and Water Quality includes advice on: statutory roles and responsibilities, arrangements for flood risk management planning in Scotland, Flood Risk Assessment, Drainage Impact Assessment. Sustainable Drainage Systems (SuDS), Regional SuDS and waste and foul drainage requirements are set out in the associated Technical Advice Note.

### **Trees and Woodland**

6.41 Aberdeen has one of the lowest tree coverage percentages in Scotland. Tree and woodland cover contribute to the aims of sustainable development and enhances the services provided by woodland ecosystems. Single trees, groups of trees, hedgerows and woodlands throughout Aberdeen all provide important benefits

in terms of amenity, landscape character, nature conservation, economic value and climate change adaptation and mitigation.

6.42 We will therefore seek to protect and enhance Aberdeen’s existing stock of trees and woodland. Where trees are considered to be at risk from development or construction, we will require information and safeguarding measures in accordance with the standards set out in relevant Aberdeen Planning Guidance. We will also support opportunities to plant new trees and woodland to contribute to the existing stock.

6.43 Policy NE5 Trees and Woodland aims to ensure the long-term compatibility of trees with proposed buildings and associated infrastructure. It supports the planning authority’s duty to make adequate provision for the preservation and planting of trees, Scotland’s Forestry Strategy and the Scottish Governments Policy on Control of Woodland Removal.

**Policy NE5 – Trees and Woodland**

Development should not result in the loss of, or damage to, trees and woodlands.

Development proposals will seek to increase tree and woodland cover and achieve the long-term retention of existing trees and woodlands that the planning authority consider worthy of retention. Where tree removal takes place or is necessary for good arboricultural reasons, replacement planting will be required to ensure an overall net gain in tree cover. Development that does not achieve this will not be supported.

Buildings and infrastructure should be sited to allow adequate space for a tree’s natural development, taking into account the predicted mature height, canopy spread and future rooting environment.

Where applicable, root protection areas should be established, and protective barriers erected prior to any work commencing. See relevant Aberdeen Planning Guidance for more information.

**Aberdeen Planning Guidance**

**Trees and Woodland**

Aberdeen Planning Guidance (APG) Trees and Woodland supports the above policy by providing guidance on how developments will be expected to assess and demonstrate their compliance with the above policy, with regards to Trees and Woodland. Accordingly, the APG includes advice on: how trees are protected, development proposals, planning applications, and the requirements for surveys, plans and assessments.

## 7. Quality Placemaking

7.1 Quality placemaking is at the core of planning in Aberdeen. National Planning Framework 3, Scottish Planning Policy, Creating Places: A Policy Statement on Architecture and Place for Scotland, and Designing Streets promote the delivery of well-designed places and sustainable communities through a design led approach to planning. Quality placemaking creates places where people want to live, work, play and visit.

7.2 Quality placemaking is a holistic, multidisciplinary and collaborative approach. Its focus is creating development that sustains and enhances the social, economic, environmental, health and cultural attractiveness of the city. This approach is not restricted to influencing the appearance of a building, street or place; it considers an area's context, and balances the range of interest and opportunities to create multiple interconnected benefits. Successful placemaking can create positive place identity, foster a sense of community, belonging, social connections and social capital, deliver urban renewal and regeneration and promote sustainability, health, wellbeing, and mitigate and adapt the impacts of climate change. It is a material consideration in determining applications. Placemaking can be measured by six essential qualities: ***a distinct identity, welcoming, safe and pleasant, easy to move around, adaptable to changing circumstances and is resource efficient.***

7.3 All development must follow a thorough process of site context appraisal to arrive at an appropriate proposal. Context will differ from site to site, however significant characteristics include: siting; scale; mass; detail; proportion; materials; colour; orientation; land designation; surrounding uses; transportation and connectivity; existing building heights; landscape; natural heritage features; topography; views and the relationship to streets and open space; both public realm and green space. Not all development will be of a scale to make a significant placemaking impact, however all good design and detail adds to the attractiveness of the built and natural environment and careful consideration is crucial. All development, from window replacements to large developments, represent an opportunity to add to the rich placemaking legacy of our built environment, and contribute towards creating successful, sustainable places with a strong and distinctive sense of place.

7.4 Aberdeen encourages an engaging, design-led approach to secure quality placemaking through the appropriate use of pre-application discussion, and the application of the placemaking process.

## **Policy D1 - Quality Placemaking**

All development must ensure high standards of design, create sustainable and successful places and have a strong and distinctive sense of place which is a result of detailed contextual appraisal.

Proposals are required to ensure:

- quality architecture, craftsmanship and materials;
- a well considered layout, including biodiverse open space, high quality public realm and landscape design;
- a range of sustainable transportation opportunities ensuring connectivity commensurate with the scale and character of the development.

Successful places will sustain and enhance the social, economic, environmental, wellbeing and cultural attractiveness of the city.

Proposals will be considered against the following six essential qualities.

- **distinctive**
- **welcoming**
- **safe and pleasant**
- **easy to move around**
- **adaptable**
- **resource efficient**

A design strategy will be required to be submitted that demonstrates how a development meets these qualities. The design, scope and content will be proportionate to the scale and/or importance of the proposal.

Aberdeen Placemaking Process TAN provides guidance where the production of planning briefs, development frameworks and masterplans are required.

### ***Criteria: Six Qualities of Successful Placemaking***

7.5 The section below provides further guidance on the six qualities of successful placemaking. The criteria used in assessing an application will be relevant to the scale, character and nature of the proposal.

#### **Distinctive**

- responds to the site context and is designed with due consideration to siting, scale, massing, colour, orientation, details, footprint, proportions and materials
- retains and re-uses built or natural assets as features of the site
- protects and enhances the city's important views and creates new views
- is well planned with high quality design, materials and craftsmanship
- complements the established distinctive consistency of materials of an existing streetscape

- reinforces established patterns of development
- reflects local styles and urban form
- development complements local features, such as spaces and scales, street and building forms, materials, landscapes, topography, ecology, and skylines, to create places with a sense of identity
- soft and hard landscaping throughout the site are specified, and maintained, adding visual identity that connect buildings and spaces, and supports climate change adaptation
- where appropriate, uses public art within the public realm to ensure sense of identity

### **Welcoming**

- well detailed, where materials, colour, texture and proportion are considered
- easy to find your way around through a well ordered and inclusive layout with a hierarchy of streets for transportation and recreation
- creates an attractive and defined entrance to the development, the local area or building
- has an attractive and active street frontage
- includes appropriate signage and distinctive lighting to improve safety and highlight attractive buildings

### **Safe and Pleasant**

- designed with pedestrian movement as the priority
- avoids unacceptable impacts on adjoining uses, including noise, smell, vibration, dust, air quality, invasion of privacy and overshadowing
- enables natural surveillance of public spaces through active frontages and does not create spaces which are unsafe or likely to encourage or facilitate crime
- distinguishes between private and public space
- inclusive in its design and creates accessible environments
- incorporates appropriate lighting to avoid creating dark shadows or bright glare
- is not at unacceptable risk of flooding or increases flood risk elsewhere

### **Easy to get to / move around**

- prioritises sustainable and active travel
- provides well connected links within the development and connects to adjacent existing, and proposed, active travel networks and public transport facilities
- places the movement of pedestrians and cyclists above motor vehicles
- provides well connected links to community services and facilities
- provides places to stop and rest for pedestrians
- provides cycle and motor bike storage and complementary facilities



**Adaptable**

- particularly in areas that are subject to change (e.g. town centres and industrial areas) new development is constructed in a manner suitable for a range of future uses
- new housing should be designed accommodate future internal alteration to sustain reconfiguration suitable for future occupants
- mix of building tenures, densities and typologies
- support climate change mitigation and adaption including increased rainfall, flood risk implications, solar shade and shelter

**Resource efficient**

- reuses existing buildings and brownfield sites
- encourages movement and journeys by sustainable transport
- maximises efficiency of the use of resources through natural or technological means such as low or zero carbon energy-generating technologies, solar orientation and shelter, water saving measures including water capture and reuse, avoidance of carbon rich soils, incorporation of SuDS and blue/green infrastructure
- denser development sharing infrastructure and amenity with adjacent sites
- minimises energy use and loss
- makes use of available sources of heat and power
- uses building materials from local or sustainable sources
- higher density in town centres and areas with convenient access to good public transport services
- provides space for the separation, storage and efficient collection of recycling and waste

**Aberdeen Planning Guidance****Energetica**

Aberdeen Planning Guidance – Energetica provides guidance on how developments within the Energetica corridor will assure quality of placemaking by ensuring developments are adaptable, resource efficient, safe and pleasant, easy to move around, welcoming and distinctive.

**Temporary Buildings**

Aberdeen Planning Guidance – Temporary Buildings, provides guidance on how developments of this nature will be expected to assure quality of placemaking by giving consideration to placement, length of time of the proposal, and context. The APG outlines criteria to be satisfied when developments of this nature are proposed.

**Amenity**

7.6 Amenity has an influence on the quality of life of individuals and communities. Poor amenity can have detrimental impacts on health and wellbeing. Building must be fit for purpose and meet the needs of users and occupiers, with consideration given to neighbouring properties to ensure there are no unreasonable impacts on

daylight, sunlight, noise, air quality and outlook. Amenity spaces around buildings must be useable, have a degree of privacy and be designed to include a range of functions appropriate to the building use, such as space for play, seating, food growing, tree planting and drying laundry.

### **Policy D2 – Amenity**

In order to ensure provision of amenity the following principles will be applied.

Development will be designed to:

- make the most of any opportunities offered by the site to optimise views and sunlight through appropriate siting, layout and orientation;
- ensure that occupiers are afforded adequate levels of amenity in relation to daylight, sunlight, noise, air quality and immediate outlook;
- ensure that the amenity of neighbouring developments is not adversely affected;
- have a public face to the street to ensure natural surveillance, and active street frontages;
- ensure that refuse and recycling facilities, cycle storage, low and zero carbon technology, plant and services are sensitively integrated into the design;
- ensure that external lighting minimises light spillage into adjoining areas and the sky.

Residential developments will also:

- ensure that occupiers are afforded adequate levels of privacy;
- ensure minimum standards for internal floor space and private external amenity space in terms of quantity and quality;
- provide no less than 50% usable amenity space where it is necessary to provide car-parking within a private court. Underground and/or decked parking will be expected in higher density schemes;
- ensure minimal shading of external private and public spaces;
- ensure all residents have access to usable private/ semi-private open spaces and sitting-out areas provided by way of balconies, terraces, private or communal gardens;
- have a private face to an enclosed garden or court to ensure a sense of safety and enclosure.

Further guidance can be found within Aberdeen Planning Guidance: New Developments, and Landscape.

## **Aberdeen Planning Guidance**

### **New Developments**

Aberdeen Planning Guidance (APG) New Developments provides guidance on how developments will ensure suitable amenity is achieved within developments. APG also covers the subdivision and redevelopment of residential curtilages, conversions of buildings in the countryside, city centre living, and space standards. The APG ensures consideration is given to context, the impact on the development on the surrounding built/natural environment and achieving good amenity.

### **Big Buildings**

7.7 A 'big building' is regarded as one that exceeds the general height of the surrounding built context and/or whose footprint is in excess of the established development pattern, the urban grain, and the surrounding context.

7.8 Well-placed big buildings within the city centre and immediate periphery can reinforce the city's urban experiences and opportunities by: defining places with single new buildings or clustering in groups, providing greater densities and concentrations of use; bringing greater accessibility to a range of amenities; offering greater social intensity; creating the opportunity for different economies at different times of the day as well as providing significant visual interest.

7.9 Aberdeen City Council considers that, where possible, the most appropriate location for quality big buildings should be within the city centre boundary and its immediate periphery. Concentrating appropriate development within the city centre provides a clear long-term vision for growth and reinforces the role of the centre as a destination venue well connected by active travel and public transport rather than sites outwith the city centre whose likely development impacts will displace and dilute the role of the city centre.

7.10 Big buildings have a big impact on our environment whether in terms of their visual presence, the uses they bring to an area or the challenges of connecting them within the existing context, and many more social and environmental implications. It is crucial that sites for big buildings are identified as a result of a thorough urban design analysis to understand the context and its capabilities in providing appropriate functional and visual additions and new identities to parts of the city. Much of the city centre and its immediate periphery is a conservation area; a fundamental consideration during the analysis of the context.

7.11 Due to the nature of their existing context, the policy is unlikely to apply to employment areas, industrial areas and established health or education campuses.

### **Policy D3 – Big Buildings**

Big buildings must be of a high quality design which complements or improves the existing site context.

The most appropriate location for big buildings is within the city centre and its immediate periphery. A proposal's relationship with its context must be demonstrated by using a design statement that includes:

- an analysis of the context;
- an illustration of its landscape, townscape and visual impacts through a series of sequential views;
- an analysis of micro-climatic impacts;
- connectivity;
- the use of high quality materials, craftsmanship and detailing with low maintenance implications.

Proposals for big buildings that are considered to detract from their context and/or interfere with an established vista will not be supported.

Big buildings should maintain and enhance the pattern and arrangement of the street blocks and plots, have slender vertical emphasis and silhouettes that are in proportion and have active uses at ground level to the street.

Big buildings should be sustainable, be composed of a range of complementary uses, and be part of a development with smaller scale buildings to reduce any dominating impact within established areas and minimise blank elevations to the street.

Further guidance can be found within Aberdeen Planning Guidance: Big Buildings.

## **Aberdeen Planning Guidance**

### **Big Buildings**

Aberdeen Planning Guidance (APG) Big Buildings assures quality of placemaking is provided when tall and/or bulky building developments are proposed. Criteria to be satisfied in the SG include: site selection, context and appropriate uses, visual analysis and design, building form and visual impact, environmental issues and maintenance and future proofing. Proposals must ensure quality placemaking is achieved by following the placemaking criteria under the heading of distinctive, welcoming, safe and pleasant, easy to get to/move around, adaptable and resource efficient.

## Landscape

7.12 Landscape, townscape and seascape character are fundamental in defining and underpinning the distinctive identity of Aberdeen, its setting and embodying sense of place. These different characters are part of the natural and built heritage of Aberdeen making the city easily recognisable. Aberdeen has a close relationship with its natural environment, the name granite city reflects the abundance of buildings constructed from locally sourced stone, while the city's development has been shaped by two river valleys, an arc of hills, and the coast. The river valleys are instrumental in forming links with the surrounding countryside and bring elements of this right through the city. The river valleys, arc of hills and coast provide setting to the city and allow views of the countryside and the sea from many parts of the city, underpinning Aberdeen's distinctive and diverse landscape character. The Aberdeen coast forms an important part of regional and local identity. The character in Aberdeen is wide ranging and encompasses rural, urban, peri-urban, coastal, and historic built and natural environments. Planning must conserve and enhance landscape, townscape and seascape character as these contribute to the distinct identity of Aberdeen, its setting and sense of place.

7.13 Landscape character is a fundamental consideration in developing a site to ensure sense of place is conserved and enhanced. Landscape design should contribute to the delivery of sustainable places and recognise the important role that green infrastructure plays in adapting to climate change and sustainability providing a safe and active environment and good quality landscape setting. In order to secure high quality development, it is essential that hard and soft landscaping are an integral part of any development proposal.

7.14 Respecting existing landscapes and enhancing them through quality development is an essential component in the design process. Existing features add to successful places by ensuring originality, distinctiveness and reinforcing feelings of a positive sense of place. Well-designed hard and soft landscaping can add invaluable amenity, protect and enhance biodiversity through consideration of habitats and their connections, have beneficial impact to health and wellbeing, and allow for food growing and foraging. Landscape design shapes the environment to create desirable places and environments for people, plants and animals to thrive.

### **Policy D4 – Landscape**

Landscape / seascape / townscape character and existing elements which provide, or contribute to, a distinct 'sense of place' will not be adversely affected by development. Development will provide opportunities for conserving or enhancing existing landscape / seascape / townscape elements (natural and built), including linear and boundary features or other components which contribute to character and 'sense of place'.

Development should avoid adversely affecting the character of landscapes and seascapes which are important for the setting of the city, including the coast, river valleys and hill landscapes.

Important views of the city's townscape, landmarks and features (including the coast, river valleys, and hills) when seen from busy or important publicly accessible vantage points such as roads, railways, recreation areas, and path networks and particularly from the main city approaches (gateways) will not be adversely affected by development. Where development is permitted on gateway routes it will be expected to enhance the gateway route frontage.

Development should avoid disturbance to, or loss or damage to important recreation, wildlife or natural resources (such as woodland, rivers, coast) or to the physical and functional links between them.

Green spaces between and around places or communities, and those which can provide opportunities for countryside activities, will not be eroded by development.

The Council may require a Landscape and Visual Impact Assessment (LVIA) to be submitted with proposals, as is outlined in Aberdeen Planning Guidance.

Further guidance is available in the Aberdeen Planning Guidance: Landscape.

### **Policy D5 – Landscape Design**

Development proposals will be designed with an effective, functional and attractive landscape framework supported by clear design objectives. The level of detail required will be appropriate to the scale of development.

Landscape design will:

- be integrated early into the layout and design of the site, informing the spatial arrangement of both built and natural elements;
- ensure a sense of place is maintained and enhanced through an assessment of the site and its surrounding landscape/seascape/townscape character; and sympathetically incorporate existing key characteristics and features that contribute to landscape/seascape/townscape character;
- mitigate any negative landscape and visual impacts;
- ensure physical connectivity to adjoining and nearby green spaces, buildings and features;
- maximise adaptation and resilience of the built and natural environment to the effects of climate change, and mitigate the impacts of climate change;
- protect and enhance biodiversity by designing the spatial arrangement of new and existing habitats to maximise connectivity between habitats within and around the site, including the design of SUDs, and through the careful use of informed habitat creation and planting design techniques;
- impact positively on health and wellbeing; ensure active travel routes and areas of recreational / open space are designed to be well connected, inclusive and safe; and help to mitigate air, light and noise pollution.
- be designed for low maintenance where feasible and appropriate to the design objectives.

Applications for new development must include a statement of landscape design objectives, hard and soft landscape design plans and specifications, and detailed maintenance proposals.

Further guidance can be found in the Aberdeen Planning Guidance: Landscape

## **Aberdeen Planning Guidance**

### **Landscape**

Aberdeen Planning Guidance (APG) Landscape provides guidance on how developments will assure quality of placemaking by considering landscape as both a tool to aid the appropriate layout of development and as a feature of development. Criteria to be satisfied in the APG include: the development proposal, layout and design of residential and commercial developments, soft and hard landscaping, boundary treatments, slopes, car parking and landscape establishment and maintenance

### **Historic Environment**

7.15 Aberdeen has a rich built heritage that gives the city its unique sense of place and identity. The importance of built heritage and its management is outlined in national policy through Our Place in Time – The Historic Environment Strategy for Scotland, Historic Environment Policy for Scotland, Managing Change in the Historic Environment documents, Scottish Planning Policy and National Planning Framework 3. Local policy documents on Aberdeen’s built heritage include Aberdeen’s Conservation Area Character Appraisals and Management Plan, and Aberdeen Planning Guidance documents. These documents along with the following policies will be used to determine applications within the historic environment.

7.16 The development of Aberdeen over the centuries owes much to its geography and geology and the buildings, road patterns and parks that grew out of them. This legacy of diverse spaces and places is the historic environment. It is covered by a variety of statutory designations designed to protect and conserve it, whilst still responding and adapting to change. The city centre, the west end and Old Aberdeen all contain significant numbers of listed buildings and conservation areas. Aberdeen has over 1200 listed building entries, 11 Conservation Areas, 39 Scheduled Monuments and 1 site designated within the Inventory of Gardens and Designed Landscapes in Scotland. Alongside designated sites there are a range of non-designated assets and areas of historical interest, such as historic landscapes, other gardens and designed landscapes, woodlands and routes. Planning authorities should protect and preserve significant non-designated assets and areas of historical interest as far as possible and in situ wherever feasible.

The historic environment:

- Projects our cultural identity and regional distinctiveness;
- Contributes to economic development and regeneration;
- Supports the growth of our tourism and leisure;
- Helps connect people and places, providing continuity in a changing world;
- Contributes to sustainability by conserving resources.

7.17 It is important to conserve the historic environment for our own and future generations. The key is ensuring the historic environment remains in active use, is correctly maintained and sympathetically managed through a clear understanding of cultural significance and breadth. Failure to do so can lead to loss of historic sites and buildings. Listed buildings and buildings within conservation areas can be featured on the Buildings at Risk Register for Scotland. Historic Environment Scotland's Managing Change in the Historic Environment Asset Management document outlines principles for the management of the historic environment.

7.18 Changes to the historic environment such as unsympathetic additions or works to boundary walls, railings, trees, paving, windows and doors, etc can have a negative cumulative effect on the character of areas. Retention of detail, historic fabric and features which contribute positively to the character of the area is also important. Where change to historic environment is proposed detailed recording and surveys can be used to document the asset for the public record and historical understanding.

**Policy D6 – Historic Environment**

Development must protect, preserve and enhance Aberdeen's historic environment, including its historic fabric.

There will be a presumption in favour of the retention and appropriate reuse of historic environment assets that contribute positively to Aberdeen's character.

Appropriate developments, including new features and fixings, must be designed to respect the character, appearance and setting of the historic environment and protect the special architectural or historic interest of listed buildings, conservation areas and historic gardens and designed landscapes. Stone cleaning will only be supported if in line with local and national guidance.

Proposals which have the potential to impact on historic environment assets, or a significant element thereof, will be required to ensure the effective recording, assessments, analysis, archiving and publication of any reports or records to an agreed timeframe.

The physical in situ preservation of all scheduled monuments and archaeological sites is expected. Developments that would adversely impact upon archaeological remains, of either national or local importance, or on their setting will only be permitted in exceptional circumstances, where there is no practical alternative site and where there are imperative reasons of over-riding public need.

In any such case, the applicant must at their own expense:



- take satisfactory steps to mitigate adverse development impacts; and
- ensure suitable investigation and recording is completed, and
- where the preservation of the site in its original location is not possible, arrange for the full excavation and recording of the site in advance of development and the publication/curation of findings, and, where appropriate, associated events for the public benefit.

Further guidance can be found within the Conservation Area Character Appraisals and Management Plan, and Aberdeen Planning Guidance: Stonecleaning.

## **Aberdeen Planning Guidance**

### **Stonecleaning**

Aberdeen Planning Guidance – Stonecleaning, provides guidance on applications for stonecleaning and the impact they have on the distinctive historic environment of Aberdeen, by setting out criteria and noting the considerable harm to the historic environment and placemaking that can occur due to incorrect stonecleaning.

### **Our Granite Heritage**

7.19 Aberdeen, the Granite City, owes its visual identity and strong sense of place to the consistent and predominant use of locally quarried granite. Granite's qualities of longevity, strength, its range of colours, textures, its embodied energy and the examples of craftsmanship shown within the city have made it a significant local building material. The supply of local granite is now limited and the Council wishes to protect and enhance the city's existing built heritage. Existing features such as setted streets, granite pavements and boundary walls, granite structures and buildings are assets to the city until proven that they can be replaced with development of equal or greater merit.

7.20 Parts of the city are designated as Conservation Areas and many buildings have specific listed status which provides a high level of planning control ensuring that the identity of the Granite City will remain. Conservation Area Character Appraisals record the significant characteristics of an area that should be considered at the outset when development is proposed.

7.21 The Council seeks the sustainable retention and appropriate re-use of all historic granite buildings, structures and features. Demolition is a last resort, and the visible re-use of salvage materials on site is required. This could include its use on building elevations, within landscape design and boundary features.

### **Policy D7 – Our Granite Heritage**

The Council seeks the retention and appropriate re-use, conversion and adaption of all historic granite buildings, structures and features, including setted streets, granite kerbs and granite boundary walls.

Proposals to demolish any granite building, structure or feature, partially or completely, will not normally be granted planning permission, conservation area consent or listed building consent.

Any listed building; structure or feature in the curtilage of a listed building; or any unlisted building, structure or feature in a Conservation Area, may only be demolished where:

- evidence is provided to demonstrate that every effort has been made to retain it, and:
- It is no longer of special interest or cultural significance; or
- It is incapable of meaningful repair; or
- It can be demonstrated the demolition is essential to delivering significant benefits to economic growth or the wider community; or
- Its repair and reuse is not economically viable and that it has been marketed in an open and transparent manner.

Where the tests for demolition are met the visible re-use of salvaged features within the development site is required.

7.22 Windows, doors and their associated features make a substantial contribution to the character of a building and street. They provide an understanding of when a building was constructed, altered or used. They add to placemaking by ensuring distinctiveness and identity. Historic windows and doors are well suited to the Scottish climate, are durable and can be easily maintained and repaired. Windows and doors can be upgraded to increase energy efficiency, and improve sound insulation and security, often at a lower cost than replacing units, whilst still retaining the original features and style which gives character to buildings and streets. The following policy relates to listed building and unlisted buildings within conservation areas, but the general principles can be applied to all historic windows and doors in Aberdeen.

#### **Policy D8 - Windows and Doors**

Historic windows and doors will be retained, repaired and restored.

Replacement can only be supported where it has been demonstrated that historic windows and doors have deteriorated beyond practicable repair. Condition surveys will be required.

Opportunities to replace unsympathetic windows and doors will be supported.

Further guidance can be found in Aberdeen Planning Guidance:  
The Repair and Replacement of Windows and Doors.

## **Aberdeen Planning Guidance**

### **Windows and Doors**

Aberdeen Planning Guidance (APG), Windows and Doors provides guidance on how window and door developments will be expected to assure quality of placemaking by consideration of the historic environment, design, material, proportions, scale, detailing, and context. A hierarchy of proposals is outlined in accordance with National Guidance, promoting repair and reuse over replacement when original and historic assets remain in situ. The APG outlines criteria on: retention and repair of original/historic windows and historic glass, reinstating original types and arrangements, removing unsympathetic additions, refurbishment, and replacement windows and doors, and detailing

### **Shopfronts**

7.23 New proposals need to be designed for their location to ensure they provide a positive experience to the building, streetscene and wider area.

7.24 Historic features add to the overall pleasant experience of buildings, streetscape and their wider surroundings, and are connected to places through their historical and cultural associations. Where a shopfront is part of the original design of a building it will contribute to the building's architectural significance. Inappropriate design, proportions or materials can detract from a building and the wider streetscape and setting.

#### **Policy D9 – Shopfronts**

Proposals must be designed for their context with appropriate proportions, detailing and materials.

Proposals must relate sensitively and harmoniously to the building and make a positive contribution to the streetscene.

When replacement is proposed, it may be possible to restore elements of the original or historic design on the basis of sound evidence; alternatively, a modern shopfront within a traditional surround or a contemporary design which reinterprets the proportions and form of a traditional shopfront may be acceptable.

Historic shopfronts and their features will be retained and restored.

Further guidance is can be found in Aberdeen Planning Guidance: Shops and Signs.

## **Aberdeen Planning Guidance**

### **Shops and Signs**

Aberdeen Planning Guidance: Shops and Signs provides guidance on how shop and sign developments will assure quality of placemaking by consideration of design, material, proportions, scale, detailing, and context. The APG outlines criteria on: retention and repair of original/historic assets, reinstating original types and arrangements, removing unsympathetic additions, refurbishment, and replacement shops and sign, and detailing. Further guidance is outlined for signage on new build developments, industrial areas and specialist employment areas, again ensuring placemaking is assured.

## **8. Using Resources Sustainably**

### **Mineral Extraction**

8.1 The future development of the city will require significant mineral resources. Ensuring that minerals are available within the city to support its growth will avoid the need to transport minerals over long distances, drive down construction costs and support jobs in the city. Hard rock, for the laying of roads, continues to be quarried at Blackhills (south of Cove) and North Lasts (north of Peterculter). Sand and gravel extraction has also taken place in the north of the city in the recent past.

8.2 Mineral extraction can significantly impact on the amenity of communities and the local environment. This Plan identifies and safeguards the sites at Blackhills and North Lasts Quarries, steering mineral extraction to the least sensitive areas within workable mineral deposits.

#### **Policy R1 – Minerals**

Mineral extraction proposals are acceptable in principle, provided that:

1. there is no significant impact on the character and amenity of the surrounding landscape or residential properties/local communities or on the ecology of the area; and
2. sufficient information has been submitted with a planning application to enable a full assessment of the likely effects of development, together with proposals for appropriate control, mitigation and monitoring (the main considerations are set out in relevant national guidelines); and
3. where necessary, an appropriate buffer distance has been agreed with the Council, through consultation with local communities, taking account of the specific circumstances of the proposal; and
4. restoration will take place concurrently with excavation where possible. After excavation ceases, restoration will be completed in the shortest time practicable and the proposals accompanied by either an appropriate financial bond or

supported by an industry guarantee scheme (such as the Quarry Products Association's Restoration Guarantee Scheme). The proposed after use will add to the cultural, recreational or environmental assets of the area.

Sites identified for mineral extraction are safeguarded from development which will sterilise the mineral resource or which compromises the safe operation of a quarry.

## **Degraded and Contaminated Land**

8.3 Aberdeen, much like the rest of the UK, has a legacy of land contamination, as a result of past industrial use. Part IIA of the Environmental Protection Act 1990 places a duty on Local Authorities to identify and secure the remediation of contaminated land in their respective areas. Local Authorities have the prime responsibility for enforcement of the Act but may choose to consult with the SEPA in certain circumstances, such as water pollution and the enforcement of Special Sites. The Act also requires Local Authorities to maintain a Public Register of land that has been formerly determined as contaminated land. Aberdeen has no entries on its Public Register.

8.4 As well as Part IIA, the planning process also represents an important mechanism for addressing land contamination and bringing brownfield land into beneficial use. Many brownfield sites in Aberdeen have been made suitable for a new use through development. The current planning guidance for contaminated land is provided for in PAN33, which endorses the risk assessment approach laid out in Part IIA.

### **Policy R2 - Degraded and Contaminated Land**

The Council will require that all land that is degraded or contaminated, including visually, is either restored, reclaimed or remediated to a level suitable for its proposed use. This may involve undertaking site investigations and risk assessments to identify any actual or possible significant risk to public health or safety, or to the environment, including possible pollution of the water environment, that could arise from the proposals. Where there is potential for pollution of the water environment the Council will liaise with SEPA. The significance of the benefits of remediating a contaminated site, and the viability of funding this, will be taken into account when considering proposals for the alternative use of such sites.

## **Waste Management Facilities**

8.5 Scottish Planning Policy requires planning authorities to provide for new waste management infrastructure in their Development Plan and assist in implementing the national Zero Waste Plan's objectives in relation to sustainable waste management. Paramount is the waste hierarchy, favouring prevention over reuse, recycling and composting, recovery and finally disposal. A development strategy should guide waste facilities to the most sustainable locations. By

'sustainable location' national policy means locations close to the source of waste arisings (i.e. proximity principle), well linked to transport networks, supporting green job strategies and taking advantage, where possible, of industrial land.

8.6 Composting, transfer stations, materials recycling facilities, anaerobic digestion, refuse derived fuel, mechanical and biological and thermal treatment plants represent the principal options to meet future needs as we look to minimise landfill. With operational control regulated by SEPA, development planning issues focus on aspects such as location, visual impact, transport and supporting Government policy.

### **Policy R3 - New Waste Management Facilities**

Proposals for waste management facilities within the city must comply with the waste hierarchy. Applications for waste management facilities will be supported provided they:

1. conform to the Zero Waste Plan and Aberdeen Waste Strategy; and
2. meet a clear need for the development to serve local and/or regional requirements for the management of waste; and
3. will not compromise the function and amenity of other land uses; and
4. minimise the transport of waste from its source; and

Applicants must submit:

- a) sufficient information to enable a full assessment to be made of the likely effects of the development, together with proposals for appropriate control, mitigation and monitoring; and
- b) a design statement in support of the application, where the development would have more than a local visual impact; and
- c) in respect of landfill proposals, land restoration, after-care and after-use details (including the submission of bonds or a commitment to negotiating a legally binding method for dealing with these details).

Inappropriate neighbouring developments that may compromise the operation of waste management facilities including those listed below will not be approved. The diversification of existing facilities, which moves the waste management process up the waste hierarchy, will be supported in principle.

The following sites are safeguarded for waste-related uses:

East Tullos gas holder and household waste recycling centre (OP107) – an energy from waste facility or in-vessel composting plant.

Aberdeen Exhibition and Conference Centre site (part) at Bridge of Don (OP13) – a household waste recycling centre to replace the facility currently on Scotstown Road.

Additional facilities will be required to deal with construction, industrial land and business waste and these would generally be acceptable in Business and Industrial (B1) areas.

8.7 Waste that is not recycled or composted will continue to be collected. We should view such waste as a resource and derive value from it in the form of energy capture. The means by which this waste could be treated will be determined through an analysis which will consider all available technologies including incineration, gasification and pyrolysis of waste. Heat derived from energy from waste processes should be used to generate heat and power and supplied to homes and businesses in the city. Energy from waste has great potential to contribute to Policy R7: Renewable and Low Carbon.

8.8 Landfill is the option of last resort and any proposals for landfill will be subject to Policy R3 and other development plan policies.

#### **Policy R4 - Energy from Waste**

Applications for 'energy from waste' recovery facilities should be accompanied by an environmental assessment in terms of the Environmental Impact Assessment (Scotland) Regulations 2017. This should set out, amongst other things, whether the proposal complies with Policy R3. Consideration should also be given to:

1. the treatment of residues from any plant; and
2. SEPA's Thermal Treatment of Waste Guidelines; and
3. direct wire connection to the electricity grid or specific end users and the provision of heat and power to a mix of neighbouring uses.

Industrial sites with the potential for connection to the electricity grid and with potential users of heat or power are likely to be suitable locations for energy from waste facilities.

8.9 All developments should provide enough space for the storage and collection of waste – specifically recyclables, organic and residual waste – and access to such facilities. Planning conditions are already imposed on proposals likely to generate a significant amount of waste such as public houses, restaurants, medium to large-scale retail outlets and offices. Particular attention must be made to proposals in the city centre, including residential proposals, where space can be restricted. The

design of waste facilities should therefore be an integral part of proposals and not just an afterthought.

8.10 Developers can save money and help the environment by not over-ordering materials, using recycled material and minimising waste production during construction. Preparing a Site Waste Management Plan will help identify how much waste will be produced, how this can be minimised and what might be done with the waste. For proposals where we believe the potential savings are likely to be significant, we will ask developers to prepare a Site Waste Management Plan. SEPA's website ([www.sepa.org.uk](http://www.sepa.org.uk)) contains useful links for creating these as well as guidance on the sustainable reuse of greenfield soils in construction.

#### **Policy R5 - Waste Management Requirements for New Development**

All new developments should have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate. Flatted developments will require communal facilities that allow for the separate storage and collection of these materials. Recycling facilities should be provided in all new superstores or large supermarkets and in other developments where appropriate. Details of storage facilities and means of collection must be included as part of a planning application for any development which would generate waste. Further details are set out in Aberdeen Planning Guidance: Waste Management Requirements for New Development.

For proposals where we believe the potential savings on construction or demolition materials for recycling or reuse is likely to be significant, we will ask developers to prepare a Site Waste Management Plan as a condition of planning consent.

#### **Low and Zero Carbon Buildings, and Water Efficiency**

8.11 Reducing the emissions of greenhouse gases is a key policy at international, national, regional and local level. The Climate Change (Scotland) Act 2009 creates a legal framework for the delivery of greenhouse gas emissions reductions in Scotland. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 commits Scotland to a target of net-zero emissions of all greenhouse gases by 2045. Staged improvements in energy standards for new buildings have been in place since the publication of the Sullivan Report in 2007, which was updated in 2013.

8.12 Scottish Building Standards set mandatory minimum carbon reduction standards for new buildings, however Section 72 of the Climate Change (Scotland) Act 2009 requires planning authorities to include policies in their Local Development Plans to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use. This can be achieved through the installation and operation of low and zero carbon generating technologies



(LZCGT). Low and zero carbon generating technologies can be renewable energy sources such as but not limited to solar panels, wind turbines and heat pumps or linking into a heat network. Scottish Planning Policy supports the planning system in reducing emissions and energy use in new buildings, promoting development that is resource efficient, and maximising the efficiency of the use of resources through natural or technological means.

8.13 The Strategic Development Plan has identified managing the use of water and increasing water efficiency is vital to reducing pressures on the River Dee as the regions main source of drinking water, and a Special Area of Conservation. The Strategic Development Plan notes that the combination of population and economic growth, along with the effects of climate change, may have a long-term impact on abstraction rates from the River Dee. To alleviate this pressure, it will be necessary to manage the use of this resource through increased water efficiency. Aberdeen Planning Guidance set out the measures necessary to achieve this.

### **Policy R6 - Low and Zero Carbon Buildings, and Water Efficiency**

#### **Low and Zero Carbon Buildings**

All new buildings will be required to demonstrate that a proportion of the carbon emissions reduction standard set by Scottish Building Standards will be met through the installation and operation of low and zero carbon generating technology. The relevant Building Standards and percentage contribution required is set out in Aberdeen Planning Guidance. The Aberdeen Planning Guidance will be kept under review to ensure the proportion of the carbon emissions reduction standard to be met by these technologies will increase over time.

This requirement does not apply to:

1. Alterations and extensions to buildings; or
2. Change of use or conversion of buildings; or
3. Ancillary buildings that are stand-alone having an area less than 50 square meters; or
4. Buildings which will not be heated or cooled, other than by heating provided solely for the purpose of frost protection; or
5. Buildings which have an intended life of less than two years.

#### **Water Efficiency**

To reduce the pressure on water abstraction from the River Dee, and the pressure on water infrastructure, all new buildings are required to use water saving technologies and techniques. The level of efficiency required, and types of efficiencies are detailed in Aberdeen Planning Guidance.

Further guidance on compliance with this policy is contained in Aberdeen Planning Guidance: Resources for New Developments.

## **Aberdeen Planning Guidance**

### **Resources for New Developments**

Aberdeen Planning Guidance (APG) Resources for New Developments provides guidance on how developments will be expected to assess and demonstrate their compliance with the above policy, with regard to the delivery and safeguarding of Resources for New Developments. Accordingly, APG Resources for New Developments includes advice on: density, energy use in new buildings, including passive design and Low and Zero Carbon Generating Technologies, waste and recycling, and water use efficiency.

### **Renewable and Low Carbon Energy Developments**

8.14 The development of all types of renewable heat and energy generating technologies on all scales, including energy storage, is supported in principle. A positive approach to renewable development will help to meet the Scottish Governments target for 100% of Scotland's electricity to be generated from renewable sources by 2020, 11% of non-electrical heat demand to be met by renewable sources by 2020, and 50% of overall energy consumption to be met from renewable sources by 2030. Aberdeen's Local Outcome Improvement Plan stretch outcome 14 states Aberdeen will address climate change by reducing Aberdeen's carbon emissions by 42.5% by 2026 and adapting to the impacts of climate change. Powering Aberdeen, Aberdeen's Sustainable Energy Action Plan outlines the city's aspiration to reduce emissions by 50% by 2030 and establish alternative forms of energy.

8.15 In preparing this Plan, a spatial framework for wind turbines was undertaken. The process has not identified any 'Group 3: Areas with potential for wind farm development' as there are constraints across the entire Aberdeen City area. This does not preclude the development of wind turbines, but it means that care must be taken in assessing the impact of proposals. This will be done in line with Aberdeen Planning Guidance.

8.16 Much of the onshore renewable energy capacity in the North East of Scotland will come from large scale developments, such as wind farms, which are more difficult to accommodate in urban locations than in more rural locations. However, there will be a range of energy technologies that are more suited to urban locations. These range from single wind or hydro turbines through to heat and power networks, heat pumps, and devices which can be mounted on existing buildings (some of which are classed as permitted development). Aberdeen Planning Guidance on appropriate technologies will be provided through masterplans and Aberdeen Planning Guidance: Heat Networks and Energy Mapping.

### **Policy R7 - Renewable and Low Carbon Energy Developments**

Renewable and low carbon energy schemes will be encouraged and supported in principle, where the technology can operate efficiently, and the environmental and cumulative impacts can be satisfactorily addressed.

Proposals will not:

1. cause significant harm to the local environment, including landscape character and the character and appearance of listed buildings and conservation areas; or
2. negatively impact on air quality. Biomass will only be accepted outwith Air Quality Management Areas (AQMA) / Low Emission Zones (LEZ) and will not be accepted within the city centre; or
3. negatively impact on tourism; or
4. have a significant adverse impact on the amenity of dwelling houses.

Wind energy developments will meet the following specific requirements ensuring that:

1. Development does not give rise to electro-magnetic interference to aviation communication, other telecommunications installations, or broadcasting installations; and
2. Development does not result in a significant cumulative effect on landscape and natural heritage; and
3. Free standing wind turbines are set back from roads and railways a distance greater than the height of the turbine; and
4. Turbines are 10 rotor diameters from residential properties, and
5. Conform with Aberdeen Planning Guidance: Wind Turbine Developments.

Appropriate conditions (along with a legal agreement under Section 75, where necessary) will be applied, relating to the removal of wind turbine(s) and associated equipment, and to the restoration of the site, whenever the consent expires or the project ceases to operate for a specific period.

Solar energy developments will need to meet the following specific requirements ensuring that:

1. Development does not result in significant negative cumulative visual impact, and consideration has been given to glint and glare issues and it has been demonstrated that any significant impacts will have a duration of less than five minutes in any one day, and
2. Associated infrastructure does not result in a negative cumulative effect on landscape and natural heritage, and
3. Low impact vegetation management can be achieved (grazing).

## Aberdeen Planning Guidance

### Wind Turbine Development

Aberdeen Planning Guidance (APG) Wind Turbine Development provides guidance on how developments will be expected to assess and demonstrate their compliance with the above policy, with regard to the delivery of Wind Turbine Developments. Accordingly, APG Wind Turbine Development includes advice on: Environmental Assessment including Landscape and Visual Impacts, safety assessments, Built and Cultural Heritage Assessment, Tourism and Recreation Assessment, efficiency, and decommissioning.

### Heat Networks

8.17 Scottish Planning Policy and National Planning Framework 3 outline the requirement for Scotland to become a low carbon economy and for developments to actively seek to reduce energy use, and where energy is required to use or generate this in the most efficient manner possible. In support of these aims, all developments should in the first instance seek to reduce their energy use. The energy which is required should then be sourced through the most efficient method. Heat networks provide an opportunity to help deliver Scotland's climate change and renewable heat targets. Where a new development connects to an existing heat network or provides a new network it will be deemed to have met the requirements of Policy R6: Low and Zero Carbon Buildings, and Water Efficiency.

8.18 Aberdeen is fortunate to have several heat networks across the city, operated by the Council and other bodies. It is the aim of the Council to support and expand these networks to cover the widest area possible, to provide efficient lower cost energy to our residents. It is the aim of the Council to decarbonise the network in support of our climate change objectives thereby helping to isolate the city from volatile energy markets.

#### **Policy R8 – Heat Networks**

Heat networks are encouraged and supported. The location and scale of proposed development will determine the heat network approach.

#### **Developments within the City Centre and/or within an identified heat network zone will be required to:**

- (a) connect to an existing heat network where available, or
- (b) provide within the site an independent network and plant capable of connecting to the wider network at a future date, or
- (c) provide a Heating/Cooling system within any buildings capable of connecting to the wider network at a future date, or
- (d) heat and cool the building or development site through a renewable form of energy produced on site.

In the case of (b), (c) and (d) a detailed feasibility report will be required explaining why connection to the wider network is not possible. This will include evidence of

discussions with the network operator, and engineering specifications showing compatibility of the proposed system with the network, or written confirmation that this will be provided.

The policy does not apply to refurbishment/conversion/change of use developments under 1,000sqm which do not involve alterations to an existing heating system.

**Major Developments and masterplan sites in the Local Development Plan will be required to:**

- (a) connect to an existing network where available, or
- (b) provide within the site an independent Heating/Cooling network and plant capable of connecting to the network at a future date, or
- (c) where it can be proven that connection to an existing network and the provision of an independent heat network are financially unviable, a network of soft routes will be provided through the development for the future provision of a heat network. In such cases an agreed network design will be required.

**Large heat demand development or development producing unused excess heat will:**

- (a) be encouraged to develop a heat network where feasible, and
- (b) be designed to enable connection to a network in future, and
- (c) provide soft routes throughout the development for the future provision of a network, and;
- (d) safeguard strategic routes.

**Developments providing an energy plant:**

Renewable and low carbon forms of energy will be supported. Fossil fuel powered plants will only be supported where it is proposed to decommission the plant once connected to the heat network.

**Proposed Heat Network Routes**

Where a proposed development is located on an identified strategic route for the expansion of the heat network, allowance must be made to safeguard future network routes. This safeguarding should take the form of providing soft routes through the site and/or installing pipework and this should be discussed in advance with the network operator. This should also be included in the supporting report for the application.

**Low and Zero Carbon Generating Technologies**

Where a development connects to an existing Heat Network or provides a new network it will be deemed compliant with Policy R6: Low and Zero Carbon Buildings, and Water Efficiency.

**Energy Statements (Viability Statements)**

In the case of developments which are not proposing to connect to the existing network or not proposing to provide their own network on viability grounds an energy statement, including details of financial viability, will be required to evidence this.

Heat Network Zones are identified within Aberdeen Planning Guidance: Heat Networks and Energy Mapping.

## Heat Networks and Energy Mapping

Aberdeen Planning Guidance (APG) Heat Networks and Energy Mapping provides guidance on how developments will be expected to assess and demonstrate their compliance with the above policy, with regard to the use of Energy Mapping, the delivery of Renewable and Low Carbon Energy and the circumstances under which connection will be required to a heat network. Accordingly, APG Heat Networks and Energy Mapping includes advice on; the City-Wide Heat Map, areas of energy deficit and surplus, Renewable and Low Carbon Energy and Guidelines for New Developments.

## 9. Meeting Housing and Community Needs

9.1 Our vision for Aberdeen is a place which offers sustainable communities; with a wide choice of housing styles and types to cater to all sections of the population, and where amenity is maintained to a high level to support a high quality of life.

### Residential Areas

9.2 H1 areas on the Proposals Maps show the city's primary 'residential areas'. Policy H1 is applicable to these areas. There may also be areas of residential use that lie within other areas on the Map that are not shown as such. Notwithstanding, proposals for residential use outside of H1 areas will provide the same level of design and amenity as H1 areas. This is essential in delivering a good quality of living – also see the Quality Placemaking by Design section of this Plan.

### Policy H1 - Residential Areas

Within existing residential areas (H1 on the Proposals Map) and within new residential developments, proposals for new residential and householder development will be approved in principle if it:

1. does not constitute over-development; and
2. does not have an adverse impact to residential amenity and the character and appearance of an area; and
3. does not result in the loss of open space.

Within existing residential areas, proposals for non-residential uses will be supported if:

1. they are considered complementary to residential use; or
2. it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

## **Aberdeen Planning Guidance**

### **Householder Development Guide**

Aberdeen Planning Guidance (APG): Householder Development Guide supports the above policy and Policy D6: Historic Environment by providing guidance to ensure householder developments and works to residential properties now in non-domestic use are of a good quality design, carefully sited and give due consideration to scale, context and design of the parent building to ensure development does not erode the character and appearance of the area.

The APG outlines criteria to be satisfied with regards to extensions, ancillary buildings, dormer windows, roof extensions, roof lights, satellite dishes, decking, boundary enclosures, micro-renewables, and driveways.

Further criteria are given on change of use from amenity space to garden ground, again to ensure quality of place is retained; there will be no detriment to amenity space or visual amenity within the locality, and the distinctive character and appearance of the area will not be eroded.

### **Mixed Use Areas**

#### **Policy H2 - Mixed Use Areas**

Applications for development or change of use within Mixed Use Areas (H2 on the Proposals Map) must take into account the existing uses and character of the surrounding area and avoid direct conflict with the adjacent land uses and amenity. Where new housing is proposed, a satisfactory residential environment should be created which should not impinge upon the viability or operation of existing businesses in the vicinity. Conversely, where new industrial, business or commercial uses are deemed appropriate, development should not adversely affect the amenity of people living and working in the area.

### **Density**

9.3 A minimum density of 50 dwellings per hectare (net) has been set by the Strategic Development Plan for all developments over one hectare. How attractive a place feels is a matter of the design and it will be for the masterplan or planning application to determine which areas could accommodate higher or lower densities across a site, provided an overall density that makes efficient use of land is achieved.

9.4 In the interests of sustainability and efficient use of land, higher density developments are generally encouraged. Higher densities also have the benefit of helping to maintain the vitality and viability of local services and facilities, allow for the effective provision of public transport, encourage active travel, enhance the economic viability of development and increase energy efficiency.

9.5 The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. The density of a proposal will reflect the context of the site and that of the proposed development. If

done well, imaginative design and layout of development can lead to a more efficient use of land without compromising the local environment.

### **Policy H3 - Density**

The Council will seek an appropriate density of development on all housing allocations and windfall sites. Net dwelling density includes those areas which will be developed for housing and directly associated uses, including access roads within the site, garden ground and incidental open space.

For all residential developments over one hectare, the density of new development is generally sought at no less than 50 dwellings per hectare. This is to achieve efficient use of land in terms of the scale and layout of the site and its context.

Higher densities are expected within the city centre, in and around town centres, public transport nodes and on brownfield sites.

### **Housing Mix and Need**

9.6 It is important to achieve a good mix of size, type and tenure of dwellings across both the market and affordable components of proposals for residential development. This approach helps to create mixed and inclusive communities by offering a choice of housing and lifestyle, and add value to the urban design process. The character of the area, site characteristics, the market and housing need will dictate different mixes on different sites across Aberdeen.

9.7 Policy H4 requires sites of larger than 50 homes to provide a masterplan to set out a suitable mix. A mix is desirable on all sites across both their market and affordable components. Smaller sites should demonstrate a suitable mix of type and tenure, or demonstrate why this is not possible. This policy does not apply to proposals for 'specialist' developments such as; student housing and sheltered housing.

9.8 A mix of housing size, type and tenure is important due to the changes in the age profile of Scotland toward an ageing population. Nationally, the percentage of the population over age 65 is one of the fastest growing age groups. Scottish Planning Policy states that where a demand is identified through Housing Need and Demand Assessment (HNDA), policies should be put in place to mitigate for this change through the provision of suitable housing. The Aberdeen City and Aberdeenshire HNDA (2017) finds that the between 2014-2039, the percentage growth rate of those aged 65-68 years is 20%. The increase in those aged 75+ is around 65%.

9.9 The HNDA has found changes in the city's demographic profile with largest growth being seen in these older-age sectors. It also finds that there is a limited range of housing options for older people other than sheltered housing or residential care, and there is a lack of affordable housing of suitable size and design to suit this group.



9.10 It is therefore important that we encourage suitable housing choice for the local population in order to help facilitate independent, affordable living. This may be achieved by adaptable design of homes, or by targeted development such as:

- **Age-restricted general market housing**; also known as ‘over-55s living’ which is exclusive to residents of a minimum age, and generally does not include care provision but may include shared amenities, such as amenity space.
- **Retirement or sheltered housing**; purpose-built accommodation that may include support to enable independent living, with shared on-site amenities.
- **Extra care housing or retirement communities**; purpose-built accommodation with a higher level of care available and extensive shared amenities. This allows residents to benefit from varying levels of care as time progresses.
- **Residential care homes or nursing homes**; accommodation that provides a high level of care for those unable to live independently. See Policy WB4: Specialist Care Facilities.

These are just some of the common examples of how housing for the older population can be delivered and is not a definitive list. Specialist housing may also be required for those that do not fall into the ‘older people’ category.

#### **Policy H4 - Housing Mix and Need**

Housing developments of larger than 50 units are required to achieve an appropriate mix of dwelling types and sizes, in line with a masterplan. This mix should include smaller 1 and 2 bedroom units and should be reflected in both the market and affordable housing contributions.

An appropriate housing mix is expected in housing developments to reflect the diverse housing need in the area; this includes older people and disabled people. Where possible, housing units should demonstrate a design with accessibility and future adaptability in mind.

For smaller developments (fewer than 50 units), a suitable mix of dwelling types and tenure will be provided in the interests of placemaking and local housing need and demand.

#### **Affordable Housing**

9.11 A HNDA has been undertaken for Aberdeen City and Aberdeenshire (2017) to assess future housing requirements for each housing market area to ensure that land is identified to fully meet requirements including affordable housing need.

9.12 Consistent with this Plan’s spatial strategy, an estimate of annual housing need has been calculated. Figures in the HNDA identify up to 1,368 new affordable homes needed per annum over a 20-year period. This estimate of net annual housing need depends greatly on the economy and the housing market. If

affordability were to improve in the Aberdeen Housing Market Area (AHMA) the current affordable housing stock, including forecast new build projects, would remain insufficient to meet arising need. In line with previous Development Plans, this suggests that need in the AHMA is particularly chronic. The evidence presented in the HNDA justifies the retention of an affordable housing policy to help address housing need.

9.13 The provision of affordable housing should not jeopardise the delivery of housing as this would be counter-productive, increase affordability constraints and have other knock on impacts on the local economy. Therefore, affordable housing requirements must be realistic and take into consideration the Strategic Development Plan affordable housing targets, the provisions of Scottish Planning Policy and Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits; which sets a benchmark of 25% provision for new developments. To ensure viability of development, the target has therefore been set at 25% for all areas of the city.

9.14 The provision of affordable housing is significantly reliant on funding from the Scottish Government and privately sourced by Registered Social Landlords (RSL), which influences the ability to deliver affordable housing. To maximise the provision of affordable housing it is the aim of the Council to take a flexible approach to its delivery, with a view to maximising opportunities to achieve the highest level possible and satisfy need.

9.15 The affordable housing provision should be on site, integrated with, and indistinguishable from the market housing. In other circumstances where the Council agrees that onsite provision is not possible, off-site provision may be considered. This will be subject to Aberdeen Planning Guidance and being acceptable to the Council.

9.16 In exceptional circumstances where on or off-site provision is not possible, a commuted sum will be required from the developer. In circumstances where the developer does not agree with the commuted sum as calculated using the Supplementary Guidance for Developer Obligations, an individual site valuation exercise can be carried out as detailed in PAN 2/2010.

9.17 In Aberdeen, small sites (those capable of accommodating up to four dwellings) contribute only a small proportion of the land supply. Therefore, a threshold of five homes has been set for affordable housing contributions.

### **Homes for Key Workers**

9.18 As found in the HNDA, housing affordability continues to be an issue in the local area. To support our communities, the Local Development Plan will support the accommodation of 'Key Workers'. Key Workers are those who make modest incomes, typically in public sector roles, whose profession is considered to be essential to society, and therefore play an important part in the prosperity of our city. Therefore, the attraction and retention of Key Workers to Aberdeen is important in achieving our goal of sustainable mixed communities.

9.19 Whilst the Plan will continue to support the delivery of affordable homes overall, proposals for specific homes designed for 'Key Workers' is another method that can enhance the supply and choice of homes for those on modest incomes under our 'affordable housing' policy.

#### **Policy H5 – Affordable Housing**

Housing developments of five homes or more are required to contribute no less than 25% of the total number of homes as affordable housing.

Affordable housing requirements will be delivered on-site. Off-site provision of affordable housing requirements will **only** be considered where there is sufficient justification. Commuted Payments will **only** be accepted in certain circumstances, as set out in the Aberdeen Planning Guidance.

Housing development for occupation by 'Key Workers' will be supported in principle, with further advice set out in Aberdeen Planning Guidance.

#### **Aberdeen Planning Guidance**

##### **Affordable and Specialist Housing**

Aberdeen Planning Guidance (APG) Affordable and Specialist Housing supports the above policies by providing guidance on how developments will be expected to assess and demonstrate their compliance with above policies, with regards to the delivery of affordable and specialist housing.

Accordingly, APG: Affordable and Specialist Housing includes advice on; types of affordable housing provision, categories of affordable housing (including commuted payments), development trigger points, developer viability, mechanisms for the delivery of affordable housing, homes for key workers, and monitoring. It will also include details of the annual review of commuted payment levels.

##### **Gypsies and Travellers**

9.20 Gypsies and Travellers are a distinct ethnic group. The lack of suitable, secure accommodation underpins many of the inequalities that Gypsy and Traveller communities experience. It also often leads to Gypsies and Travellers using public and private land to set up unauthorised encampments. Establishing new permanent and transit sites can help to alleviate some of the problems Gypsies and Travellers face. Policy H6 will seek to deliver new permanent or transit sites solely for the use of Gypsies and Travellers.

9.21 The five Masterplan Zones identified in Policy H6 with the potential to create 1,500 or more houses are each expected to contribute towards the provision of these sites for Gypsies and Travellers. Of these five Masterplan Zones, we have identified three which we consider most appropriate for on-site provision, although all five will have to contribute towards the requirement. The preferred sites offer opportunities for sites to be distributed to the north, west and south of the city, thereby offering a choice of locations. Where on-site provision is not made, a financial contribution will

be required.

### **Policy H6 - Gypsy and Traveller Caravan Sites**

Sites for Gypsies and Travellers should provide a residential environment and follow the same principle as mainstream housing developments. Applications for permanent or transit sites for Gypsies and Travellers will be supported in principle if:

1. Access to local services and schools can be provided;
2. The development can be made compatible with the character and appearance of the surrounding area;
3. The development makes provision for essential infrastructure such as water, sewage disposal and electricity. Provision of electricity and heat through sustainable means will be encouraged; and
4. It can be demonstrated that the site will be properly managed.

Development sites listed below have been identified, as part of the 25% affordable housing contribution, to make contributions towards the provision of sites for Gypsies and Travellers. The contribution will be for small sites of six pitches, with a net area of approximately 0.5 hectares.

Sites:

- Grandhome
- Newhills Expansion (Craibstone, Rowett South and Greenferns Landward)
- Countesswells
- Greenferns
- Loirston

Within Grandhome, the Newhills Expansion and Loirston sites, the provision must be provided on-site. On the remaining sites the provision will take the form of a commuted sum, as set out in Aberdeen Planning Guidance, at a rate of 15 homes calculated as follows (0.5ha at 30 homes/ha). Further guidance on the delivery of sites for Gypsies and Travellers is contained within Aberdeen Planning Guidance

### **Student Accommodation**

9.22 Aberdeen has three main further education institutions, with a campus that spreads beyond the city boundaries. The city is a key player in producing and supporting the next 'economically active' generation, and so our students are a valuable section of the population. It is important that they have a high quality choice of accommodation whilst studying in Aberdeen.

### **Policy H7 - Student Accommodation Developments**

Proposals for new Student Accommodation development will be supported in principle where:

1. The location is accessible by means of walking, cycling, wheeling and

- public transport to the university or college facilities;
2. The proposals offer appropriate facilities; in particular providing an appropriate level of amenity space, refuse/ recycling storage space and secure bike storage facilities; and
  3. There will be no significant adverse impact to the amenity of the surrounding area.

In order to restrict occupancy to students, planning conditions or a legal agreement may form part of any planning permission.

Proposals for the redevelopment, or Change of Use, of existing Student Accommodation developments should be accompanied by sufficient supporting evidence justifying the loss of such a facility. New proposals will be assessed for relevant Developer Obligations.

## Houses in Multiple Occupation

9.23 Houses in Multiple Occupation (HMOs) account for a significant proportion of the available rental accommodation in Aberdeen and are particularly important in supporting the city's sizeable student population. The cumulative impact of HMOs has the potential to intensify pressure on local amenity; especially upon shared spaces, property upkeep, and traffic/parking. In order to achieve sustainable mixed communities and support the Development Management process where applications may come forward during the Plan period, a policy is introduced to address 'HMO overprovision'.

9.24 High concentrations of HMOs can lead to changes in a community. This can include: poor upkeep and deterioration of properties which impact upon residential amenity due to a lack of management and/or temporary tenants; an increased population density in a localised area, resulting in an increased demand on services, infrastructure and parking provision; and a deficiency in community cohesion as a result of transient tenants. This may affect locations close to the city centre, educational facilities, or employment areas.

9.25 A threshold for HMO overprovision is set out in Policy H8 below. This is represented by a percentage threshold within defined boundaries of the city. For this Plan, we have set a percentage limit within the city's Small Data Zones areas. Composed of aggregates of Census Output Areas, data zones are large enough that statistics can be presented accurately and yet small enough that they can be used to represent communities spatially. They are designed to have approximate populations of between 500 - 1,000 household residents, have shapes that respect physical boundaries where possible, and to contain households with similar social characteristics.



9.26 With regards to defining a HMO in planning terms, this applies to dwellinghouses where **3 or more** unrelated persons are living together (i.e. not as a family) as the premises would no longer fall within the definition of a 'dwellinghouse' for planning purposes. This threshold is used as the point at which a material change

has occurred in the use of premises, and a planning application for 'Change of Use' to form an HMO would be necessary.

9.27 Where flats are concerned however, planning legislation does not specify any number of residents above which a material change has occurred. We have considered Aberdeen's context and find it appropriate that the same threshold of **3 or more** unrelated people living together in a flat would be materially different from typical 'family use' in planning terms.

9.28 Planning applications will be assessed under their own context and merits. Separate licensing requirements exist for the establishment of a HMO, irrespective of the planning guidance set out. The granting of planning permission does not remove any requirement to obtain the appropriate licence (and vice versa). Thresholds for each process are set on the following table.

	Occupants					
	1	2	3	4	5	6+
Flat			✓✓	✓✓	✓✓	✓✓
House			✓✓	✓✓	✓✓	✓✓

-  HMO License required
-  Planning permission required

**Policy H8 – Houses in Multiple Occupation and Overprovision**

Proposals requiring planning permission for use as a House in Multiple Occupation (HMO) will be assessed on their own merits. A HMO will not result in significant adverse impact upon: residential amenity of the site; upon those walking, wheeling and cycling; upon road traffic safety as a result of increased traffic; or demand for car parking as a result of the HMO.

An excessive concentration of HMOs in a given locality, cumulatively resulting in a material change in the character of that area, will be assessed in consultation with the Council's HMO Unit, who hold relevant information on the location of existing HMO-licensed properties.

In order to prevent an excessive concentration of HMO-licensed properties within an area, the number of licensed properties will generally not exceed 15% of the total residential properties within a single Small Data Zone. Further information on overprovision of HMOs is set out in Aberdeen Planning Guidance.

## Aberdeen Planning Guidance

### Houses in Multiple Occupation Overprovision

In order to assist the implementation of Policy H8, further guidance - including information on Small Data Zones - will be set out in Aberdeen Planning Guidance on HMO Overprovision.

### Short Term Lets

9.29 Short Term Lets (STLs) are an emerging topic area within planning. There is currently no statutory definition of what constitutes a short-term let in Scotland. STLs can however be characterised in three broad ways;

- **Sharing:** a room(s) may be let to a guest by a host who stays within the residence.
- **Swapping:** a room(s) or entire property may be let to a guest whilst the host is absent, for example on holiday.
- **Secondary Letting:** a room(s) or entire property may be let to a guest where the host does not normally live (and would be absent).

9.30 According to research undertaken by the Scottish Government from October 2019 ('Research into the impact of short-term lets on communities across Scotland'), short term letting of residential properties can have positive impacts on the local economy, such as supporting local tourism, as well as increased household income for the 'hosts', and reduce the risk of properties laying vacant for prolonged periods. However, in some areas (particularly those in high concentrations of these types of property), some negative impacts were found, including; adverse impacts upon residential amenity (i.e. noise/ disturbance, waste management/ littering), congestion upon infrastructure, a changing nature of communities, and impacts upon the availability and affordability of local housing.

9.31 Under Section 17 of the Planning (Scotland) Act 2019, Local Authorities will be able to respond to issues like these, for example establishing a requirement for planning permission if owners want to change the use of their property to a short-term let. This topic may be considered under future Aberdeen Planning Guidance on 'Short Term Lets'.

### Community Facilities

9.32 It is important that all sectors of the community enjoy access to a wide range of facilities which support and enhance health, safety and the overall quality of life by providing essential services, resources and opportunities. This Plan has a role to play in guiding the providers of services and facilities on the overall strategy for new development throughout the city and by outlining where and how facilities might be

provided within the context of creating and enhancing sustainable communities. Further details can be found in the infrastructure section.

9.33 The Council will investigate 'community campuses' when building new schools. These campuses can include a range of community facilities and services on the same site, for example health services, financial services, community facilities, other public sector bodies, as well as education provision.

9.34 When existing facilities fall out of use, the possibility of using the premises for alternative community uses, for which there is a demonstrable local need, should be explored. In these cases, the character of the original building should be retained where it is considered to be of architectural merit and an important townscape feature.

9.35 A need has been identified for new General Practice health centres in various areas of the city and specialised health centres in the city centre and regeneration priority areas in particular. These are to be supported in principle.

9.36 The importance of the Foresterhill complex as the main focus for the development of acute healthcare services and associated medical education in the north east of Scotland is recognised. Expansion within this complex over the lifetime of the Plan is welcomed in principle, in order to increase the range of facilities on site and the level of medical service provision to serve the city and wider region. This includes provision for a mortuary at the complex, and reference to this is included within Policy CF1.

9.37 Not all the areas designated under Policy CF1 are entirely in institutional use and in assessing proposed changes of use or new developments, regard will need to be given to impacts on the character of an area as a whole and on the vitality of any residential community.

#### **Policy CF1 - Existing Community Sites and Facilities**

This policy applies to both land zoned as CF1 and to health, education and other community facilities located within other Local Development Plan zonings.

The following existing uses shall be used primarily for that use and/ or related purposes;

- Healthcare sites;
- Nursery, primary, secondary and special school land and properties;
- Further education and research institute sites;
- Community buildings such as libraries, community halls, and recreational centres

Proposals for new or extensions of these uses on these sites will be supported in principle. Proposals for a mortuary at the Foresterhill complex will be accepted in principle.



Where land or buildings become surplus to current or anticipated future requirements, alternative uses which are compatible with adjoining uses and any remaining community uses, will be permitted in principle. Large sites or sites in sensitive locations will be subject to a Planning Brief or Masterplan.

Where a CF1 area (see Proposals Map) contains uses other than that for which the area has been designated (and these uses make a positive contribution to the character and community identity of the area), any proposals for development or changes of use (whether or not for the community use recognised in the designation) will be opposed if a likely result would be significant erosion of the character of the area or the vitality of the local community.

### **Policy CF2 - New Community Facilities**

Proposals for new community facilities shall be supported, in principle, provided they are in locations convenient to the community they serve and are readily accessible, particularly by walking, wheeling, cycling and public transport.

Recycling centres shall be located on easily accessible sites and shall not be detrimental to residential amenity.

In significant greenfield and brownfield developments, where a likely need is identified through the masterplanning process, sites shall be reserved for new community facilities.

Any new emergency services facilities must locate where they can meet statutory response time requirements. In examining potential locations there shall be a preference for sites within the existing built-up area or within identified future development areas where there is no detrimental impact on residential amenity and where good access for emergency vehicles is available to the primary road network. Joint developments with other agencies providing community facilities should be investigated. Opportunity Sites are identified on the Proposals Map.

Guidance on private children's nurseries shall also be included within Aberdeen Planning Guidance.

## **Aberdeen Planning Guidance**

### **Children's Nurseries**

Aberdeen Planning Guidance (APG) Children's Nurseries supports Policy CF2 and Policy D1 by outlining criteria proposals must adhere to, these include impact on amenity and amenity space for the proposal and access and car parking. This will ensure the existing amenity of an area is not harmed.

## 10. The Vibrant City

10.1 The city centre plays a major role in the commercial, economic, social, civic and cultural life of Aberdeen and the wider North East. It is an important regional centre providing a focus for employment, business and social interaction, it offers access to a wide range of goods and services, and it is a place where many people meet socially and choose to live and visit.

10.2 It is vital for the future prosperity of Aberdeen that the city centre is enhanced and promoted as a resilient, safe, attractive, accessible and well-connected place which contributes to an improved quality of life. The Plan supports the delivery of this vision within a framework of securing sustainable development. This will be achieved through applying policies which positively promote what can happen, and where, in tandem with the City Centre Masterplan and complementary strategies which include the Sustainable Urban Mobility Plan (SUMP) for the city centre.

10.3 The City Centre Masterplan has eight objectives: changing perceptions, growing the city centre employment base, a metropolitan outlook, a living city for everyone, Made in Aberdeen, revealing waterfronts, technologically advanced and environmentally responsible, and culturally distinctive.

10.4 Retailing is a major activity in the city centre and, as the region's main shopping destination, it is important to maintain and improve the visitor experience on offer to maintain Aberdeen's strength and competitiveness. The City Centre Retail Core (shown on the Proposals Map) contains most of the city centre's shopping floorspace and this is where new retail development should be directed. City Centre Masterplan intervention area allocations and further expansion and improvements to the existing retail stock in the City Centre Retail Core will be encouraged to consolidate and enhance Aberdeen's position as one of the UK's leading retail destinations. The guidance and direction given in the City Centre Masterplan will enhance that role.

10.5 With changes in shopping patterns it is recognised that the city centre must embrace diversification of uses to encourage wider variety within the City Centre and Retail Core. This accords with findings of The Aberdeen City and Aberdeenshire Retail Study - 2018 Aberdeen City Update (2019). Restrictions which were in place in previous Local Development Plans have been removed to ensure the city centre can refocus and become a vibrant place.

10.6 The city centre is a place where people can actively interact with one another; where shopping, working, living, sharing, playing and learning can co-exist while also allowing people to spend time in attractive, social, safe, and well-connected spaces. To ensure this happens, the introduction of a broader mix of uses to the city centre, alongside public realm and environmental improvements should be considered to increase social interaction and bridge the gap between the day and evening economy by encouraging people to dwell for longer outwith traditional office or

shopping hours. Creating a link between people and place encourages ownership and stewardship.

**Policy VC1: Vibrant City**

Proposals for new development, or expansion of existing activities, in the city centre, which support its vibrancy and vitality throughout the day and/or into the evening will be supported in principle.

Proposals will contribute towards the wider aims of the City Centre Masterplan and its vision for the city centre.

The applicant/agent must demonstrate that any adverse impacts can be mitigated and, where applicable, that suitable residential amenity is achieved or maintained.

Proposals will be considered in relation to their locality and context within the city centre.

10.7 Tourism, including cultural uses and the creative arts, are key sectors for the economy of the city which can generate a wide range of business and employment opportunities. There are significant natural and cultural assets in the city and wider region which can be promoted to secure sustainable growth in the tourism market in Aberdeen. The tourism offer has already been expanded through:

- the recently completed development of The Events Complex Aberdeen (TECA);
- the redevelopment of the Art Gallery;
- the redevelopment of the Music Hall;
- the redevelopment of Provost Skene's House;
- public realm pedestrian-priority space on Broad Street;
- the development of new and extended hotel accommodation across the city; and
- the completion of the new Aberdeen South Harbour at Bay of Nigg.

10.8 Attractions such as museums, visitor centres and conference facilities can draw significant numbers of people to an area. This can be particularly beneficial to city centre destinations where the potential exists to increase visitors dwell time and expenditure. The success of visitor attractions relies on having facilities and quality of place. Proposals for new and expanded visitor attractions must create quality places through the use of high quality architecture and urban design to reflect the city's distinctive local culture and set it apart from other places.

10.9 Informed by "Culture Aberdeen – A cultural strategy for the city of Aberdeen 2018 – 2028" and "Destination Aberdeen & Aberdeenshire – Our Tourism Strategy 2018 – 2023" the promotion of Aberdeen as a significant visitor and tourist destination will be encouraged. The main focus and location for new developments of this nature will be the city centre in line with the hierarchy of centres. The Beach and Leisure Area has a separate role to play.

### **Policy VC2: Tourism and Culture**

Proposals for new, or expansion of existing, visitor attractions and facilities capable of strengthening the appeal and attraction of Aberdeen to a wide range of visitors will be supported.

Proposals should complement existing visitor facilities and be sequentially located in the city centre, or on a site allocated for that use in this Plan, unless activity and locality specific issues demonstrate that this is impracticable.

10.10 The city's network of centres has been classified into a hierarchy and the role of each centre in the hierarchy has been set out in Aberdeen Planning Guidance and defined on the Proposals Map. A sequential approach to assessing all significant footfall generating proposals (such as retail, leisure, office, hotel, commercial leisure, public buildings, community, cultural etc.) will be taken in accordance with this hierarchy.

10.11 The city centre is the preferred location for significant footfall generating uses of a regional / city wide scale and proposals outwith the city centre that would undermine its regional role will not be supported in principle. Designating centres outwith the city centre is still important as it helps create sustainable mixed communities and encourages more sustainable travel patterns. Therefore, facilities, at a local scale, will be supported within the defined centres and in allocated expansion areas.

10.12 Existing shops outside the defined centres play an important role in helping maintain sustainable communities. These shops are protected through Policy VC10.

10.13 The Aberdeen City and Aberdeenshire Retail Study - 2018 Aberdeen City Update (2019) assessed current and future retail requirements across the city. It concluded that there are no significant quantitative or qualitative deficiencies for convenience, comparison or bulky goods retailing over the lifetime of this Plan over and above existing, committed or allocated floorspace. The Plan will continue to support existing proposals to enhance the city centres retail offer and at allocated expansion areas.

### **Policy VC3: Network of Centres**

Proposals for new, or expansion of existing retail, office, hotel, commercial leisure, community, cultural and other significant footfall generating development shall be located in accordance with the hierarchy and sequential approach:

Tier 1: Regional Centre (City Centre including Retail Core)

Tier 2: Town Centres  
Tier 3: District Centres  
Tier 4: Neighbourhood Centres  
Tier 5: Commercial Centres

Exceptions to the sequential approach will only be made on sites allocated for these uses in this Plan or where it is demonstrated that activity and locality specific issues make this impracticable.

In all cases, proposals shall not detract significantly from the vitality or viability of any centre.

To support residents, proposals serving a catchment area similar to that of a town centre or district centre may also be located in the city centre. Similarly, proposals serving a catchment area comparable to that of a neighbourhood centre may also be located in any centre that is in the first, second or third tiers.

Proposals for significant footfall generating development on an edge-of-centre site will not be supported unless:

- 1 the proposal is one that would have been appropriately located in the centre to which it relates;
- 2 the proposal is well connected to the centre in which it relates; and
- 3 in the centre to which it relates no suitable site for the proposal is available or is likely to become available in a reasonable time.

Retail Impact Assessments should be undertaken where a retail development over 2,500 square metres gross floorspace (or which otherwise may have a significant impact on vitality and viability) outwith a defined regional or town centre is proposed which is not in accordance with the Development Plan.

An analysis of impact should be undertaken where a significant footfall generating development over 2,500 square metres gross floorspace outwith a defined regional or town centre is proposed which is not in accordance with the Development Plan.

A restriction may be imposed on the amount of comparison goods floorspace allowed within convenience shopping developments outside the city centre or other town centres.

10.14 High streets have historically been the focus for retailing. However, traditional high streets are facing challenges due to changing retail patterns. The city centre and particularly Union Street is the North East's high street. To support the vitality, vibrancy and viability of the city centre it must refocus and adapt through diversification. Retail remains an important function of the city centre, a major attractor for people and is anchored by the Retail Core which provides investors with confidence that retail is welcomed in Aberdeen. However, to enable it to prosper it must be supported by a broad mix of uses that will increase footfall, dwell time, and

provide economic and social activity during the day and into the evening. Evening and night-time entertainment is an important part of the city's economy bolstered by the City Centre Masterplan and encouragement of arts and culture. An increase of people of all ages using the city centre for differing activities at different times of the day, evening and night will have a positive impact on social and informal interactions, increase passive surveillance and change perceptions so that people consider it a safe and comfortable place.

10.15 The Agent of Change principle is fundamental in supporting a mix of uses in the city centre. The responsibility for mitigating any detrimental impact of noise from a new development or operation lies with those carrying out the new development or operation.

10.16 Alongside having a mix of uses, the aesthetic of street level premises and their immediate public realm will have a major impact on perception of place. A welcoming, distinctive and attractive active frontage will improve the visual amenity, vibrancy and vitality of the city centre.

#### **Policy VC4: City Centre and Retail Core**

Development within the city centre must contribute towards the vision for the city centre as a major regional centre as expressed in the City Centre Masterplan.

The city centre (as shown on the Proposals Map) is the preferred location for all retail, office, hotel, commercial leisure, community, cultural and other significant footfall generating development serving a city-wide or regional market.

The Retail Core (as shown on the Proposals Map) is the preferred location for major retail developments serving a city-wide or regional market. Where sites are not available in the Retail Core, then sites elsewhere in the city centre may be appropriate in accordance with the hierarchy of centres and sequential approach.

All proposals will:

- 1: Enhance or maintain the vitality and viability of the city centre;
- 2: Contribute to the wider aims of the City Centre Masterplan;
- 3: Make a positive contribution to footfall;
- 4: Not create overprovision and/or clustering of a particular use in the immediate vicinity which would undermine the character and amenity of the regional centre; and
- 5: Not conflict with the amenity of the neighbouring area/commercial uses.

Proposals at ground floor level will also create or maintain an active street frontage which is accessible to the public from the street.

10.17 Living in the city centre is a positive way to ensure it has vibrancy, vitality and viability and support an economy based around day to day living. To achieve this

there needs to be an increase in the number of people living in the city centre. The City Centre Masterplan encourages city centre living and aims to add 3,000 new residents to the city centre by 2040. A mix of unit types and sizes would be supported to ensure there is variety of living accommodation. Additional residential development and conversion of upper floors in the city centre, particularly where the property is underutilised, can help achieve this aim.

10.18 To ensure suitable residential amenity can be achieved or maintained the Agent of Change principle will apply to proposals for new residential development.

#### **Policy VC5: City Centre Living**

Proposals for new residential development or the retention and conversion of upper floors to residential uses in the city centre is supported in principle. The applicant/agent must demonstrate that suitable residential amenity can be achieved or maintained.

There is a presumption suitable residential amenity cannot be achieved if the proposed development is within the same built structure as:

1. a hot food shop, amusement centre, amusement arcade, casino or licensed premises (with the exception of hotels, restaurants, cafes or off licences); and /or
2. there is a common or shared access with licenced premises or other use detrimental to residential amenity.

10.19 The West End Area is a prestigious, high quality location on the edge of the city centre, readily accessible by active travel and public transport, which also provides off-street car-parking and space for expansion. The area, centred around Queens Road, Carden Place and Albyn Place, comprises offices, schools, hotels, flats and a hospital. We will encourage and promote the continual development of this area as a focus for a mix of uses including residential.

#### **Policy VC6: West End Area**

The West End Area (as shown on the Proposals Map) comprises a mix of uses including residential, business (Class 4), food and drink (Class 3) and other commercial uses. In this area, the principle of change of use from office to residential will be supported. Applications for all development, including changes of use, must take into account existing uses and avoid undue conflict with the adjacent land uses and amenity.

All proposals must respect the special historic and architectural character of the West End.

10.20 The West End of Union Street has a strong presence of independent retail outlets and cafes which are very important to the city centre. This area is identified on the Proposals Map and includes parts of Thistle Street, Rose Street and Chapel Street at the west end of Union Street. We support these uses through Policy VC7 in conjunction with the 'Made in Aberdeen' City Centre Masterplan objective to bolster local distinctiveness and independent trade of the city centre.

#### **Policy VC7 - West End Shops and Cafes**

Proposals for a change of use from retail (Class 1) or food and drink (Class 3) to other uses will only be acceptable if all the following are satisfied:

- 1: the new use contributes to the wider aims of the City Centre Masterplan;
- 2: the new use makes a positive contribution to the vitality and viability of the West End Shops and Cafes area and creates or maintains an active street frontage;
- 3: a lack of demand for continued retail and / or food and drink use of the premises can be demonstrated by the applicants/agents;
- 4: the new use does not create overprovision and/or clustering of a particular use in the immediate vicinity which would undermine the character and amenity of the centre; and
- 5: the new use does not conflict with the amenity of the neighbouring area/existing commercial uses.

**Note** – Proposals for a change of use where lack of demand is a factor should provide evidence that the property has been actively marketed for six months or more and should provide a statement(s) from letting agents explaining the reasons for the property being unsuitable for retail and / or food and drink use.

#### **Policy VC8 - Town, District, Neighbourhood and Commercial Centres**

Town, District, Neighbourhood and Commercial Centres should contribute to providing a range of uses serving local communities and be of a scale which is appropriate to that centre.

Proposals for development, including change of use, will only be acceptable if the proposal:

- 1: makes a positive contribution to the vitality and viability of the centre;
- 2: will not undermine the principal function of the centre in which it is located;
- 3: caters for a catchment appropriate to the centre in which it is located;
- 4: creates or maintains an active street frontage and attractive shop frontage;
- 5: does not create overprovision and/or clustering of a particular use in the immediate vicinity which would undermine the character and amenity of the centre; and



6: does not conflict with the amenity of the neighbouring area/existing commercial uses.

### **Policy VC9 - Out of Centre Proposals**

All significant footfall generating development appropriate to designated centres, when proposed on a site that is out-of-centre, will be refused planning permission if it does not satisfy all of the following requirements (unless on sites allocated for that use in this Plan):

- 1: no other suitable site is available or likely to become available in a reasonable time in a location that is acceptable in terms of the sequential approach;
- 2: there will be no adverse effect on the vitality or viability of any existing centres in the network of centres;
- 3: there is in qualitative and quantitative terms, a proven deficiency in provision of the kind of development that is proposed;
- 4: it would be easily and safely accessible by active travel and regular, frequent and convenient public transport services which link with the catchment population and would not be heavily dependent solely on access by private car;
- 5: it would have no significantly adverse effect on travel patterns and air pollution; and
- 6: there would be no adverse environmental concerns due to the proposal.

### **Policy VC10 - Local Shop Units**

Proposals for changes of use from retail to non-retail outwith any of the centres identified in the network of centres will only be allowed if:

- 1: the applicants/agents can demonstrate a lack of demand for continued retail use of the premises;
- 2: the proposed new use caters for a local catchment;
- 3: the proposed use creates or maintains an active street frontage and attractive shop frontage; and
- 4: the alternative use does not conflict with the amenity of the neighbouring area.

**Note** – Proposals for a change of use where lack of demand is a factor should provide evidence that the property has been actively marketed for six months or more and should provide a statement(s) from letting agents explaining the reasons for the property being unsuitable for retail use.

## **Aberdeen Planning Guidance**

### **Hierarchy of Centres**

Aberdeen Planning Guidance: Hierarchy of Centres supports Policies VC2, VC3, VC4, VC8 and VC9 by providing guidance on how developments will be expected to assess and demonstrate their compliance with policy and includes advice on the retail hierarchy, sequential approach thresholds and designated centres.

### **Harmony of Uses**

Aberdeen Planning Guidance Harmony of Uses supports Policies VC1, VC4, VC5, VC6, VC7, VC8 and VC10 by outlining considerations which need to be considered when the following proposals are put forward within the city; hot food shops, liquor licensed premises, amusement centres (including arcades and casinos), street cafes, living/working above or below a business and residential developments within the city centre. Preservation and non-detriment of existing business and retail is expected.

### **Serviced Apartments**

Aberdeen Planning Guidance: Serviced Apartments encourages the development of serviced apartments within the city centre and supports Policy VC1 and VC4 by ensuring developments take place in the most appropriate location, with no detrimental impact to other uses in the locality. Proposals need to consider amenity, servicing, sustainable travel and parking, planning obligations, single ownership and legal agreements.

10.21 Aberdeen beach is one of the major leisure developments in the city and is appreciated by both residents and visitors. However, the beach is not perceived as being accessible from the city centre as, despite the distance between the two being suitable for active travel, the route is not very attractive or pedestrian friendly, and the area is also perceived as being rundown. Through the City Centre Masterplan 'revealing waterfronts' objective, linkages and connectivity to the beach from the city centre can be enhanced. However, if it is decided that a full masterplan for the beach will help benefit the area then this could be commissioned in the future.

10.22 There has also been pressure for out-of-centre retail development in this location, which in principle will not be supported. However, the Local Development Plan will encourage leisure uses (such as entertainment, cafes and restaurants) that are considered compatible with the leisure function of the beach.

### **Policy VC11 - Beach and Leisure**

Proposals will be permitted provided they:

- 1: contribute to the range and quality of the existing uses, facilities and activities of the wider beach area;
- 2: are of an appropriate scale;
- 3: do not have an unduly adverse effect on the character of the area, or cause negative visual or environmental impacts or affect the amenities of nearby residents; and
- 4: do not result in the significant generation of car borne journeys, nor additional pressure for car parking.

There is a presumption against retail development in this area.

### **Policy VC12 - Retail Development Serving New Development Areas**

Masterplans for sites allocated for major greenfield residential development will allocate land for retail and community uses at an appropriate scale to serve the convenience shopping and community needs of the expanded local community. Sites should be in accessible locations for, and encourage access by, active travel and public transport. Masterplans should indicate the delivery mechanism and timescale for the provision of uses.

Proposals for development which serves a wider catchment area will be subject to a sequential test and retail impact assessment. When approval is given for large convenience shops a condition may be imposed to restrict the proportion of non-convenience retail floorspace.

In major brownfield residential development areas that are more than 800 metres walking distance from an existing centre, permission may be granted for the establishment of a new second, third or fourth tier centre. Developers may be required to reserve land for this purpose.

## **11. Delivering Infrastructure, Transport and Accessibility**

11.1 The delivery of supporting infrastructure is important in mitigating the impact of development and helping to create balanced, accessible and sustainable communities. This can be delivered either through the direct provision of the required infrastructure, or through financial contributions made by the developer.

11.2 Information relating to infrastructure requirements and developer contributions is set out in three parts:

1. Section 4 of this Plan
2. The Delivery Programme
3. The Masterplans and Supplementary Guidance listed in Appendices 4 and 5.

11.3 The Council works in close partnership with various agencies through the Future Infrastructure Requirements for Services (FIRS) Group to establish the infrastructure requirements to support development. The infrastructure requirements identified are based on the latest evidence available. Developers should account for the likely requirement of a contribution when preparing and costing proposals. We encourage developers to discuss this with us at an early stage as there may be circumstances where development imposes additional pressures and requires more extensive contributions to those identified in the Local Development Plan and Delivery Programme. The Delivery Programme will be updated on an ongoing basis and revised versions will be formally published on the Council's website every two years. The provision of infrastructure is fundamental to the deliverability of a development proposal and in many circumstances, development will not be allowed to proceed if the infrastructure and service improvement requirements cannot be met.

11.4 We will consider whether the provision of necessary infrastructure either on or off-site can be achieved using conditions attached to the grant of planning permission. Where this cannot be achieved, we will seek a fair and proportionate financial contribution towards supporting infrastructure through a planning or other legal agreement. If a planning or other legal agreement is required it will be sought in an appropriate, transparent and equitable manner and will need to be negotiated and agreed in writing with the Council before a decision notice on a planning application can be issued.

11.5 Contributions will be sought, where necessary, for a number of infrastructure assets including (but not limited to): transportation, core paths, education, healthcare, open space including public realm, community facilities and sports & recreation. Further guidance is provided on how monies are managed and secured, development viability, pre-application discussions and indexation. The following summarises the types of development expected to require obligations:

- Residential Development: All proposals which involve the creation of 5 units or more;
- Commercial Development: All developments where the floorspace exceeds 1,000 square metres or the site area is more than 1 hectare; and
- Other applications where the Officer considers the proposal to be of a scale or type of development appropriate to consult for Developer Obligations.

### **Policy I1 - Infrastructure Delivery and Planning Obligations**

To create sustainable communities, development must be supported by the required infrastructure, services and facilities to deliver the scale and type of developments proposed. Where development either individually or cumulatively will place additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, the developer will be required to meet or contribute to the cost of providing or improving such infrastructure or facilities.

Infrastructure requirements relating to Masterplan Zone sites and other allocated sites outwith the Masterplan Zones are set out below. Actions for delivering infrastructure are described in the Local Development Plan Delivery Programme. Infrastructure requirements and the level of contributions will be required to be agreed with the Council in consultation with the accompanying Supplementary Guidance.

The precise level of infrastructure requirements and contributions will be agreed with the Council, and in consultation with other agencies where appropriate. The level of provision or contribution required will relate to the development proposed either directly or to the cumulative impact of development in the area and be commensurate to its scale and impact.

Masterplans will be expected to reflect the infrastructure requirements and contributions identified and should include a Delivery Statement setting out details of how the proposed development and supporting infrastructure will be delivered.

Depending on the scale of development proposed, developers shall have the opportunity to mitigate the impact of their development through the provision of new infrastructure in compliance with other relevant Local Development Plan policies. Otherwise the impact of development shall be mitigated through financial contributions that shall be used by the Council to deliver new or expand existing infrastructure and facilities.

## Supplementary Guidance

### Planning Obligations

Supplementary Guidance (SG) Planning Obligations supports the above policy by outlining the methodology and criteria used to calculate contributions required to mitigate impact that new development places on community facilities or infrastructure. The methodology seeks to ensure that appropriate contributions are secured from developers to support new communities and to make a fair and proportionate contribution to the individual or cumulative impact of development across the city, and where appropriate, the region.

### Masterplan Zones

11.6 We have identified seven Masterplan Zones within which developers will be expected to work together to prepare masterplans for each zone, and coordinate the planning and delivery of associated infrastructure requirements. The infrastructure requirements for greenfield development sites in the Masterplan Zones are set out in Section 4.

11.7 Other allocated sites outwith the Masterplan Zones will also be required to make a fair and appropriate contribution commensurate in scale and kind with the development proposed to mitigate the impact of development. Any development which is not listed will need to provide infrastructure requirements and developer contributions based on the criteria set out in the Supplementary Guidance.

**Note** – The developments/masterplans in previous Masterplan Zones at Stoneywood, Kingswells, Friarsfield and Oldfold are now sufficiently advanced. Their infrastructure requirements are still listed in Section 4.

	Masterplan Zone	Sites included
1	Dubford and Murcar	OP1 Murcar OP2 Cloverhill and Berryhill OP10 Dubford
2	Grandhome	OP8 East Woodcroft OP9 Grandhome
3	Newhills Expansion and Dyce Drive	OP18 Craibstone North and Walton Farm OP19 Rowett North OP20 Craibstone South OP21 Rowett South

4	Greenferns	OP33 Greenferns
5	Maidencraig	OP31 Maidencraig South East OP32 Maidencraig North East
6	Countesswells	OP38 Countesswells
7	Loirston	OP59 Loirston OP60 Charleston

## Transport

11.8 Efficient and sustainable transport connections are essential to the economic prosperity of Aberdeen and the quality of life of people living and working in the city. Aberdeen is the regional centre for the North East of Scotland with a significant number of movements taking place to, from and within the city every day. The oil industry has brought affluence to the North East, meaning that car ownership and usage is high. This has led to significant congestion and unreliable journey times on many of our key corridors and air quality levels which exceed both EU and national targets.

11.9 The policies and proposals in this Plan seek to address the link between land use and transport and to ensure that both existing and future communities are accessible by a comprehensive, safe and effective transport network.

11.20 Nationally, the Plan takes cognisance of the National Transport Strategy (NTS). At a regional level the Nestrans Regional Transport Strategy Refresh (RTS) identifies several strategic infrastructure projects that will improve strategic connectivity in the North East.

11.21 At a local level the Aberdeen Local Transport Strategy (LTS) sets out the Council's vision for transport in Aberdeen which is to develop '*A sustainable transport system that is fit for the 21<sup>st</sup> century, accessible to all, supports a vibrant economy, facilitates healthy living and minimises the impact on our environment*'. This will be achieved through: increasing modal share for public sustainable and active travel (walking, cycling and public transport use); improving journey time reliability for all modes; improving road safety; improving air quality and the environment; and improving accessibility for all. The LTS is supported by daughter documents including the Active Travel Action Plan and Sustainable Urban Mobility Plan (SUMP).

## Land for Transport

11.22 The RTS and LTS identify a range of transport schemes which are required to successfully deliver the spatial strategy in both Aberdeen and Aberdeenshire and to enable both authorities to meet their transportation objectives. These schemes are designed to address existing transport issues and are not subject to developer contributions. This will not preclude developers contributing towards the cost of accelerating the implementation of a scheme or providing an enhanced solution where necessary.

11.23 The Council will support the incorporation of complementary uses within certain transport facilities, such as at Park and Ride sites, where these are appropriate and do not undermine the primary function of the facility.

11.24 Transport infrastructure required to facilitate new development will also be supported in principle, including new and improved walking and cycling facilities, alternative fuel vehicle infrastructure, car clubs, public transport services and roads.

### **Policy T1 - Land for Transport**

Land has been safeguarded for the transport projects listed below and these are highlighted on the Proposals Map. Only development related to the following projects will be accepted in these areas:

- Improved rail services;
- Dyce Railway Station expansion;
- Aberdeen South Harbour and associated infrastructure;
- Berryden Corridor improvements; and
- South College Street improvements.

11.25 Concerns regarding transport often focus on current congestion issues, potential congestion arising from development and the ability of new developments to deliver the required infrastructure in a timely manner. The Aberdeen City and Shire Cumulative Transport Appraisal (CTA) demonstrates the impact new development, if fully delivered, across the North East will have on our transport infrastructure. Through detailed testing, modelling and forecasting, a package of transport intervention options (public transport, active travel, road and multimodal) has been identified to mitigate this impact. These are set out below.



## Summary of Transport Intervention Options

Enhanced public transport service provision through developing cross city services, bus stop review and optimisation of services including new bus priority infrastructure.

Additional rail station car parking capacity at Dyce, Stonehaven, Portlethen, Laurencekirk and Huntly Rail Stations. Improved interchange at Inverurie Station.

Potential new rail stations to the north and south of Aberdeen, require to be considered through the Scottish Transport Appraisal Guidance (STAG) appraisal process and in accordance with rail station investment guidance.

Range of active travel infrastructure initiatives improving accessibility.

Package of behavioural change initiatives encouraging car-sharing, public transport use and active travel.

Optimisation of the performance of the network and new transport investments following the monitoring and evaluation of post-Aberdeen Western Peripheral Route (AWPR) travel conditions.

Road traffic signalisation or equivalent capacity enhancement measures at the AWPR Cleanhill, A944, A947 and Kingswells North Intersections, considered following monitoring and evaluation period and through further detailed traffic assessment.

<b>Road Junction and operational efficiency enhancements</b>	Urban	Aberdeen City Centre
	Corridors	Wellington Road, Persley Bridge & Parkway, Parkhill, A96, Dyce Drive, Bridge of Dee corridors
	Rural	A90 North Toll of Birness/Ellon, A90 South and A947 corridors
	Corridors	Dualling of the A96 and supporting improvements between the east of Huntly and Aberdeen

11.26 The Transport Intervention Options will require further appropriate appraisal and review but are, at this stage, required to assist the delivery of the Plan's spatial strategy and growth aspirations.

11.27 The Transport Intervention Options which relate to Aberdeen City will be subject to further relevant detailed appraisal and design work which will inform the requirements for planning obligations for their appraisal and/or delivery. The Transport Intervention Options which relate to Aberdeen City will be subject to further relevant detailed appraisal and design work which will inform the requirements for planning obligations for their appraisal and/or delivery. Planning obligations should contribute to any Transport Interventions determined as required to deliver the Plan's Spatial Strategy. Aberdeen City's transport network will require

regular monitoring, and this will inform the need to bring interventions forward. Regional partnership working will be required to share data, the outcomes of studies and progress intervention options.

11.28 The monitoring, appraisal and ultimate delivery for the Intervention Options is a specific action in the Plan's accompanying Delivery Programme. The Transport Intervention Options will also be considered through Local and Regional Transport Strategies subject to their appropriate appraisal, review, development and programming.

### **Sustainable Transport**

11.26 The location of development can have a significant impact on travel choices, with accessibility to jobs and services one of the key criteria used to determine where development should go.

11.27 The Council has a duty to act in a way considered to be most sustainable and best calculated to deliver reductions in greenhouse gas emissions. We support the development of and trial of technological advances, such as hydrogen fuel and electric vehicles that will also help to curb carbon emissions from the transport network. Reducing the need to travel, particularly by car, is one of the key ways in which the City can help reduce emissions. Cutting the amount of vehicular traffic on the City's roads can also help reduce congestion, air and water pollution and noise, helping create a better environment for people and business.

11.28 Development proposals must be assessed in terms of their impact on the local transport network, in particular the number of single occupancy vehicle trips that are likely to be generated by the development, as identified by a Transport Assessment. There will be a presumption against new development that is likely to generate a significant number of new car trips onto the network unless suitable mitigation measures are put in place.

11.29 Detailed assessments will require to be undertaken and agreed with the Council and key agencies at the masterplanning, pre-application and planning application stages in order to determine the impact of development and the precise range of transport measures and developer contributions required to support development.

11.30 Opportunities for active and sustainable travel (particularly walking, wheeling, cycling and public transport use) increase the range of transport options available to

users, offering a cheaper alternative than car-based travel. Whilst an active travel culture is gradually developing, with a greater number of people choosing to travel into and around the regional centre by sustainable and active modes, the modal share, especially for cycling, remains low and active travel as a commuter and healthy lifestyle choice needs to be encouraged.

### **Policy T2 – Sustainable Transport**

Proportionate to the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic generated. New developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport, and the internal layout of developments must prioritise walking, wheeling, cycling and public transport. Proposals should be designed to allow for public transport penetration which should be available within 400 metres from the centre of the development.

Transport Assessments and Travel Plans will be required where thresholds set out in Aberdeen Planning Guidance are exceeded.

Where sustainable transport links to and from new developments are not in place, developers will be required to provide infrastructure to support such facilities or a suitable contribution towards implementation.

Development of new communities should be accompanied by an increase in local services as well as employment opportunities that reduce the need to travel.

Recognising that there will still be instances in which people will require to travel by car, initiatives such as car sharing, alternative fuel vehicles and Car Clubs will also be supported where appropriate.

Existing access rights, including Core Paths, rights of way and paths within the wider network will be protected and enhanced. Where development proposals impact on the access network, the principle of the access must be maintained at all times by the developer through provision of suitable alternative routes approved by the Council.

Further information is contained in the relevant Aberdeen Planning Guidance which should be read in conjunction with this policy.

11.34 The Council recognises that parking is an essential facility for many developments but will ensure that the level of parking complements its commitment to sustainable transport, through reducing emissions and congestion. The Aberdeen City Centre Masterplan and the SUMP aim to fully utilise park and ride sites to

reduce the number of vehicles entering the city centre, apply stricter parking standards within the city centre boundary and grow Aberdeen Car Club to remove the need for car ownership.

11.32 The purpose of the Policy T3: Parking, is to ensure any car parking provided as part of development proposals accords with Council standards. Car parking standards set out in Aberdeen Planning Guidance are maximums and the cycle and disabled car parking standards are minimums. However, the Council will consider whether there are any circumstances, related either to the site or the operation of the development, which warrant an alternative level of parking. This assessment should consider issues including the accessibility of the location and the potential for nearby uses to share facilities.

### **Policy T3 - Parking**

#### **City Centre**

Within the City Centre boundary – as specified in the Proposals Map – the principle of ‘zero parking’ shall be applied with respect to all new development. Limited vehicle parking will only be permitted when demonstrated as necessary for the servicing/operation of businesses and buildings, and for customer drop off/pick up arrangements. Where possible, such parking should preferably be provided at basement level within buildings and not on ground or street level where this would be at the expense of an active frontage onto a public street, public space or private open space. The needs of disabled people will be considered for all proposals.

#### **Inner and Outer City**

In inner city areas, low or no car development will be supported in suitable locations where there is adequate access to active travel and public transport options. Where this is not possible, development shall be required to comply with the parking standards set out in Aberdeen Planning Guidance: Transport and Accessibility. Low car development is encouraged within conservation areas.

#### **Alternative Fuel Vehicle Infrastructure**

Where residential parking is permissible, new developments are required to install appropriate electric vehicle charging infrastructure either in the form of active or passive provision. All parking facilities at non-residential developments should include the provision of charging stations for electric vehicles.

Ratios and requirements for electrical vehicle charging are set out in Aberdeen Planning Guidance: Transport and Accessibility.

#### **Cycle Parking**

Developments should include covered and secure cycle parking facilities in accordance with the standards set out in Aberdeen Planning Guidance: Transport and Accessibility.

### **New Parking**

Proposals for car parking that are not directly related to new developments will not be supported.

## **Aberdeen Planning Guidance**

### **Transport and Accessibility**

Aberdeen Planning Guidance: Transport and Accessibility supports Policies T2 and T3 by providing guidance on how developments will be expected to assess and demonstrate their compliance with above policies, with regard to the delivery of transportation projects.

### **Digital Infrastructure**

11.33 Efficient digital connections are an essential part of Aberdeen's economic and social growth. Aberdeen is the first city in Scotland to benefit from Gigabit-capable full-fibre broadband. The roll-out of high gigabit speed broadband throughout the area is vital for the economy as well as bringing environmental and social benefits.

11.34 The Council is fully supportive of the expansion of the communications infrastructure and acknowledges that this can enhance accessibility to services and contribute to reducing the need to travel, reduce carbon emissions, and allow for more flexible working arrangements. However, new communications infrastructure should be provided sensitively and imaginatively with minimum impact on the natural and built environment.

11.35 Applications for the following development proposals should be accompanied by mapped detail highlighting the status of superfast broadband on site and the location of telecommunications masts within the general vicinity of the application site:

- 5 or more housing units;
- 5,000m<sup>2</sup> or more of commercial space; and
- Sites of 2 or more hectares.

### **Policy CI1 - Digital Infrastructure**

All new commercial development and residential development where five or more units are proposed will be expected to have access to high-speed communications infrastructure.

## Telecommunications

11.36 When considering applications for telecommunications development, the Council will have regard to the operational requirements of telecommunications operators and the technical limitations of the technology.

11.37 In general, proposals should not result in:

- the erection of a mast and cabinets which would be detrimental to pedestrian or traffic safety;
- a pavement monopole which would be close to another monopole, lighting column or traffic light column resulting in visual clutter; or
- a monopole sited and designed to appear noticeably different in scale from other street furniture in the vicinity therefore looking out of context.

### **Policy CI2 - Telecommunications**

Proposals for telecommunications development will be permitted provided:

1. the siting and appearance of the proposed apparatus and associated structures does not result in an adverse cumulative impact on visual amenity, character, or appearance of the surrounding area/host building;
2. the proposal does not result in an adverse cumulative impact when considered together with other communication developments present or proposed nearby; and
3. the development will not have an unacceptable effect on areas of ecological interest, landscape importance, archaeological sites, conservation areas or buildings of architectural or historic interest.

Where new apparatus is being proposed, it should be demonstrated that all practicable options and alternative sites have been considered, including the possibility of using existing buildings, masts or other structures. Such evidence should accompany a planning application.

## 12. Supporting Business and Industrial Development

12.1 Maintaining a ready supply of employment land in the right places is vital to Aberdeen retaining its position as a competitive and sustainable business location. The SDP requires a ready supply of employment to be maintained in the city. Therefore, to accord with this, a phased, large allocation of employment land has been identified, to meet the diverse needs of different types and sizes of businesses.

12.2 The North East of Scotland remains one of the most active economies in the UK. The Regional Economic Strategy provides a shared vision and ambition for the future of the Aberdeen city region. It focuses on maximising opportunities in the following key sectors: Oil and Gas, Food, Drink, Agriculture and Fishing, Tourism and Life Sciences.

### WHY INVEST IN ABERDEEN?

- *University of Aberdeen was named Scottish University of the Year in the Times and Sunday Times Good University Guide 2019*
- *Ranked 4<sup>th</sup> of all UK cities with high percentage of high qualifications (Centre for Cities 2019)*
- *25 of Scotland's top 100 businesses located here (2018)*
- *The best place in the UK to launch a start-up (2018)*
- *Aberdeen ranked 5<sup>th</sup> for economic potential among small European cities*
- *Home to £180 million Oil & Gas Technology Centre*
- *Home to world's first floating wind farm, Equinor & Masdar's Hywind Pilot Park*
- *Home to The Event Complex Aberdeen (TECA), a £333 million state-of-the-art events complex opened in 2019, with the largest fuel cell installation in the UK and on par with the largest in Europe.*
- *Flights from Aberdeen International Airport to 20 domestic locations – more than from any other UK airport*
- *Top 10 mid-sized & small cities- overall (fDI magazine, Global Cities of the Future 2019)*

taken from Invest Aberdeen, 2019

12.3 In addition to the provision of new sites, it is important to safeguard the supply of existing business and industrial land throughout the city from other development pressures. This is particularly important for sites in strategic locations and those with good accessibility including Aberdeen International Airport, Aberdeen Harbour and the city centre.

12.4 Supporting facilities such as shops, hotels, leisure and sports uses, crèches and children's nurseries can make an important contribution to the city's employment areas. Such facilities are already present on a number of the city's employment areas and the Plan supports the provision of these uses, where appropriate, within employment areas. These facilities should not compromise or conflict with the operation of existing business and industrial uses.

12.5 Low-amenity 'bad neighbour' uses, such as scrapyards, batching plants or the storage and distribution of minerals, provide vital services for the city and its industries. However, they should be sensitively located so that they do not adversely affect the amenity of adjoining users.

12.6 In order to meet the requirements of the Aberdeen City Waste Strategy, sites are required for energy recovery facilities and other waste-related uses. It is considered that business and industrial sites have the greatest potential to accommodate these facilities, subject to the considerations identified in Policy R3 – New Waste Management Facilities.

### **Policy B1 - Business and Industrial Land**

The Council will, in principle, support the development of the business and industrial land allocations set out in this Plan.

Land zoned for business and industrial uses on the Proposals Map, including already developed land, shall be retained for Class 4 (Business), Class 5 (General Industrial) and Class 6 (Storage and Distribution) uses and safeguarded from other conflicting development types. Other uses which may be suited to a business and industrial location, such as car showrooms and bus depots, shall be treated on their own merits. The expansion of existing uses within these locations will be permitted in principle.

Where business and industrial areas are located beside residential areas, we will restrict new planning permissions to Class 4 (Business). Buffer zones, which are appropriately sized and landscaped, may be required to separate these uses and safeguard residential amenity. Low amenity 'bad neighbour' uses must have regard to surrounding uses and their potential impact on the environment and existing amenity. In all cases, conditions may be imposed restricting levels of noise, hours of operation and external storage.

New business and industrial land proposals shall make provision for areas of recreational and amenity open space, areas of strategic landscaping, areas of wildlife value and footpaths, in accordance with the Open Space Strategy and any approved non-statutory planning guidance, planning briefs or masterplans. Within existing business and industrial areas, there shall be a presumption in favour of retaining green, open and landscaped spaces.

Facilities that directly support business and industrial uses may be permitted where they enhance the attraction and sustainability of the city's business and industrial land. Such facilities should be aimed at meeting the needs of businesses and employees within the business and industrial area rather than the wider area.



## **Business Zones**

12.7 In order to maintain and promote a strong and diverse economy, the Plan identifies a number of Business Zones at Bridge of Don, Hill of Rubislaw, Kingswells and the North Dee Business Quarter. Within these areas, new developments should contribute to the high quality and amenity of their surroundings in order to maintain their attractiveness to inward investment.

### **Policy B2 – Business Zones**

In areas that are identified as Business Zones on the Proposals Map, only Class 4 (Business) uses shall be permitted in order to maintain a high quality environment.

Facilities that directly support business uses may be permitted where they enhance the attraction and sustainability of the Business Zone for investment. Such facilities should be aimed at meeting the needs of businesses and employees within the Business Zone rather than the wider area.

The Entertainment Complex Aberdeen (TECA) site at Dyce is reserved for exhibition and conference centre purposes and uses that support and are compatible with TECA, such as office, leisure uses, and food and drink uses. This excludes large scale retail.

## **Aberdeen International Airport**

12.8 Aberdeen International Airport is a strategic transport hub which is vital to the success of the North East economy. It directly supports thousands of jobs and helps to ensure that Aberdeen remains a competitive, attractive and well-connected location for business.

12.9 To avoid conflict with neighbouring uses, residential development within close proximity to the airport is not acceptable. Planning Advice Note (PAN) 1/2011 and the accompanying Technical Advice Note on the assessment of noise, set out Scottish Government guidance on planning and noise. The Environmental Noise (Scotland) Regulations 2006 provide the basis for minimising noise disturbance at Aberdeen Airport through the Aberdeen Airport Noise Action Plan. In order to preserve the amenity of residents, we will maintain a night-time ban on helicopter movements except for emergency situations.

12.10 Public Safety Zones are areas of land at the end of the airport runway within which development is restricted to control the number of people on the ground at risk in the event of an aircraft accident on take-off or landing. Development near the airport may also be subject to a number of other restrictions in order to maintain the safety and efficiency of airport operations. A Technical Advice Note (TAN) on Land Use Planning and Aberdeen Airport contains the following information:

- Public Safety Zones

- Noise Contours
- Safeguarding Map
- Perwinnes Radar

### **Policy B3 – Aberdeen International Airport and Perwinnes Radar**

The development and enhancement of Aberdeen International Airport will be supported within the airport boundary defined on the Proposals Map.

#### **Compatible Uses**

Within the area zoned for the Airport on the Proposals Map, there will be a presumption in favour of compatible uses which are required for the effective and efficient operation of the airport, and which have a functional requirement to be located there. This may include administrative offices, warehousing, distribution facilities, car hire facilities and carparks. Other airport-related uses such as hotels will be treated on their merits.

#### **Public Safety Zones (PSZs)**

Public Safety Zones (PSZs) have been established for Aberdeen International Airport (see TAN). There is a general presumption against certain types of development which would result in an increase in the number of people living, working or congregating in these zones. Further details are available in Scottish Government Circular 8/2002.

#### **Safeguarding**

Any development falling within safeguarded areas identified on the airport safeguarding map will be subject to consultation with Aberdeen International Airport. Any proposed development must not compromise the safe operation of the airport. Matters such as the height of buildings, external lighting, landscaping, bird hazard management and impact on communication and navigation equipment will be taken into account in assessing any potential impact.

#### **Noise**

Applications for residential development in areas where aircraft noise levels are 57dB LAeq (the summer 16-hour dB LAeq measurement) or more as identified in the noise contour map will be refused, due to the inability to create an appropriate level of residential amenity, and the need to safeguard the future operation of Aberdeen International Airport.

#### **Perwinnes Radar**

Any development falling within safeguarded areas identified on the Perwinnes Radar safeguarding maps will be subject to consultation with NATS to determine if proposed buildings and structures would have an adverse impact upon the operation of the radar and if mitigation to any impact is possible. If an unacceptable impact and viable mitigation is identified, the developer would be expected to agree with NATS a mitigation package prior to determination of an application.

**Note** - Aberdeen Airport and Perwinnes Radar are subject to separate safeguarding maps. Where necessary, development proposals will be assessed against both maps.

### **Aberdeen Harbour**

12.11 Aberdeen Harbour plays a critical role in the economy of Aberdeen and Scotland as a whole. It is a gateway for trade linking with over 40 countries, and an important point of access for the offshore energy industry. It is also a major ferry port, providing links with Orkney and Shetland.

12.12 The existing Aberdeen Harbour area is subject to a Development Framework which explores how a greater mix of uses at the harbour can be delivered, without impacting on the operation of the port. It also examines options for creating better linkages between the harbour, the city centre and to the main bus and railway stations.

12.13 The harbour is facing significant pressures for expansion that cannot currently be met within the existing site. Work has commenced on a new Aberdeen South Harbour at Bay of Nigg, which has been identified as a national development. This site is identified in the Local Development Plan as an Opportunity Site for a new harbour development and land to support the new harbour's ongoing operations. In addition, there is now the potential to encourage low-carbon energy development and alternative fuels production, assembly and distribution in association with the harbour. Access to the Aberdeen South harbour will be facilitated by improved external links funded through the City Region Deal.

12.14 A Development Framework has been prepared for the harbour at Bay of Nigg and its surrounding area. This considers how to maximise the opportunities presented by investment in the new harbour, in terms of economic development, regeneration and environmental improvements. It also addresses the co-ordination of essential infrastructure and identifies opportunities for strategic improvements to the road and rail network as well as improved connections for active and sustainable transport modes between the new harbour and the city. Complementary Masterplans will then be prepared to provide further detail.

#### **Policy B4 - Aberdeen Harbours**

Within the areas zoned for Aberdeen Harbour on the Proposals Map, there will be a presumption in favour of harbour infrastructure and ancillary uses, which are required for the effective and efficient operation of the harbour and which have a functional requirement to be located there. This may include administrative offices, warehousing and storage (including fuel storage), distribution facilities and car/HGV parking. Other harbour-related uses will be treated on their merits.

Residential and mixed use development within the area surrounding the harbour must take account of the character of the area and avoid undue conflict with adjacent harbour-related land uses. New development must not impinge upon the viability or operational efficiency of the harbour, or of existing businesses within the harbour zoned area. Mitigation measures may be required in order to permit uses which could otherwise give rise to such conflict.

## **Energy Transition**

12.16 Energy transition is the necessary transformation from linear systems of high carbon energy production and consumption (e.g. fossil fuels) towards smart managed systems of low / zero carbon and renewable energy (e.g. wind, biomass, solar, tidal, etc.). Energy transition is part of society's overall pathway towards a carbon neutral future, driven by issues of energy security, market volatility and the globally agreed, urgent need to tackle climate change, including limiting global temperature rises to below 1.5°C.

12.17 The Climate Change (Emissions Reductions Targets) (Scotland) Act 2019 sets a target date for net-zero emissions of Scotland's greenhouse gases by 2045 and supports a transition to low / zero-carbon investment and infrastructure. Aberdeen is ideally placed geographically to capitalise on energy transition opportunities. It also has the skills and workforce to support diversification of the energy sector. Ensuring best use of these regional assets will help to safeguard the City region's economic future. The construction of Aberdeen South Harbour creates the opportunity to accommodate location specific renewable energy transition developments that capitalise on offshore developments.

### **Policy B5 – Energy Transition Zones**

Within the areas identified as Energy Transition Zone on the Proposals Map, there will be a presumption in favour of the development, production, assembly, storage and/or distribution of infrastructure required to support renewable energy related industries; this includes offshore wind, tidal, hydrogen and solar.

Infrastructural/transport improvements directly related to the wider Energy Transition Zone will be permitted where they have a functional requirement to be located there. Development proposals will be required to include suitable open space and landscape enhancements for the wellbeing of people and wildlife.

## **Pipelines, Major Hazards and Explosives Storage Sites**

12.15 Within Aberdeen City, there are a number of high-pressure pipelines and sites where hazardous substances or explosives are stored. For each of these sites a consultation zone has been established by the Health and Safety Executive to ensure that only appropriate new or replacement development takes place and that there is no increased risk to public safety.

### **Policy B6 - Pipelines, Major Hazards and Explosives Storage Sites**

Where certain types of new development are proposed within the consultation zones of pipelines, major hazards and explosive storage sites, or within 1 kilometre of an operational quarry, the Council will consult the Health and Safety Executive (HSE) to determine the potential risk to public safety.

The Council will take full account of the advice from the HSE in determining planning applications. In addition to consultation with the HSE, the Council will consult the operators of pipelines where development proposals fall within these zones. Pipeline consultation zones are shown on the Constraints Map.

## 13. Glossary

### **Accessibility**

The relative ease, convenience and cost with which a location or service can be accessed. A term used when comparing two or more locations or when considering a change in travel to one particular location or travel by different types of transport to a location.

### **Active Provision**

Fully wired and connected 'ready to use' electric vehicle charge points.

### **Active Travel**

An approach to travel that focuses on physical activity such as walking and cycling.

### **Active Street Frontage**

When a unit frontage creates a level of visual permeability – patrons can see out onto the street and people on the street can see into the unit. It enhances public security and passive surveillance and improves the amenity of the public domain by encouraging pedestrian activity.

### **Affordable Housing**

Housing made available at a cost below full market value, to meet an identified need. It includes social rented housing, subsidised low cost housing for sale (discounted, shared ownership or shared equity) and low-cost housing without subsidy (entry level housing for sale). Private rented accommodation available at lower cost than market rents, (mid-market rent), should also be considered within the affordable housing category.

### **Air Quality Action Plan**

A plan which explores means of reducing levels of air pollution in an Air Quality Management Area.

### **Air Quality Management Area**

An area where the air quality has been assessed and the levels of nitrogen dioxide, a pollutant that occurs from vehicle exhaust emissions, exceed the National Air Quality Objective.

### **Amenity**

The attributes which create and influence the quality of life of individuals or communities.

### **Amenity Space**

Areas of private, or communal shared spaces. This may include gardens, shared private space, balconies and roof terraces or amenity space associated with a specific development not generally used by the public. This differs from **Open Space**.

**Brownfield Land**

Brownfield land is defined as land which has previously been developed. The term may include vacant or derelict land; land occupied by redundant or unused buildings; and developed land within the settlement boundary where further intensification of use is considered acceptable. Existing areas of landscaped or amenity urban green space such as private and public gardens, sports and recreation grounds, woodlands etc shall not be considered as brownfield sites for new development. The grounds of redundant institutions (such as schools or hospitals) shall not be considered as brownfield land.

**Bulky Goods**

Goods of such a size, weight or shape to require large areas to handle, store or display. Items would normally require to be transported by car, van or by delivery to customers.

**Carbon Neutral**

Development that limits the amount of energy used and creates as much renewable energy as it uses each year for heating and electrical appliances.

**Commercial Centre**

A grouping of three or more retail warehouses with associated car parking.

**Communications Infrastructure**

This broadly covers the following; mobile telecommunications, communications network, telecommunications broadband, digital and telecommunications technologies.

**Comparison Goods**

Non-food items including clothing, footwear, household goods, furniture and electrical goods which purchasers compare on the basis of price and quality before buying.

**Convenience Goods**

Goods bought for consumption on a regular basis (e.g. food, drink, newspapers etc).

**District Centres**

Groups of shops outwith the city centre, usually containing at least one food supermarket or superstore and non-retail services. These may take a variety of forms.

**Ecosystems Services**

As defined in Scottish Planning Policy, these are the benefits people obtain from ecosystems; including *provisioning services* such as food, water, timber and fibre; *regulating services* that affect climate, floods, disease, waste and water quality; *cultural services* with recreational, aesthetic, and spiritual benefits; and *supporting services* such as soil formation, photosynthesis and nutrient cycling.

### **Edge-of-Centre**

A location within easy walking distance of one of the locations named in the Hierarchy of Centres Aberdeen Planning Guidance. In defining edge-of-centre, regard shall be had to the following:

- an easy walking distance to the principal retail frontage of the retail location (reflecting poor weather and shoppers encumbered with shopping etc);
- the presence of intervening barriers to pedestrian movement, including the need to cross-roads, the presence of over or under passes and significant gradients;
- whether a site is intervisible with part of the principal retail frontage of the retail location; and
- the extent of intervening non-retail uses between the site and the retail location.

In the special case of the Retail Core, “edge-of-centre” means any part of the city centre (as defined on the Proposals Map) outwith the Retail Core.

### **Effective Land Supply**

Sites which have no constraints and are available for development.

### **Energetica**

Aberdeen City and Shire’s flagship concept to consolidate the region as a global all-energy hub, attract new high value investment and support the export drive of indigenous business and industry. Central to Energetica is a 30-mile corridor between Aberdeen and Peterhead which will create a concentration of energy technology companies, housing and leisure facilities and offer a tremendous opportunity for powerful growth, diversification and continued prosperity building on the solid knowledge and technology developed around the oil and gas industry.

Source: ‘A Future to Look Forward To - An update on the work of ACSEF’, June 2010. ACSEF: Aberdeen City & Shire Economic Future.

### **Expenditure Leakage**

When people shop somewhere other than the area they live - the money they spend is going somewhere else rather than being retained in the area they live.

### **Food-Growing Spaces**

Food-growing spaces are typically recognised as communal areas where food may be grown. This could be a spectrum of spaces including; orchards, allotments, gardens, raised beds. The Council’s vision and requirements for food-growing spaces are set out in ‘Granite City Growing: Aberdeen Growing Food Together’.

### **Gigabit Broadband**

An internet connection that offers a speed of 1 gigabit per second (1Gb) or more. In order to get gigabit speeds, a Fibre To The Premises (FTTP), or Fibre To The Home (FTTH) connection is needed.



### **Greenhouse Gas Emissions**

Greenhouse gas emissions are the gasses produced from human activity, which include carbon dioxide, methane, nitrous oxide and ozone.

### **Heat Networks**

System for distributing heat generated in a centralised location for residential and/or commercial heating requirements such as space heat and water heating.

### **Historic Asset / Heritage Asset**

A physical element of the historic environment – a building, monument, site, place, area or landscape identified as having cultural significance.

### **Houses in Multiple Occupation (HMO)**

There is no formal definition of a HMO in current planning legislation. These are generally recognised as properties co-habited by several unrelated persons. Further advice on planning and licensing controls for HMOs are set out in Scottish Government Planning Circular 2/2012.

### **Informal Recreation**

Pursuits such as walking, cycling, horse riding, bird watching and picnicking requiring a pathway, countryside or open space land use.

### **Key Workers**

Key Workers are people who are employed but may struggle to afford normal open-market housing in the area. Such roles include teachers, NHS workers and emergency services. The proposed accommodation may be marketed specifically to this group as a form of 'affordable housing'.

### **Low and Zero Carbon Generating Technology**

Energy-producing equipment provided on-site or integrated into buildings, which use renewable sources, resulting in low or zero carbon impact. Examples include solar panels, heat pumps, and domestic wind turbines.

### **Low Emission Zone**

Low Emission Zones set an environmental limit on certain road spaces, to improve air quality by allowing access to only the cleanest vehicles, particularly at locations where there is public exposure.

### **National Development**

Designated in the National Planning Framework, these are the Scottish Government's priority projects for the development of Scotland.

### **Neighbourhood Centres**

Primarily convenience shopping facilities serving a local catchment area (i.e. the majority of customers living within 800 metres walking distance). Gross floorspace of these developments would normally be in the range of 500-2000 square metres.

**Nestrans**

The transport partnership for Aberdeen City and Shire. Its Board is made up of Councillors from Aberdeen City and Aberdeenshire Councils, as well as non-Councillor members appointed by the Minister for Transport.

**Net Zero Carbon Emissions**

Achieving net zero carbon dioxide emissions by balancing carbon emissions with carbon removal or simply eliminating carbon emissions altogether.

**Network of Centres**

Consists of a Regional Centre (City Centre including Retail Core), Town Centres, District Centres, Neighbourhood Centres and Commercial Centres. The role of each centre is arranged into a hierarchy as set out in the Hierarchy of Centres Aberdeen Planning Guidance. See Policy VC3.

**Noise Action Plan**

A plan that provides a framework to manage environmental noise and its effects. It also aims to identify Noise Management Areas and to identify and preserve Quiet Areas.

**Noise Management Areas**

Areas where people are most likely to be affected by noise, in particular transport noise.

**Open Space**

Open space in the Local Development Plan refers to public, shared spaces. The Council's Open Space Audit sets out typologies and surveys the City's main areas of open space. The Planning Advice Note PAN65: Planning and open space further explains the role of the planning system in protecting and enhancing existing open spaces and providing high quality new spaces.

**Out-of-centre**

A location that is neither within nor on the edge of any of the locations listed in the network of centres.

**Over-provision and Clustering**

An inappropriate number and clustering of some non-retail uses, such as betting offices and high interest money lending premises. There should be an appropriate mix of uses in centres.

**Park and Choose**

Also called Park and Ride. Sites served by either rail services or express bus links to and from city centres and areas of economic activity.

**Passive Provision**

Provision of the underlying infrastructure (e.g. power supply and cabling) to enable installation and activation of an electrical vehicle charge point in the future.

**Public Realm**

The parts of the city (whether publicly or privately owned) that are always available for everyone to see and use without charge including streets, squares, parks, green spaces and other outdoor spaces.

**Public Transport Nodes**

These are areas where the highest concentrations of activity emerge naturally along principle routes or points of convergence.

**Placemaking**

Placemaking is a creative, collaborative process that includes design, development, renewal or regeneration of our urban or rural built environments. The outcome should be sustainable, well-designed places and homes which meet people's needs.

**Quiet Areas**

Areas of quiet and tranquillity which provide a range of benefits to health, wellbeing and the environment.

**Regional Centre (City Centre) including the Retail Core**

Provide a broad range of facilities and services that markets and serves a citywide or regional market.

**Retail Core**

The area containing the highest concentration of shopping floorspace in the city centre.

**Regional Economic Strategy**

A document that sets out a vision and long-term plan for the for the economic development of the city region for the next 20 years.

**Regional Spatial Strategy**

A long-term spatial strategy in respect of the strategic development of an area.

**Retail Impact Assessment**

A study which assesses the likely effect a new development will have on existing shops.

**Retail Warehouses**

Large single level stores specializing in the sale of household goods (such as carpets, furniture and electrical goods), clothing, leisure goods and bulky DIY items, catering mainly for car-borne customers and often in out-of-centre locations.

**Sequential Approach**

In applying the sequential approach to locating major shopping proposals in Aberdeen, the city centre will assume primacy. Proposals should firstly explore all city centre development opportunities followed by edge of centre development opportunities.

**Short Term Lets (STLs)**

Sometimes also referred to as 'holiday lets'. There is currently no statutory definition of what constitutes a short-term let in Scotland. STLs can however be characterised in three broad ways; Sharing, Swapping, or Secondary Letting. These are usually residential properties that are let for a short period at a time to temporary residents, for example tourists.

**Small Data Zones**

The boundaries selected for the monitoring of HMO overprovision are Small Data Zones. Data zones are the key geography for the dissemination of small area statistics in Scotland and are widely used across the public and private sector. Data zones also represent a relatively stable geography that can be used to analyse change over time, with changes only occurring after a Census.

**Soft Routes**

Green routes through development sites for the future provision or connection to a heat network.

**Strategic Development Plan (SDP)**

Statutory requirement of the Planning (Scotland) Act 1997. Prepared for Scotland's city-regions. Provides a long term vision, spatial strategy and associated policies and proposals which set clear parameters for Local Development Plans. Revoked in Planning (Scotland) Act 2019, to be replaced by Regional Spatial Strategies

**Strategic Infrastructure**

This is major investment in large-scale infrastructure. This can include railways or main roads, major junctions, water reservoirs, waste-water treatment works, pumping stations, secondary schools and hospitals.

**Strategic Reserve Land**

Land that has been reserved for future development beyond the plan period.

**Supermarkets**

Single level service stores selling mainly food with a trading floorspace of between 500 and 2500 square metres (under 1500 square metres for all supermarkets) with dedicated car parks.

**Superstores**

Usually single level self-service stores selling mainly food or food and non-food goods, usually with at least 2500 square metres trading floorspace and with dedicated car parking.

**Town Centre**

Provide a broad range of facilities and services that markets and serves the town but is not serving a citywide or regional market.

**Transport Assessment**

An assessment of the amount of traffic and other transport requirements expected to be generated by a proposed development, the impact on the transportation system and measures to mitigate the impact on that system.

**Transport Plan**

A plan detailing the strategy and actions by which the travel demands of a development are to be reduced particularly as a result of measures not directly covered by other policies in the Local Development Plan such as flexi-time working, subsidies for public transport etc.

**Vitality and Viability**

Vitality is a reflection of how lively and busy a centre is at different times and in different parts. Viability is a measure of its capacity to attract on-going investment for maintenance, improvement and adaption to changing needs.

**Wellbeing**

The state of being comfortable, healthy or happy. It is used to refer to the physical, psychological, spiritual, social and economic state of an individual or group. It constitutes a measure of the quality of life with high levels giving a positive experience while low levels give rise to dissatisfaction.

**Wheeling**

Refers to travelling by wheelchair

**Windfall**

A site which becomes available for development during the plan period which was not anticipated when the plan was being prepared

## 14. Appendices

### Appendix 1 – Brownfield Sites

Brownfield sites with potential for housing from the Brownfield Urban Capacity Study 2019.

Site	Size (hectares)
96- 126 John St	0.4
VSA Gallowgate	0.08
Water Lane Grannary	0.06
1 and 2 Springbank Terrace	0.06
Frederick Street East	0.1
28-32 Marischal Street	0.01
Former Frederick Street School/Training Centre	0.25
Aberdeen College, Gordon Centre	2.21
AECC Bridge of Don	13.15
Cults Pumping Station	0.69
Former Carden School	0.37
Former Dutch School	0.18
Milltimber Primary School	1.85
Ex-BP Car Park	2.44
Former Bucksburn Primary School	0.94
Braeside Infant School	1.04
Former Stoneywood Primary School	0.7
Balgownie Machine Centre	0.2
Dunbar Halls of Residence	1.23
Greenfern Infant School	0.91
Logie Place (former shops)	0.12
Former Torry Nursery School	0.6
St Peter's Nursery	0.09
Victoria Road School	0.67
Woodside Congregational Church	0.07
Abbey Road North	1.51
Greyhope Road sparkling drinks	0.65

45-47 Constitution Street	0.04
Former Beach Court Nursing Home	0.17
Former Matalan	0.68
60 Frederick St	0.07
Former Accommodation Assessment Unit, Bon Accord Street	0.06
Former Accommodation Assessment Unit, Crown Street	0.04
Kittybrewster Depot	3.64
30-64 Bridge Street	0.24
45-47 Holland Street	0.07
133 Union Street	0.02
Balgownie Centre	2.25
Burnside Drive	0.57
Newton Terrace	1
Haudagain Triangle	4
Pittodrie stadium	6
1 Western Road	0.07
Broadford Works	3.7
1-5 Salisbury Terrace	0.3
9 Pittodrie Place	0.03
67 Jute Street	0.02
Bruce Motors	0.02
32-36 Fraser Place	0.05
Philip Garage Auchmill Road	1.21
Greyfriars House	0.37
Froghall Terrace	2.75
<b>Total</b>	<b>57.95</b>

## Appendix 2 Opportunity Sites

Site	Site Name	Site Size	Policy	HRA Required	Other Factors
Bridge of Don & Grandhome					
OP1	Murcar	27.8ha	Land Release Policy and Green Space Network		Strategic Reserve Employment Land for the period 2033-40. This site may be at risk of flooding. Flood Risk Assessment required to accompany development proposals.
OP2	Cloverhill and Berryhill	68.4ha	Residential and Green Space Network		Opportunity for 1000 homes on former employment land. Primary and secondary education and health capacity issues need to be addressed. Masterplan required. Flood Risk Assessment required to accompany future development proposals.
OP3	Findlay Farm, Murcar	16.4ha	Business and Industrial Land		Opportunity to extend the Aberdeen Energy Park.
OP4	North Denmore	1.7ha	Residential		Residential opportunity for up to 30 houses on an unused Council owned site.
OP5	Balgownie Centre, Bridge of Don	2.25ha	Residential		Former Aberdeen College building now cleared. Planning Brief available.
OP6	WTR Site at Dubford	0.57ha	Residential and Green Space Network		Brownfield opportunity for residential development that should look to integrate with the neighbouring development at Dubford.
OP7	Aberdeen College Gordon Centre	3.1ha	Mixed Use and Green Space Network		Location suitable for residential or mixed-use development. The woodland on site, particularly along the site's boundaries, should be retained.
OP8	East Woodcroft North	2.2ha	Residential		Council owned site identified for 60 homes.



OP9	Grandhome	323ha	Land Release Policy/Green Space Network		Privately owned site in single ownership identified for 7000 homes and 5 hectares of employment land (Class 4 uses). Town Centre identified for Phase 2 of this site. Developers will be required to provide a Flood Risk Assessment in support of any development proposals for this site.
OP10	Dubford	4.2ha	Residential and Green Space Network		This is the undeveloped part of the 550 home Dubford development. Any proposal here must comply with the Dubford Development Framework. This site may be at risk of flooding. A flood risk assessment will be required to accompany any future development proposals for this site.
OP11	Balgownie Area 4	0.5ha	Residential		Opportunity for residential development of up to 15 houses.
OP12	Silverburn House	4.0ha	Residential		Opportunity for 100 homes on former employment land. Primary and secondary education and health capacity issues need to be addressed. Needs to link into OP2 and OP13 – the AECC site.
OP13	AECC Bridge of Don	18.4ha	Mixed Use		Redevelopment opportunity for mixed use development. Masterplan approved. The site will be required to accommodate an expansion of the Park and Choose to 999 spaces and a household waste recycling centre to replace the facility at Scotstown Road. Any residential elements would need to address school capacity issues in the area. This site may be at risk of flooding. A Flood Risk Assessment will be required in order to assess its suitability for redevelopment. Development should respect the landscape setting and amenity of the course of the Royal Aberdeen Golf Club.
OP75	Denmore Road	4.56ha	Commercial Centre		Opportunity for bulky goods retailing. Pitches lost should be replaced in Bridge of Don by new or upgraded pitches which are of comparable or greater benefit. Drainage Impact Assessment accompanying development proposals should address any surface water flooding issues.

Dyce Bucksburn & Woodside					
OP14	Former Cordyce School	7.9ha	Mixed Use and Green Space Network		Site suitable for a number of uses including housing, a garden centre and health and fitness village. Development should avoid harmful impacts on the community orchard. A Flood Risk Assessment is required.
OP15	Former Carden School	0.37ha	Residential		Part of Dyce primary school deemed surplus to requirements.
OP16	Davidsons Papermill, Mugiemoos Road, Bucksburn	29.5ha	Mixed Use		Former paper mill site and adjoining land. Development Framework and Phase 1 Masterplan approved. A Flood Risk Assessment will be required to accompany any future development proposals for this site.
OP17	Former Bucksburn Primary School	0.94ha	Residential		Former primary school suitable for residential, healthcare or other uses compatible with a residential area.
OP18	Craibstone North and Walton Farm	20.0ha	Land Release Policy/Green Space Network		Opportunity for development of 1.5ha of employment and 18.5 hectares of Strategic Reserve employment land or a higher education and research institute in the 2033-40 period. Masterplan required. A Flood Risk Assessment will be required to accompany any future development proposals for this site.
OP19	Rowett North	63.9ha	Business Zone/Green Space Network/Airport Public Safety Zone		Site for The Event Complex Aberdeen and complimentary employment uses. Masterplan approved. This site may be at risk of flooding. A Flood Risk Assessment will be required to accompany any future development proposals for this site.
OP20	Craibstone South	42.6ha	Land Release Policy/Green Space Network		Opportunity for 1000 homes. Part of approved Newhills Development Framework.

OP21	Rowett South	106.85ha	Land Release Policy/Green Space Network/Residential		Opportunity for 1940 homes of which 240 homes are phased in the period beyond 2032. Part of approved Newhills Development Framework. Town Centre identified for this site comprising of approx. 7,500 square metres total floorspace (4,000 square metres supermarket, 3,500 square metres other comparison and local shops and retail services.)
OP22	Greenferns Landward	69.6ha	Land Release Policy		Opportunity for 1500 homes on Council owned land, of which 500 homes are phased for the period beyond 2032. Part of approved Newhills Development Framework. Burnbrae Moss District Wildlife Site lies adjacent to the southern boundary of this site.
OP23	Dyce Drive	65ha	Business and Industrial Land /Green Space Network		This site may be at risk of flooding. A Flood Risk Assessment will be required to accompany any future development proposals for this site. The site lies within a pipeline notification zone.
OP24	Central Park, Dyce	0.71ha	New Community Sites and Facilities		Site reserved for a new medical centre. Urban Green Space developed here should be replaced through the demolition of the existing medical centre north of Dyce shopping centre. Pedestrian access to the shopping centre car park should be provided.
OP25	Woodside	19.1ha	Residential/Green Space Network/ Green Belt		Site capable of accommodating up to 300 homes, including affordable housing as per Persley Den/Woodside Masterplan. Parts of the site may have a risk of flooding and development will have to be avoided in those areas. A Flood Risk Assessment will be required to support any development proposals for the site.
OP86	Dyce Railway Station	1.1ha	Land for Transport		Opportunity Site for an expanded car park with associated SUDS and landscaping. Access to the Formartine Buchan Way should be retained and enhanced. Drainage Impact Assessment

					accompanying development proposals should address any surface water flooding issues.
Kingswells & Greenferns					
OP26	Old Skene Road	1.2ha	Residential	✓	Residential opportunity for 14 houses. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.
OP27	Greenfern Infant School	0.91ha	Residential	✓	Brownfield residential opportunity. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.
OP28	Greenferns	13.6ha	Residential		This is an opportunity to provide 120 homes. Joint Development Framework with OP33 Greenferns approved. Site may be at risk of flooding. Flood Risk Assessment required to accompany future development proposals.
OP29	Prime Four Business Park	50.0ha	Business Zone/Green Space Network	✓	Opportunity for development of business land which will attract high quality businesses or be suitable for company headquarters. Masterplans and Development Framework prepared. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.
OP63	Prime 4 Business Park Phase 5 Extension	12.7ha	Business Zone	✓	Expansion to existing allocation. Masterplan approved. A Traffic Impact Assessment will be required. The site lies within a pipeline notification zone. A Habitats Regulations Appraisal is required to

					accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.
OP30	Kingsford	24.5ha	Green Belt	✓	New stadium and training facilities. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.
OP31	Maidencraig South East	29.8ha	Residential/Green Space Network	✓	Opportunity for development of 450 homes. Joint masterplan approved for this site and OP32 Maidencraig North East. This site may be at risk of flooding. Flood Risk Assessment required to accompany development proposals. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.
OP32	Maidencraig North East	22.8ha	Residential/Green Space Network	✓	Opportunity for development of 300 homes. Joint masterplan approved for this site and OP31 Maidencraig South East. Drainage Impact Assessment accompanying development proposals should address any surface water flooding issues. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.
OP33	Greenferns	60.4ha	Land Release Policy/Green Space Network		Opportunity for development of 1350 homes and 10ha of employment land on a Council owned site. 400 of the homes are phased for the period beyond 2032. Joint Development Framework with OP28 Greenferns approved. This site may be at

					risk of flooding. A flood risk assessment will be required to accompany any future development proposals for this site. Proposals for an extension to Enermec and a new NHS health centre will need to be accommodated on site.
OP34	East Arnhall	1.0ha	Land Release Policy	✓	An opportunity for development of 1 hectares of employment land. A masterplan with Aberdeenshire Council involvement would be desirable given that the site borders the Local Authority boundaries. Site may be at risk of flooding. A Flood Risk Assessment will be required to accompany future development proposals Site lies within a pipeline notification zone. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.
OP111	Skene Road, Maidencraig	0.9ha	Residential and Green Space Network	✓	Site capable of accommodating around 15 homes. A flood risk assessment will be required to accompany any future development proposals for this site. Development should seek to avoid any adverse impacts on the Den of Maidencraig Local Nature Conservation Site. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.
Countesswells					
OP38	Countesswells	165.1ha	Land Release Policy/Green Space Network	✓	An opportunity for development of 3000 homes and 10 hectares of employment land. Development Framework and Phase 1 Masterplan approved. Site may be at risk of flooding. Flood Risk Assessment required to accompany future development

					proposals. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.
Deeside					
OP39	Braeside Infant School	1.04ha	Residential	✓	Former school site with potential to be redeveloped for residential use in future. Development will have to respect residential amenity within and surrounding the area. The Council will seek the retention of the playpark in its current location to the south of site OP39. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.
OP40	Cults Pumping Station	0.69ha	Urban Green Space	✓	Brownfield residential opportunity. Development will have to respect green linkages to the west of the site and the retention of the allotments to the east of the site. Development should seek to avoid any adverse impacts on the Cults Den Local Nature Conservation Site. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.
OP41	Friarsfield	5.6ha	Residential and Green Space Network	✓	This is the undeveloped part of the 280 home Friarsfield development. Development Framework approved. This site may be at risk of flooding. A Flood Risk Assessment will be required to accompany any future development proposals for this site. A Habitats Regulations Appraisal is required to accompany

					development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.
OP42	Hotel and Equestrian Centre at Hazlehead	9.2ha	Green Belt and Green Space Network	✓	Planning permission granted for a hotel and equestrian centre. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.
OP43	Milltimber Primary School	1.85ha	Residential	✓	Milltimber Primary School is likely to become available in the future due to the development at Oldfold providing a new school. Site may be at risk of flooding. Flood Risk Assessment required to accompany future development proposals. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.
OP44	North Lasts Quarry	8.01ha	Green Belt	✓	Ongoing mineral extraction. Planning Permission granted in February 2017 to continue hard rock extraction. The site lies within a pipeline consultation zone and all development should conform to the terms of Policy B6 – Pipelines, Major Hazards and Explosives Storage Sites. Site may be at risk of flooding. Flood Risk Assessment required to accompany any future development proposals. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.



OP47	Edgehill Road	4.4ha	Residential/Green Space Network	✓	Opportunity for development of 5 homes. Site may be at risk of flooding. Flood Risk Assessment required to accompany future development proposals. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.
OP48	Oldfold	48.9ha	Land Release Policy	✓	Opportunity for development of 550 homes and 5 hectares of employment land. A Development Framework and Masterplan have been approved. Site may be at risk of flooding. Flood Risk Assessment required to accompany future development proposals. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.
OP49	Grove Nursery, Hazlehead	5.9ha	New Community Facilities	✓	Following a Council resolution this site is identified for social enterprises specialising in nursery, horticulture and/or allotments and other associated uses. Site may be at risk of flooding. Flood Risk Assessment required to accompany future development proposals. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.
OP50	Skene Road, Hazlehead	49.7ha	Green Belt/ Green Space Network	✓	Land reserved for a phased cemetery development. Site may be at risk of flooding. Flood Risk Assessment required. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely

					a Construction Environmental Management Plan will also be required.
OP51	Peterculter Burn	7.4ha	Residential and Green Space Network	✓	Site capable of accommodating 19 homes, a hydro-electric scheme, fish pass, football pitch, changing facilities and car parking for Culter Youth Football Club and a new pathway opening up access to existing woodland. A Flood Risk Assessment demonstrating acceptable consequences will be required together with a masterplan giving details of access and setting out timescales for implementation of the different stages of the overall development. These matters will be reflected in any grant of planning permission. A planning brief will be required for OP51 setting out specific measures needed to avoid damage to, and enhance the Local Nature Conservation Site. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.
OP52	Malcolm Road Peterculter	1.5ha	Residential	✓	Opportunity for 8 houses. Scots Pine trees on western boundary to be retained. Site (or part of) may be at risk of flooding. Flood Risk Assessment may be required in support of any development proposals for this site. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.
OP109	Woodend Peterculter	2ha	Residential	✓	Opportunity for 19 houses. Drainage Impact Assessment required to consider protection of potential wet habitats/woodlands adjacent to the site and the potential requirement for a buffer to prevent any increase in drainage of wet habitats/woodlands.

					Ancient Woodland to the south of the site is to be protected. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.
OP112	West of Contlaw Road	12.5ha	Residential	✓	Opportunity for 10 houses. Arboricultural and ecological implications studies required. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.
OP113	Culter House Road	2.4ha	Residential	✓	Opportunity for 8 houses. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.
OP114	Milltimber South	11.5ha	Mixed Use	✓	Opportunity for 60 houses and 1,225 square metres of ancillary retail/office space. Masterplan required. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.
Loirston & Cove					
OP55	Blackhills Quarry, Cove	32.76ha	Green Belt		Planning permission granted in 2013 to continue hard rock extraction and processing.
OP56	St Fittick's Park	18.2ha	Energy Transition Zone, Green Space Network	✓	Energy Transition Zone. This site, along with OP61, will support renewable energy transition related industries in association with Aberdeen South Harbour. Any development at this site must have a functional association with the South Harbour which

					precludes it being located elsewhere, such as the size of the infrastructure preventing transport from other locations or requiring 'roll on / roll off' level access to the South Harbour. Appropriate environmental assessments will be required, including a Habitats Regulations Appraisal to accompany development proposals in order to avoid adverse effects on the qualifying interests of a range of Natura sites. A Flood Risk Assessment is also required. Other issues which need to be addressed include water quality, recreational access, habitat connectivity, compensatory planting and landscape buffering with residential areas. Joint Masterplan needed for OP56, OP61 and OP62.
OP57	Craighill Primary School, Kincorth	0.86ha	Residential	✓	Vacant Primary School. Forms part of the Strategic Infrastructure Plan Affordable Housing Programme. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.
OP58	Stationfields, Cove	9.8ha	Residential and Green Space Network		Opportunity for 150 homes. Masterplan required.
OP59	Loirston	119.2ha	Land Release Policy/ Green Space Network	✓	Opportunity for development of 1500 homes and 11 hectares of employment land. Potential to accommodate supermarket in a new district centre to meet convenience shopping deficiencies in south Aberdeen. Site may be at risk of flooding. Flood Risk Assessment required to accompany future development proposals. Development Framework approved. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely

					a Construction Environmental Management Plan will also be required.
OP60	Charleston	20.5ha	Land Release Policy and Green Space Network	✓	Opportunity for development of 20.5 hectares of employment land for the period 2033-40. Site may be at risk of flooding. Flood Risk Assessment required to accompany future development proposals. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.
OP61	Doonies	16.3ha	Energy Transition Zone, Green Space Network	✓	Energy Transition Zone. This area along with OP56 will support renewable energy transition related industries in association with Aberdeen South Harbour. Appropriate environmental assessments will be required, including a Habitats Regulations Appraisal to accompany development proposals in order to avoid adverse effects on the qualifying interests of a range of Natura sites. Other issues which need to be addressed include landscape impact of development, recreational access and habitat connectivity. Joint Masterplan needed for OP56, OP61 and OP62.
OP62	Bay of Nigg	55ha	Aberdeen Harbour, Energy Transition Zone, Green Belt and Green Space Network	✓	Aberdeen Harbour expansion. Bay of Nigg Development Framework approved. Requires Flood Risk Assessment and full Transport Assessment. Appropriate environmental assessments will be required including a Habitats Regulations Appraisal to accompany development proposals in order to avoid adverse effects on the qualifying interests of a range of Natura sites. Other issues to be addressed include re-instatement of the coastal path and recreational access. Joint Masterplan needed for OP56, OP61 and OP62.
OP64	Former Ness Tip	20.5ha	Green Belt and Green Space Network	✓	Solar Farm. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part

					of this process it is likely a Construction Environmental Management Plan will also be required.
OP103	Former Torry Nursery School	0.53ha	Residential	✓	Council owned site surplus to requirements. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.
OP105	Kincorth Academy	3.94ha	Residential	✓	Forms part of the Strategic Infrastructure Plan Affordable Housing Programme. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.
OP107	East Tullos Gas Holder	3.12ha	Business and Industrial		Former gas holder site and Council owned recycling centre suitable for an energy from waste facility. Drainage Impact Assessment accompanying development proposals should address any surface water flooding issues.
OP115	34-40 Abbotswell Road	1.03ha	Mixed Use	✓	Suitable for residential use. A noise impact assessment will be required. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.
City Centre & Urban Areas					
OP35	Summerfield House, Eday Road	1.1ha	Residential	✓	Brownfield residential opportunity. Drainage Impact Assessment required. School capacity issues would need to be addressed. A Habitats Regulations Appraisal is required to accompany

					development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.
OP36	Charlie House	1.5ha	Urban Green Space and Green Space Network	✓	Site identified for children's respite centre and interactive garden area. A Flood Risk Assessment is required for this site. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.
OP37	Woodend Hospital	7.1ha	Existing Community Sites and Facilities and Green Space Network	✓	Brownfield residential opportunity on part of the hospital site. Site includes listed buildings, trees and open space which require sensitive treatment. Flood Risk Assessment required. School capacity issues will need to be addressed. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.
OP65	Haudagain Triangle, Middlefield	4.0ha	Mixed use and Land for Transport		Vacant land made available as part of the Haudagain improvements. Site should accommodate a mix of residential, retail, commercial and community uses to support the regeneration of the area.
OP66	Granitehill	4.8ha	Residential		Brownfield opportunity for up to 300 homes which should include a wide range of houses and flats. School capacity issues will need to be addressed.
OP68	1 Western Road	0.07ha	Residential		Capacity for approximately 22 residential units.
OP69	152 Don Street, Old Aberdeen	0.63ha	Residential		Residential opportunity on brownfield site in Old Aberdeen Conservation Area. Drainage Impact Assessment required.

OP70	Denburn Valley – City Centre Masterplan Intervention Area	6.5ha	Mixed Use, Urban Green Space, Green Space Network and City Centre Retail Core	✓	<p>New ground floor uses including use class 1 (Retail); use class 2 (Financial, Professional and other services), use class 3 (Food and Drink and use class 11 (Assembly and Leisure).</p> <p>New upper floor uses - use class 9 (houses) – suitable for apartments.</p> <p>Refurbishment of former Woolmanhill hospital buildings for Pavilion, class 7 (Hotels and Hostels) or use class 9 (Houses). Other remaining buildings suitable for use class 9 (Houses). A Flood Risk Assessment will be required in order to assess its suitability for redevelopment.</p> <p>Refurbishment of Denburn Court.</p> <p>Upgrade and expansion of Union Terrace Gardens including outdoor amphitheatre, new soft landscaping and high level bridge access.</p> <p>A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.</p>
OP72	Aberdon House	0.64ha	Residential		Cleared site which forms part of the Strategic Infrastructure Plan Affordable Housing Programme.
OP73	Balgownie Machine Centre	0.2ha	Mixed Use		Land reserved partially for Berryden Road Improvements.
OP74	Broadford Works, Maberley Street	3.6ha	Mixed Use	✓	Consent granted for residential and other uses subject to legal agreement. Site may be at risk of flooding. Flood Risk Assessment required to accompany future development proposals. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part



					of this process it is likely a Construction Environmental Management Plan will also be required.
OP76	Former Raeden Centre	1.48ha	Residential and Green Space Network	✓	The presence of mature trees means that only a small part of the previously developed area may be suitable for sensitive residential redevelopment. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.
OP77	Cornhill Hospital	6.04ha	Existing Community Sites and Facilities	✓	Former hospital site with substantial granite buildings in Rosemount Conservation Area. Redevelopment for mix of uses, residential, office/ business (Class 4), community uses. Development underway. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.
OP78	Frederick Street	0.1ha	Mixed Use		Small brownfield opportunity.
OP79	Crown House	0.04ha	Mixed Use	✓	City centre location suitable for residential use. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.
OP80	Mastrick Clinic	0.12ha	Neighbourhood Centre	✓	Uses that would support the Mastrick neighbourhood centre. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process

					it is likely a Construction Environmental Management Plan will also be required.
OP81	Queen's Square – City Centre Masterplan Intervention Area	5.4ha	Mixed Use		<p>Refurbishment of the eastern annex of Marischal College for use class 4 (Offices) and class 11 (Assembly and Leisure).</p> <p>Refurbishment of Greyfriars John Knox Church – appropriate uses include use class 3 (Food and Drink); use class 4 (Business); use class 7 (Hotels and Hostels); use class 10 (Non-residential Institutions); use class 11 (Assembly and Leisure).</p> <p>New ground floor uses could include use class 1 (Retail); use class 2 (Financial, Professional and other services) and use class 3 (Food and Drink).</p> <p>New upper floor uses could include use class 9 (Houses) – suitable for apartments.</p>
OP82	Dunbar Halls of Residence, Don Street	1.64ha	Residential		Residential or student accommodation opportunity in Old Aberdeen Conservation Area.
OP83	Urquhart Building, City Hospital	0.28ha	Existing Community Sites and Facilities		Residential opportunity would allow the re-use of this listed building.
OP84	Resource Centre, City Hospital	0.16ha	Existing Community Sites and Facilities		Small scale retail, commercial or office use.
OP85	King Street/ Beach Esplanade	2.0ha	New Community Facilities		Site is identified by Council resolution for a Mosque, community facilities and open space. Until proposals for these uses are progressed, or if a decision is made not to pursue them, the existing open space use will be protected by Policy NE2 Green and Blue Infrastructure (Urban Green Space).
OP87	Pittodrie Park	6.00ha	Residential		Proposed residential development. School capacity issues will need to be addressed.

OP88	Shore Porters Warehouse	0.02ha	Mixed Use		Redundant warehouse. Residential will only be considered if suitable amenity can be demonstrated. Noise Impact Assessment required.
OP89	Kaimhill Outdoor Centre	1.5ha	Residential and Green Space Network	✓	Proposal for 35 houses. Play park area should be retained and compensatory recreational provision made in the local community. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.
OP90	St Machar Primary School	1.01ha	Residential		Suitable for education use and/or affordable housing.
OP91	Union Street West City Centre Masterplan Intervention Area	15.3ha	City Centre Retail Core, Mixed Use and West End Shops and Cafés	✓	New Aberdeen City Rooms for ground floor cafe, multi-purpose foyer and gallery (use class 11) with offices (use class 4) above and rooftop restaurant (use class 3). Refurbishment of Golden Square. Refurbishment of Bon Accord Square. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.
OP92	St Peter's Nursery, Spital	0.09ha	Mixed Use	✓	Sensitive residential redevelopment - within a Conservation Area. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.

OP93	Former Summerhill Academy	3.3ha	Residential		Residential development. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.
OP94	Tillydrone Primary School	2.11ha	Residential		Site of former Tillydrone Primary School. Site will be used for a new primary school.
OP95	Station Gateway City Centre Masterplan Intervention Area	4.0ha	City Centre Retail Core, Mixed Use and Land for Transport	✓	Expanded station concourse across two levels to include use class 1 (Retail) and 3 (Food and Drink). New station hotel above concourse. New Trinity Centre entrance and bridge links. Hotel/serviced apartments on Atholl House site - use class 7 (Hotels and Hostels). A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.
OP96	Castlegate and Castlehill City Centre Masterplan Intervention Area	2.6ha	City Centre Retail Core, Mixed Use and Residential		Refurbishment of properties on Castlegate and Justice Street. Appropriate ground floor uses include use class 1 (retail); Use class 3 (Food and Drink); and use class 11 (Assembly and Leisure). Appropriate upper floor uses include use class 4 (Offices), use class 7 (Hotels and Hostels) and use class 9 (residential). Refurbishment of Marischal and Virginia Court (use class 9) Houses; potential for use class 1 (Retail); use class 3 (Food and Drink) and use class 11 (Assembly and Leisure) at street level. New Residential development of approximately 46 apartments.
OP97	Victoria Road Primary School	0.67ha	Mixed Use		Former Primary School. The site would be suited for sensitive redevelopment

OP98	VSA Gallowgate	0.08ha	Mixed Use		Residential/Mixed use. Listed building.
OP99	Old Torry	6.6ha	Mixed Use		Mixed use development. See also Old Torry Masterplan Study. This site may be at risk of flooding. A Flood Risk Assessment will be required in order to assess its suitability for redevelopment.
OP100	North Dee City Centre Masterplan Intervention Area	12.7ha	Business Zone, Mixed Use, Urban Green Space, Green Space Network and Land for Transport	✓	New Urban Quarter with a high quality and imaginative approach to the public realm, creating permeable pedestrian linkages between the city centre and the River Dee. Masterplan required showing an appropriate mix of compatible new uses, including Class 1 (Retail), Class 2 (Financial, Professional and other services), Class 3 (Food and Drink), Class 4 (Business, including new office development and a Global Energy Hub if required), and Class 9 (Residential). Refurbishment of the listed smoke houses. Pedestrian bridge linking into OP106 Torry Waterfront. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.
OP101	Woodside Congregational Church	0.07ha	Residential		Vacant church building.
OP102	George Street / Crooked Lane	0.96ha	City Centre Retail Core	✓	Opportunity for retail development, enhance George Street, link to John Lewis / extend Bon Accord Centre, address accessibility issues through the centre and address public realm issues. Some Listed Buildings. Existing traditional granite buildings on the St Andrew Street and George Street frontages, and upper floor residential uses, to be retained. This site may be at risk of flooding. A Flood Risk Assessment will be required in order to assess its suitability for redevelopment. A Habitats Regulations

					Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.
OP106	Torry Waterfront City Centre Masterplan Intervention Area	5.0ha	Mixed Use, Urban Green Space and Green Space Network.	✓	New residential development. New ground floor uses including use class 1 (Retail) and use class 3 (Food and Drink), Hotel Academy (use class 7). Pedestrian Bridge linking into OP100 North Dee. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.
OP110	Heart of the City – City Centre Masterplan Intervention Area	5.4ha	City Centre Retail Core, Urban Green Space, Green Space Network, Existing Community Sites and Facilities and Mixed Use.	✓	Refurbishment and remodelling of buildings on Union Street. Negligible increase in overall accommodation but increased utilisation of existing floor space. Appropriate uses for ground floors include use class 1 (Retail), use class 2 (Financial, Professional and other services), and use class 3 (Food and Drink). Appropriate uses for upper and lower floors include use class 4 (Business); use class 7 (Hotels and Hostels); use class 9 (Houses); use class 10 (Non-residential Institutions); use class 11 (Assembly and Leisure). Remodelling of the St Nicholas Centre. Negligible increase in retail floor space but potential for expansion of office accommodation. Refurbishment of Mither Kirk including use class 10 (Non-residential Institution) and use class 11 (Assembly and Leisure). Redevelopment of Aberdeen Indoor Market for appropriate uses such as use class 1 (Retail), use class 3 (Food and Drink) and

					<p>use class 11 (Assembly and Leisure), use class 6 (Houses) and use class 7 (Hotels and Hostels).</p> <p>A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.</p>
OP116	Froghall Terrace	1.7ha	Mixed Use		Cleared depot. Suitable for residential accommodation.

### **Appendix 3 – Masterplans and Development Frameworks**

Existing masterplans for the larger sites and/or sites in multiple ownership listed below will be taken forward as Aberdeen Planning Policy. Where considered appropriate, we would also intend to take forward as Aberdeen Planning Policy any revisions or further phased masterplans that may emerge for these sites over the lifetime of the Local Development Plan.

- Countesswells Development Framework and Phase 1 Masterplan
- Dubford Development Framework
- Former Davidson’s Mill Development Framework and Masterplan
- Forresterhill Development Framework
- Friarsfield Development Framework
- Grandhome Development Framework
- Greenferns Development Framework and Masterplan
- Kingswells Development Framework and Phase 1 Masterplan (Prime 4)
- Kingswells Prime Four Business Park, Phases Two and Three
- Loirston Development Framework
- Maidencraig Masterplan
- Newhills Development Framework
- Oldfold Development Framework and Masterplan
- Persley Den
- New AECC Site at Rowett North (OP19)
- Existing AECC Site at Bridge of Don (OP13)
- Prime 4 Business Park Phase 5 Extension (OP63)

New Masterplans and/or Development Frameworks for the following developments will be adopted as Local Planning Policy.

- City Centre Masterplan and Delivery Programme Intervention Areas
- Joint Masterplan for Aberdeen South Harbour and the Energy Transition Zones at Bay of Nigg (OP56, OP61 and OP62)
- Cloverhill and Berryhill (OP2)
- Woodend Hospital (OP37)
- Granitehill (OP66)



## **Appendix 4 – Aberdeen Planning Policy**

### **Supplementary Guidance**

- Planning Obligations

### **Aberdeen Planning Guidance**

The following list of Aberdeen Planning Guidance has been identified in this Plan. However, this list is not exhaustive as it is likely that further topic areas will emerge during the lifetime of the Plan which will need to be dealt with as Aberdeen Planning Guidance.

#### Health and Wellbeing

- Health Impact Assessments
- Air Quality
- Noise

#### Transport and Infrastructure

- Transport and Accessibility
- Affordable and Specialist Housing
- Gypsy Traveller Sites

#### Householder Development

- Householder Development Guide

#### Townscape and Landscape

- New Development
- Landscape
- Windows and Doors
- Stone Cleaning
- Shops and Signs
- Big Buildings
- Temporary Buildings
- Energetica
- Houses in Multiple Occupation Overprovision

#### Businesses

- Harmony of Uses
- Serviced Apartments
- Hierarchy of Centres
- Children's Nurseries

#### Natural Environment

- Natural Heritage
- Open Space and Green Infrastructure
- Trees and Woodland

- Flooding, Drainage and Water Quality

#### Resources

- Waste Management Requirements for New Development
- Resources for New Development
- Wind Turbine Development
- Heat Networks and Energy Mapping

#### Business and Industrial Development

- Aberdeen International Airport

## Appendix 5 - Schedule of Land Owned by the Local Authority

The following table outlines land in the ownership of the planning authority, as required by Section 15(3) of the Planning etc. (Scotland) Act 2006, which is affected by policies and proposals for development in the Aberdeen Local Development Plan.

All site sizes are approximate.

Description of land owned by the planning authority.	OP Site Reference (Sites shown on Proposals Map. Details in Appendix 2)
Proposed Greenfield Development under Aberdeen City Council ownership	
<b>Aberdeen Harbour South.</b> Nigg Bay. Aberdeen City Council's ownership extends to around 50 hectares. Grid Reference NJ964046	OP62
<b>Dyce Railway Station.</b> Land north of Station Road, Dyce. Aberdeen City Council's ownership extends to 1.1 hectares. Grid Reference NJ884128.	OP86
<b>Central Park Dyce.</b> To the south of the shopping centre, Aberdeen City Council owns the whole site covering 0.8 hectares. Grid Reference NJ894125.	OP24
<b>East Woodcroft.</b> Land North-East of Middleton Park. Western perimeter of the site meets Jesmond Drive, with the B997 meeting the East of the site. Aberdeen City Council's ownership of the site extends to 2.85 hectares. Grid Reference NJ928121.	OP8
<b>Greenferns Landward.</b> Land at Newhills, to the West of Bucksburn and approximately 800 metres North West of Bucksburn House. Aberdeen City Council's ownership of the site extends to 70 hectares. Grid Reference NJ880091.	OP22
<b>Greenferns .</b> Land at Greenferns. Site is West of Northfield (Davidson Drive), North of Sheddocksley playing fields and South of Bucksburn House. Aberdeen City Council's ownership site extends to 74 hectares; this does not include land at Bucksburn House. Grid Reference NJ892082 Reference NJ894083.	OP33 and OP28
<b>Grove Nursery, Hazlehead.</b> Land north of Hazledene Road. Aberdeen City Council's ownership extends the whole site, 5.9 hectares. Grid Reference NJ899054.	OP49
<b>Rowett North.</b> Land north of the A96 Aberdeen City Council own the whole site of 63.9 hectares. Grid Reference NJ885105.	OP19
<b>Loirston. Land at near Lochside Academy.</b> Site is to the south of Lochside Academy. Aberdeen City Council's ownership of the site extends to 5.7 hectares. Grid Reference NJ935012.	OP59

Description of land owned by the planning authority.	OP Site Reference (Sites shown on Proposals Map. Details in Appendix 2)
<b>Maidencraig North.</b> Land at Sheddocksley/Maidencraig. Site is West of Sheddocksley (Lewis Road) and North of the Lang Stracht. The site extends 500 metres West of Lewis Road and Aberdeen City Council's ownership is 5.98 hectares in total. Grid Reference NJ886071.	OP32
<b>Rowett South.</b> Land between Christie Grange and Newhills Parish Church. Aberdeen City council ownership extends to 1.66 hectares. Grid Reference NJ 875095	OP21
<b>Skene Road Hazlehead.</b> Land between Skene Road and the crematorium. Aberdeen city Council's ownership extends to 49.7 hectares. Grid Reference NJ884058.	OP50
<b>Woodside.</b> Site identified for 400 residential homes and sports facilities. Aberdeen City Council's ownership is bounded by the railway to the south, an unnamed access road to the north, electricity sub-station to the east and as far as the sports pavilion to the west. The total ownership extends to 3.92 hectares. Grid Reference is NJ915092.	OP25
<b>St Fittick's Park.</b> Site identified as an Energy Transition Zone. The site extends to 18.3ha and the Council owns that part of it outwith the waste water treatment works.	OP56
<b>Doonies.</b> Site identified as an Energy Transition Zone. The Council owns all of the 16.1ha site.	OP61
Proposed Brownfield Development under Aberdeen City Council ownership	
<b>Aberdeen Exhibition and Conference Centre.</b> East of Ellon Road. Aberdeen City Council's ownership extends to the whole site, 18.4 hectares. Grid Reference NJ 948105	OP13
<b>Aberdon House.</b> Former Elderly persons home on Coningham Road, Tillydrone. Aberdeen City Council's ownership extends to 0.64 hectares. Grid Reference NJ934088.	OP72
<b>Balgownie Machine Centre.</b> Derelict land and buildings on Great Northern Road. The site is west of, and beside the Kittybrewster Depot. Aberdeen City Council's ownership extends to 0.20 hectares. Grid Reference NJ931078.	OP73
<b>Braeside Infant School on Braeside Place.</b> Aberdeen City Council's ownership extends to 1.04 hectares. Grid Reference NJ911041.	OP39
<b>Cordyce.</b> Former school. Aberdeen City Council's ownership extends to 7.9 hectares. Grid Reference NJ89101.	OP14

Description of land owned by the planning authority.	OP Site Reference (Sites shown on Proposals Map. Details in Appendix 2)
<b>Craighill Primary School, Kincorth</b> bordered by Hetherwick Road, Gardner Road and Gardner Drive. Aberdeen City Council's ownership extends to 0.86 hectares. Grid Reference NJ930029.	OP57
<b>Cults Pumping Station.</b> Aberdeen City Council own the eastern part (allotments and car park) of the site to the north of the Cults Hotel and south of the Tennis Club. Ownership extends to 0.26 hectares. Grid Reference NJ895031.	OP40
<b>North Denmore.</b> Aberdeen City Council ownership extends over the whole site, 1.7 hectares. Grid Reference NJ941120	OP4
<b>Denmore Road</b> Parcel of land to the east of Denmore Road. Aberdeen City Council's ownership extends to the whole site, 4.56 hectares. Grid Reference NJ945115.	OP75
<b>Former Bucksburn Primary School.</b> Aberdeen City Council owns the whole site, 0.94 hectares. Grid Ref NJ896095	OP17
<b>Former Carden School situated on Gordon Terrace, Dyce.</b> Aberdeen City Council's ownership extends to 0.37 hectares. Grid Reference NJ890127.	OP15
<b>Former East Tullos Gas Holder.</b> Greenwell Road. Aberdeen City Council's ownership extends to 3.12 hectares. Grid Reference NJ954040	OP107
<b>Former Kincorth Academy, located on Kincorth Circle.</b> Aberdeen City Council's ownership extends to the whole site, 3.94 hectares. Grid reference NJ395031	OP105
<b>Former Ness Tip.</b> Part of area between the Coast Road and East Tullos Industrial Estate. Aberdeen City Council's ownership extends to 20.5 hectares. Grid Reference NJ961040.	OP64
<b>Former Torry Nursery School, located on Oscar Road.</b> Aberdeen City Council's ownership extends to the whole site, 0.53 hectares. Grid Reference NJ946048	OP103
<b>Former St Peter's Nursery, Spital.</b> Aberdeen City Council's ownership extends to 0.09 hectares. Grid Reference NJ939077.	OP92
<b>Former Summerhill Academy site on Stronsay Drive.</b> Aberdeen City Council's ownership extends to 3.3 hectares. Grid Reference NJ902066.	OP93
<b>Granitehill.</b> Cleared site west of Granitehill Road. Aberdeen City Council's ownership extends over the southern half of the site, 2.5ha. Grid Reference NJ906084	OP66

Description of land owned by the planning authority.	OP Site Reference (Sites shown on Proposals Map. Details in Appendix 2)
<b>Greenfern Infants School.</b> Springhill Road meets the perimeter of the site to the east, Maidencraig Place to the south and Sheddocksley Road to the West. Aberdeen City Council's ownership extends to 0.91 hectares. Grid Reference NJ897069.	OP27
<b>Haudagain Triangle.</b> Land for road improvements and proposed mixed use. Aberdeen City Councils ownership extends to, 4 hectares. Grid Reference is NJ912090.	OP65
<b>Kaimhill Outdoor Centre.</b> Ramsay Gardens Garthdee. Aberdeen city Council own the whole site, 1.5 hectares. Grid Reference NJ917034	OP89
<b>King Street/Beach Esplanade</b> Site is south of the River Don. Aberdeen City Council's ownership extends to 2 hectares. Grid Reference is NJ946092.	OP85
<b>Milltimber Primary School,</b> located in Monearn Gardens. Aberdeen City Councils ownership extends to the whole site, 1.85 hectares. Grid Reference NJ862018	OP43
<b>Pittodrie Park.</b> Part of Aberdeen Football Clubs car park, north of Pittodrie. Aberdeen City Council's ownership extends to 0.19 hectares. Grid Reference NJ946077.	OP87
<b>Raeden.</b> Aberdeen City Council owns the whole site, 1.48 hectares. Grid Reference NJ915066.	OP76
<b>St Machar Primary School,</b> former primary school located on Coningham Road, Tillydrone. Aberdeen City Council's ownership extends to 1.01 hectares. Grid Reference NJ934087.	OP90
<b>Stationfields, Cove.</b> Aberdeen City Council owns a small parcel of land located to the East of Coast Road. Grid Reference NJ953015.	OP58
<b>Tillydrone Primary School (site of).</b> Land is now vacant and is located on Harris Drive, Tillydrone. Aberdeen City Council's ownership extends to 2.11 hectares. Grid Reference NJ933087.	OP94
<b>The Waterfront, Torry.</b> Aberdeen City Council's site ownership extends to 1.74 hectares. Grid Reference NJ954052.	OP99
<b>Torry Waterfront City Centre Masterplan Area (CCMP).</b> Aberdeen City Council owns two parts of the site covering 0.46 hectares. Grid Reference NJ946052.	OP106
<b>Denburn Valley CCMP Area.</b> Aberdeen City Council own parts of the site, including the library, HMT and Union Terrace Gardens covering 1.6 hectares. Grid Reference NJ937064.	OP70
<b>Heart of the City CCMP Area.</b> Aberdeen City Council own parts of the site including the Kirkyard and St Nicholas Centre covering 1.83 hectares. Grid Reference NJ941062.	OP110

Description of land owned by the planning authority.	OP Site Reference (Sites shown on Proposals Map. Details in Appendix 2)
<b>Queens Square CCMP Area.</b> Aberdeen City Council owns several parts of the site including the Arts Centre, Lemon Tree, Town House and Archibald Simpson House, covering 0.78 hectares. Grid Reference NJ943064.	OP81
<b>Union Street West CCMP Area.</b> Aberdeen City Council owns several parts of this area including Golden Square, the Music Hall and Bon Accord Baths, covering 1.05 hectares. Grid Reference NJ936059.	OP91
<b>Station Gateway CCMP Area.</b> Aberdeen City Council owns 3 very small pockets of land in this area covering around 0.1 hectare. Grid Reference NJ940060.	OP95
<b>Castlehill CCMP Area.</b> Aberdeen City Council owns parts of this area, mainly at the Castlegate, covering 0.47 hectares. Grid Reference NJ945063.	OP96
<b>North Dee CCMP Area.</b> Aberdeen City Council owns parts of this area covering 0.58 hectares. Grid Reference NJ943055.	OP100

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**Proposed Aberdeen Local Development Plan 2020**  
 City Wide Proposal Map  
 Scale 1:22,500

**Natural Environment**  
 Greenbelt (NE1)  
 Green Space Network (NE2)  
 Urban Green Space (NE2)

**Housing**  
 Residential Areas (H1)  
 Mixed Use Areas (H2)  
 Land Release Policy (LR1)

**Community Facilities**  
 Existing Community Sites & Facilities (CF1)  
 New Community Sites & Facilities (CF2)

**Economic Development**  
 Business & Industry (B1)  
 Business Zones (B2)  
 Aberdeen Airport (B3)  
 Aberdeen Harbour (B4)  
 Energy Transition Zone (B5)

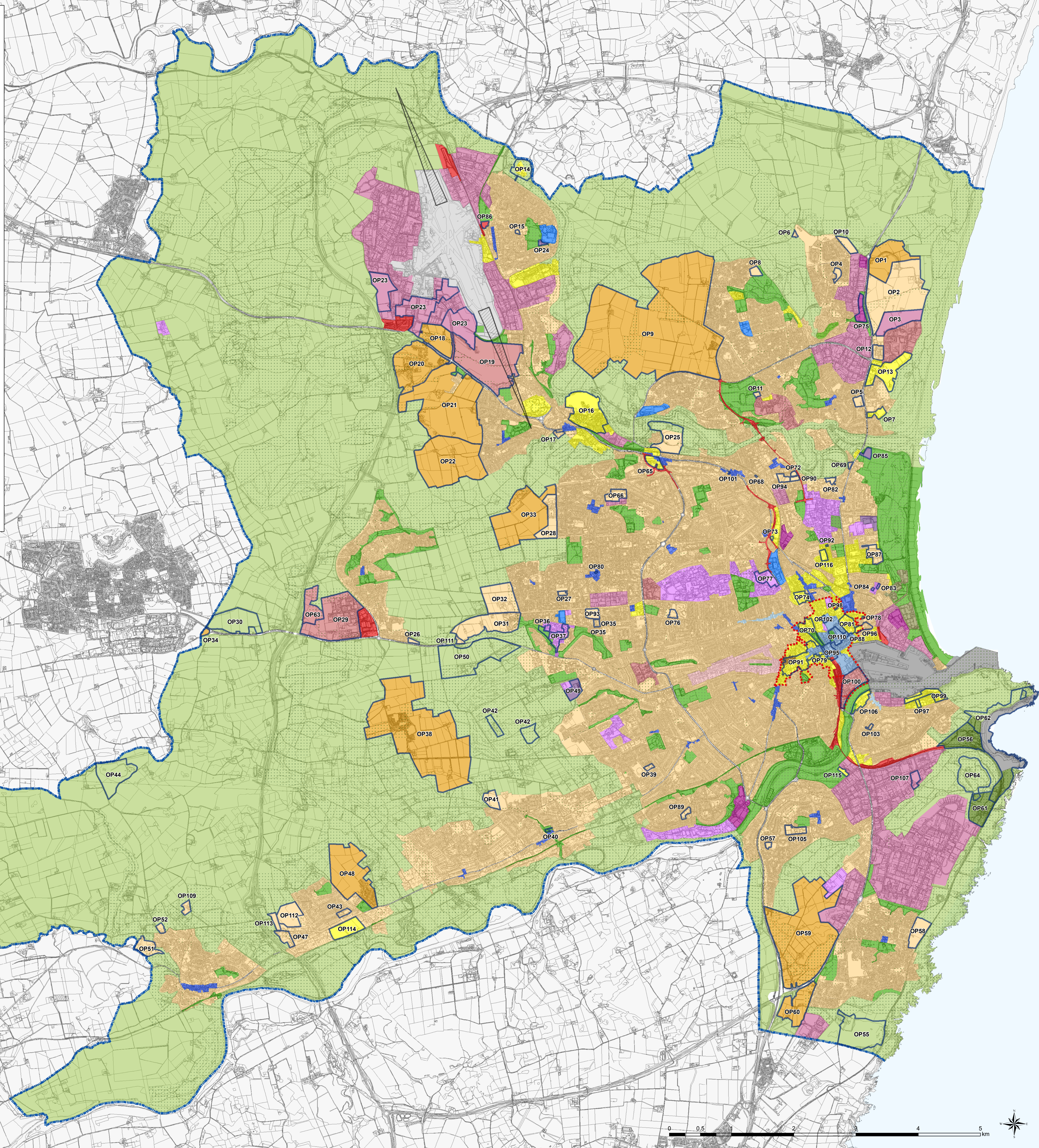
**Retailing**  
 City Centre Retail Core (VC4)  
 West End Area (VC6)  
 West End Shops & Cafes (VC7)  
 Town Centres (VC8)  
 District Centres (VC8)  
 Neighbourhood Centres (VC8)  
 Commercial Centres (VC8)  
 Beach & Leisure (VC11)

**Transport**  
 Land for Transport (T1)  
 Airport Public Safety Zone

**Others**  
 Opportunity Sites  
 City Centre Boundary  
 City Boundary

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**Proposed Aberdeen  
Local Development Plan 2020  
City Centre Detail**

City Wide Proposal Map  
Scale 1:6,000

**Natural Environment**

- Green Space Network (NE2)
- Urban Green Space (NE2)

**Housing**

- Residential Areas (H1)
- Mixed Use Areas (H2)
- Land Release Policy (LR1)

**Community Facilities**

- Existing Community Sites & Facilities (CF1)
- New Community Sites & Facilities (CF2)

**Economic Development**

- Business & Industry (B1)
- Business Area (B2)
- Aberdeen Airport (B3)
- Aberdeen Harbour (B4)

**Retailing**

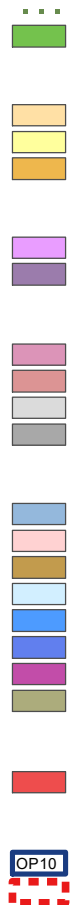
- City Centre Retail Core (VC4)
- West End Area (VC6)
- West End Shops & Cafes (VC7)
- Town Centres (VC8)
- District Centres (VC8)
- Neighbourhood Centres (VC8)
- Commercial Centres (VC8)
- Beach & Leisure (VC11)

**Transport**

- Land for Transport (T1)

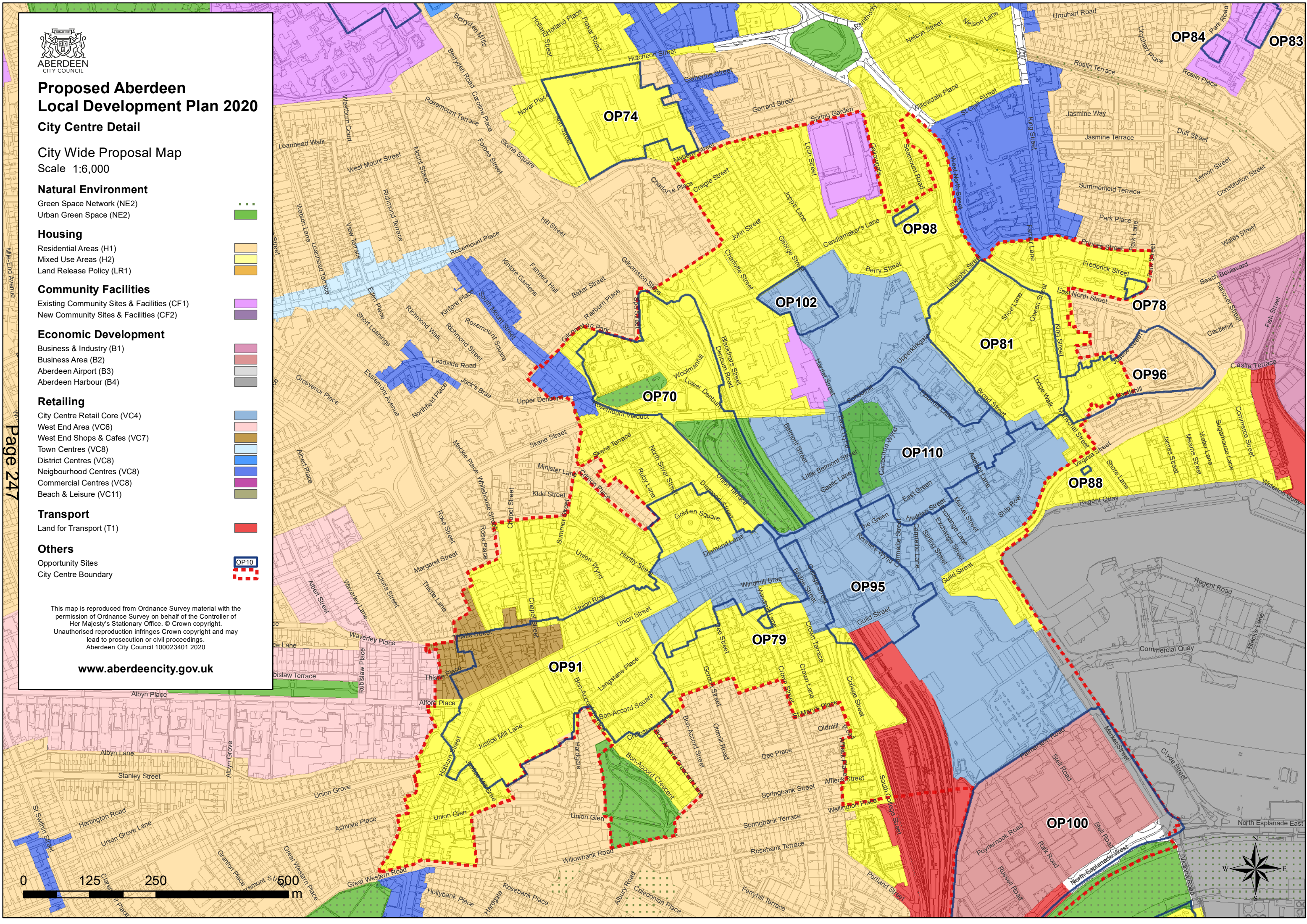
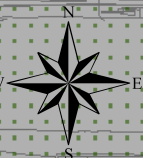
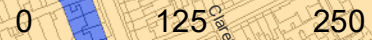
**Others**

- Opportunity Sites
- City Centre Boundary



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# Proposed Aberdeen Local Development Plan 2020

Additional City Wide Proposal Map

Scale 1:22,500

## Natural Environment

- Local Nature Conservation Sites
- Sites of Special Scientific Interest
- Local Nature Reserves
- River Dee Special Area of Conservation
- Undeveloped Coastal Management Area
- Developed Coastal Management Area

## Economic Development

- Pipelines
- Pipeline Notification Areas: Outer Zone
- Mid Zone
- Inner Zone

## Transport

- Harbour Port Boundary

## Heritage

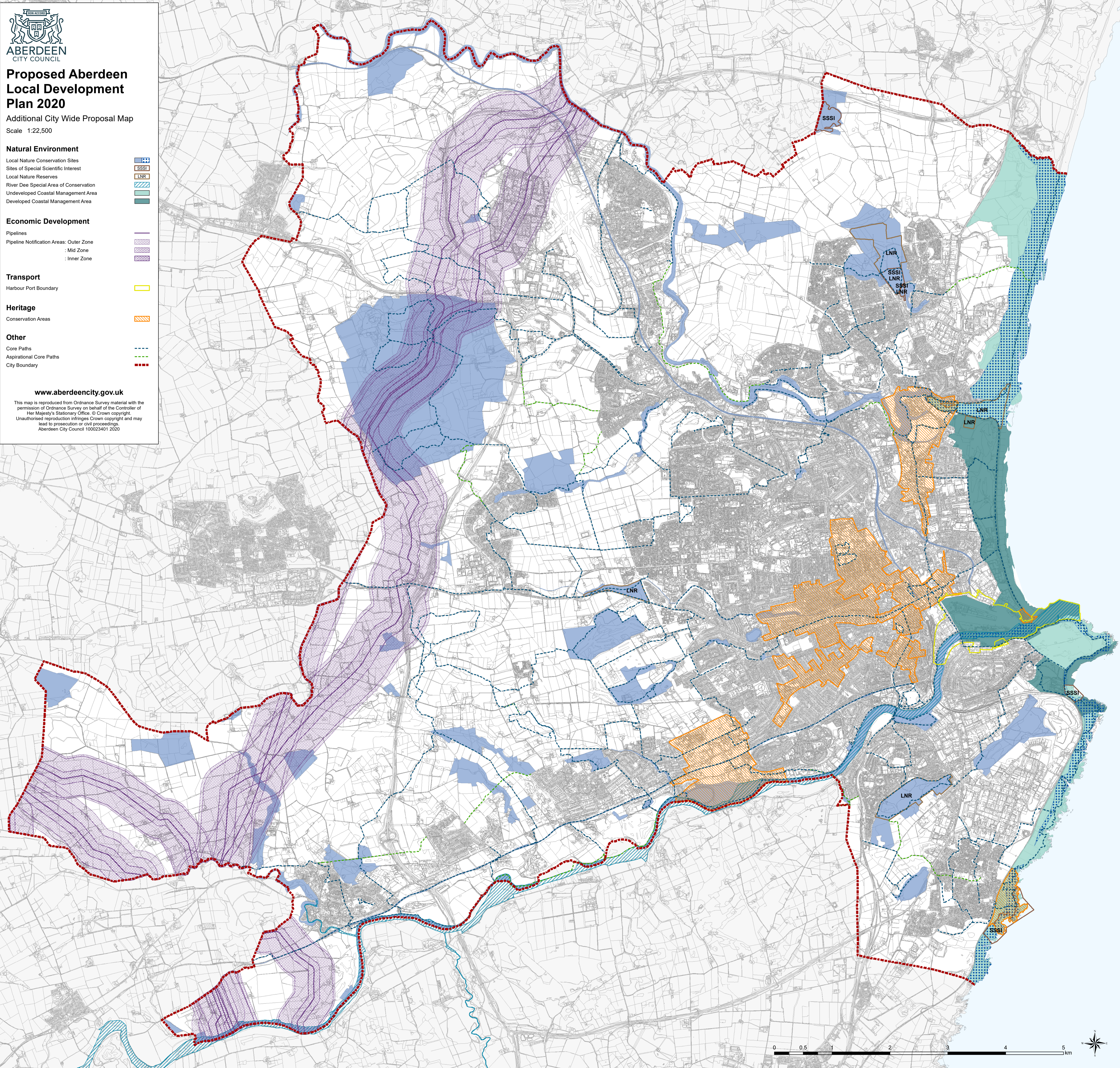
- Conservation Areas

## Other

- Core Paths
- Aspirational Core Paths
- City Boundary

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## ABERDEEN CITY COUNCIL

<b>COMMITTEE</b>	Council
<b>DATE</b>	2 March 2020
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Scheme of Governance Review
<b>REPORT NUMBER</b>	GOV/20/035
<b>CHIEF OFFICER</b>	Fraser Bell, Chief Officer - Governance
<b>REPORT AUTHOR</b>	Allison Swanson
<b>TERMS OF REFERENCE</b>	7 and 13

### 1. PURPOSE OF REPORT

This report meets the Council's instruction to report on the operation of the Scheme of Governance annually and makes recommendations for improvement.

The report also presents proposals regarding the reallocation of both committee places and representation on outside bodies, as well as the removal and/or appointment of posts detailed in Standing Order 5.1 in accordance with the decision of the Urgent Business Committee of 19 December 2019.

### 2. RECOMMENDATION(S)

That Council:-

#### **Scheme of Governance - Introduction**

- 2.1 approves Appendix A, the introduction to the Scheme of Governance, with effect from 1 April 2020;

#### **Committee Terms of Reference**

- 2.2 approves Appendix B, the revised Committee Terms of Reference, with effect from 1 April 2020;

### **Powers Delegated to Officers**

- 2.3 approves Appendix C, Powers Delegated to Officers, with effect from 1 April 2020, subject to recommendation 2.4;
- 2.4 instructs the Chief Officer - Strategic Place Planning to seek approval from the Scottish Ministers to amend the Planning Scheme of Delegation under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) - which relates to “Local Developments”;

### **Standing Orders for Council, Committee and Sub Committees**

- 2.5 approves Appendix D, the revised Standing Orders for Council, Committee and Sub Committee Meetings, with effect from 1 April 2020;

### **Financial Regulations**

- 2.6 approves Appendix E, the revised Financial Regulations, with effect from 1 April 2020;

### **Procurement Regulations**

- 2.7 approves Appendix F, the revised Procurement Regulations, with effect from 1 April 2020;

### **Member - Officer Relations Protocol**

- 2.8 approves Appendix G, the revised Member Officer Relations Protocol, with effect from 1 April 2020;

### **Scheme of Governance Implementation**

- 2.9 authorises the Chief Officer - Governance, following consultation with the Business Manager, to amend the Scheme of Governance as necessary to take account of the decisions at the Council Budget meeting on 3 March 2020;

### **Committee Compositions, Allowances and Appointments**

- 2.10 approves the membership number for each committee as proposed at paragraph 5.2; and sets a composition for each committee and appoints members on the basis that names of members shall be provided to the Chief Officer - Governance after this meeting and that the Chief Officer - Governance be authorised to finalise membership of committees where required;
- 2.11 appoints a Convener and Vice Convener to the committees listed in paragraph 5.2, as appropriate;
- 2.12 makes appointments to the following positions:-
  - a) Lord Provost;
  - b) Depute Provost;



- c) Leader or Co-Leaders of the Council;
- d) Depute Leader of Council (if applicable);
- e) Business Manager; and
- f) Depute Business Manager;

2.13 approves the remuneration of the Lord Provost and one post of Council Leader and the allocation, and amount in each case, of senior councillor allowances, on the basis of the guidance contained in paragraphs 7.2 to 7.3 of the report;

**Sub Committees/Working Groups/Joint Committees/Partnerships/Outside Bodies and Other Appointments**

2.14 notes that the membership number and composition of the sub committees detailed in Appendix H will be determined by the respective committees;

2.15 approves the membership number for each working group as detailed in Appendix I; sets a composition for each and appoints members on the basis that names can be provided to the Chief Officer - Governance after the meeting and that he be authorised to finalise membership where required;

2.16 agrees to disband the working groups contained at Appendix J;

2.17 appoints 9 members to the Appointment Panel and agrees the composition of the Panel and appoints members on the basis that names can be provided to the Chief Officer - Governance after the meeting and that he be authorised to finalise membership where required;

2.18 sets a composition for each of the joint committees/partnerships as detailed at Appendix K, and appoints members and substitutes (where applicable) on the basis that names can be provided to the Chief Officer - Governance after the meeting and that he be authorised to finalise membership where required;

2.19 considers the appointment of members to the various outside bodies listed in Appendix L to the report; sets a composition for each and appoints members on the basis that names can be provided to the Chief Officer - Governance after the meeting and that he be authorised to finalise membership where required;

2.20 instructs the Chief Officer - Governance to carry out a further review of outside bodies ahead of the local government elections in elections in 2022 and thereafter report back to Full Council with any proposals as required; and

2.21 notes the resignation of Councillor Donnelly from the licensing board and elects a member to fill the vacancy on the licensing board.

### **3. BACKGROUND**

3.1 On 4 March 2019, Council considered its first review of the Scheme of Governance approved in 2018 to support the implementation of the Target Operating Model. In March 2019, Council approved the updated Scheme of Governance, comprising the following documents:

- a) Introduction to the Scheme of Governance;
- b) Committee Structure and Terms of Reference;
- c) Powers Delegated to officers;
- d) Standing Orders for Council, Committee and Sub Committee Meetings;
- e) Financial Regulations;
- f) Procurement Regulations; and
- g) Member - Officer Relations Protocol.

3.2 Council also instructed the Chief Officer - Governance to report on a further review of the Scheme of Governance in March 2020 and this report now recommends revisions to the Scheme of Governance documents.

3.3 The proposals recommended for approval have been subject to discussion with Directors, Chief Officers and the Governance Reference Group. Each document comprising the Scheme of Governance is appended to the report with track changes indicating the proposed changes/additions.

### **4. SCHEME OF GOVERNANCE**

#### **4.1 Committee Terms of Reference**

4.1.1 Officers have reviewed the Terms of Reference to ensure that they are reflective of the general operation of all committees over the past year and have been updated to reflect any areas of business considered which have not clearly aligned to a remit. The document has also been reviewed to ensure it reflects the progress of the Council in respect of the development and implementation of the commissioning approach but also to reflect decisions made by each committee.

4.1.2 In doing so the language used within the document has been reviewed and the style/layout has been amended to ensure the removal of any duplication. The purpose section has also been streamlined for each committee to ensure that the purpose and remit of the committee is clear and transparent for all audiences with less scope for ambiguity.

#### **4.2 Powers Delegated to Officers**

4.2.1 The Powers Delegated to Officers have been reviewed to ensure that the document is reflective of current and pending legislation, for example the new Planning (Scotland) Act 2019, as well as existing operational practice. The review also identified any additional delegations that would enable operation of the respective areas to be undertaken in a more effective manner and improve

the operational delivery to our customers. Further to the report to the City Growth and Resources Committee in February 2020 on the Planning (Scotland) Act (PSA), the review has considered the requirements of the PSA on the authority and the Powers Delegated to Officers have been updated to reflect those responsibilities which should be undertaken by the Chief Officer – Strategic Place Planning.

### **4.3 Standing Orders for Council, Committees and Sub Committee Meetings**

4.3.1 The Standing Orders have been reviewed to ensure that any areas for clarification raised at meetings since March 2019 have been considered, the relevant Standing Order updated, or a new Standing Order added. For example, in respect of additions, a new section in respect of Petitions has been added as the document was previously silent on this. It is also proposed that deadlines be put in place for the submission of motions and amendments for consideration at council, committee and sub committee meetings. A separate deadline in respect of motions and amendments for the budget meeting is also proposed. These have been added to support members with the effective operation of meetings and to provide sufficient time to consider the competency and content of the proposals in advance.

### **4.4 Financial Regulations**

4.4.1 The Financial Regulations have been reviewed in the context of revisions to other parts of the Scheme of Governance; audit recommendations; the new staff Continuous Review and Development; new financial guidance; use of any new powers/funding arrangements and feedback from consultation.

### **4.5 Procurement Regulations**

4.5.1 The Procurement Regulations have been reviewed in the context of revisions to other parts of the Scheme of Governance and to ensure that the Regulations are in line with the Procurement Manual and operational practices.

### **4.6 Member Officer Relations Protocol**

4.6.1 The Member Officer Relations Protocol has been reviewed to ensure that it reflects the organisation's guiding principles (Purpose, Pride, Team, Trust and Value) approved by the Staff Governance Committee on 18 March 2019. There is also an amendment in relation to the Members Enquiries protocol where Members are requested to routinely submit enquiries using the corporate Members Enquiries process. This is important to ensure a consistent service is delivered to all members in line with corporate procedures and that data protection requirements are always met. The Protocol also now clearly distinguishes service for case work and service on behalf of a constituent.

### **4.7 Impact Assessments/Committee Report Template**

4.7.1 As part of the review, officers have considered the current report template and the impact and risk assessments required as part of the committee reporting process. It was recognised that a children's rights assessment required to be

reflected in the committee reporting process. Children’s rights are central to the Council’s ongoing commitment to promote and uphold the United Nations Convention on the Rights of the Child (UNCRC) and its work towards Child Friendly City (CFC) Status. Working together, officers have reviewed the existing processes and requirements in respect of impact assessments, and drafted a revised single form covering all assessments. The single form places greater emphasis on the need to consider decision-making as a collaborative process, highlighting the need to consider human and children’s rights and the impact on specific protected groups. In implementing the new assessment, the Council will be well placed to highlight how children and young people are involved directly in decision-making processes which, in turn, will also support our future CFC accreditation bid.

4.7.2 In respect of current and future climate change duties, officers are continuing to investigate and make arrangements to ensure compliance with developing legislation. Environment/climate change has also been added as a category to the Management of Risk section of the report template.

## 5. COMMITTEE COMPOSITIONS AND MEMBERSHIP

5.1 The position of the Council is currently:-

Aberdeen Labour	9 members
Conservative	10 members
Independent Alliance	3 members
Independent	1 member
Liberal Democrat	3 members
SNP	19 members

5.2 It is proposed that Council continue with the following committee places as detailed in the table below, providing a total of 116 places.

Committee	Total Elected Members
Audit, Risk and Scrutiny	9
Capital Programme	9
City Growth and Resources	9
Education Operational Delivery	13 + 7 external members
Licensing	9
Operational Delivery	13
Pensions	9
Planning Development Management	9
Public Protection	9
Staff Governance	9
Strategic Commissioning	9
Urgent Business	9
<b>Total</b>	<b>116</b>

5.3 It is recommended that Council approves the membership number for each committee as proposed in the table above, and sets the composition for each committee which reflects the composition at Full Council. Following the Council’s decision on the membership number and composition for each

committee, members are asked to supply the Chief Officer - Governance with the names of the elected members for each committee.

## **6. APPOINTMENTS TO POSITIONS**

- 6.1 In respect of the decision of the Urgent Business Committee of 19 December 2019, Council is recommended to make appointments to each of the following positions:
- Lord Provost;
  - Depute Provost;
  - Leader or Co-Leaders of the Council;
  - Depute Leader of Council (if applicable);
  - Business Manager; and
  - Depute Business Manager.

Please note that that appointments to Conveners and Vice Conveners is covered under paragraph 7.1.

## **7. APPOINTMENT OF CONVENER AND VICE CONVENER AND PAYMENT OF SENIOR COUNCILLOR ALLOWANCES**

- 7.1 The Council is requested to appoint Conveners and Vice Conveners to the committees in paragraph 5.2 as appropriate. In line with Standing Order 2.7, the Convener and Vice Convener of the Audit, Risk and Scrutiny Committee must be a member of the opposition.
- 7.2 When making these appointments, the Council must have regard to the following structure for the payment of allowances to Councillors:-
- (a) up to 19 Councillors can hold senior positions with an allowance between £23,435 (lower level) and £31,247 (upper level) provided the total is within the maximum permissible of £466,455; and
  - (b) a basic allowance of £17,854 must be paid as a minimum to each member of the Council as set out in the Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2020.

No member can be paid more than one allowance.

- 7.3 The Council is asked to agree the senior allowances to be paid noting that separate provision is made for the Civic Head (Lord Provost) and the Leader of the Council.

## **8. SUB COMMITTEES/WORKING GROUPS**

- 8.1 Appendix H to the report details the Council's current sub committees. Please note that in accordance with Standing Order 46.10, the respective parent

committee will determine the Convener/Vice Conveners, as well as setting the membership for the respective sub committees.

- 8.2 Appendix I to the report details working groups and also sets out the current representatives required and any additional information which affects the Council's appointments. Council is asked to approve the membership number for each working group as detailed in Appendix I; and set a composition for each and appoint members on the basis that names can be provided to the Chief Officer - Governance after the meeting and that he be authorised to finalise membership where required.
- 8.3 Appendix J presents a list of working groups which are recommended to be disbanded.

## **9. Joint Committees/Partnerships**

- 9.1 Appendix K to the report details the Council's current joint committees and partnerships and also sets out the current representatives required and any additional information which affects the Council's appointments. Council is asked to set a political composition for each and appoint members on the basis that names can be provided to the Chief Officer - Governance after the meeting and that he be authorised to finalise membership where required.

## **10. Appointments to Outside Bodies**

- 10.1 The Council is requested to consider the list of current outside bodies at Appendix L; set a composition and appoint members to the appropriate outside bodies and organisations listed therein. The appendix lists the name of the organisation, the number of members previously appointed by the Council, current members and any further information relevant to the appointment.
- 10.2 A review of outside bodies was undertaken in 2017 and reported to Council, alongside a proposed policy which set the criteria on which Aberdeen City Council will appoint Elected Members to Outside Bodies, as well as guidance on Elected Members' roles and responsibilities once appointed and this policy was subsequently approved. Council is recommended to instruct the Chief Officer - Governance to carry out a further review of outside bodies and the associated policy ahead of the local government elections in 2022. This further review will look comprehensively at each of the remaining outside bodies to ensure that they are still active, still require elected member participation, and are still consistent with the strategic goals of the Council.

## **11. Licensing Board**

- 11.1 A Licensing Board is to consist of such number (not fewer than 5 and not more than 10) of members as may be determined by the relevant council. Aberdeen City Council has agreed that the Licensing Board comprise 9 members. The

members of a Licensing Board are to be elected by the council from among its councillors

- 11.2 Councillor Donnelly submitted a notice of resignation by way of email. The clerk to the Board must, on receipt of a notice of resignation, give the Council a copy of the notice. A copy of the notice is attached as Appendix M.
- 11.3 Where there is a vacancy in the membership of a Licensing Board, the Council must, at their first meeting after the vacancy arises, hold an election to fill the vacancy.

## **11. FINANCIAL IMPLICATIONS**

- 11.1 Adopting the recommendations in this report will have no direct financial implications but will help improve the robust governance framework required to support organisational change and achieve budget targets. Adhering to the terms of the Financial Regulations, an integral part of the stewardship of Council funds, will ensure that all the Council's transactions are conducted in a manner demonstrating openness, integrity and transparency.
- 11.2 Senior Councillor allowances are set in accordance with legislation issued by the Scottish Government. The legislation sets a minimum and maximum amount of allowances for Senior Councillors, fixes a maximum number of Senior Councillors and an overall limit on the total allowances paid to Senior Councillors.

## **12. LEGAL IMPLICATIONS**

- 12.1 The Scheme of Governance was designed to assist the Council in complying with its statutory duties and functions, whilst also being consistent with both the principles of the Target Operating Model and the CIPFA principles of good governance. The Scheme of Governance also supports the Council's pursuit of the CIPFA Governance Mark of Excellence.
- 12.2 The legislative bases for the various documents comprising the Scheme of Governance are as follows.
- 12.3 Section 56 of the Local Government (Scotland) Act 1973 - the Council may arrange for the discharge of any functions, subject to some exceptions, by a committee or sub committee. These are set out in the Committee Terms of Reference.
- 12.4 The same section also provides that the Council may arrange for the discharge of any of its functions, subject to some exceptions, by an officer of the Council. These delegations are contained in the Powers Delegated to Officers. Section 43 of the Town and Country Planning (Scotland) Act 1997 also requires the Council to publish a Scheme of delegation setting out how certain planning applications are to be dealt with by officers.



- 12.5 Section 62 of the Local Government (Scotland) Act 1973 empowers the Council to make, vary or revoke standing orders for meetings of Councils, committees and sub committees.
- 12.6 Legislation requires the Council to adhere to stringent financial controls and practices. The Financial Regulations are integral to this requirement.
- 12.7 The Procurement Reform (Scotland) Act 2014 and direct EU legislation must be complied with, and the Procurement Regulations achieve this whilst empowering staff and promoting Best Value.
- 12.8 The Council is required under Section 47 of the Police and Fire Reform (Scotland) Act 2012 and Section 41E of the Fire (Scotland) Act 2005 to scrutinise local police plans and local fire and rescue plans respectively. This is undertaken through the terms of reference of the Public Protection Committee.

### 13. MANAGEMENT OF RISK

	Risk	Low (L), Medium (M), High (H)	Mitigation
<b>Financial</b>	No direct financial implications for the Scheme of Governance	L	The Scheme of Governance itself mitigates against risk of poor financial management, poor value for money, fraud and financial loss.
<b>Legal</b>	The Council's legal obligations are set out in section 12	L	Adherence to the specified legislation ensures accountability
<b>Employee</b>	No direct risk	L	Adherence to the Scheme of Governance protects employees in the undertaking of their roles
<b>Customer</b>	Customers find the decision making structure complex	M	Recommended proposals aim to provide greater clarity on the purpose and remit of each committee
<b>Environment</b>	No direct risk	L	Electronic documents and the paperlight project reduce the impact on the environment through reduced paper use
<b>Technology</b>	No direct risk	L	

<b>Reputational</b>	Failure to update the Scheme of Governance and make other necessary changes could present a reputational risk to the Council	M	Extensive consultation has been undertaken with officers and Elected Members and the recommended proposals are reflective of that process
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#### 14. OUTCOMES

The proposals in this report have no direct impact on the LOIP.

<b>Design Principles of Target Operating Model</b>	
	<b>Impact of Report</b>
<b>Customer Service Design</b>	The revised Terms of Reference will provide greater clarity as to the purpose and remit of each committee and therefore will support participation. The new committee report template ensures that the voice of young people is considered, as well as all protected characteristics stated in the Equality Act 2010.
<b>Governance</b>	This report is concerned with improving the Council's governance arrangements through changes to the Scheme of Governance.
<b>Partnerships and Alliances</b>	The Terms of Reference detail the role of partnerships in respect of each committee undertaking its remit.

#### 15. IMPACT ASSESSMENTS

<b>Assessment</b>	<b>Outcome</b>
<b>Equality &amp; Human Rights Impact Assessment</b>	Full EHRIA not required
<b>Data Protection Impact Assessment</b>	Not required
<b>Duty of Due Regard / Fairer Scotland Duty</b>	Not applicable

#### 16. BACKGROUND PAPERS

N/A

## **17. APPENDICES**

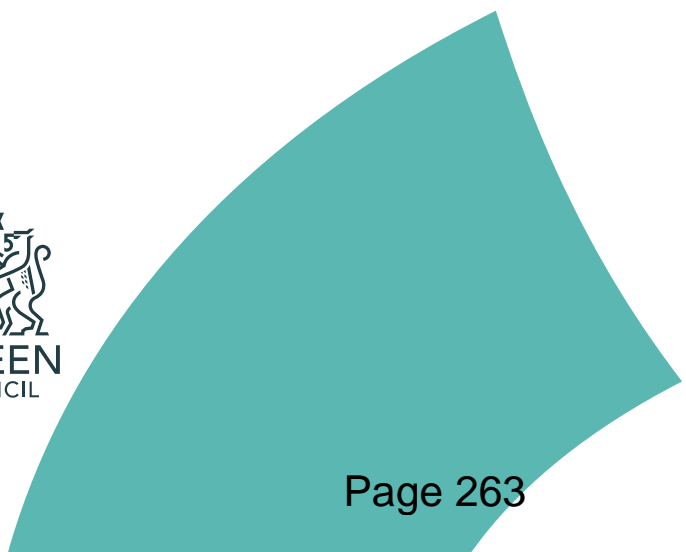
- A. Scheme of Governance Introduction
- B. Committee Terms of Reference
- C. Powers Delegated to Officers
- D. Standing Orders for Council, Committees and Sub Committees
- E. Financial Regulations
- F. Procurement Regulations
- G. Member - Officer Relations Protocol
- H. List of sub committees
- I. List of working groups
- J. List of working groups recommended to be disbanded
- K. List of joint committees/partnerships
- L. List of outside bodies
- M. Email of Resignation of Councillor Donnelly from the Licensing Board

## **18. REPORT AUTHOR CONTACT DETAILS**

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# Scheme of Governance

Approved by Council 2 March 2020



# Aberdeen City Council

## Scheme of Governance

### 1. Purpose and Interpretation

The Scheme of Governance for Aberdeen City Council is jointly authored by the Chief Officer – Governance, the Chief Officer – Finance and the Head of Commercial and Procurement.

The Scheme of Governance contains key governance documents to facilitate lawful decision making. It is one of the primary sources of assurance required to demonstrate the effectiveness of the Council's systems of internal control, referred to in the Council's approved Local Code of Corporate Governance against which the Annual Governance Statement is set.

These documents should be read and interpreted in conjunction with one another. In the event of any inconsistencies between the documents, advice should be sought from the Monitoring Officer. In the event of a discrepancy between the law and the Scheme of Governance documents, the law will prevail.

The Scheme of Governance contains the following:

DOCUMENT	PURPOSE
Committee Structure and Terms of Reference	Decision making authority delegated by the Council to each Committee and Sub Committee
Powers Delegated to Officers	Decision making authority delegated by the Council to the Chief Executive, Directors and Chief Officers
Standing Orders for Council, Committee and Sub Committee Meetings	Rules of procedure for meetings of Full Council and its Committees and Sub Committees
Financial Regulations	Rules governing financial management of the Council
Procurement Regulations	Rules governing contracting and procurement by the Council
Member Officer Relations Protocol	Rules governing relationships between elected members and Council officers

### 2. Implementation and Review

The Scheme of Governance was initially approved by Full Council in March 2018 and is subject to the following review arrangements:

- o Annual review alongside the Annual Governance Statement to be led by Chief Officer – Governance and reported to Council, if necessary, with any proposed alterations.
- o The terms of the delegation to Chief Officer – Governance to make minor amendments (i.e. non material) following consultation with the Business Manager.



## ACC Committee Terms Of Reference

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**Version 3.0**

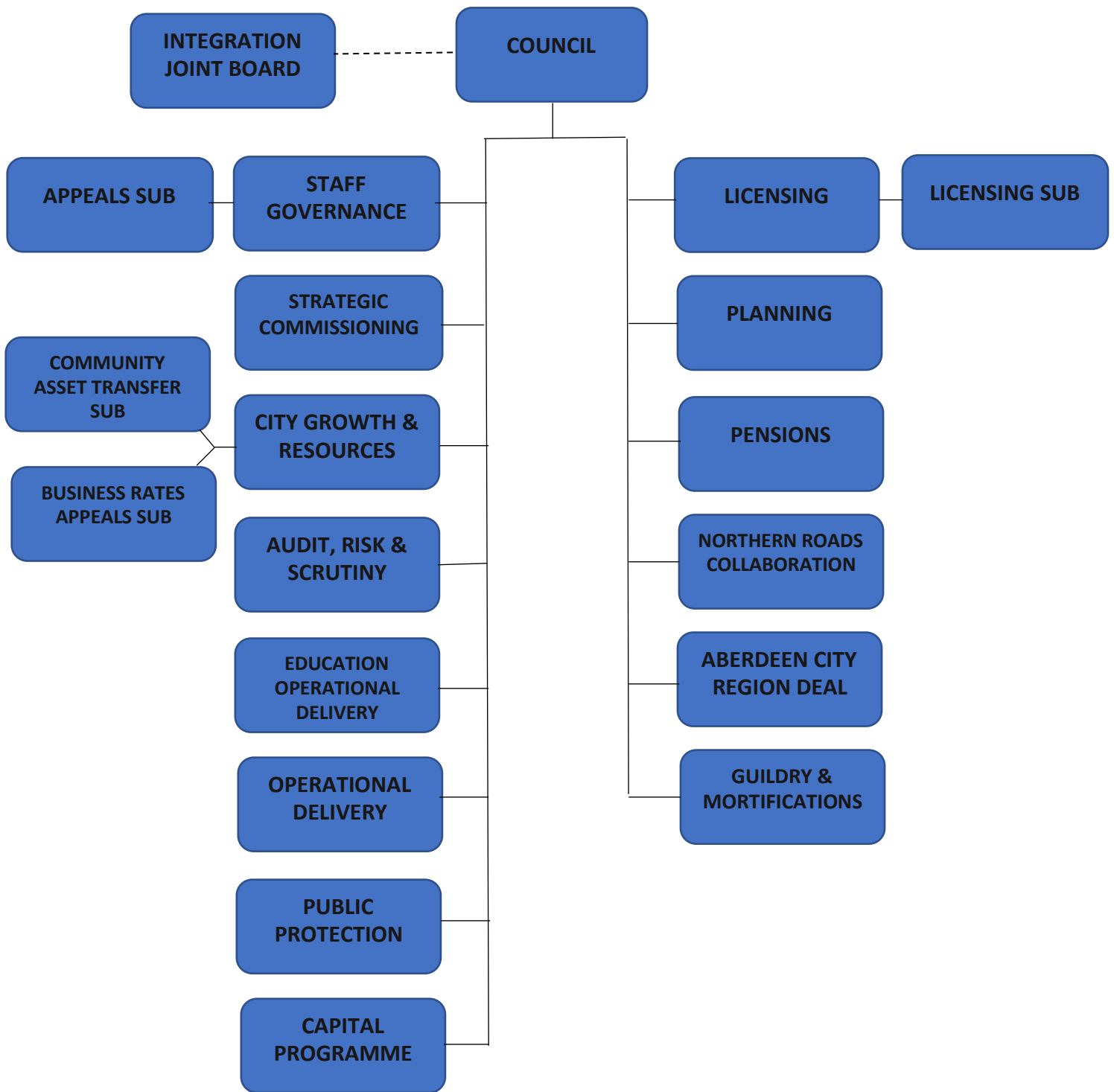
**Effective From 1 April 2020**

**To be Reviewed March 2021**

**Application of Policy Council-wide**

**Policy Author Allison Swanson, Interim Democracy Manager**





## INTRODUCTION

1. The Council derives its authority from the Local Government (Scotland) Act 1973 and subsequent legislation. In exercising all of its functions and undertaking its responsibilities it must comply with the law.
2. Under s57 of the 1973 Act, the Council is permitted to appoint committees, or with other Councils, joint committees, to discharge functions which the Council could itself discharge, other than as set out in legislation.
3. A committee can appoint sub committees to exercise any function delegated to it.
4. Under s56(1) of the 1973 Act, the Council is permitted to delegate the discharge of functions to officers. The Committee terms of reference should be read in the context of the Powers Delegated to Officers. Any delegation made to an officer shall not prevent the Council, relevant committee or sub committee from exercising the power so delegated.
5. The Council has also delegated powers to the Integration Joint Board of the Aberdeen City Health and Social Care Partnership under the Public Bodies (Joint Working) (Scotland) Act 2014.
6. In accordance with Standing Order 47.7, Council can determine any matter which would otherwise fall to be determined by a committee or sub committee; and under Standing Order 47.8, a committee can determine any matter which would otherwise fall to be determined by one of its sub committees.
7. A committee can at any time refer or make a recommendation on any matter delegated to it to Council, and a sub committee can refer or make a recommendation on any matter delegated to it to Council or to its parent committee.
8. Any decision taken by a committee or sub committee is deemed to be a decision of Council itself.
9. These committee and sub committee terms of reference may be amended only after consideration of a report to Council or the appropriate parent committee by the Chief Officer – Governance.
10. Non material amendments to these committee and sub committee terms of reference can be made by the Chief Officer - Governance, following consultation with the Business Manager without the requirement to report to Council or the appropriate parent committee.
11. Any non material amendments made by the Chief Officer – Governance will be notified to members once completed.
12. The Terms of Reference will be reviewed annually by the Chief Officer – Governance as part of the review of the Scheme of Governance.
13. In exercising their functions, the Council, its committees and sub committees shall
  - i. meet their equalities obligations and take full account of their responsibilities to those customers and citizens with protected characteristics;
  - ii. in accordance with Unicef’s Child Friendly Cities and Communities Programme, ensure, so far as possible, that children are allowed a voice in decisions which affect both them and their City; and
  - iii. work with outside bodies and partners in the emerging civic leadership forums.

- iv. work with outside bodies and partner organisations, locally and nationally, to oversee strategic economic development and its governance in the city and civic leadership forums.
- v. consider the experience of customers and take such action to ensure to ensure that services meet customers' needs

## **JOINT WORKING WITH COMMITTEES AND NON COUNCIL BODIES**

It is recognised that the Council and each committee will maintain an awareness of key issues through the work of other committees, through lead officers, Conveners and Vice Conveners working together. In addition, key issues will be considered following engagement with external organisations and communities, through appropriate forums.

## **1. ABERDEEN CITY COUNCIL**

The Council reserves the following functions:

1. The setting of council tax in accordance with s93(1) of the Local Government Finance Act 1992 or the setting of a reduced amount of council tax under s94 of that Act or paragraph 3 of Schedule 7 to that Act.
2. The setting of a balanced budget annually, including the setting of fees and charges, including the approval of commissioning intentions and service standards
3. The approval of the capital programme.
4. The borrowing of money as provided for in section 56(6)(d) of the Local Government (Scotland) Act 1973.
5. The approval of any annual investment strategy or annual investment report required by any consent issued by Scottish Ministers under s40 of the Local Government in Scotland Act 2003.
6. The approval of the Council's Treasury Management Policy and Strategy.
7. The appointment of committees, including external members, and the number and allocation of committee places, the appointment and removal from office of the Lord Provost, Depute Provost, Leader or Co Leaders and/ or Depute Leader, Business Manager and Depute Business Manager, a convener for each committee and a vice convener as appropriate and the approval of senior councillor allowances.
8. The election of members to the Licensing Board.
9. The review of polling districts and polling places.
10. The administration of trusts in respect of which the Council is sole trustee or the only trustees are elected members and/or officers of the Council, such administration to include the exercise of all trustee powers in terms of legislation, common law and trust deeds.
11. The approval of the Local Development Plan.
12. The approval of an Administration's political priorities.
13. The consideration of the Council's Delivery Plan.
14. The consideration of its annual report of its effectiveness and each committee's annual report of its effectiveness.
15. The consideration, where required, of reports by both the Standards Commission for Scotland and the Financial Conduct Authority, and the overseeing of members' standards of conduct.
16. The establishment of the Appointment Panel in accordance with the Standing Orders for Council, Committees and Sub Committees.
17. The approval of the Council's Scheme of Governance.
18. The approval of the Council/Committee Diary
19. The approval of the Scheme of Establishment for Community Councils.
20. The establishment of Working Groups.

21. To consider any matter which the Council has previously considered and agreed to receive a further report.

**Executive Lead: Chief Executive**

## **2. GENERAL DELEGATIONS TO COMMITTEES**

1. Each committee can settle claims against the Council arising out of the functions supervised by the committee, irrespective of value so long as the amount can be met from an approved budget, except where an officer has exercised a delegated power.
2. Each committee can vire within those functions in its remit, to the extent set out in the Financial Regulations.
3. Each committee and sub committee can determine any applications for loans, grants, donations and subscriptions except where an officer has exercised a delegated power.
4. Each committee can appoint up to five members, consistent with the principles of political balance, to attend any meeting or conference relevant to the interests of the committee subject to the following provisions:
  - 4.1 no more than two members will be appointed to attend a conference outwith the European Union without the approval of the City Growth and Resources Committee;
  - 4.2 in the case of a meeting or conference of interest to more than one committee, no more than six members and officers will be appointed without the approval of the City Growth and Resources Committee; and
  - 4.3 in the event of a disagreement among committees, the matter will be determined by the City Growth and Resources Committee.
5. Each committee will, as required, approve programmes of foreign travel for the financial year ahead as they relate to its remit, in accordance with the Travel Policy.
6. Each committee will consider and respond to petitions addressed to the Council as they relate to its remit, in accordance with the petitions procedure.
7. Except where an officer has chosen to exercise a delegated power, each committee can approve bids to awards programmes or for external funding relative to the remit which it oversees, subject to budget provision.
8. Each committee will, where appropriate:
  - 8.1 approve Council policies and strategies (including partnership strategies) relative to its remit;
  - 8.2 approve appointments to outside bodies relative to its remit;
  - 8.3 meet the requirement to achieve Best Value in performing its role;
  - 8.4 receive the cluster risk registers relative to its remit and scrutinise to ensure assurance;
  - 8.5 monitor performance relevant to its purpose and remit;
  - 8.6 receive its own committee planner; and
  - 8.7 receive reports, as required, on the implications of proposed draft legislation and evidencing the Council's readiness to comply with the new legal obligations and/or discretionary powers on the functions relative to its remit.

### **3. EXCLUSIONS FROM DELEGATION TO COMMITTEES**

1. Incurring revenue expenditure for which no provision or insufficient provision has been made in the revenue budget, except with the approval of the City Growth and Resources Committee.
2. Acquiring or disposing of any land or buildings or associated interests, except with the approval of the City Growth and Resources Committee.
3. Making representations to or appointing a deputation to meet any Government Minister or Government Department in relation to the financing of the Council or any of its services, except with the approval of the City Growth and Resources Committee.



## **4. URGENT BUSINESS COMMITTEE**

### **PURPOSE OF COMMITTEE**

Subject to relevant legislation, to deal with items of business of an urgent nature that cannot wait for the next meeting of Council or the appropriate committee or sub committee.

### **REMIT OF COMMITTEE**

1. Subject to 1.5 below, to exercise all functions of the Council, or the committee or sub committee which would otherwise have dealt with the matter.

### **PROCESS**

- 1.1 A meeting of the Committee will be called by the Chief Officer - Governance on the instruction of the Chief Executive where the Chief Executive and the Business Manager are satisfied that the relevant business is urgent.
- 1.2 The Chief Officer - Governance may subject to the Business Manager's approval add further matters to the agenda of a meeting already called only where the Chief Executive and the Business Manager are satisfied that the matters are urgent.
- 1.3 Before considering any item of business, the Committee will determine whether the item is urgent and requires to be considered, and if it does, the special circumstances will be specified in the minute.
- 1.4 If the Committee resolves not to consider the matter, the item of business will be placed on the agenda for the next scheduled meeting of the Council, Committee or Sub Committee as appropriate.
- 1.5 The Committee cannot consider, in terms of Standing Order 5.3, any business relating to the removal of a member from office.

**Executive Lead: Chief Executive**

## **5. STRATEGIC COMMISSIONING COMMITTEE**

### **PURPOSE OF COMMITTEE**

To approve all internal and external commissioning activity by the Council, in accordance with the commissioning cycle, with the exception of procurement relating to the Capital Programme.

### **REMIT OF COMMITTEE**

#### **1. Analysis**

- 1.1** to receive a bi-annual Population Needs Assessment to understand the needs which public bodies must address;
- 1.2** to receive, as appropriate, an in-depth analysis of key groups, priorities and challenges across public services to identify and action potential efficiencies and improvements to help ensure that the needs of customers and citizens are met and commissioning intentions are delivered; and
- 1.3** to receive, as appropriate, sufficiency and market analyses to understand existing and potential provider strengths and weaknesses, and identify and take action in respect of any opportunities for improvement or change in providers.

#### **2. Planning**

- 2.1** to endorse the refresh of the Local Outcome Improvement Plan (LOIP, including recommending any changes which may be required);
- 2.2** to approve annual procurement workplans, reflecting the LOIP, the Population Needs Assessment, the Council's commissioning intentions, the Council's service standards, the views of customers and citizens, and the best evidence of effective interventions to ensure a preventative focus on demand reduction.

#### **3. Doing**

- 3.1** to approve all procurement activity by the Council, with the exception of procurement relating to the Capital Programme which will be approved by the City Growth and Resources Committee, including
  - 3.1.1** Procurement Business Cases submitted in accordance with Procurement Regulations;
  - 3.1.2** Grants and associated conditions;
  - 3.1.3** Contract management arrangements and Service Level Agreements; and
  - 3.1.4** The establishment of Arm's Length External Organisations (ALEOs) where it is determined that services should not be provided in-house.
- 3.2** when approving procurement activity, the Committee will:
  - 3.2.1** promote investment in the prevention, early intervention and reduction in the demand for services; consider the experience of customers and take such action to ensure to ensure that services to be commissioned are co-designed to meet customers' needs;
  - 3.2.2** ensure that commissioned services are focused on delivering the Council's agreed commissioning intentions and contribution to the LOIP; and
  - 3.2.3** identify potential efficiencies and improvements in quality, including across partner organisations and promote the strategic allocation of resources.

- 3.3 to decommission services, including ALEOs, that do not meet the Council's commissioning intentions and outcomes.
- 3.4 to take such action to ensure that appropriate supply management and capacity building (market facilitation) is in place to ensure a good mix of resilient service providers, that offer customers an element of choice in how their needs are met;
- 3.5 to approve the Strategy Framework to facilitate the delivery of agreed outcomes.

#### 4. Reviewing

- 4.1 to approve amendments to the Council's Performance Management Framework (PMF);
- 4.2 to receive annual reports on the LOIP and Locality Partnership Plans;
- 4.3 to consider and monitor performance associated with the Council's agreed commissioning intentions and ultimate contribution to the LOIP outcomes
- 4.4 to receive annual reports from each of the council's ALEO to enable scrutiny of performance;
- 4.5 to receive an annual procurement performance report to enable scrutiny of performance; and
- 4.6 to receive reports on any change in legislative requirements, policy and population needs which may facilitate opportunities to work differently to improve outcomes or may require revisions to existing commissioning intentions and outcomes.

#### 5. Service Delivery

- 5.1 The Committee will, for the Business Intelligence and Performance Management and Commercial and Procurement clusters:-
  - 5.1.1 oversee, and make decisions relating to service delivery;
  - 5.1.2 approve options to improve/transform service delivery;
  - 5.1.3 scrutinise operational performance and service standards in line with the Performance Management Framework and consider recommendations for improvements where required;
  - 5.1.4 receive the cluster risk registers relative to its remit and scrutinise to ensure assurance of the controls in place;
  - 5.1.5 approve all policies and strategies relative to its remit; and
  - 5.1.6 receive reports on inspections and peer reviews in order to ensure best practice and note any actions arising from those inspections and reviews.

**Executive Lead: Director of Commissioning**

## **6. CITY GROWTH AND RESOURCES COMMITTEE**

### **PURPOSE OF COMMITTEE**

To approve and monitor financial strategies, budgets and financial performance in light of available funding. The Committee will also consider:

- strategies to support the city's economic growth;
- additions to the Capital Programme; and
- recommendations regarding the Council's property and estates portfolio.

The Committee monitors the delivery of all services provided by the Resources Function and the City Growth, Governance and Strategic Place Planning. It scrutinises performance and approves options to improve those services within set budgets to ensure best value and delivery of the Council's agreed outcomes.

### **REMIT OF COMMITTEE**

#### **1. Budgets**

The Committee will:

- 1.1 approve recommendations regarding the Council's resources including finance, staffing structures and property; and monitor all Council budgets including all Useable Reserves, and in particular:
  - 1.1.1 scrutinise function budget monitoring reports and make decisions to ensure that Council spending is delivered on budget;
  - 1.1.2 hold budget holders to account for the proper control of the budget for which they are responsible;
  - 1.1.3 approve changes to the budget including vire between function budgets where this is in excess of the amount delegated to officers in the Financial Regulations and Powers Delegated to Officers;
  - 1.1.4 consider and approve Outline and Full Business Cases for projects added to the Capital Programme outwith the budget process
  - 1.1.5 approve annual procurement workplans in respect of the Capital Programme,
  - 1.1.6 approve Procurement Business Cases in respect of projects added to the Capital Programme outwith the budget process, submitted in accordance with Procurement Regulations;
  - 1.1.7 approve the allocation of additional funding or removal of funding to existing projects, both capital and revenue;
  - 1.1.8 approve the addition of new projects to the Capital Programme outwith the budget process;
  - 1.1.9 approve use of the Council's Useable Reserves;
  - 1.1.10 monitor the Code of Guidance on Funding External Bodies and Following the Public Pound and take such action as is required to ensure that the Council meets its duties;

- 1.1.11 receive Moody's formal credit rating reassessment; and
- 1.1.12 approve financial guarantees, including requests received from relevant Admitted Bodies of the Pension Fund.

## **2. Service Delivery**

- 2.1 The Committee will, for the Resources Function and the City Growth, Governance and Strategic Place Planning Clusters:-
  - 2.1.2 make decisions relating to service delivery;
  - 2.1.3 approve options to improve/transform service delivery;
  - 2.1.4 scrutinise operational performance and service standards in line with the Performance Management Framework and consider recommendations for improvements where required;
  - 2.1.5 receive the cluster risk registers relative to its remit and scrutinise to ensure assurance that efficient controls are in place;
  - 2.1.6 approve all policies and strategies relative to its remit; and
  - 2.1.7 receive reports on inspections and peer reviews in order to ensure best practice and note any actions arising from those inspections and reviews.
- 2.2 In undertaking the aspects at 2.1, the Committee will ensure that it is acting within the budget set by Council and overseen by this Committee and in accordance with best value and supporting delivery of the Council's agreed outcomes, commissioning intentions, service specifications and service standards.

## **3. City Growth and Strategic Place Planning**

The Committee will:

- 3.1 approve reports to support the annual re-assessment of the Council's credit rating;
- 3.2 approve the Council's actions for city growth and place planning except in relation to major infrastructural planning and the Local Development Plan; and
- 3.3 approve key actions required by the Council to facilitate the delivery of strategies (including partnership strategies) and the Inward Investment Plan to support city growth and place planning.

## **4. Property and Estates**

The Committee will:

- 4.1 approve recommendations regarding the Council's assets, property and estates;
- 4.2 hear and determine requests for review under s86(10) of the Community Empowerment (Scotland) Act 2015 against the refusal by officers to approve community asset transfers;
- 4.3 approve the procedure for the Community Asset Transfer Sub Committee; and
- 4.4 approve the acquisition and disposal of land, and property.

## **7. BUSINESS RATES APPEALS SUB COMMITTEE**

### **PURPOSE OF SUB COMMITTEE**

To hear appeals against rating liability under section 238 of the Local Government (Scotland) Act 1947.

### **REMIT OF SUB COMMITTEE**

1. To determine all requests for appeal against the identification of an individual as being responsible for the payment of business rates.
2. The Sub Committee shall operate in terms of the agreed procedure, which shall comply with section 238 of the Local Government (Scotland) Act 1947.
3. The Sub Committee shall comprise five elected members and the quorum shall be three.

**Executive Lead: Chief Officer - Finance**

## **8. COMMUNITY ASSET TRANSFER REVIEW SUB COMMITTEE**

### **PURPOSE OF SUB COMMITTEE**

To act as the review body in respect of decisions relating to Asset Transfer Requests, as defined in Section 86(10) of the Community Empowerment (Scotland) Act 2015, which states that a review must be carried out by Councillors.

### **REMIT OF SUB COMMITTEE**

1. To determine all requests for a review of the decision taken by officers or the City Growth and Resources Committee in respect of Community Asset Transfers.
2. The Sub Committee shall operate in terms of the agreed procedure, which shall comply with the Asset Transfer Request (Review Procedure) (Scotland) Regulations 2016.
3. The Sub Committee shall comprise five elected members who have not participated in the original decision at City Growth and Resources Committee and the quorum shall be three.

**Executive Lead: Chief Officer - Finance**



## **9. CAPITAL PROGRAMME COMMITTEE**

### **PURPOSE OF COMMITTEE**

To monitor the development and delivery of the council's capital programme as well as monitoring the development of the Local development plan.

### **REMIT OF COMMITTEE**

1. The Committee in relation to the capital programme will:-
  - 1.1 scrutinise the progress and delivery of capital projects against the approved business cases
  - 1.2 review progress in the delivery of the benefits of the Capital Programme, including through the receipt and scrutiny of Post Project Evaluations (PPEs) and Post Occupancy Evaluations (POEs); and
  - 1.3 request a report to allow for the detailed consideration of any project which is of particular concern or interest.
2. The Committee will oversee and approve the preparation of the Local Development Plan, subject to final approval thereon being given by Council.

**Executive Lead: Chief Officer - Capital**

## **10. OPERATIONAL DELIVERY COMMITTEE**

### **PURPOSE OF COMMITTEE**

To monitor the delivery of all services provided by the Customer Services Function and the Operations Function (with the exception of educational services). It will also scrutinise performance and approve options within set budgets to ensure best value and delivery of the Council's agreed outcomes.

### **REMIT OF COMMITTEE**

#### **1. Service Delivery and Performance**

1.1 The Committee will, in respect of the Customer Services Function and the Operations Function (with the exception of educational services):-

- 1.1.1 oversee, and make decisions relating to, service delivery;
- 1.1.2 approve options to improve/transform service delivery;
- 1.1.3 scrutinise operational performance and service standards in line with the Performance Management Framework and consider recommendations for improvements where required;
- 1.1.4 receive the cluster risk registers relative to its remit and scrutinise to ensure assurance of the controls in place;
- 1.1.5 approve all policies and strategies relative to its remit; and
- 1.1.6 receive reports on inspections and peer reviews in order to ensure best practice and note any actions arising from those inspections and reviews.

1.2 In undertaking the aspects at 1.1, the Committee will ensure that it is acting within the budget set by Council and is supporting the delivery of the Council's agreed outcomes, commissioning intentions and service standards.

1.3 The Committee may make recommendations to the appropriate committee(s) or sub committee(s) on areas affecting the Customer Services Function or the Operations Function (with the exception of educational services) where the authority to approve sits within the remit of another Committee or Sub Committee.

**Executive Lead: Chief Operating Officer and the Director of Customer Services**

## **11. EDUCATION OPERATIONAL DELIVERY COMMITTEE**

### **PURPOSE OF COMMITTEE**

To advise on and discharge the Council's functions as education authority as set out in the Education (Scotland) Act 1980 and all other relevant legislation and regulations where not otherwise delegated.

The committee will also:

- monitor the delivery of educational services undertaken as education authority and provided by Integrated Children's and Family Services (with the exception of children's social work services which will be monitored by the Operational Delivery Committee);
- make recommendations in respect of school property matters to the City Growth and Resources Committee;
- scrutinise performance; and
- agree changes such as school zoning arrangements (within set budgets), or make recommendations to another committee, for improvements to functions related to education in order to ensure best value and delivery of the Council's agreed outcomes, commissioning intentions, service specifications and service standards.

### **REMIT OF COMMITTEE**

#### **1. Service Delivery and Performance**

1.1 The Committee will, in respect of educational services (early years and schools) provided by Integrated Children's and Family Services and the management of the school estate undertaken by the Corporate Landlord:-

- 1.1.1 oversee, and make decisions relating to service delivery;
- 1.1.2 approve options to improve/transform service delivery relative to the functions of the Council as education authority under the Education (Scotland) Act 1980 and all other relevant legislation and regulations;
- 1.1.3 scrutinise operational performance and service standards in line with the Performance Management Frameworks and consider recommendations for improvements where required;
- 1.1.4 receive the cluster risk registers relative to its remit and scrutinise to ensure assurance of the controls in place;
- 1.1.5 approve all policies and strategies relative to its remit; and
- 1.1.6 receive reports on school inspections and peer reviews in order to ensure best practice and note any resultant improvement actions arising from those inspections and reviews.

1.2 In undertaking the aspects at 1.1, the Committee will ensure that it is acting within the budget set by Council and is supporting the delivery of the Council's agreed outcomes, commissioning intentions and service standards.

1.3 The Committee may make recommendations to the appropriate committee(s) or sub committees on areas affecting educational services where the authority to approve sits within the remit of another committee or sub committee.

## **EXTERNAL MEMBERSHIP**

The Committee's membership will include seven persons with voting rights who are not members of the Council. The seven external members will be appointed by the Council at its statutory meeting (or other meeting as appropriate) as follows:-

1. 1. three persons representing religious bodies in accordance with the requirements of Section 124 (4) of the Local Government (Scotland) Act 1973; and
2. in accordance with the discretion conferred by Section 124 (3) of the Local Government (Scotland) Act 1973:
  - 2.1 two teachers employed in educational establishments managed by the Council nominated by the Teachers' Consultative Forum, comprising one representative from primary, including nursery, and one representative from secondary; and
  - 2.2 two parent representatives, selected by the Aberdeen City Parent Council Forum from within its own membership, comprising one representative from primary, including nursery, and one representative from secondary.

**Executive Lead: Chief Operating Officer and the Director of Customer Services**

## **12. AUDIT, RISK AND SCRUTINY COMMITTEE**

### **PURPOSE OF COMMITTEE**

To ensure that the Council has robust arrangements for:

- Good governance including information governance, surveillance, fraud, bribery and corruption;
- Maintaining an effective control environment through an effective approach to risk management; and
- Reporting on financial and performance reporting.

The Committee will also monitor the effectiveness of the Internal Audit function and the Council's implementation of its recommendations, as well as the implementation of the recommendations of its external auditors.

### **REMIT OF COMMITTEE**

#### **1. Risk Management**

The Committee will ensure the effectiveness of the Council's risk management system and will:

- 1.1** receive an annual review of the system of risk management and an annual report on the corporate risk register and related action plans;
- 1.2** monitor the implementation of the Council's ALEO Assurance Framework by receiving reports from the ALEO Assurance Hub on the monitoring and mitigation of risks to the Council associated with its ALEOs;
- 1.3** receive an annual report in respect of the Council's information governance;
- 1.4** approve all relevant policies.

#### **2. Internal Audit**

The Committee will:

- 2.1** approve the Internal Audit Annual Plan;
- 2.2** consider reports prepared by Internal Audit (with the exception of reports related to Pensions);
- 2.3** monitor compliance with Internal Audit recommendations (with the exception of reports related to Pensions);
- 2.4** monitor the performance of Internal Audit;

#### **3. External Audit**

The Committee will:

- 3.1** consider reports prepared by the Council's External Auditor;
- 3.2** monitor the Council's relationship with the External Auditor;
- 3.3** receive reports from the Local Area Network; and
- 3.4** monitor compliance with External Audit recommendations.

#### **4. Governance, Accounts and Finance**

The Committee will:

- 4.1** approve the Council's Annual Report and Annual Accounts;
- 4.2** approve the annual governance statement;
- 4.3** approve and monitor the Council's Code of Corporate Governance and approve such action as appropriate; and
- 4.4** monitor the integrity of financial reporting, and governance processes and internal control functions and approve such action as appropriate.

#### **5. Legal obligations**

The Committee will:

- 5.1** consider reports in respect of the whistleblowing policy; and
- 5.2** monitor the Council's compliance with its statutory obligations relating to surveillance, information governance, bribery, corruption and fraud, including the approval of all relevant policies.

#### **6. Scrutiny**

The Committee will:

- 6.1** once a matter, process or practice has been the subject of a report to Council or committee (including internal and external audits) and the consideration of the matter concluded by Council or said committee action (with the exception of quasi judicial matters and the Appeals, Business Rates Appeals and Community Asset Transfer Review Sub Committees), the committee, to ensure good practice, can determine that further consideration is required. It will not prevent, or alter, any decision being taken and will only review the effectiveness of decision making, or monitoring and may make recommendations to the relevant committee or Council
- 6.2** on occasion, where appropriate and as it sees fit, seek information from partner organisations, contractors or other stakeholders such as Community Councils or groups of interest on any particular issue;
- 6.3** request, where appropriate and in terms of any contract or agreement, representatives of external organisations to attend and contribute to meetings; and
- 6.4** receive reports from regulatory bodies and those providing external assurance such as the Scottish Public Services Ombudsman and Inspector of Crematoria, ensure that the Council responds appropriately and monitor compliance with recommendations.

**Executive Lead: Chief Officer – Governance**

## **13. STAFF GOVERNANCE COMMITTEE**

### **PURPOSE OF COMMITTEE**

To act as a consultative forum for discussion between management, elected members and trade unions, on matters relating to staff in the pursuit of a workplace culture that reflect the requirements of a 21<sup>st</sup> Century public sector organisation.

Through partnership working the committee will support the Council becoming an employer of choice by promoting positive values, behaviours, training and recruitment and ways of working.

The Committee also acts as safety committee within section 2(7) of the Health and Safety at Work etc Act 1974 and keeps under review measures taken to ensure the health and safety at work of employees. The committee provides a channel of communication, co-operation and involvement between the Council and trade union representatives on all relevant health and safety matters.

### **REMIT OF COMMITTEE**

#### **1. Partnership approach arrangements**

The Committee will:

- 1.1** seek to maintain good relationships and model a partnership approach between the Council and trade unions;
- 1.2** provide a decision making forum, for the resolution of staffing matters that cannot be resolved through normal processes including but not restricted to conditions of service (except teachers<sup>1</sup>); and
- 1.3** consider reports by the Chief Officer – People and Organisational Development on matters following a request by a trade union advisor provided always that the Chief Officer – People and Organisational Development is satisfied that the matter is appropriate and relevant to the remit of the Committee and that it raises no question of individual employee issues.

#### **2. Strategic Workforce Plans and Policies**

The Committee will:

- 2.1** approve the Framework Agreement for Industrial Relations (the FAIR agreement);
- 2.2** approve strategic workforce plans which reflect the requirements of a 21st Century Council in terms of staff, skills and attributes;
- 2.3** approve framework documentation in relation to workforce culture;
- 2.4** approve strategic training and development plans for the whole organisation;
- 2.5** approve all staff policies, these being policies where the predominant factor affects the expected behaviour and actions of staff;

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<sup>1</sup> Teacher conditions of service are not agreed locally – they are agreed at national level, and therefore the Staff Governance Committee would have no locus to make any decisions on teaching terms and conditions.



2.6 monitor equality in employment and ensure that the Council, as an employer, complies with its statutory equal pay and other equality responsibilities; and

2.7 receive people performance data to enable the monitoring of the wellbeing of our staff including but not limited to absence data.

### **3. Health, Safety & Wellbeing of Staff**

The Committee will:

3.1 approve health, safety and wellbeing policies

3.2 approve the Corporate Health and Safety Annual Audit Plan

3.3 monitor performance and compliance across all functions of the Council in respect of

i Health and safety legislation

ii Health, safety and wellbeing policies

iii Health and safety recommendations, including those from external inspection bodies

### **6. Employment Appeals and Disputes**

The Committee will:

6.1 approve the procedure for the Appeals Sub Committee.

## **MEMBERSHIP**

Elected members

Local trades union representatives as advisers – two named advisers from each of the following trades unions:

- Unison
- Unite
- GMB
- Educational Institute of Scotland (EIS)
- Scottish Secondary Teachers' Association (SSTA); and
- VOICE

**Executive Lead: Chief Officer – People and Organisational Development**

## **14. APPEALS SUB COMMITTEE**

### **PURPOSE OF THE SUB COMMITTEE**

To determine all delegated staff employment issues raised in accordance with Council policy where provision exists for an appeal to this Sub Committee.

### **REMIT OF THE SUB COMMITTEE**

1. The Sub Committee will:
  - 1.1 determine appeals raised in accordance with Council policy where a right to appeal exists against dismissal or final written warning arising from hearings where the right of appeal exists; and
  - 1.2 determine disputes notified by Trades Unions in accordance with the Council's disputes resolution procedures.
2. The Sub Committee will operate in terms of the agreed procedure.
3. The Sub Committee will comprise five elected members drawn from the pool of membership of the Staff Governance Committee and the quorum will be three.

**Executive Lead: Chief Officer – People and Organisational Development**

## **15. PUBLIC PROTECTION COMMITTEE**

### **PURPOSE OF COMMITTEE**

To receive assurance on the statutory regulatory duties placed on the Council for:

- Child Protection;
- Adult Protection;
- Consumer Protection and Environmental Health;
- Civil Contingency responsibilities for local resilience and prevention; and
- Building control.

To undertake the Council's duties in relation to the Police and Fire and Rescue Services under the Police and Fire Reform (Scotland) Act 2012.

### **REMIT OF COMMITTEE**

#### **1. Child and Adult Protection**

The Committee will receive assurance from the Child and Adult Protection Committees on:

- 1.1** the impact and effectiveness of child and adult support and protection improvement initiatives, including:
  - 1.1.1** delivery of national initiatives and local implications;
  - 1.1.2** learning from significant case reviews;
  - 1.1.3** quality assurance;
  - 1.1.4** training and development; and
  - 1.1.5** local evidence based initiatives;
- 1.2** effective working across child and adult protection; and
- 1.3** statistics relating to the Child Protection Register and the Vulnerable People's Database, whilst noting that it has no remit to challenge entries.

The Committee will also:

- 1.4** receive assurance on the outcome of Council's duty to deliver an effective justice service as determined by statutory inspections;
- 1.5** receive assurance on the Council's compliance with statutory duties in respect of child poverty; and
- 1.6** consider the Chief Social Work Officer's Annual Report

#### **2. Local Resilience**

The Committee will:

- 2.1** monitor compliance with the Council's duties relating to resilience and local emergencies; this includes reviewing staffing arrangements and systems for incident management

- 2.2 monitor compliance with the Council's duties relating to the provision of a city mortuary, and its adequacy for supporting the needs of mass fatalities;
- 2.3 receive assurance that services are maintaining and reviewing Business Continuity Plans in accordance with the priorities allocated to them;
- 2.4 receive relevant local, regional and national lessons learnt reports and recommendations in respect of emergency planning matters and monitor their implementation; and
- 2.5 monitor the Council's response to the National CONTEST strategy and associated plans relating to Counter Terrorism.

### **3. Protective Services**

The Committee will:

- 3.1 receive assurance in respect of the Council's performance in relation to Trading Standards, Environmental Health (including the Public Mortuary) and Scientific Services;
- 3.2 receive external inspection and audit reports relating to the above services listed at 3.1; and
- 3.3 receive a summary of findings from statutory sampling and analysis work carried out by or on behalf of the Environmental Health and Trading Standards services to ensure compliance with required standards.

### **4. Building Control**

The Committee will consider reports on:

- 4.1 major incidents and fatal accident inquiries and any resulting impact and responsibilities placed on the Council;
- 4.2 activity by Building Standards in relation to public safety and dangerous buildings; and
- 4.3 activity by Building Standards in relation to public safety for unauthorised building work and the unauthorised occupation of buildings.

### **5. Police and Fire and Rescue Service**

In respect of the Council's responsibilities under the Fire (Scotland) Act 2005 and the Police and Fire Reform (Scotland) Act 2012 in relation to the Scottish Police Authority, the Police Service of Scotland and the Scottish Fire and Rescue Service, the Committee will:

- 5.1 contribute to and comment on the Strategic Police Plan and the Scottish Fire and Rescue Service Strategic Plan when consulted by the relevant national authority;
- 5.2 respond to consultation by the Chief Constable on the designation of a local commander and by the Scottish Fire and Rescue Service on the designation of a local senior officer;
- 5.3 be involved in the setting of priorities and objectives both for the policing of Aberdeen and for the Scottish Fire and Rescue Service in the undertaking of its functions in Aberdeen;
- 5.4 specify policing measures the Council wishes the local commander to include in a Local Police Plan;

- 5.5 approve a Local Police Plan submitted by the local commander and to approve a Local Fire and Rescue Plan (including a revised plan) submitted by the Scottish Fire and Rescue Service;
- 5.6 receive reports on service provision and delivery in Aberdeen and provide feedback to the local commander and the local senior officer;
- 5.7 consider reports, statistical information and other information about the policing of Aberdeen and the undertaking of the Fire and Rescue function in Aberdeen provided in response to the Council's reasonable requests;
- 5.8 agree, with the local commander, modifications to an approved Local Police Plan at any time; and
- 5.9 liaise with the local commander and local senior officer with regard to the undertaking by them of the community planning duties of the Chief Constable and the Scottish Fire and Rescue Service.

**Executive Lead: Chief Officer - Governance**

## **16. PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

### **PURPOSE OF COMMITTEE**

To ensure the effective undertaking of the Development Management and Building Standards duties of the Council.

### **REMIT OF COMMITTEE**

The Committee will:

1. determine all applications for consent or permission except those local applications which fall to be determined by an appointed officer under the adopted Scheme of Delegation or for which a Pre Determination Hearing has been held;
2. visit application sites where agreed;
3. make Orders and issue Notices;
4. approve development briefs and masterplans;
5. adopt non-statutory planning management guidance;
6. conduct pre-determination hearings in pursuance of the provisions contained within Section 38A of the Town and Country Planning (Scotland) Act 1997; and
7. determine an application for planning permission for a development where a pre determination hearing is held in terms of s38A of the Town and Country Planning (Scotland) Act 1997.

**Executive Lead: Chief Officer – Strategic Place Planning**

## **17. LICENSING COMMITTEE**

### **PURPOSE OF COMMITTEE**

To deal with the functions of the Council in relation to all licensing matters under the Civic Government (Scotland) Act 1982 and all other Acts (not falling specifically within the remit of the Licensing Board or any other Committee) covering personal or other licences, certificates and permits. This includes but is not restricted to applications for Mandatory and Discretionary Licences under Civic Government (Scotland) Act 1982; and Miscellaneous Licences under other Legislation.

#### **Mandatory Licences**

- Metal Dealer Licences
- Indoor Sports Entertainment Licences
- Skin Piercing and Tattoo Licences
- Houses in Multiple Occupation Licences
- Knife Dealer Licences
- Taxi Booking Office Licences

#### **Discretionary Licences**

- Taxi and Private Hire Car Licences
- Taxi and Private Hire Car Driver Licences
- Second Hand Dealer Licences
- Boat Hire Licences
- Street Trader Licences
- Market Operator Licences
- Public Entertainment Licences
- Late Hours Catering Licences
- Window Cleaner Licences
- Sex Shop Licences
- Permission to organisations for public charitable collections and public processions

#### **Miscellaneous Licences under other Legislation**

- Houses in Multiple Occupation - Housing (Scotland) Act 2006
- Registration of Private Landlords - Antisocial Behaviour etc.(Scotland) Act 2004
- Theatre Licence – Theatres Act 1968
- Cinema Licence - Cinemas Act 1985
- Safety in Sports Grounds - Safety in Sports Grounds Act 1975



## REMIT OF COMMITTEE

The Committee will:

1. determine applications for the grant, renewal, revocation, variation or suspension of any licence as appropriate;
2. determine applications and reviews for Houses in Multiple Occupation under the Housing (Scotland) Act 2006 (the responsibility for all other matters relating to the licensing of Houses in Multiple Occupation resting with the Operational Delivery Committee);
3. determine all other matters relating to licensing including the setting of taxi fares and the designation of taxi stances;
4. approve and monitor the Council's functions under the Safety of Sports Grounds Act 1975;
5. determine landlord registration applications under the Antisocial Behaviour Etc (Scotland) Act 2004;
6. determine film classifications under the Cinemas Act 1985;
7. determine theatre licences under the Theatres Act 1968; and
8. determine which of the optional licences they will invoke and which categories of activity within those licence categories shall be licenced under the Civic Government (Scotland) Act 1982.

## **18. LICENSING SUB COMMITTEE**

### **PURPOSE OF THE SUB COMMITTEE**

To act as the Licensing Committee in respect of applications referred by the Licensing Committee, or where there are items of urgent business to be determined.

### **REMIT OF THE SUB COMMITTEE**

The Sub Committee will:

1. determine any application referred to it by the Licensing Committee for the grant, renewal, revocation, variation or suspension of any licence; and
2. determine any urgent business placed before it by the Chief Officer - Governance or Chief Officer – Early Intervention and Community Empowerment relating to any matters falling within the remit of the Licensing Committee.

Members of the Sub Committee will be members of the Licensing Committee and the quorum will be 3 members.

**Executive Lead: Chief Officer – Governance**

## **19. PENSIONS COMMITTEE**

### **PURPOSE OF COMMITTEE**

To discharge all functions and responsibilities in respect of the Council's role as administering authority for the North East Scotland Pension Funds (NESPF). This includes managing the investment of the NESPF in accordance with the Local Government Pension Scheme (Management and Investment of Funds) (Scotland) Regulations 2010 and other relevant legislation.

The Committee will work alongside the Fund's Local Pension Board to consider any pension compliance matters raised.

Where reference is made to 'the Fund', this refers to the Main Fund (the North East Scotland Pension Fund) and the Transport Fund (the Aberdeen City Council Transport Fund).

### **REMIT OF COMMITTEE**

#### **1. Finance and Risk Management**

The Committee will:

- 1.1** approve the Funding Strategy Statement, produced in light of the Fund's assets and liabilities, and appoint or remove Fund Managers or new financial vehicles in furtherance of the strategy;
- 1.2** approve the budget and expenditure in connection with the administration of the Fund;
- 1.3** ensure that an effective system of internal financial control is maintained through scrutinising financial information presented to Committee;
- 1.4** ensure effective risk management of the Fund through monitoring of adherence to the Fund Risk Management Policy and regular scrutiny of the Fund risk register; and
- 1.5** determine applications for Admitted Body Status.

#### **2. Internal and External Audit**

The Committee will:

- 2.1** approve the annual audit plans in relation to the Fund; and
- 2.2** consider all reports prepared by the Council's Internal and External Auditors in relation to the Fund.

#### **3. Annual Report and Accounts**

The Committee will:

- 3.1** approve the Annual Report and Accounts, including the Annual Governance Statement.

#### **4. Legal Obligations**

The Committee will ensure:

- 4.1** compliance with the Local Government Pension Scheme (Scotland) Regulations as amended and with all other legislation governing the administration of the Fund; and
- 4.2** adherence to the principles set out in the Pension Regulator's Code of Practice.

#### **5. Scrutiny**

The Committee will:

- 5.1** monitor and approve the administration of the Local Government Pension Scheme (LGPS) in accordance with the LGPS (Scotland) Regulations 2018 and other relevant legislation; and
- 5.2** scrutinise the performance of Fund Managers, including in relation to environmental, social and governance (ESG) and voting matters, through regular performance reports to Committee.

**Executive Lead: Chief Officer – Finance**

## **20. GUILDRY AND MORTIFICATION FUNDS COMMITTEE**

### **PURPOSE OF COMMITTEE**

To consider applications for payments from certain charitable funds held by the Council which fall into two categories, the Guildry Funds and the Mortification Funds.

### **REMIT OF COMMITTEE**

The Committee will:

- 1.1 consider applications for payments and make recommendations on the appropriate level of allowance to be made.
- 1.2 receive reports from the Lord Dean of Guild in respect of Burgess activity and business.

**Executive Lead: Chief Officer – Finance**

## **21. ABERDEEN CITY REGION DEAL JOINT COMMITTEE**

The Aberdeen City Region Deal Joint Committee is a Joint Committee established by Aberdeen City Council and Aberdeenshire Council (the “Constituent Authorities”) under sections 56 and 57 of the Local Government (Scotland) Act 1973.

The creation of the Joint Committee represents the joint commitment of the Constituent Authorities and Opportunity North East (“ONE”) to support and oversee the implementation of the Aberdeen City Region Deal.

In particular it shall have the power to:

1. Approve Business Cases for City Region Deal projects and any other related documentation with the exception of those where approval is reserved to either or both of the Constituent Authorities.
2. Make recommendations to the Constituent Authorities and ONE in respect of projects within the City Region Deal Strategic and Policy plans.
3. Monitor the effectiveness of the implementation and the delivery of the City Region Deal and to report to the Constituent Authorities on progress.
4. Receive updates from the United Kingdom and Scottish Governments in connection with any aspect of the City Region Deal, projects relating to the Memorandum of Understanding signed by the United Kingdom and Scottish Governments and the Constituent Authorities or additional United Kingdom and Scottish Government investment and any related projects.
5. Approve (i) the overall programme funding for the City Region Deal; and (ii) the detailed breakdown and use of the Constituent Authorities’ financial contributions to the City Region Deal in relation to such overall programme funding for the City Region Deal where this relates to programme funding already committed and approved by the relevant Constituent Authority.
6. Approve operational expenditure within agreed Aberdeen City Region Deal Joint Committee budgets allocated by the Constituent Authorities and/or ONE in order to further the aims of the City Region Deal.
7. Provide feedback to the United Kingdom Government and Scottish Government on the implementation of the City Region Deal and any strategic, economic or infrastructure activities associated with the City Region Deal.
8. Appoint three representatives and three named substitutes of ONE to the membership of the Joint Committee.

These terms of reference will be kept under review by the Constituent Authorities, ONE and the Joint Committee throughout the implementation of the City Region Deal to ensure sufficient accountability of public funds provided through City Region Deal funding.

**Executive Lead for the Council: Chief Officer – City Growth**

## **22. NORTHERN ROADS COLLABORATION JOINT COMMITTEE**

The Northern Roads Collaboration Joint Committee is a Joint Committee established by Aberdeen City Council, Aberdeenshire Council, Angus Council, Argyll and Bute Council, Comhairle nan Eilean Siar, The Highland Council, The Moray Council and The Orkney Islands Council (the “Constituent Authorities”) under sections 56 and 57 of the Local Government (Scotland) Act 1973.

The Joint Committee undertakes to appoint two named representatives from each Constituent Authority to its membership.

The creation of the Joint Committee represents the joint commitment of the Constituent Authorities to work collaboratively for the joint discharge of road and road-related functions, including ports and harbours (the “Roads Collaboration”).

In particular it shall have the following powers:

1. To identify suitable projects and initiatives for Roads Collaboration and to make recommendations to Constituent Authorities.
2. To make recommendations to Constituent Authorities in respect of resource contribution, funding arrangements and budget setting for projects and initiatives for Roads Collaboration.
3. To manage resources and approve operational expenditure within agreed Joint Committee budgets for Roads Collaboration.
4. To monitor the effectiveness of the Roads Collaboration and to identify potential improvements and efficiencies.
5. To approve an annual performance report and financial statement for the reporting year on Roads Collaboration.
6. To approve and amend Standing Orders for the Joint Committee and any of its Sub-Committees.
7. To appoint the Chair and Vice Chair of the Joint Committee and any of its Sub-Committees.
8. To make arrangements for the provision of business support services for the Joint Committee and any of its Sub-Committees.

**Executive Lead for the Council: Chief Officer – Operations**





DSE0053/TOR/BR/08/04/2019

Approved by Council 4 March 2019



## ACC Committee Terms Of Reference

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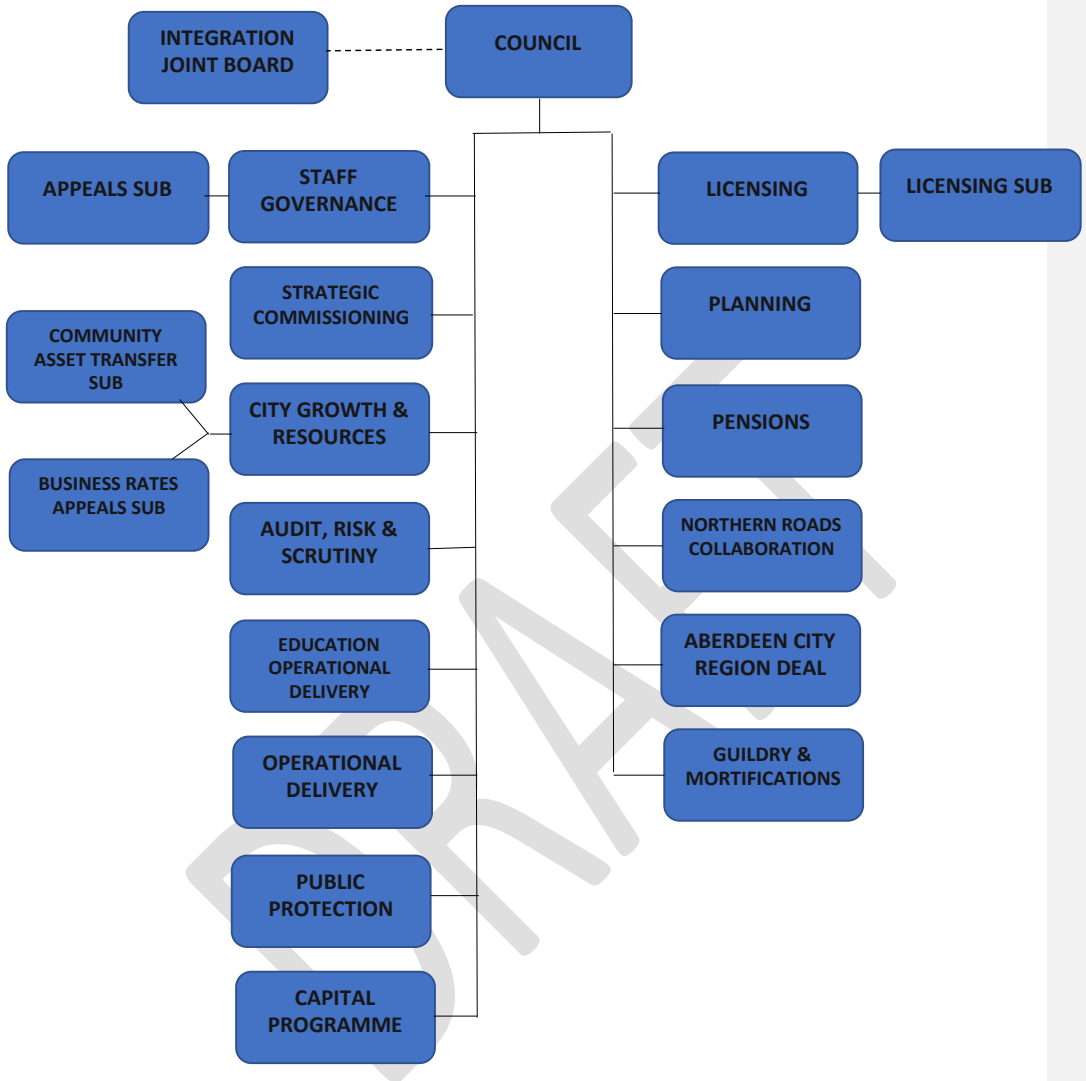
Effective From ~~6 March 2019~~ April 2020

To be Reviewed March 2021

Application of Policy Council-wide

Policy Author ~~Roderick MacBeath~~ Allison Swanson, Interim Democracy Manager

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## INTRODUCTION

1. The Council derives its authority from the Local Government (Scotland) Act 1973 and subsequent legislation. In exercising all of its functions and undertaking its responsibilities it must comply with the law.
2. Under s57 of the 1973 Act, the Council is permitted to appoint committees, or with other Councils, joint committees, to discharge functions which the Council could itself discharge, other than as set out in legislation.
3. A committee can appoint sub committees to exercise any function delegated to it.
4. Under s56(1) of the 1973 Act, the Council is permitted to delegate the discharge of functions to officers. The Committee terms of reference should be read in the context of the Powers Delegated to Officers. Any delegation made to an officer shall not prevent the Council, ~~or~~ relevant committee or sub committee from exercising the power so delegated.
5. The Council has also delegated powers to the Integration Joint Board of the Aberdeen City Health and Social Care Partnership under the Public Bodies (Joint Working) (Scotland) Act 2014.
6. In accordance with Standing Order ~~476.7~~, Council can determine any matter which would otherwise fall to be determined by a committee or sub committee; and under Standing Order ~~476.8~~, a committee can determine any matter which would otherwise fall to be determined by one of its sub committees.
7. Any decision taken by a committee or sub committee is deemed to be a decision of Council itself.
8. These committee and sub committee terms of reference may be amended only after consideration of a report to Council or the appropriate parent committee by the Chief Officer – Governance.
9. Non material amendments to these committee and sub committee terms of reference can be made by the Chief Officer - Governance, following consultation with the Business Manager without the requirement to report to Council or the appropriate parent committee.
10. Any non material amendments made by the Chief Officer – Governance will be notified to members once completed.
11. The Terms of Reference will be reviewed annually by the Chief Officer – Governance as part of the review of the Scheme of Governance.
12. In exercising their functions, the Council, its committees and sub committees shall
  - i. meet their equalities obligations and take full account of their responsibilities to those customers and citizens with protected characteristics;
  - ii. ~~in accordance with Unicef’s Child Friendly Cities and Communities Programme, ensure, so far as possible,~~ that children are allowed a voice in decisions which affect both them and their City; and
  - iii. ~~work with outside bodies and partners in the emerging urban governance groups and civic leadership forums.~~

Commented [SD1]: To match proposed revisions to SOS

Commented [AS2]: Removed as reflected directly below in iv

iv. work with outside bodies and partner ~~organisations, locally and nationally, to oversee strategic economic development and its governance in the city in the emerging urban governance groups~~ and civic leadership forums.

**Commented [AS3]:** Added to reflect and update terminology to ensure clear to all audiences re urban governance groups

iii.v. consider the experience of customers and take such action to ensure to ensure that services meet customers' needs

### JOINT WORKING WITH COMMITTEES AND ~~NON~~ COUNCIL BODIES

**Commented [AS4]:** Added to reflect that this is applicable across the committee structure and to enable removal of this section from each of the Committees

It is recognised that the Council and each committee will maintain an awareness of key issues through the work of other committees, through lead officers, Conveners and Vice Conveners working together. In addition, key issues will be considered following engagement with external organisations and communities, through appropriate forums.

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## 1. ABERDEEN CITY COUNCIL

The Council reserves the following functions:

1. The setting of council tax in accordance with s93(1) of the Local Government Finance Act 1992 or the setting of a reduced amount of council tax under s94 of that Act or paragraph 3 of Schedule 7 to that Act.
2. The setting of a balanced budget annually, including the setting of fees and charges, including the approval of commissioning intentions and service standards.
- 2.3. The approval of the capital programme.
- 3.4. The borrowing of money as provided for in section 56(6)(d) of the Local Government (Scotland) Act 1973.
- 4.5. The approval of any annual investment strategy or annual investment report required by any consent issued by Scottish Ministers under s40 of the Local Government in Scotland Act 2003.
- 5-6. The approval of the Council's Treasury Management Policy and Strategy.
7. ~~The determining of an application for planning permission for a development where a pre determination hearing is held in terms of s38A(1) of the Town and Country Planning (Scotland) Act 1997.~~
- 6.8. The appointment of committees, including external members, ~~and the number and allocation of committee places/seats,~~ the appointment and removal from office of the Lord Provost, Depute Provost, Leader or Co Leaders and/ or Depute Leader, Business Manager and Depute Business Manager, a convener for each committee and a vice convener as appropriate and the approval of senior councillor allowances.
- 7.9. ~~To elect~~ The election of members to the Licensing Board.
- 8.10. ~~To review~~ The review of polling districts and polling places.
11. ~~The administration of trusts in respect of which the Council is sole trustee or the only trustees are elected members and/or officers of the Council, such administration to include the exercise of all trustee powers in terms of legislation, common law and trust deeds.~~
- 9.12. The approval of the Local Development Plan.
- 10.13. The approval of an Administration's political priorities.
- 11.14. The consideration of the Council's Delivery Plan.
- 12.15. ~~The consideration of its annual report of its effectiveness and~~ each committee's annual report of its effectiveness.
- 13.16. The consideration, where required, of reports by both the Standards Commission for Scotland and the Financial Conduct Authority, and the overseeing of members' standards of conduct.
- 14.17. The establishment of the Appointment Panels in accordance with the Standing Orders for Council, Committees and Sub Committees.

**Commented [AS5]:** Addition to reflect that Council approves commissioning intentions and service standards

**Commented [AS6]:** Transferred to PDMC TORs in light of new Planning (Scotland) Act which removes the requirement for such applications to be determined by Full Council.

**Commented [AS7]:** Added to reflect reporting re EODC external members

**Commented [MO8]:** Amended as the term we use is committee places not seats

**Commented [AS9]:** Added to reflect reports submitted since March and which did not fall under a specific point in the TOR

**Commented [AS10]:** Added to reflect reports submitted since March and which did not fall under a specific point in the TOR

**Commented [AS11]:** Added to reflect items considered at the budget meeting

**Commented [AS12]:** Updated to make it clear that Council receives an annual report on its effectiveness

**Commented [AS13]:** Updated to provide full title

~~15-18.~~ The approval of the Council's Scheme of Governance.

~~16-19.~~ The approval of the Council/Committee Diary

~~17-20.~~ The approval of the Scheme of Establishment for Community Councils.

~~18-21.~~ The establishment of Working Groups.

~~22.~~ To consider any matter which the Council has previously considered and agreed to receive a further report.

**Executive Lead: Chief Executive**

**Commented [AS14]:** added to reflect reports considered by council which did not fall under a specific point in the TOR

**Commented [AS15]:** Added to reflect reports requested by council and to remove the need for the current practice of putting under TOR in the report "Previous Council Decision"

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## 2. GENERAL DELEGATIONS TO COMMITTEES

1. Each committee can settle claims against the Council arising out of the functions supervised by the committee, irrespective of value so long as the amount can be met from an approved budget, except where an officer has exercised a delegated power.
2. Each committee can vire within those functions in its remit, to the extent set out in the Financial Regulations.
3. Each committee and sub committee can determine any applications for loans, grants, donations and subscriptions except where an officer has exercised a delegated power.
4. Each committee can appoint up to five members, consistent with the principles of political balance, to attend any meeting or conference relevant to the interests of the committee subject to the following provisions:
  - 4.1 no more than two members will be appointed to attend a conference outwith the European Union without the approval of the City Growth and Resources Committee;
  - 4.2 in the case of a meeting or conference of interest to more than one committee, no more than six members and officers will be appointed without the approval of the City Growth and Resources Committee; and
  - 4.3 in the event of a disagreement among committees, the matter will be determined by the City Growth and Resources Committee.
5. ~~Each committee will, as required, approve programmes of foreign travel for the financial year ahead as they relate to its remit, in accordance with the Travel Policy.~~
6. Each committee will consider and respond to petitions addressed to the Council as they relate to its ~~functions~~ remit, in accordance with the petitions procedure.
- 5.7. Except where an officer has chosen to exercise a delegated power, each committee can approve bids to awards programmes or for external funding relative to the ~~remit functions~~ which it oversees, subject to budget provision.
- 6.8. Each committee will, where appropriate:
  - 6.48.1 ~~approve Council policies and strategies (including partnership strategies) relative to its remit;~~
  - 6.28.2 approve appointments to outside bodies relative to its remit;
  - 6.38.3 meet the requirement to achieve Best Value in performing its role;
  - 6.48.4 ~~receive the note its own cluster risk registers relative to its remit and scrutinise to ensure assurance;~~
  - 6.58.5 monitor performance relevant to its purpose and remit;
  - 6.68.6 ~~consider receive~~ note its own committee planner; and

**Commented [AS16]:** Added to reflect Travel Policy requirements

**Commented [AS17]:** Function changed to remit throughout as the committee does not have a function.

**Commented [AS18]:** Added to reflect Travel Policy

**Commented [SD19]:** Updated to reflect that committees will also consider partnership strategies

**Commented [AS20]:** Updated to say remit rather than function

**Commented [AS21]:** Updated to say remit rather than function

**Commented [AS22]:** Updated to reflect role and ensure consistent terminology

**Commented [AS23]:** Updated to reflect role and ensure consistent terminology

8.7 receive reports, as required, on the implications of proposed draft legislation and evidencing the Council's readiness to comply with the new legal obligations and/or discretionary powers on the functions relative to its remit.

**Commented [AS24]:** New addition to General Delegations to reflect that committees will receive reports, as required, on the implications of proposed draft legislation.

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### 3. **EXCLUSIONS FROM DELEGATION TO COMMITTEES**

Commented [AS25]: No changes to this section

1. Incurring revenue expenditure for which no provision or insufficient provision has been made in the revenue budget, except with the approval of the City Growth and Resources Committee.
2. Acquiring or disposing of any land or buildings or associated interests, except with the approval of the City Growth and Resources Committee.
3. Making representations to or appointing a deputation to meet any Government Minister or Government Department in relation to the financing of the Council or any of its services, except with the approval of the City Growth and Resources Committee.

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## 4. URGENT BUSINESS COMMITTEE

### PURPOSE OF COMMITTEE

Subject to relevant legislation, to deal with items of business of an urgent nature that cannot wait for the next meeting of Council or the appropriate committee or sub committee.

**Commented [AS26]:** No numbers placed beside purpose section so as to remove the temptation for report authors to refer to this section when selecting relevant section of the TOR.

### REMIT OF COMMITTEE

1. Subject to 1.5 below, to exercise all functions of the Council, or the committee or sub committee which would otherwise have dealt with the matter.

### PROCESS

**Commented [AS27]:** Added to reflect that the following aspects are process related

- 1.1 A meeting of the Committee will be called by the Chief Officer - Governance on the instruction of the Chief Executive where the Chief Executive and the Business Manager are satisfied that the relevant business is urgent.
- 1.2 The Chief Officer - Governance may subject to the Business Manager's approval add further matters to the agenda of a meeting already called only where the Chief Executive and the Business Manager- are satisfied that the matters are urgent.
- 1.3 Before considering any item of business, the Committee will determine whether the item is urgent and requires to be considered, and if it does, the special circumstances will be specified in the minute.
- 1.4 If the Committee resolves not to consider the matter, the item of business will be placed on the agenda for the next scheduled meeting of the Council, committee or sub committee as appropriate.
- 1.5 The Committee cannot consider, in terms of Standing Order 5.3, any business relating to the removal of a member from office.

**Executive Lead: Chief Executive**

## 5. STRATEGIC COMMISSIONING COMMITTEE

### PURPOSE OF COMMITTEE

To approve all internal and external commissioning activity by the Council, in accordance with the commissioning cycle, with the exception of procurement relating to the Capital Programme.

- ~~1. To approve all internal commissioning activity of Council outwith the annual budget meeting, including the approval of service specifications, service standards, performance frameworks and outcomes and intentions.~~
- ~~2. When approving commissioning activity: i. to promote investment in the prevention, early intervention and reduction in the demand for services; and ii. to identify potential efficiencies and improvements in quality and outcomes, including across the public sector.~~
- ~~3. To approve the Council's strategic approach to joint and integrated commissioning across the public and private sectors to ensure that the needs of customers and citizens are met.~~
- ~~4. To identify potential efficiencies and improvements in quality and outcomes, including across partner organisations and public services.~~
- ~~5.1. To promote the strategic allocation of resources to outcomes through commissioning activity.~~

**Commented [AS28]:** All deleted sections covered above or within the remit

### REMIT OF COMMITTEE

#### ~~1. Engaging with Customers and Citizens~~

##### ~~1.1 Following consultation with appropriate forums:~~

- ~~i. to consider the experience of customers; and~~
- ~~ii. to take such action to ensure to ensure that services to be commissioned are co-designed to meet customers' needs.~~

#### ~~2.1. Analysis~~

~~2.1.1 to consider receive a bi-annual Population Needs Assessment every two years to understand the needs which public bodies must address;~~

~~2.1.2 to consider receive, as appropriate, an in-depth analysis of key groups, priorities and challenges across public services to identify and action potential efficiencies and improvements to help ensure that the needs of customers and citizens are met and commissioning intentions are delivered; and~~

~~2.1.3 to consider receive, as appropriate, sufficiency and market analyses to understand existing and potential provider strengths and weaknesses, and identify and take action in respect of any opportunities for improvement or change in providers.~~

**Commented [AS29]:** Now covered by the introduction

**Commented [AS30]:** Updated to ensure consistent language and to reflect that this information will be presented in a number of reports, for example procurement BCs.

**Commented [AS31]:** Updated to ensure consistent language and to reflect that this information will be presented in a number of reports, for example procurement BCs.



### 3.2. Planning

~~3.2.1~~ to endorse the refresh of the Local Outcome Improvement Plan (LOIP, including recommending any changes which may be required);

**Commented [AS32]:** Updated to reflect it is the refresh and that is from the Council's perspective

~~3.2.2~~ to approve annual procurement work-plans, reflecting the LOIP, the Population Needs Assessment, the Council's commissioning intentions, the Council's service standards, the views of customers and citizens, and the best evidence of effective interventions to ensure a preventative focus on demand reduction.

### 4.3. Doing

~~4.3.1~~ To approve all procurement activity by the Council, with the exception of procurement relating to the Capital Programme which will be approved by the City Growth and Resources Committee, including

**Commented [AS33]:** 4.1. and 4.2 reworded to amalgamate/streamline previous wording.

- 3.1.1 Procurement Business Cases submitted in accordance with Procurement Regulations;
- 3.1.2 Grants and associated conditions;
- 3.1.3 Contract management arrangements and Service Level Agreements; and
- 3.1.4 The establishment of Arm's Length External Organisations (ALEOs) where it is determined that services should not be provided in-house.

~~4.3.2~~ when approving procurement activity, the Committee will:

- 3.2.1 promote investment in the prevention, early intervention and reduction in the demand for services; consider the experience of customers and take such action to ensure that services to be commissioned are co-designed to meet customers' needs;
- 3.2.2 ensure that commissioned services are focused on delivering the Council's agreed commissioning intentions and contribution to the LOIP; and
- 3.2.3 identify potential efficiencies and improvements in quality, including across partner organisations and promote the strategic allocation of resources.

~~4.3.3~~ to decommission services, including ALEOs, that do not meet the Council's commissioning intentions and outcomes.

**Commented [AS34]:** Addition to reflect that the committee can decommission

~~4.3.4~~ to take such action to ensure that appropriate supply management and capacity building (market facilitation) is in place to ensure a good mix of resilient service providers, that offer customers an element of choice in how their needs are met;

~~4.3.5~~ to approve the Strategy Framework to facilitate the delivery of agreed outcomes.

**Commented [AS35]:** Added to reflect role in terms of Strategy Framework

~~4.6~~ to approve commissioning activity, including approval of commissioning intentions/ outcomes which aligns to and supports the delivery of the outcomes contained in the LOIP, and other relevant Strategic Plans;

**Commented [AS36]:** Covered at 3.1/3.2 above

~~4.7~~ to approve the establishment of ALEOs or determine that services should remain in house; to undertake an annual review of ALEOs; and

**Commented [AS37]:** Covered at 3.1 above

**Commented [AS38]:** Moved to under the review section

**5.4. Reviewing**

~~4.1 to approve amendments to the Council's Performance Management Framework (PMF);~~

**Commented [AS39]:** Refreshed wording to reflect that the PMF has been approved

~~5.14.2 to consider receive annual reports on the LOIP and Locality Partnership Plans;~~

**Commented [AS40]:** Updated to ensure consistent terminology

~~4.3 to consider and monitor performance associated with the Council's agreed commissioning intentions and ultimate contribution to the LOIP outcomes;~~

~~5.24.4 To scrutinise and not receive annual reports from each of the council's ALEO to enable scrutiny of performance;~~

**Commented [AS41]:** Moved from doing to reviewing section and updated to reflect the role of the committee

~~5.34.5 to receive an annual procurement performance report to enable scrutiny of performance; and~~

~~5.44.6 to consider receive reports on any change in legislative requirements, policy and population needs which may facilitate opportunities to work differently to improve outcomes or may require revisions to existing commissioning intentions and outcomes.~~

**Commented [AS42]:** Refreshed wording

**Service Delivery**

**Commented [AS43]:** Section added to reflect SCC's role in respect of service delivery – previously silent on this.

5.1 The Committee will, for the Business Intelligence and Performance Management and Commercial and Procurement clusters:-

- 5.1.1 oversee, and make decisions relating to service delivery;
- 5.1.2 approve options to improve/transform service delivery;
- 5.1.3 scrutinise operational performance and service standards in line with the Performance Management Framework and consider recommendations for improvements where required;
- 5.1.4 receive the cluster risk registers relative to its remit and scrutinise to ensure assurance of the controls in place;
- 5.1.5 approve all policies and strategies relative to its remit; and
- 5.1.6 receive reports on inspections and peer reviews in order to ensure best practice and note any actions arising from those inspections and reviews.

~~5.2 to approve a Performance Management Framework reflecting the Council's commissioning intentions/outcomes, the LOIP, the views of customers and citizens, and the best evidence of effective interventions;~~

**Commented [AS44]:** Covered at 4.1 above - refreshed wording to reflect that the PMF has been approved

~~5.3 to consider an analysis of any changes in legislative requirements, policy and population needs, and to:~~

**Commented [AS45]:** Covered by 4.6 above

~~5.3.1 review the overall impact of services to identify and implement revisions needed to commissioning intentions/outcomes; and/or~~

~~5.3.2 to identify and facilitate opportunities to work differently to improve outcomes; and~~

~~5.4 to monitor service delivery against expected outcomes and plans.~~

### **JOINT WORKING WITH OTHER COUNCIL COMMITTEES**

The Committee will maintain an awareness of key issues arising through the work of other committees of the Council, through lead officers, conveners and vice conveners working together and attending other committees as observers. Specifically:

1. the Strategic Commissioning and the City Growth and Resources Committees will cooperate to ensure that resources are allocated strategically to support outcomes; and
2. the Strategic Commissioning and the Operational Delivery Committees will cooperate to ensure that the internally commissioned services have clear service specifications which identify contributions to the LOIP outcomes and that funding is available to deliver the service specification.

### **JOINT WORKING WITH NON-COUNCIL BODIES**

This Committee is outward facing and will engage, through appropriate forums, with partners, the third sector and communities in order to ensure a joint and integrated commissioning approach.

**Executive Lead: Director of Commissioning**

**Commented [AS46]:** Covered in the introduction section

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## 6. CITY GROWTH AND RESOURCES COMMITTEE

### PURPOSE OF COMMITTEE

To approve and monitor ~~financial strategies, budgets and financial performance in light of available funding~~. The Committee will also consider:

- ~~strategies to support the city's economic growth;~~
- ~~additions to the Capital Programme; and~~
- recommendations regarding ~~the Council's property and estates portfolio.~~

The Committee ~~approve and~~ monitors the ~~in-house~~ delivery of all services provided by ~~the Resources Function, City Growth, and Governance and Strategic Place Planning~~. It scrutinises performance and ~~approves, make improvements options to improve to~~ those services ~~within set budgets, to ensure best value and delivery of the Council's agreed outcomes~~. ~~To approve and monitor appropriate short, medium and long term financial strategies and plans for the Council in light of available funding.~~

- ~~1. To approve the addition of new projects and associated budgets to the capital programme, to approve additional funding for existing projects and to approve procurement relating to the Capital Programme.~~
- ~~2. To review the in-year financial performance of the Council and its committees and to make appropriate recommendations where a forecast overspend is projected.~~
- ~~3. To oversee and take action to ensure adherence to the Council's budgetary control system.~~
- ~~4. To approve and monitor an appropriate strategy for the Council's estate, including plans for investment, disposal and maintenance.~~
- ~~5. To approve and monitor Council place-based strategies to support the City's plans for future economic growth.~~
- ~~6. On receipt of the annual re-assessment of the Council's credit rating, to advise Council on appropriate financial strategies in order to preserve or improve the Council's credit rating.~~

### REMIT OF COMMITTEE

#### 1. Budgets

The Committee will:

- 1.1 approve ~~changes recommendations to regarding~~ the Council's resources including finance, staffing structures and property; and monitor all Council budgets including ~~all Useable~~ ~~Reserve the Transformation Fund~~, and in particular:
  - 1.1.1 scrutinise function budget monitoring reports ~~and make decisions to ensure that Council spending is delivered on budget;~~
  - 1.1.2 hold budget holders to account for the proper control of the budget ~~for~~ which they are responsible;

~~take such action as necessary to ensure that the Council's budget is always balanced;~~

Commented [AS47]: No need to limit this to only one usable reserve

- 1.1.3 approve changes to the budget including to vire between function budgets where this is in excess of the amount delegated to officers in the Financial Regulations and Powers Delegated to Officers;
- 1.1.4 ~~review annual workplans and consider~~ scrutinise and approve ~~and approve~~ ~~consider~~ Outline and Full Business Cases for ~~supporting new projects added to the Capital Programme outwith the budget process~~ capital investments, ensuring that all appropriate consultation has been undertaken;
- 1.1.5 ~~to~~ approve annual procurement workplans in respect of the Capital Programme,
- 1.1.6 ~~to~~ approve Procurement Business Cases in respect of ~~projects added to the Capital Programme outwith the budget process, the Capital Programme~~ submitted in accordance with Procurement Regulations;
- 1.1.7 approve the allocation of additional funding ~~or removal of funding~~ to existing projects, both capital and revenue;
- 1.1.8 approve the addition of new projects to the Capital Programme ~~outwith the budget process~~;

**Commented [AS48]:** Updated to clarify that CG&R approval is in respect of capital projects added outwith the budget process

**Commented [AS49]:** 1.1.5 and 1.1.6 added to reflect position re submission of Procurement BCs for capital projects approved outwith the budget meeting.

**Commented [AS50]:** Added to reflect that CG&R can stop funding

~~approve procurement relating to the Capital Programme;~~

**Commented [AS51]:** Covered at 1.1.6 above

- 1.1.9 approve use of the Council's ~~General-Use~~ ~~able~~ Reserves;

**Commented [AS52]:** Covered by change at 1.1.9 above

~~approve use of the Council's Transformation Fund; and~~

~~scrutinise the implementation of plans and monitor associated budgets; and~~

- 1.1.10 monitor the Code of Guidance on Funding External Bodies and Following the Public Pound and take such action as is required to ensure that the Council meets its duties; ~~and~~

~~1.1.11 receive~~ -Moody's formal credit rating reassessment

**Commented [AS53]:** Addition to reflect the committee considers Moody's formal reassessment.

~~1.1.11.1.12 approve financial guarantees, including requests received from relevant Admitted Bodies of the Pension Fund.~~

**Commented [JB54]:** The Council has a number of existing loan and bank guarantees which present a financial obligation. Similarly, from time to time the Council has considered requests from relevant outside bodies that have Admitted Body membership in the Pension Fund.

## 2. Service Delivery

~~1.2.2.1~~ The Committee will, for the Resources Function and City Growth, Governance and Strategic Place Planning Clusters:-

- ~~1.2.2.1.2~~ make decisions relating to service delivery;
- ~~1.2.3.1.3~~ approve options to improve/transform service delivery;
- ~~1.2.4.1.4~~ scrutinise operational performance and service standards in line with the Performance Management Framework and consider recommendations for improvements where required;
- ~~2.1.5~~ receive the cluster risk registers relative to its remit and scrutinise to ensure assurance that efficient controls are in place;
- ~~1.2.5.1.6~~ approve all policies and strategies relative to its remit; and
- ~~1.2.6.1.7~~ receive reports on inspections and peer reviews in order to ensure best practice and note any actions arising from those inspections and reviews.

**Commented [AS55]:** Section added to reflect CG&R's role in respect of service delivery – previously silent on this.

~~1.3.2.2~~ In undertaking the aspects at 2.1, the Committee will ensure that it is acting within the budget set by Council and overseen by this Committee and in accordance with best value and supporting delivery of the Council's agreed outcomes, commissioning intentions, service specifications and service standards.

**2.3. City Growth and Strategic Place Planning**

The Committee will:

~~2.23.1~~ approve ~~the annual report from the Economic Policy Panel set up~~ all reports to support the annual re-assessment of the Council's credit rating;

**Commented [AS56]:** Very prescriptive, broadened as other reports may be submitted in this regard.

~~2.23.2~~ approve the Council's ~~strategies~~ actions for city growth and place planning except in relation to major infrastructural planning and the Local Development Plan; and

~~2.23.3~~ consider and approve on recommending key actions required by the Council to enable/facilitate towards the delivery of strategies (including partnership strategies) the Regional Economic Strategy and the Inward Investment Plan to support city growth and place planning and take such appropriate action as it sees fit.

**Commented [AS57]:** Updated to clarify role of committee

**3.4. Property and Estates**

The Committee will:

~~3.24.1~~ approve Determine, review and monitor a Portfolio Management Strategy recommendations regarding for the Council's assets, property and estates;

**Commented [SD58]:** Updated to reflect that the committee will consider all strategies, including partnership strategies in respect of city growth and place planning

~~3.24.2~~ approve an Estate and Investment Strategy;

**Commented [AS59]:** Updated to cover reflect that the committee will consider all strategies in respect of the Council's property and estates.

4.3 hear and determine requests for review under s86(10) of the Community Empowerment (Scotland) Act 2015 against the refusal by officers to approve community asset transfers;

**Commented [AS60]:** Covered above at 4.1

~~3.34.4~~ approve the procedure for the Community Asset Transfer Sub Committee; and

**Commented [AS61]:** Added to be consistent with approval of procedure for the Appeals Sub

4.5 approve the acquisition and disposal of land and property.

**JOINT WORKING WITH OTHER COMMITTEES**

The Committee will maintain an awareness of key issues arising through the work of other committees of the Council, through lead officers, conveners and vice conveners working together, and attending other committees as observers. Specifically:-

1. the City Growth and Resources Committee and Strategic Commissioning Committee will cooperate to ensure that resources are allocated strategically to support outcomes.
2. the City Growth and Resources Committee and the Capital Programme Committee will cooperate in promoting city growth and place planning.

**Commented [AS62]:** Covered by introduction

**JOINT WORKING WITH NON-COUNCIL BODIES**

The Committee, through its lead officers, will regularly consider key issues arising through other external organisations, including:

- Aberdeen Inspired
- VisitAberdeenshire
- the Scottish Cities Alliance
- the Aberdeen City Region Deal Joint Committee
- Opportunity North East
- the Regional Advisory Board

Executive Lead: Chief Officer - Finance

- the Aberdeen Renewables Energy Group
- the Strategic Development Planning Authority
- EU Regional and Thematic Groups
- the World Energy Cities partnership
- CoSLA

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## **7. BUSINESS RATES APPEALS SUB COMMITTEE**

Commented [AS63]: Addition to the Terms of Reference

### **PURPOSE OF SUB COMMITTEE**

To hear appeals against rating liability under section 238 of the Local Government (Scotland) Act 1947.

### **REMIT OF SUB COMMITTEE**

1. To determine all requests for appeal against the identification of an individual as being responsible for the payment of business rates.
2. The Sub Committee shall operate in terms of the agreed procedure, which shall comply with section 238 of the Local Government (Scotland) Act 1947.
3. The Sub Committee shall comprise five elected members and the quorum shall be three.

**Executive Lead: Chief Officer - Finance**

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## **8. COMMUNITY ASSET TRANSFER REVIEW SUB COMMITTEE**

**Commented [AS64]:** Addition to the Terms of Reference

### **PURPOSE OF SUB COMMITTEE**

To act as the review body in respect of decisions relating to Asset Transfer Requests, as defined in Section 86(10) of the Community Empowerment (Scotland) Act 2015, which states that a review must be carried out by Councillors.

### **REMIT OF SUB COMMITTEE**

1. To determine all requests for a review of the decision taken by officers or the City Growth and Resources Committee in respect of Community Asset Transfers.
2. The Sub Committee shall operate in terms of the agreed procedure, which shall comply with the Asset Transfer Request (Review Procedure) (Scotland) Regulations 2016.
3. The Sub Committee shall comprise five elected members who have not participated in the original decision at City Growth and Resources Committee and the quorum shall be three.

**Commented [JF65]:** Added to make clear that procedure is, in part, set out in the Regs.

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## 7.9. CAPITAL PROGRAMME COMMITTEE

### PURPOSE OF COMMITTEE

To monitor the development and delivery of the council's capital programme as well as monitoring the development of the Local development plan.

~~those projects flowing from the City Centre Masterplan, the Aberdeen City Region Deal, the Common Good and General Fund Capital Programme and the Housing Revenue Account; and~~

~~those interventions that contribute to the overall place outcomes for the City as a result of investment in infrastructure.~~

- ~~• To approve and monitor major infrastructure planning in the City.~~

### REMIT OF COMMITTEE

- The Committee in relation to the capital programme will:-
  - scrutinise the progress and delivery of capital projects against the approved business cases ~~for supporting new capital investments onto the Capital Programme;~~
  - review progress in the delivery of the benefits of the Capital Programme, including through the receipt and scrutiny of Post Project Evaluations (PPE's) and Post Occupancy Evaluations (POE's); and
  - request a report to allow for the detailed consideration of any project which is of particular concern or interest.
- The Committee will oversee and approve the preparation of the Local Development Plan, subject to final approval thereon being given by Council.

### JOINT WORKING WITH OTHER COMMITTEES

~~The Committee will maintain an awareness of key issues arising through the work of other committees of the Council, through lead officers, conveners and vice conveners working together, and attending other committees as observers. Specifically:-~~

- ~~the Capital Programme Committee and City Growth and Resources Committee will cooperate strategically to promote city growth and place planning and to ensure that resources are allocated to support outcomes.~~
- ~~a key relationship will be required with the Planning Development Management Committee in respect of the preparation of the Local Development Plan.~~

### JOINT WORKING WITH NON COUNCIL BODIES

The Committee, through its lead officers, will regularly consider key issues arising through other external organisations, including:

- ~~the Aberdeen City Region Deal Joint Committee~~ • ~~the Aberdeen Renewables Energy Group~~
- ~~Opportunity North East~~ • ~~the Strategic Development Planning Authority~~
- ~~the Regional Advisory Board~~
- ~~EU Regional and Thematic Groups~~

Commented [AS66]: All covered above and streamlined

Commented [AS67]: Deleted unnecessary wording to make remit clearer.

Commented [AS68]: Covered in introduction section.

- Aberdeen Inspired
- the World Energy Cities partnership
- VisitAberdeenshire
- CoSLA
- the Scottish Cities Alliance

**Executive Lead: Chief Officer - Capital**

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## 8.10. OPERATIONAL DELIVERY COMMITTEE

### PURPOSE OF COMMITTEE

To ~~approve and~~ monitor the ~~in house~~ delivery of all services provided by ~~the~~ Customer Services Function ~~(with the exception of educational services)~~, and ~~the~~ Operations Function ~~(with the exception of educational services)~~. It will also, ~~and to~~ scrutinise performance and ~~approve make improvements options, or make recommendations to another committee or sub committee, to improve to those services within set budgets in order, to ensure best value and delivery of the Council's agreed outcomes. including Integrated Children's Services but excluding educational services.~~

~~1. To ensure improvement to the Council's Public Performance Recording data, in line with outcomes and intentions set, excluding educational services.~~

**Commented [AS69]:** Making it explicit can only act within budget.

**Commented [AS70]:** Covered by remit

### REMIT OF COMMITTEE

#### 1. Service Delivery and Performance

1.1 The Committee will, in respect of the Customer Services Function ~~and the Operations Function (with the exception of educational services):-~~

- 1.1.1 oversee, and make decisions relating to, service delivery;
- 1.1.2 approve options to improve/transform service delivery;
- 1.1.3 scrutinise operational performance and service standards in line with the Performance Management Framework and consider recommendations for improvements where required;
- 1.1.4 receive the cluster risk registers relative to its remit and scrutinise to ensure assurance of the controls in place;
- 1.1.5 approve all policies and strategies relative to its remit; and
- 1.1.6 receive reports on inspections and peer reviews in order to ensure best practice and note any actions arising from those inspections and reviews.

**Commented [AS71]:** Previous TOR reworded and streamlined to be clearer, duplication removed, reflect PMF etc. Consistent wording with CG&R and EODC re Service delivery

1.2 In undertaking the aspects at 1.1, the Committee will ensure that it is acting within the budget set by Council and is supporting the delivery of the Council's agreed outcomes, commissioning intentions and service standards.

1.3 The Committee may make recommendations to the appropriate committee(s) or sub committee(s) on areas affecting the Customer Services Function ~~or~~ the Operations Function (with the exception of educational services) where the authority to approve sits within the remit of another Committee or Sub Committee.

~~1.2 approve all policies, plans and strategies to ensure delivery of the Council's agreed outcomes; and~~  
~~1.3 receive reports on inspections and peer reviews in order to ensure best practice and consider any actions arising from those inspections and reviews.~~

~~4. hold the organisation to account for the in house delivery of all services provided by Customer Services and Operations;~~

**Commented [AS72]:** Covered above

~~5. approve and monitor the in house delivery of services provided by Customer Services and Operations in all areas and take action to ensure that such performance is in line with the outcomes set by Council and the Strategic Commissioning Committee; to scrutinise performance in relation to the delivery of services provided by Customer Services and Operations and to make recommendations for improvements where required.~~

**Commented [AS73]:** Covered above

~~6. improve results for Public Performance Recording, where this is in line with the Council's own improvement goals, by scrutinising Key Performance Indicators through rigorous performance management arrangements and ensuring that such performance:-~~

**Commented [AS74]:** Covered above and reflects PMF

~~6.1 is done in a manner which places the customer first and ensures the expected contribution to outcomes;~~

~~6.2 improves the Council's position in national tables; and~~

~~6.3 adheres to financial targets.~~

~~7. provide evidence to the Strategic Commissioning Committee, as requested, on the contribution of in house services to outcomes;~~

**Commented [AS75]:** Covered by PMF

~~8.5. approve improvements to operational delivery where officers do not have the power to do so;~~

**Commented [AS76]:** Covered above

~~9. explore and approve options for transforming the service delivery model; and~~

**Commented [AS77]:** Covered above

~~note proposed peer reviews and inspections by the Local Area Network for the cycle.~~

**Commented [AS78]:** Covered above

~~To ensure improvement to the Council's Public Performance Recording data, in line with outcomes and intentions set, excluding educational services to scrutinise performance in relation to Customer Services and Operations in line with the Performance Management Framework and make recommendations for improvements where required.~~

**Commented [AS79]:** Covered above

~~10.6.~~

## **JOINT WORKING WITH OTHER COMMITTEES**

**Commented [AS80]:** Covered by introduction

The Committee will maintain an awareness of key issues arising through the work of other committees of the Council, through lead officers, conveners and vice conveners working together, and attending other committees as observers. Specifically:-

~~1. the Strategic Commissioning Committee, the City Growth and Resources Committee and the Operational Delivery Committee will cooperate to ensure that the internally commissioned services have clear service specifications, identifying contributions to the LOIP outcomes, and that sufficient funding is available to deliver the service specification.~~

## **JOINT WORKING WITH NON-COUNCIL BODIES**

~~Officers work closely with Internal Auditors, a service contracted from Aberdeenshire Council, and with external providers of assurance such as External Audit, Audit Scotland and external examining bodies. In addition, officers will work with local representative bodies such as the Disability Equity Partnership and Tenant Participation Groups to understand how effectively services are being delivered to customers and how they can be improved.~~

**Executive Lead: Chief Operating Officer and the Director of Customer Services**

## 9.11. EDUCATION OPERATIONAL DELIVERY COMMITTEE

### PURPOSE OF COMMITTEE

To advise on and discharge the Council's functions as education authority as set out in the Education (Scotland) Act 1980 and all other relevant legislation and regulations where not otherwise delegated.

**Commented [AS81]:** Added to provide clarity on the role of EODC.

The committee will also:

- monitor the in-house delivery of educational services undertaken as education authority and provided by Integrated Children's and Family Services (with the exception of children's social work services which will be monitored by the Operational Delivery Committee);
- make recommendations in respect of school property matters to the City Growth and Resources Committee;
- scrutinise performance; and
- agree changes such as school zoning arrangements (within set budgets), or make recommendations to another committee, for improvements to functions related to education in order to ensure best value and delivery of the Council's agreed outcomes, commissioning intentions, service specifications and service standards.

1. To approve and monitor the in-house delivery of educational services, scrutinise performance and make improvements to those services.

**Commented [AS82]:** Covered above

2. To ensure improvement to the Council's Public Performance Recording data, in line with outcomes and intentions set, for educational services.

**Commented [AS83]:** Covered above

### REMIT OF COMMITTEE

#### 1. Service Delivery and Performance

**Commented [AS84]:** Previous TOR reworded and streamlined to be clearer, duplication removed, reflect PMF etc. Consistent wording with CG&R and EODC re Service delivery

1.1 The Committee will, in respect of educational services (early years and schools) provided by Integrated Children's and Family Services and the management of the school estate undertaken by the Corporate Landlord:-

- 1.1.1 oversee, and make decisions relating to service delivery;
- 1.1.2 approve options to improve/transform service delivery relative to the functions of the Council as education authority under the Education (Scotland) Act 1980 and all other relevant legislation and regulations;
- 1.1.3 scrutinise operational performance and service standards in line with the Performance Management Frameworks and consider recommendations for improvements where required;
- 1.1.4 receive the cluster risk registers relative to its remit and scrutinise to ensure assurance of the controls in place;
- 1.1.5 approve all policies and strategies relative to its remit; and
- 1.1.6 receive reports on school inspections and peer reviews in order to ensure best practice and note any resultant improvement actions arising from those inspections and reviews.

1.2 In undertaking the aspects at 1.1, the Committee will ensure that it is acting within the budget set by Council and is supporting the delivery of the Council's agreed outcomes, commissioning intentions and service standards.



4.21.3 The Committee may make recommendations to the appropriate committee(s) or sub committees on areas affecting educational services where the authority to approve sits within the remit of another committee or sub committee.

Commented [AS85]: Added to reflect practice and provide clarity

hold the organisation to account for the in house delivery of all educational services;

1. approve and scrutinise performance in relation to the monitor the in house delivery of educational services and take action to ensure that such performance is in line with the outcomes set by Council and the Strategic Commissioning Committee; in line with the Performance Management Framework and make recommendations for improvements where required;

Commented [AS86]: Covered above

2. Improve results for Public Performance Recording, where this is in line with the Council's own improvement goals, by scrutinising Key Performance Indicators through rigorous performance management arrangements and ensuring that such performance:-

Commented [AS87]: Covered above

2.1 is done in a manner which places the customer first and ensures the expected contribution to outcomes;

2.2 improves the Council's position in national tables; and

2.3 adheres to financial targets.

3. provide evidence to the Strategic Commissioning Committee, as requested, on the contribution of in house services to outcomes;

2. receive reports on an

Commented [AS88]: Covered above

4. approve improvements to operational delivery where officers do not have the power to do so;

5.3. explore and approve options for transforming the service delivery model; and

Commented [AS89]: Covered above

**receive reports on note proposed peer reviews and inspections by the Local Area Network for the cycle JOINT WORKING WITH OTHER COMMITTEES**

Commented [AS90]: Covered above

Commented [AS91]: Covered by introduction section

The Committee will maintain an awareness of key issues arising through the work of other committees of the Council, through lead officers, conveners and vice conveners working together, and attending other committees as observers. Specifically:-

1. the Strategic Commissioning Committee, the City Growth and Resources Committee and the Education Operational Delivery Committee will cooperate to ensure that the internally commissioned services have clear service specifications, identifying contributions to the LOIP outcomes and that sufficient funding is available to deliver the service specification.

### JOINT WORKING WITH NON COUNCIL BODIES

Officers work closely with Internal Auditors, a service contracted from Aberdeenshire Council, and with external providers of assurance such as External Audit, Audit Scotland and external examining bodies. In addition, officers will work with local representative bodies such as the Disability Equity Partnership and the Aberdeen City Youth Council to understand how effectively services are being delivered to customers and how they can be improved.

### EXTERNAL MEMBERSHIP

Commented [AS92]: Condensed wording

The Committee's membership will include seven persons with voting rights who are not members of the Council. The seven external members will be appointed by the Council at its statutory meeting (or other meeting as appropriate) as follows:-

~~1. 1. three persons representing religious bodies in accordance with the requirements of Section 124 (4) of the Local Government (Scotland) Act 1973; and~~

~~1.2. in accordance with the discretion conferred by Section 124 (3) of the Local Government (Scotland) Act 1973:~~

~~1.12.1 two teachers employed in educational establishments managed by the Council nominated by the Teachers' Consultative Forum, comprising one representative from primary, including nursery, and one representative from secondary; and~~

~~1.22.2 two parent representatives, selected by the Aberdeen City Parent Council Forum from within its own membership, comprising one representative from primary, including nursery, and one representative from secondary.~~

~~2. —, being:~~

~~3. — one representative of the Church of Scotland nominated in such manner as may be determined by the General Assembly of that church;~~

~~4. — one representative of the Roman Catholic Church nominated in such manner as may be determined by the Scottish Hierarchy of that church; and~~

~~5. — one other person appointed by the Council having regard:~~

~~6. — to the comparative strength within the City of Aberdeen of all the churches and denominational bodies having duly constituted charges or regularly appointed places of worship there; and~~

~~7.3. — the representation provided for in (i) and (ii) above;~~

~~Education items are matters reported to the Education Operational Delivery Committee which relate to advising on or discharging the Council's functions as education authority which are under the responsibility of the Chief Officer of Integrated Children's and Family Services and the Corporate Landlord.~~

**Executive Lead: Chief Operating Officer and the Director of Customer Services**

**Commented [AS93]:** Streamlined and covered above

**Commented [AS94]:** Covered under purpose

## 10.12. AUDIT, RISK AND SCRUTINY COMMITTEE

### PURPOSE OF COMMITTEE

To ensure that the Council has robust arrangements for:

- Good governance including information governance, surveillance, fraud, bribery and corruption;
- Maintaining an effective control environment through an effective approach to risk management; and
- Reporting on financial and performance reporting.

~~The Committee will also~~ monitor the effectiveness of the Internal Audit function and the Council's implementation of its recommendations, as well as the implementation of the recommendations of its external auditors.

### REMIT OF COMMITTEE

#### 1. Risk Management

The Committee will ensure the effectiveness of the Council's risk management system and will:

- 1.1 receive an annual review of the system of risk management and an annual report on the corporate risk register and related action plans;
- 1.2 monitor the implementation of the Council's ALEO Assurance Framework by receiving reports from the ALEO Assurance Hub on the monitoring and mitigation of risks to the Council associated with its ALEOs;
- ~~1.3 receive reports from providers of independent assurance;~~
- ~~1.4.1.3 receive reports to provide assurance on the an annual review report in respect of the Council's information governance; and~~
- 1.4 approve all relevant policies.

#### 2. Internal Audit

The Committee will:

- 2.1 ~~contribute to and~~ approve the Internal Audit Annual Plan;
- 2.2 consider reports ~~issued-prepared~~ by Internal Audit (with the exception of reports related to Pensions);
- 2.3 monitor compliance with Internal Audit recommendations (with the exception of reports related to Pensions);
- 2.4 ~~ensure that there is an adequately resourced Internal Audit service and monitor its the performance of performance Internal Audit;~~
- ~~2.4 to receive an annual report from the Local Area Network detailing areas to be inspected.~~

**Commented [AS95]:** Updated to ensure consistent terminology

**Commented [AS96]:** Updated to reflect that audits in relation to pensions are considered by the Pensions Committee

**Commented [AS97]:** Updated to reflect the committee's role is to monitor the performance of internal audit and not to deal with resourcing

### 3. External Audit

The Committee will:

- 3.1 consider reports prepared by the Council's External Auditor;
- 3.2 monitor the Council's relationship with the External Auditor;
- 3.3 receive reports from the Local Area Network; and
- 3.4 monitor compliance with External Audit recommendations.

### 4 ~~Annual Reports and Accounts~~ Governance, Accounts and Finance

The Committee will:

- 4.2 ~~consider and~~ approve the Council's Annual Report and Annual Accounts; ~~and~~
- 4.3 ~~consider and~~ approve the annual governance statement;:-
- 4.3.4 ~~approve and monitor the Council's Code of Corporate Governance and approve such~~  
action as appropriate; and
- 4.4.5 ~~provide independent assurance on,~~ monitor the integrity of financial reporting, and ~~annual~~ governance processes and ~~oversee the effectiveness of~~ internal control functions and approve such action as appropriate.

**Commented [AS98]:** Updated to ensure consistent terminology

**Commented [AS99]:** As above

**Commented [AS100]:** Moved from scrutiny section below

**Commented [AS101]:** Moved from scrutiny section and wording updated

### 5 Legal obligations

The Committee will:

- 5.1 ~~seek assurance on the effectiveness,~~ consider reports in respect of the whistleblowing policy; and
- 5.2 ~~ensure the effectiveness of,~~ monitor the Council's compliance with its statutory obligations relating to surveillance, information governance, bribery, corruption and fraud, including the approval of all relevant policies.

### 6. Scrutiny

The Committee will:

- ~~6.1 consider any previously unscrutinised issue, process or practice, provided that the matter has been the subject of a report to Council or committee and the consideration of the subject matter concluded by Council or said committee;~~
- ~~6.2 where appropriate, review minuted actions from all committees with the exception of the Planning Development Management and Licensing Committees and the Appeals Sub Committee, to ensure good practice. It will not prevent any decision being taken and will only review the effectiveness of decision making or monitoring and may make recommendations to the relevant committee or Council;~~
- 6.1 once a matter, process or practice has been the subject of a report to Council or committee (including internal and external audits) and the consideration of the matter concluded by Council or said committee action (with the exception of quasi judicial matters and the Appeals, Business Rates Appeals and Community Asset Transfer Review Sub Committees), the committee, to ensure good practice, can determine that further consideration is required. It will not prevent, or alter, any decision being taken and will

**Commented [AS102]:** 6.1 and 6.2 covered by new 6.1 below

**Commented [AS103]:** Updated wording to clarify previous 6.1 and 6.2

only review the effectiveness of decision making, or monitoring and may make recommendations to the relevant committee or Council

**6.36.2** on occasion, where appropriate and as it sees fit, seek information from partner organisations, contractors or other stakeholders such as Community Councils or groups of interest on any particular issue;

**6.46.3** monitor the Council's continued commitment and adherence to the key elements of good governance and approve such action as is appropriate;

**Commented [AS104]:** Covered above at 4.4

**6.56.4** monitor the implementation of the Council's ALEO Assurance Framework and approve such action as is appropriate;

**Commented [AS105]:** Covered above at 1.2

**6.6** approve and monitor the Council's Code of Corporate Governance;

**6.76.5** provide independent assurance on the integrity of financial reporting and annual governance processes and oversee the effectiveness of internal control functions;

**Commented [AS106]:** Covered at 4.4 above

**Commented [AS107]:** covered above at 4.3

**6.86.6** request, where appropriate and in terms of any contract or agreement, representatives of external organisations to attend and contribute to meetings; and

**6.96.7** receive reports from regulatory bodies and those providing external assurance such as the Scottish Public Services Ombudsman and Inspector of Crematoria, ensure that the Council responds appropriately and monitor compliance with recommendations.

#### **JOINT WORKING WITH OTHER COMMITTEES**

The Committee will maintain an awareness of issues of mutual interest arising through the work of other committees of the Council, through lead officers, conveners and vice conveners working together, and attending other committees as observers. Areas of mutual interest may include, but will not be restricted to:

**Commented [AS108]:** Covered in introduction

1. a relationship with the Public Protection Committee in terms of the systems in place to manage the public protection risks; and
2. a relationship with the Staff Governance Committee in terms of the systems in place to manage the health and safety risks.

#### **JOINT WORKING WITH NON COUNCIL BODIES**

The Committee, through its lead officers, will work jointly with external regulatory bodies to ensure that Council benefits from external review and assurance.

**Executive Lead: Chief Officer – Governance**

## 11.13. STAFF GOVERNANCE COMMITTEE

### PURPOSE OF COMMITTEE

1. ~~To further develop the existing partnership approach between the Council and all trade unions in order to support the Council becoming an employer of choice.~~
2. ~~To approve and monitor the Framework Agreement for Industrial Relations (“the FAIR agreement”).~~

To act as a consultative ~~body and forum for discussion~~ between management, elected members and trade unions, ~~and act as a forum for discussion~~, on matters relating to staff in the pursuit of a workplace culture that reflect the requirements of a 21<sup>st</sup> Century public sector organisation ~~staff, f, including, but affecting~~

Through partnership working the committee will support the Council becoming an employer of choice by promoting positive values, behaviours, training and recruitment and ways of working.

The Committee also acts as safety committee within section 2(7) of the Health and Safety at Work etc Act 1974 and keeps under review measures taken to ensure the health and safety at work of employees. The committee and provides a channel of communication, co-operation and involvement between the Council and trade union representatives on all relevant health and safety matters.

3. ~~To approve and monitor workforce strategies which ensure the Council has a workforce fit for the capabilities required to be a 21st century council,~~
4. ~~To approve all staff policies.~~
5. ~~To provide a channel of communication, co-operation and involvement between the Council and trade union representatives on all relevant health and safety matters.~~
6. ~~To act as a safety committee within section 2(7) of the Health and Safety at Work etc Act 1974 and to keep under review measures taken to ensure the health and safety at work of employees.~~
7. ~~To monitor the Council’s compliance with its policies and procedures and ensure that it takes such action to ensure it complies with all health and safety legislation.~~
8. ~~To take the lead in establishing and promoting a positive culture, ways of working and values for the organisation and its staff which will reflect public expectation about the conduct and behaviour of public officials~~

**Commented [AS109]:** All covered in streamlined purpose or remit

### REMIT OF COMMITTEE

#### 1. Partnership approach arrangements

The Committee will:

- 1.1 ~~seek to maintain good relationships and model a partnership approach develop the con~~ partnership approach between the Council and trade unions; and
- 1.2 provide a ~~forum~~ decision making forum, where appropriate, for the resolution of staffing matters that cannot be resolved through normal processes for discussion on and resolution of matters of common interest and/or concern, including but not restricted to

**Commented [AS110]:** Partnership approach now developed reflecting progress

**Commented [AS111]:** Refreshed wording to provide clarity over remit

conditions of service, ~~or reorganisation/restructure affecting conditions of service~~ (except teachers<sup>1</sup>); ~~and~~

1.2.1 ~~arrangements for the strategic training and welfare of all staff; and~~

- 1.3 consider reports by the Chief Officer – ~~People and~~ Organisational Development on matters following a request by a trade union advisor provided always that the Chief Officer – ~~People and~~ Organisational Development is satisfied that the matter is appropriate and relevant to the remit of the Committee and that it raises no question of individual employee issues.

## 2. ~~Strategic Workforce Plans and Policies Strategies~~

The Committee will:

~~2.1 a~~ Approve the Framework Agreement for Industrial Relations (the FAIR agreement);

~~2.2 a~~ Approve strategic workforce plans which reflect the requirements of a 21st Century Council in terms of staff, skills and attributes;

~~2.3 a~~ Approve framework documentation in relation to workforce culture;

~~determine and monitor the compliance with workforce related strategies which reflect the requirements of a 21st century Council in terms of staff and skills and attributes; and~~

~~2.12.4~~ approve an annual strategic training and development plans for the whole organisation

### ~~3. Council Policies Affecting Staff~~

The Committee will:

~~2.54~~ develop, approve and monitor the implementation of all staff policies, these being policies where the predominant factor affects the expected behaviour and actions of staff; and

~~2.65~~ monitor equality in employment and ensure that the Council, as an employer, complies with its statutory equal pay and other equality responsibilities.

2.7 receive people performance data to enable the monitoring of the wellbeing of our staff including but not limited to absence data.

### ~~3. Health, Safety & Wellbeing of Staff~~

The Committee will:

~~3.1~~ approve health, safety and wellbeing policies

~~3.2~~ approve the Corporate Health and Safety Annual Audit Plan

~~3.3~~ monitor performance and compliance across all functions of the Council in respect of  
i Health and safety legislation

**Commented [AS112]:** Deleted, one example sufficient

**Commented [AS113]:** Updated wording to remove confusion re strategies

**Commented [AS114]:** Covered under 2.1

**Commented [AS115]:** Section header removed

**Commented [AS116]:** Wording updated to clarify what a staff policy is

**Commented [AS117]:** Section streamlined

<sup>1</sup> Teacher conditions of service are not agreed locally – they are agreed at national level, and therefore the Staff Governance Committee would have no locus to make any decisions on teaching terms and conditions.

ii Health, safety and wellbeing policies

iii Health and safety recommendations, including those from external inspection bodies

~~5.1 — actively reinforce health, safety and wellbeing roles and responsibilities amongst staff;~~

~~5.2 — receive appropriate levels of assurance to monitor compliance with health and safety legislation;~~

~~5.3 — scrutinise and review health, safety and wellbeing policy, performance, trends and improvements;~~

~~5.4 — approve and keep under review the Corporate Health and Safety Annual Audit Plan;~~

~~5.5 — consider reports on health, safety and wellbeing from all services of the Council to help ensure that services are complying with relevant policies; and~~

~~5.6 — monitor compliance with health and safety recommendations.~~

~~5. — **Establishing and Promoting Values for the Organisation**~~

~~The Committee will:~~

~~— 5.1 — approve and promote a Behavioural Framework for the Council.~~

Commented [AS118]: All covered above

Commented [AS119]: Covered at 2.5 above

## 6. Employment Appeals and Disputes

The Committee will:

6.1 ~~be responsible for approving and keeping under review~~ approve the procedure for the Appeals Sub Committee.

## MEMBERSHIP

Elected members

Local trades union representatives as advisers — two named advisers from each of the following trades unions:

- Unison
- Unite
- GMB
- Educational Institute of Scotland (EIS)
- Scottish Secondary Teachers' Association (SSTA); and
- VOICE

## **JOINT WORKING WITH OTHER COMMITTEES OF THE COUNCIL**

~~The Committee will maintain an awareness of key issues arising through the work of other committees of the Council, through lead officers, conveners and vice conveners working together and attending other committees as observers. This will help to ensure that relevant information is shared to aid understanding of workforce performance matters.~~

~~A key relationship will be required with committees in order to be assured that staff are being properly engaged and consulted with on specific transformation proposals.~~

Commented [AS120]: Covered in introduction



**JOINT WORKING WITH NON COUNCIL BODIES**

The Committee, through its lead officers, will work jointly with external bodies such as the Health and Safety Executive to ensure that Council benefits from external review and assurance.

**Executive Lead: Chief Officer – People and Organisational Development**

DRAFT

## **14. APPEALS SUB COMMITTEE**

### **PURPOSE OF THE SUB COMMITTEE**

To determine all delegated staff employment issues raised in accordance with Council policy where provision exists for an appeal to ~~the former Appeals by Employees Committee or~~ this Sub Committee.

### **REMIT OF THE SUB COMMITTEE**

- ~~1. The Sub Committee shall operate in terms of the agreed procedure.~~
- ~~2. The Sub Committee shall comprise five elected members drawn from the pool of membership of the Staff Governance Committee and the quorum shall be three.~~
1. The Sub Committee will:
  - 1.1 determine appeals raised in accordance with Council policy where a right to appeal exists against dismissal or final written warning arising from hearings where the right of appeal exists; and
  - 1.2 determine disputes notified by Trades Unions in accordance with the Council's disputes resolution procedures.
- ~~2. The Sub Committee will operate in terms of the agreed procedure.~~
- ~~3. The Sub Committee will comprise five elected members drawn from the pool of membership of the Staff Governance Committee and the quorum will be three.~~

**Executive Lead: Chief Officer – People and Organisational Development**

**Commented [AS121]:** Made this standalone to be consistent with other Sub Committees

**Commented [AS122]:** Moved to point 2 and 3 below.

## 12.15. PUBLIC PROTECTION COMMITTEE

### PURPOSE OF COMMITTEE

To ~~provide~~ receive assurance on the statutory regulatory duties placed on the Council for:

- Child Protection;
- Adult Protection;
- Consumer Protection and Environmental Health;
- Civil Contingency responsibilities for local resilience and prevention; and
- Building control.

To undertake the Council's duties in relation to the Police and Fire and Rescue Services under the Police and Fire Reform (Scotland) Act 2012.

### REMIT OF COMMITTEE

#### 1. Child and Adult Protection

The Committee will ~~seek assurance~~ receive assurance from the Child and Adult Protection Committees on:

- 1.1 the impact and effectiveness of child and adult support and protection improvement initiatives, including:
  - 1.1.1 delivery of national initiatives and local implications;
  - 1.1.2 learning from significant case reviews;
  - 1.1.3 quality assurance;
  - 1.1.4 training and development; and
  - 1.1.5 local evidence based initiatives;
- 1.2 effective working across child and adult protection; and
- 1.3 statistics relating to the Child Protection Register and the Vulnerable People's Database, whilst noting that it has no remit to challenge entries.

The Committee will also:

- 1.4 ~~receive~~ assurance on the outcome of Council's duty to deliver an effective justice service as determined by statutory inspections;
- 1.5 ~~seek~~ receive assurance on the Council's compliance with statutory duties in respect of child poverty; and
- 1.6 consider the Chief Social Work Officer's Annual Report.

#### 2. Local Resilience

The Committee will:

- 2.1 ~~m~~Monitor compliance with the Council's duties relating to resilience and local emergencies; this includes reviewing staffing arrangements and systems for incident management ~~as well as the systems for incident management;~~
- 2.2 ~~m~~Monitor compliance with the Council's duties relating to the provision of a city mortuary, and its adequacy for supporting the needs of mass fatalities;

**Commented [AS123]:** The committee receive rather than provide assurance

**Commented [AS124]:** Addition to cover the Council's duty to deliver an effective justice service

2.3 ~~ensure receive assurance~~ that services ~~are~~ maintain~~ing~~ and review~~ing~~ Business Continuity Plans in accordance with the priorities allocated to them;

2.4 ~~consider receive~~ relevant local, regional and national lessons learnt reports and recommendations ~~in respect of emergency planning matters~~ and monitor their implementation; and

~~2.5 monitor the Council's response to the National CONTEST strategy and associated plans relating to Counter Terrorism, consider the results from the Council's self assessment on resilience and CONTEST (the UK Government's Counter Terrorism Strategy) duties and monitor the implementation of associated action plans.~~

**Commented [AS125]:** Updated to clarify that it is in respect emergency planning matters

**Commented [AS126]:** Updated terminology and to clarify Committee's remit.

### 3. Protective Services

The Committee will:

3.1 ~~seek receive~~ assurance ~~from the in respect of the~~ Council's performance in relation to Trading Standards, Environmental Health (including the Public Mortuary) and Scientific Services;

3.2 ~~scrutinise receive~~ external inspection and audit reports relating to the above services listed at 3.1; and

~~approve statutory plans aimed at protecting the public and delivered by or in partnership with Environmental Health and Trading Standards services; and~~

3.3 receive a summary of findings from statutory sampling and analysis work carried out by or on behalf of the Environmental Health and Trading Standards services ~~to ensure compliance with required standards.~~

**Commented [AS127]:** this is an anomaly, the Committee's remit is regarding assurance – this is an operational delivery matter and should be considered by ODC

### 4. Building Control

The Committee will consider reports on:

4.1 major incidents and fatal accident inquiries and any resulting impact and responsibilities placed on the Council;

4.2 ~~informal and formal~~ activity by Building Standards in relation to public safety and dangerous buildings; and

4.3 ~~informal and formal~~ activity by Building Standards in relation to public safety for unauthorised building work and the unauthorised occupation of buildings.

### 5. Police and Fire and Rescue Service

In respect of the Council's responsibilities ~~under the Fire (Scotland) Act 2005 and the Police and Fire Reform (Scotland) Act 2012~~ in relation to the Scottish Police Authority, the Police Service of Scotland and the Scottish Fire and Rescue Service, the Committee will:

**Commented [AS128]:** Updated terminology

5.1 contribute to and comment on the Strategic Police Plan and the ~~Strategic Scottish~~ Fire and Rescue ~~Service Strategic~~ Plan when consulted by the relevant national authority;

5.2 respond to consultation by the Chief Constable on the designation of a local commander and by the Scottish Fire and Rescue Service on the designation of a local senior officer;

5.3 be involved in the setting of priorities and objectives ~~both~~ for the policing of Aberdeen and for the Scottish Fire and Rescue Service ~~for in~~ the undertaking of its functions in Aberdeen;

- 5.4 specify policing measures the Council wishes the local commander to include in a Local Police Plan;
- 5.5 approve a Local Police Plan submitted by the local commander and to approve a Local Fire and Rescue Plan ~~(including a revised plan) prepared by the local senior officer and~~ submitted by the Scottish Fire and Rescue Service;
- 5.6 ~~monitor receive reports on~~ service provision and delivery in Aberdeen and provide feedback to the local commander and the local senior officer;
- 5.7 consider reports, statistical information and other information about the policing of Aberdeen and the undertaking of the Fire and Rescue function in Aberdeen provided in response to the Council's reasonable requests;
- 5.8 agree, with the local commander, modifications to an approved Local Police Plan at any time; and
- 5.9 liaise with the local commander and local senior officer with regard to the undertaking by them of the community planning duties of the Chief Constable and the Scottish Fire and Rescue Service.

#### ~~JOINT WORKING WITH OTHER COMMITTEES~~

~~The Committee will maintain an awareness of key issues arising through the work of other committees of the Council, through lead officers, conveners and vice conveners working together and through attending other committees as observers. This will help inform the work of the Committee, specifically:~~

- ~~1. the relationship with the Audit, Risk and Scrutiny Committee in terms of the systems in place to manage the public protection risk; and~~
- ~~2. the relationship with the Staff Governance Committee in terms of ensuring staff have the required skills to underpin public protection.~~

#### ~~JOINT WORKING WITH NON COUNCIL BODIES~~

~~The Committee, through its lead officers, will work jointly with external regulatory bodies and statutory partners to ensure that Council is able to provide a high standard of public safety.~~

~~It will have close links with the work of the Aberdeen City Health and Social Care Partnership's Clinical Governance Committee to explore shared risks and responses to adverse events, the preparation of action plans and the sharing of best practice and learning.~~

**Executive Lead: Chief Officer - Governance**

**Commented [AS129]:** Covered by the introduction.

## **13.16. PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

### **PURPOSE OF COMMITTEE**

To ensure the effective undertaking of the Development Management and Building Standards duties of the Council.

### **REMIT OF COMMITTEE**

The Committee will:

1. determine all applications for consent or permission except those local applications which fall to be determined by an appointed officer under the adopted Scheme of Delegation or for which a Pre Determination Hearing has been held;

~~1.1 for the avoidance of doubt, all major or national applications and all applications subject to a Pre Determination Hearing will be considered by Committee (or Council where appropriate);~~

**Commented [AS130]:** Covered by remit 2 below

2. visit application sites where agreed;

~~3. authorise the taking of enforcement action;~~

**Commented [AS131]:** Enforcement of a previous decision – this will now be undertaken through the CO-SPP PDOs and an annual report on all activity to PDMC

- ~~4.3.~~ make Orders and issue Notices;

- ~~5.4.~~ approve development briefs and masterplans;

~~6.5.~~ develop and adopt non-statutory development planning management guidance (supplementary planning guidance);

**Commented [AS132]:** Updated to reflect new Planning Act

6. conduct pre-determination hearings in pursuance of the provisions contained within Section 38A of the Town and Country Planning (Scotland) Act 1997; and

7. ~~determine an application for planning permission for a development where a pre determination hearing is held in terms of s38A of the Town and Country Planning (Scotland) Act 1997; and~~

**Commented [AS133]:** Transferred from Council to PDMC remit to reflect section 27 of the new Planning Act which comes into force on 1 March 2020 and thereby removes the requirement for such applications to be determined by Full Council.

- ~~8. review and approve policies and supplementary guidance relating to its function.~~

**Commented [AS134]:** Covered by number 5 above.

### **JOINT WORKING WITH OTHER COMMITTEES**

~~The Committee will maintain an awareness of key issues arising through the work of other committees of the Council, through lead officers, conveners and vice conveners working together, and attending other committees as observers. Specifically, key relationships will be required with the Capital Programme Committee which will oversee the preparation of the Local Development Plan to the point where it will be approved by Council.~~

**Commented [AS135]:** Covered in introduction.

### **JOINT WORKING WITH NON COUNCIL BODIES**

~~The Committee, through its lead officers, will work jointly as appropriate with the Scottish Environment Protection Agency, Historic Environment Scotland and the Planning and Architecture Division of the Scottish Government.~~

**Executive Lead: Chief Officer – Strategic Place Planning**

## **14.17. LICENSING COMMITTEE**

### **PURPOSE OF COMMITTEE**

To deal with the functions of the Council in relation to all licensing matters under the Civic Government (Scotland) Act 1982 and all other Acts (not falling specifically within the remit of the Licensing Board or any other Committee) covering personal or other licences, certificates and permits. This includes but is not restricted to applications for: Mandatory and Discretionary Licences under Civic Government (Scotland) Act 1982; and Miscellaneous Licences under other Legislation.

#### **Mandatory Licences**

- Metal Dealer's Licences
- Indoor Sports Entertainment Licences
- Skin Piercing and Tattoo Licences
- Houses in Multiple Occupation Licences
- Knife Dealer's Licences
- Taxi Booking Office Licences

#### **Discretionary Licences**

- Taxi and Private Hire Car Licences
- Taxi and Private Hire Car Driver's Licences
- Second Hand Dealer's Licences
- Boat Hire Licences
- Street Trader's Licences
- Market Operator's Licences
- Public Entertainment Licences
- Late Hours Catering Licences
- Window Cleaner's Licences
- Sex Shop Licences
- Permission to organisations for public charitable collections and public processions

#### **Miscellaneous Licences under other Legislation**

- Houses in Multiple Occupation - Housing (Scotland) Act 2006
- Registration of Private Landlords - Antisocial Behaviour etc.(Scotland) Act 2004
- Theatre Licence – Theatres Act 1968
- Cinema Licence - Cinemas Act 1985
- Safety in Sports Grounds - Safety in Sports Grounds Act 1975

### **POWERS-REMIT OF COMMITTEE**

The Committee will:

1. ~~consider~~ **determine** applications for the grant, renewal, revocation, variation or suspension of any licence as appropriate;
2. ~~consider~~ **determine** applications and reviews for Houses in Multiple Occupation under the Housing (Scotland) Act 2006 (the responsibility for all other matters relating to the licensing of Houses in Multiple Occupation resting with the Operational Delivery Committee);
3. ~~determine~~ ~~consider~~ all other matters relating to licensing including the setting of taxi fares and the designation of taxi stances;
4. approve and monitor the Council's functions under the Safety of Sports Grounds Act 1975;
5. ~~determine~~ ~~consider~~ landlord registration applications under the Antisocial Behaviour Etc (Scotland) Act 2004;
6. ~~determine~~ ~~consider~~ film classifications under the Cinemas Act 1985;
- ~~7. review and approve policies relating to its function;~~
- 8.7. ~~determine~~ ~~consider~~ theatre licences under the Theatres Act 1968; and
- 9.8. ~~determine~~ ~~consider~~ which of the optional licences they will invoke and which categories of activity within those licence categories shall be licenced under the Civic Government (Scotland) Act 1982.

**Commented [AS136]:** Updated to ensure consistent language

**Commented [AS137]:** Updated to ensure consistent language

**Commented [AS138]:** Updated to ensure consistent language

**Commented [AS139]:** Updated to ensure consistent language

**Commented [AS140]:** Updated to ensure consistent language

**Commented [AS141]:** Covered in General Delegations

**Commented [AS142]:** Updated to ensure consistent language

**Commented [AS143]:** Updated to ensure consistent language

#### **JOINT WORKING WITH OTHER COMMITTEES**

~~The Committee, through its lead officers, Convener and Vice Convener, will regularly consider key issues arising through other committees of the Council, including the Public Protection Committee. This will help ensure that matters of mutual interest are dealt with in the most efficient and effective way.~~

**Commented [AS144]:** Covered in introduction section



## **15.18. LICENSING SUB COMMITTEE**

### **PURPOSE OF THE SUB COMMITTEE**

To act as the Licensing Committee in respect of applications referred by the Licensing Committee, or where there are items of urgent business to be determined.

**Commented [AS145]:** Purpose added

### **REMIT OF THE SUB COMMITTEE**

The Sub Committee will:

1. ~~consider~~ determine any application referred to it by the Licensing Committee for the grant, renewal, revocation, variation or suspension of any licence; and
2. ~~consider and~~ determine any urgent business placed before it by the Chief Officer - Governance or Chief Officer – Early Intervention and Community Empowerment relating to any matters falling within the remit of the Licensing Committee.

**Commented [AS146]:** Updated to ensure consistent language

**Commented [AS147]:** Updated to ensure consistent language

Members of the Sub Committee will be members of the Licensing Committee and the quorum will be 3 members.

**Executive Lead: Chief Officer – Governance**

## **16.19. 16. PENSIONS COMMITTEE**

### **PURPOSE OF COMMITTEE**

To discharge all the functions and responsibilities relating in respect of the Council's role as administering authority for the North East Scotland Pension Funds (NESPF). This includes managing the investment of the NESPF in accordance with the Local Government Pension Scheme (Management and Investment of Funds) (Scotland) Regulations 2010 and other relevant legislation.

The Committee will work alongside the Fund's Local Pension Board to consider any pension compliance matters raised.

Where reference is made to 'the Fund', this refers to the Main Fund (the North East Scotland Pension Fund) and the Transport Fund (the Aberdeen City Council Transport Fund).

including:-

- 1.1 approving and monitoring the administration of the Local Government Pension Scheme (LGPS) in accordance with the LGPS (Scotland) Regulations 2018 and other relevant legislation;
  - 1.2 managing the investment of the NESPF in accordance with the LGPS (Management and Investment of Funds) (Scotland) Regulations 2010 and other legislation;
  - 1.3 receiving regular training to enable the Committee members to make effective decisions under the LGPS Regulations and other relevant legislation and to make decisions in compliance with the Pensions Regulator's Code of Practice; and
  - 1.4 working alongside the Fund's Local Pension Board, considering any pension compliance matters raised.
2. Where reference is made to 'the Fund', this refers to the Main Fund (the North East Scotland Pension Fund) and the Transport Fund (the Aberdeen City Council Transport Fund).

### **REMIT OF COMMITTEE**

#### **1. Finance and Risk Management**

The Committee will:

- 1.1 ~~set the investment objective and~~ approve the Funding Strategy ~~strategy Statement, produced~~ in light of the Fund's assets and liabilities, and appoint or remove Fund Managers or new financial vehicles in furtherance of the strategy;
- 1.2 approve the budget and expenditure in connection with the administration of the Fund;
- 1.3 ensure that an effective system of internal financial control is maintained through scrutinising financial information presented to Committee; ~~and~~
- 1.4 ensure effective risk management of the Fund through monitoring of adherence to the Fund Risk Management Policy and regular scrutiny of the Fund risk register; and
- 1.4.1.5 determine applications for Admitted Body Status.

Commented [AS148]: Covered in purpose above

Commented [AS149]: To be covered in Standing Orders

Commented [AS150]: Covered in purpose above

Commented [AS151]: Section reordered

Commented [AS152]: Added to provide clarity in light of report considered earlier in 2019

Commented [AS153]: Transferred from 5.3 below

## 2. Internal and External Audit

The Committee will:

2.1 approve the annual audit plans ~~in relation to the Pension Fund~~; and

2.2 consider all reports prepared by the Council's Internal and External Auditors in relation to the ~~Pension Fund~~.

**Commented [AS154]:** Added to make it explicit

**Commented [SI155]:** Should just say "the Fund"

## 3. Annual Report and Accounts

The Committee will:

3.1 ~~review and approve the Annual Report and Accounts, including the Annual Governance Statement counting statement.~~

**Commented [AS156]:** Updated to reflect correct terminology.

## 4. Legal Obligations

The Committee will ensure:

4.1 compliance with the Local Government Pension Scheme (Scotland) Regulations as amended and with all other legislation governing the administration of the Fund; and

4.2 adherence to the principles set out in the Pension Regulator's Code of Practice.

## 5. Scrutiny

The Committee will:

~~5.1 approving and monitoring monitor and approve the administration of the Local Government Pension Scheme (LGPS) in accordance with the LGPS (Scotland) Regulations 2018 and other relevant legislation; and~~

~~5.1.2 monitor scrutinise the performance of Fund Managers, including in relation to environmental, social and governance (ESG) and voting matters, through regular performance reports to Committee; and~~

~~5.2 determine applications for Admitted Body status.~~

**Commented [AS157]:** Moved to Finance and Risk Management Section as 1.5

**Commented [AS158]:** Covered in introduction

## **JOINT WORKING WITH OTHER COUNCIL COMMITTEES**

~~The Committee, through its lead officers, will regularly consider key issues arising through other committees, in particular the City Growth and Resources and Staff Governance Committees.~~

## **JOINT WORKING WITH NON COUNCIL BODIES**

~~The Committee, through its lead officers, will work jointly with the Fund's Investment Consultant and Actuary in the management of the Fund and with external contacts such as the provider of the pensions IT programme.~~

**Executive Lead: Chief Officer – Finance**

## **20. GUILDRY AND MORTIFICATION FUNDS COMMITTEE**

Commented [AS159]: Addition to the Terms of Reference

### **PURPOSE OF COMMITTEE**

To consider applications for payments from certain charitable funds held by the Council which fall into two categories, the Guildry Funds and the Mortification Funds.

### **REMIT OF COMMITTEE**

The Committee will:

- 1.1 consider applications for payments and make recommendations on the appropriate level of allowance to be made.
- 1.2 receive reports from the Lord Dean of Guild in respect of Burgess activity and business.

Executive Lead: Chief Officer – Finance

DRAFT

## **17.21. 17. ABERDEEN CITY REGION DEAL JOINT COMMITTEE**

The Aberdeen City Region Deal Joint Committee is a Joint Committee established by Aberdeen City Council and Aberdeenshire Council (the “Constituent Authorities”) under sections 56 and 57 of the Local Government (Scotland) Act 1973.

The creation of the Joint Committee represents the joint commitment of the Constituent Authorities and Opportunity North East (“ONE”) to support and oversee the implementation of the Aberdeen City Region Deal.

In particular it shall have the power to:

1. Approve Business Cases for City Region Deal projects and any other related documentation with the exception of those where approval is reserved to either or both of the Constituent Authorities.
2. Make recommendations to the Constituent Authorities and ONE in respect of projects within the City Region Deal Strategic and Policy plans.
3. Monitor the effectiveness of the implementation and the delivery of the City Region Deal and to report to the Constituent Authorities on progress.
4. Receive updates from the United Kingdom and Scottish Governments in connection with any aspect of the City Region Deal, projects relating to the Memorandum of Understanding signed by the United Kingdom and Scottish Governments and the Constituent Authorities or additional United Kingdom and Scottish Government investment and any related projects.
5. Approve (i) the overall programme funding for the City Region Deal; and (ii) the detailed breakdown and use of the Constituent Authorities’ financial contributions to the City Region Deal in relation to such overall programme funding for the City Region Deal where this relates to programme funding already committed and approved by the relevant Constituent Authority.
6. Approve operational expenditure within agreed Aberdeen City Region Deal Joint Committee budgets allocated by the Constituent Authorities and/or ONE in order to further the aims of the City Region Deal.
7. Provide feedback to the United Kingdom Government and Scottish Government on the implementation of the City Region Deal and any strategic, economic or infrastructure activities associated with the City Region Deal.
8. Appoint three representatives and three named substitutes of ONE to the membership of the Joint Committee.

These terms of reference will be kept under review by the Constituent Authorities, ONE and the Joint Committee throughout the implementation of the City Region Deal to ensure sufficient accountability of public funds provided through City Region Deal funding.

**Executive Lead for the Council: Chief Officer – City Growth**

## **18.22. ~~18.~~ NORTHERN ROADS COLLABORATION JOINT COMMITTEE**

The Northern Roads Collaboration Joint Committee is a Joint Committee established by Aberdeen City Council, Aberdeenshire Council, Angus Council, Argyll and Bute Council, Comhairle nan Eilean Siar, The Highland Council, The Moray Council and The Orkney Islands Council (the "Constituent Authorities") under sections 56 and 57 of the Local Government (Scotland) Act 1973.

The Joint Committee undertakes to appoint two named representatives from each Constituent Authority to its membership.

The creation of the Joint Committee represents the joint commitment of the Constituent Authorities to work collaboratively for the joint discharge of road and road-related functions, including ports and harbours (the "Roads Collaboration").

In particular it shall have the following powers:

1. To identify suitable projects and initiatives for Roads Collaboration and to make recommendations to Constituent Authorities.
2. To make recommendations to Constituent Authorities in respect of resource contribution, funding arrangements and budget setting for projects and initiatives for Roads Collaboration.
3. To manage resources and approve operational expenditure within agreed Joint Committee budgets for Roads Collaboration.
4. To monitor the effectiveness of the Roads Collaboration and to identify potential improvements and efficiencies.
5. To approve an annual performance report and financial statement for the reporting year on Roads Collaboration.
6. To approve and amend Standing Orders for the Joint Committee and any of its Sub-Committees.
7. To appoint the Chair and Vice Chair of the Joint Committee and any of its Sub-Committees.
8. To make arrangements for the provision of business support services for the Joint Committee and any of its Sub-Committees.

**Executive Lead for the Council: Chief Officer – Operations**



# Powers Delegated To Officers

Approved by Council **24** March 20**2019** |





## POWERS DELEGATED TO OFFICERS

### DEFINITIONS, PRINCIPLES AND INTERPRETATION

#### DEFINITIONS

**The Council** means Aberdeen City Council.

**ACC Procurement Regulations** means the Aberdeen City Council Procurement Regulations ~~2019~~.

**Commented [AS1]:** Date not required.

**ACC Financial Regulations** means Aberdeen City Council's Financial Regulations.

**Chief Officers means:-**

- (i) the Chief Executive and Directors of the Council;
- (ii) Council officers whose job titles include the term "Chief Officer";
- (iii) the Council's Head of Commercial and Procurement ~~Services~~;
- (iv) the Chief Officer of the Aberdeen City Health and Social Care Partnership; and
- (v) the Chief Finance Officer of the Aberdeen City Health and Social Care Partnership.

**Commented [AS2]:** Updated throughout to reflect the job title

**Scheme of Governance** means the Council's Scheme of Governance, comprising the Committee Terms of Reference; ~~the~~ Powers Delegated to Officers; Standing Orders for Council, Committee and Sub-Committee Meetings; ACC Financial Regulations; ACC Procurement Regulations; and ~~the~~ Member-Officer Relations Protocol.

#### PRINCIPLES

1. This Powers Delegated to Officers document applies from 6 March 2019 and sets out the powers delegated by the Council to officers, pursuant to the Local Government (Scotland) Act 1973. This Powers Delegated to Officers document is intended to facilitate the efficient conduct of Council business by clearly setting out the nature and extent of the powers delegated to officers by the Council.
2. The powers delegated to officers in terms of this Powers Delegated to Officers document are subject to change by decision of the Council in accordance with the Scheme of Governance.
3. The Local Government (Scotland) Act 1973 requires the Council to maintain a list specifying those powers which are exercisable by officers and stating the titles of those officers. This Powers Delegated to Officers document is produced in compliance with that duty.
4. Any delegation made to an officer under this Powers Delegated to Officers document shall not prevent the Council or relevant Committee ~~or Sub Committee~~ from exercising the power so delegated provided that the matter in question has not already been determined.
5. This Powers Delegated to Officers document does not permit delegation to an officer of a power which is reserved to the Council or one of its Committees or Sub Committees.
6. The Council shall exercise all its powers and duties in accordance with the law and the Council's constitutional documents. In particular, the exercise of any power contained within this Powers Delegated to Officers document shall be in accordance with the provisions of the Scheme of Governance and shall be subject to there being sufficient funding available to cover the costs of exercising that power. In exercising such a power, the relevant officers shall have due regard to relevant Council policy.

**Commented [AS3]:** Added to cover sub-committees

In exercising such a power, the relevant officers should be mindful of the potential for political sensitivity or controversy and, where appropriate, should consider consulting with elected members or referring the matter to Council or one of its Committees or Sub Committees. Some of the powers contained herein expressly require consultation with elected members.

7. Except where prohibited by law, Chief Officers may sub-delegate any of their delegated powers to their deputies or such other officer(s) as they may consider appropriate. Any such sub-delegations shall be made in writing or confirmed in writing as soon as reasonably practicable. Chief Officers will remain accountable for decisions taken by their sub-delegates. Section 50G of the Local Government (Scotland) Act 1973, regarding maintenance of a list of powers exercisable by officers, shall be complied with.
8. An interim Chief Officer, or an individual formally acting up as a Chief Officer, shall be treated as a Chief Officer for the purposes of this Powers Delegated to Officers document.
9. In the event that a Chief Officer is unavailable, his/her deputy, the Chief Executive (including his/her nominee) or the relevant Director of the Council will have delegated authority to take urgent decisions in the absence of the Chief Officer in question.

#### INTERPRETATION

1. References to any legislation, circulars, directions, plans, policies, procedures, regulations, ~~byelaws, rules, and guidance and similar things~~ include reference to those things as re-named, amended, replaced or superseded and are to be taken as referring to the nearest equivalent as may exist from time to time. References to any legislation include all subordinate legislation made under that legislation from time to time.
2. References to any committees, ~~sub-committees~~ departments, services, ~~and~~ officer titles, ~~organisations and other things~~ include reference to those things as re-named, amended, replaced or superseded and are to be taken as referring to the nearest equivalent as may exist from time to time.
3. All references to the doing of any-thing or the taking of any action, step or measure, except where the context otherwise requires, include reference to the instructing of or arranging for same.
4. All references to the signing, serving, giving or issuing of any notice or other document include reference to any and all of those actions (and instructing or arranging for such serving, giving or issuing).
5. References to "officers", "staff" and "employees" mean those of the Council, except where the context otherwise requires.
6. References to "including" (and "include" and any variation thereof) mean including without limiting the generality of any description preceding such term.
7. In the event of any conflict or inconsistency between this Powers Delegated to Officers document and any legislation or rule of law, that legislation or rule of law shall prevail. In the event of any incorrect citation of, or reference to, legislation in this Powers Delegated to Officers document, the relevant provision(s) of this Powers Delegated to Officers document shall be read as referring to the correct legislation.

**Commented [AS4]:** Added to ensure all potential areas covered.

**Commented [AS5]:** Added to reflect sub-committees

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## 1. GENERAL DELEGATIONS TO CHIEF OFFICERS

The following General Delegations may be exercised by any Chief Officer - but **only in relation to a function or matter which falls within their remit or area of responsibility**. This is subject to any express restriction of the exercise of the power to certain Chief Officers only.

1. To exercise any powers conferred on Council officers by any Management Rules or Byelaws made under the Civic Government (Scotland) Act 1982 or Local Government (Scotland) Act 1973 respectively **and to undertake reviews of such Management Rules and Byelaws.**
2. To authorise officers within their function or service to exercise all or any of the statutory powers which have been allocated by the Council to their function or service, with any such authorisations being documented.
3. To sign, give, issue and serve:
  - a. statutory notices, statutory orders and other statutory documents, and
  - b. **other** notices, orders and documents of a legal **nature** (except ~~deeds and contracts and conveyancing deeds~~), and to exercise any powers pursuant to any such notices, orders and documents.
4. To offer services of staff to other local authorities or public or statutory bodies:
  - a. **in** emergencies where the **safety or** protection of the public is at risk or where such services are otherwise essential in the circumstances, or
  - b. subject to the ACC Procurement Regulations, where the Chief Officer identifies an opportunity for income generation for the Council.
5. To provide consultancy services to other persons or organisations and make charges for same, subject always to the provisions of the ACC Procurement Regulations and ACC Financial Regulations.
6. **To** make visits and attend events, meetings, **hearings**, conferences, courses and seminars (and to authorise members of staff to so visit and attend) within the United Kingdom, where s/he considers this to be in the interests of the Council and sufficient budgetary provision exists to cover the cost.
7. To authorise settlement or repudiation of any claim made against the Council (whether by litigation or otherwise), following consultation with the Chief Officer - Governance, and provided that sufficient budgetary provision exists to cover any payment to be made in settlement.
8. To instruct the raising by the Council of any court or tribunal proceedings, or the taking by the Council of any other legal action, and to instruct the enforcement of any orders or decrees obtained thereby.
9. To instruct the defence by the Council of any court or tribunal proceedings, or other legal action, raised or taken against the Council.
10. To approve expenditure under the Council's Relocation Policy provided that sufficient budgetary provision exists to cover such expenditure.
11. To accept gifts on behalf of the Council and to record such gifts in accordance with the Council's policy on gifts and hospitality.

**Commented [AS6]:** Updated to ensure good practice and therefore that reviews are undertaken of such Management Rules and Byelaws

**Commented [AS7]:** Clarification of wording to confirm the GD does not cover conveyancing deeds.

**Commented [AS8]:** Addition of "safety" to provide greater clarity in what circumstances this power would be invoked.

**Commented [AS9]:** Addition of "hearings" to ensure all reasons why a member of staff may require to travel within the UK are covered.

12. To incur expenditure (not exceeding £500 on any one occasion) on the provision of appropriate hospitality to members and officers of national government, local authorities or public authorities visiting the city, or to consultants or others assisting or co-operating with officers of the Council in carrying out any of the Council's functions provided that the expenditure can be met from existing budgets.
13. To exercise all powers delegated to him/her as a Chief Officer in terms of the ACC Procurement Regulations.
14. ~~To exercise all powers delegated to him/her as a Chief Officer in terms of the Inter-Authority Agreement 3 relating to the NESS Energy Project.~~
- 14.15. To approve changes in hours for existing ~~authorised~~ posts, provided that sufficient budgetary provision exists.
- 15.16. ~~To approve termination of service on medical or capability grounds in accordance with Council policy~~ where such a course of action is supported by a recommendation by the Council's occupational health provider; and to approve termination of service on grounds of trust or confidence or on any other lawful grounds.
- 16.17. To take all decisions regarding employment, retirement, dismissal and training of staff in terms of the Council's Conditions of Service and the Council's employment policies.
18. ~~To make changes to job titles~~ where there are no changes to the post.
- 17.19. To submit ~~Staffing Business Cases requests~~ to the ~~Chief Officer – People and Organisational Development Establishment Control Board in line with agreed processes~~ in respect of staff resources including proposed restructuring, establishing/disestablishing posts, converting or making changes to posts; changing grades, ~~temporary or one-off amendments to pay, and changing job titles,~~ following consultation with the ~~Chief Officer – Organisational Development and the Chief Officer - Finance and~~ ~~with~~ the relevant trades unions, ~~in line with our FAIR agreement.~~
- 18.20. ~~To make appointments to all posts below the level of Chief Officer and to any including Chief Officer posts which are below second tier level.~~
- 19.21. To agree to acquire second hand goods up to a value of £50,000 without a competitive quotation being obtained, provided that he/she obtains in writing (including e-mail) the prior agreement of the Head of Commercial and Procurement ~~Services~~ before effecting the purchase and that the ACC Procurement Regulations are otherwise complied with.
- 20.22. ~~To create and amend procedures, operational plans, protocols and guidance.~~
- 21.23. To implement Council decisions and policies.
- 22.24. To authorise, following consultation with the Chief Officer - Governance, the entering into, variation, extension or termination of any:
  - a. non-disclosure agreements in relation to commercial matters;
  - b. confidentiality agreements in relation to commercial matters; or
  - c. agreement, protocol, memorandum of understanding or other document relating wholly or mainly to the sharing or processing of information.

**Commented [AS10]:** Added to reflect the decision of Council of 4 March 2019

**Commented [AS11]:** Removal of unnecessary language

**Commented [AS12]:** Updated to say in accordance with policy rather be prescriptive.

**Commented [AS13]:** Procedure re staffing Business Cases reviewed and this GD added to reflect new operational practice regarding approval of changing job titles. Reference to changing job titles subsequently proposed for deletion within GD17.

**Commented [AS14]:** Procedure re staffing requests reviewed and this GD amended to reflect new operational practice. Reference to changing job titles removed and proposed to be covered in a new standalone GD. Also, links to DP1 under the Director of Resources which is proposed for deletion as now redundant. 'agreed process' has been agreed with Tus where they are involved.

**Commented [AS15]:** Clearer wording

**Commented [AS16]:** Added to reflect the current position where plans are developed at an operational level on a regular basis, e.g. improvement plans, action plans, service plans, emergency plans, to give effect to Council decisions and Council approved strategies and policies.

**23-25.** To approve applications for grant funding. Thereafter, following consultation with the Convener of the City Growth and Resources Committee, to authorise the acceptance of the grants funding provided that the terms and conditions of such funding have been approved by the Chief Officer - Finance and the Head of Commercial and Procurement Services. Expenditure of such grant funding may then be approved by the relevant Chief Officer subject to any such terms and conditions and in compliance with the ACC Procurement Regulations and Financial Regulations.

**26.** To approve the making of:

a. grants (each with a maximum value of £15,000) to organisations; and

b. grants, awards or prizes (each with a maximum value of £2,500) to individuals,

following consultation with the Chief Officer - Finance, and provided that sufficient budgetary provision exists and the grant, award or prize is made subject to terms and conditions approved by the Head of Commercial and Procurement Services. ~~To approve the making of grants of up to £15,000 for organisations and £2,500 for individuals, following consultation with the Chief Officer - Finance, and provided that sufficient budgetary provision exists and the grant is made subject to terms and conditions approved by the Head of Commercial and Procurement Services.~~

**27.** To approve the terms and conditions for grants approved as part of the budget process, following consultation with the Head of Commercial and Procurement

**24-28.** To approve purchase orders and authorise payments; and to approve officer signatory lists and officer authorisation levels in relation to the raising and approval of purchase orders and the authorisation of payments.

**25-29.** Following consultation with the Chief Officer - Governance or the Head of Commercial and Procurement Services as appropriate, to approve the entering into of any contractual, legal or other documentation which may be necessary or expedient in connection with the proper exercise of any power, or the proper taking of any decision, by the Chief Officer in question ~~which has been hereby delegated~~, and in compliance with the ACC Procurement Regulations.

**26-30.** To purchase equipment, goods and services ~~where the expenditure has been approved by the Council,~~ in compliance with the ACC Procurement Regulations and ACC Financial Regulations.

**27-31.** To approve responses to requests for information made under the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004 and to take any other action in connection with such requests; and to authorise other officers to approve such responses or take such action.

**28-32.** To approve responses to complaints made to the Council and to take any other reasonable and proportionate action in relation to such complaints and to authorise other officers to approve such responses or take such action, all in terms of the Complaints Handling Procedure.

**29-33.** To take action under the Council's Unacceptable Actions Policy and authorise other officers to take such action.

**30-34.** To appoint persons (i) as interim Chief Officers; or (ii) to act as Chief Officers.

**31-35.** To produce, publish and issue reports required or requested of the Council by legislation, the UK or Scottish governments, regulatory bodies or other external bodies and notify the relevant Convener.

**Commented [AS17]:** Wording/layout updated to make power explicit. Approval of the making of awards or prizes also added.

**Commented [AS18]:** New DP added to reflect the processing of grants approved at the budget meeting.

**Commented [AS19]:** Deletion of unnecessary wording

**Commented [AS20]:** Updated to align with current Procurement Regulations where expenditure under the threshold does not require Council approval before undertaking the procurement. Regulations

**Commented [AS21]:** New DP added to cover responsibility under the Unacceptable Actions Policy.

**Commented [AS22]:** Additions to cover publishing such reports and to enable Chief Officer to respond to requests by legislation, the UK or Scottish governments, regulatory bodies or other external bodies

**32.36.** Following consultation with the Chief Officer - Governance, and notification or consultation with Trade Unions in accordance with the Trade Union Consultation protocol where appropriate, to make:

- amendments to Council policy in order to reflect the law, Council or committee decisions, government guidance, regulators' guidance and other Council policies; and
- minor or inconsequential amendments to Council policies including, but not limited to, the correction of obvious, technical or clerical errors and taking account of changes to any names or titles.

**Commented [AS23]:** Amended to reflect that TUs would be notified/consulted in accordance with TU consultation protocol as appropriate and to ensure a consistent approach across all policies.

**Commented [AS24]:** Updated to ensure that decisions by council or committee can be reflected

**33.37.** When acting as Duty Emergency Response Coordinator (DERC):

- to take, or arrange for the taking of, any action on behalf of the Council which s/he considers necessary in the event of:
- an emergency (as "emergency" is defined in the Civil Contingencies Act 2004); or
- any incident that requires the implementation of special arrangements in order to:
  - maintain statutory services at an appropriate level;
  - support the emergency services and other organisations involved in the immediate response;
  - provide support services for the community and others affected by the incident;
  - enable the community to recover and return to normality as quickly as possible; and
  - provide aid to other local authorities,

with any such action being reported to a future meeting of the Council or relevant committee or sub committee as an item on the agenda; and

- to implement, or arrange for the implementation of, the provisions of the Civil Contingencies Act 2004 and the Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005.

**34.38.** Following consultation with the Business Manager and, where relevant, ward members, to determine Participation Requests under the Community Empowerment (Scotland) Act 2015 and the outcome improvement process to apply. To determine Participation Requests (requests by community participation bodies to participate in outcome improvement processes) under the Community Empowerment (Scotland) Act 2015; and to inform the Business Manager, and members of affected wards, of the receipt and determination of any such requests

**Commented [AS25]:** Legislation added to clarify meaning of "Participation Requests".

**35.39.** To order the cessation of any work which is in breach of health and safety legislation or which otherwise poses an unacceptable risk of harm or loss.

**36.40.** To operate the Scheme of Virement as set out within the ACC Financial Regulations.

**37.41.** **Directors, Chief Officer - Governance, Chief Officer - Strategic Place Planning and Chief Officer - City Growth only:** To provide a Council response to an external consultation and; thereafter to inform the relevant Convener and Vice Convener and all Group Leaders that the response has been submitted. A response to an external consultation on a strategic matter can only be submitted following consultation with the Leader of the Council.

**38.42. Chief Executive and relevant Directors only:** To transfer, alter or reallocate staff, activities, responsibilities and clusters functions within the Council's Functional Structure, whether on an interim or permanent basis. For the avoidance of any doubt, this delegated power does not cover such transfers to outside organisations.

**Commented [AS26]:** Updated to clarify responsibilities within this power.

**39.43.** To waive fees where the Chief Officer considers this to be appropriate.

**44.** To provide references or testimonials for current or former service providers, contractors or consultants of the Council.

**45.** To approve the making of payments from the funds of trusts in respect of which:

**Commented [MM27]:** Added to take account of full Council decision regarding trusts on 9 Dec 2019

(a) the Council is sole trustee or the only trustees are elected members of the Council, and  
(b) that Chief Officer is the lead Council officer, following consultation with the Chief Officer – Finance and provided always that such payments are in accordance with the relevant trust deeds.



## 2. CHIEF EXECUTIVE

1. To take, or arrange for the taking of, any action on behalf of the Council which s/he considers necessary in the event of:

- an emergency (as “emergency” is defined in the Civil Contingencies Act 2004), or
- any incident that requires the implementation of special arrangements in order to:
  - maintain statutory services at an appropriate level;
  - support the emergency services and other organisations involved in the immediate response;
  - provide support services for the community and others affected by the incident;
  - enable the community to recover and return to normality as quickly as possible; and
  - provide aid to other local authorities,

with any such action being reported to a future meeting of the Council or relevant committee or sub committee as an item on the agenda.

2. To implement, or arrange for the implementation of, the provisions of the Civil Contingencies Act 2004 and the Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005.

3. Following consultation with the Chief Officer - Governance and the Chief Officer – People and Organisational Development, to authorise a settlement agreement with an employee below Chief Officer level, including in relation to his/her leaving the Council’s employment.

~~3.4. Following consultation with the Chief Officer – Governance, the Chief Officer – People and Organisational Development and the Leader of the Council, to authorise a settlement agreement with an employee of Chief Officer level, including in relation to his/her leaving the Council’s employment. Settlement agreements with Chief Officers can only be authorised following consultation with the Chief Officer – Organisational Development, the Chief Officer – Governance and the Leader of the Council.~~

**Commented [AS28]:** DP3 split into two DPs to make it clearer the different action for an officer below Chief Officer level and for a Chief Officer.

### 3. DIRECTOR OF CUSTOMER

#### CHIEF OFFICER - CUSTOMER EXPERIENCE

##### Revenues and Benefits

1. To administer, collect and enforce recovery of council tax and non-domestic rates in accordance with appropriate regulations, legislation and council policy.
2. To assess and determine housing benefit claims, council tax reduction applications and the scheme for discretionary housing payments, grant benefit and reductions in accordance with appropriate regulations and determine appeals on such applications and claims.
3. To administer the Scottish Welfare Fund in accordance with the terms of the Welfare Funds (Scotland) Act 2015 and associated delegated legislation.
4. To write off debt in accordance with the ACC Financial Regulations.
5. ~~To enforce recovery of Housing Benefit Overpayments and unpaid Penalty Charges Notices and Bus Lane Charges Enforcement Notices in accordance with appropriate regulations, legislation and Council policy.~~
6. ~~To issue employment permits and otherwise discharge the Council's duties in relation to the employment of children under the Aberdeen City Council Byelaws on the Employment of Children 2015, in accordance with the Children and Young Persons (Scotland) Act 1937 and other legislation relating to the employment of children.~~
7. ~~To license stage or theatrical performances by children, and to amend or revoke such licences whether issued by the Council or by another local authority, in accordance with the Children and Young Persons (Scotland) Act 1937, the Children and Young Persons Act 1963 and associated regulations.~~
8. ~~To award Education Maintenance Allowances (section 73(f) of the Education (Scotland) Act 1980) in accordance with criteria and limits set by the Scottish Government~~
9. ~~To administer and award School Clothing Grants (section 23 of the Education (Scotland) Act 2016) which amends the Education Scotland Act 1980~~
10. ~~To administer the Blue Badge Scheme in accordance with the Chronically Sick and Disabled Persons Act 1970 and associated regulations.~~

**Commented [AS29]:** New DP - Addition to reflect operational responsibilities.

**Commented [AS30]:** DP transferred from CO-IC&FS to align with operational responsibilities. Updated wording

**Commented [AS31]:** DP transferred from CO-IC&FS to align with operational responsibilities. Updated wording

**Commented [AS32]:** DP transferred from CO-IC&FS to align with operational responsibilities.

**Commented [AS33]:** New DP - Addition to reflect operational responsibilities.

**Commented [AS34]:** New DP - Addition to reflect operational responsibilities.

##### Payroll

- 4.11. To administer the Council's payroll system.

##### Finance

12. To collect and enforce recovery of all service income due to the Council, excluding housing rents, in accordance with appropriate regulations and legislation.

### Appeals - Parking, Bus Lanes and other Enforcement Activity

13. To undertake, arrange to be undertaken, authorise and instruct, and to appoint and authorise officers in the Parking and Bus Lane Appeals Team and other officers to undertake, arrange to be undertaken, authorise and instruct, all activity relating to parking enforcement in terms of (where applicable) the Road Traffic Act 1991, Road Traffic (Permitted Parking Area and Special Parking Area) (Aberdeen City Council) Designation Order 2003, Road Traffic Regulation Act 1984 and any other relevant legislation. This delegated power includes (but is not limited to):

a issuing, and authorising officers in the Parking and Bus Lane Appeals Team and other officers to issue, Notices to Owner, Notices of Rejection and Charge Certificates; and

b taking, and authorising officers in the Parking and Bus Lane Appeals Team and other officers to take or arrange to be taken, any appropriate actions in relation to Notices to Owner, Notices of Rejection and Charge Certificates (such actions including, but not being limited to, considering and responding to representations, responding to the Parking and Bus Lane Tribunal for Scotland and instructing recovery action in relation to unpaid charges).

14. To undertake, arrange to be undertaken, authorise and instruct, and to authorise officers in the Parking and Bus Lane Appeals Team and other officers to undertake, arrange to be undertaken, authorise and instruct, all activity relating to bus lane enforcement in terms of (where applicable) the Road Traffic Regulation Act 1984, the Aberdeen City Council (Bus Lanes in Aberdeen) (Amendment) Order 2009, the Bus Lane Contraventions (Charges, Adjudication and Enforcement) (Scotland) Regulations 2011 and any other relevant legislation. This delegated power includes (but is not limited to):

a issuing, and authorising officers in the Parking and Bus Lane Appeals Team and other officers to issue, Charge Certificates; and

b taking, and authorising officers in the Parking and Bus Lane Appeals Team and other officers to take or arrange to be taken, any appropriate actions in relation to Charge Notices and Charge Certificates (such actions including, but not being limited to, considering and responding to representations, responding to the Parking and Bus Lane Tribunal for Scotland and instructing recovery action in relation to unpaid charges).

15. To undertake, authorise and instruct, and to appoint and authorise officers in the Parking and Bus Lane Appeals Team (and/or other officers) to undertake, all activity relating to the processing and issue of parking permits in terms of (where applicable) the Road Traffic Act 1991, Road Traffic (Permitted Parking Area and Special Parking Area) (Aberdeen City Council) Designation Order 2003, Road Traffic Regulation Act 1984 and any other relevant legislation.

This delegated power includes (but is not limited to) issuing, and approving and rejecting applications for and authorising officers in the Parking and Bus Lane Appeals Team and other officers to issue approve or reject applications for:

- contractor parking permits;
- permits for NHS medical staff (e.g. i.e. Doctors/GPs);
- permits for contractor NHS care staff;
- monthly permits for off street car parks; and
- permits for Aberdeen City Council staff;

**Commented [AS35]:** Both DPs Transferred from Chief Officer – Early Intervention and Community Empowerment to align with operational responsibilities.

**Commented [AS36]:** New DP - Addition to reflect operational responsibilities.

and authorising officers in the Parking and Bus Lane Appeals Team and other officers to issue such permits and approve or reject applications for such permits.

## CHIEF OFFICER - EARLY INTERVENTION AND COMMUNITY EMPOWERMENT

### Libraries

- ~~1.~~ To exercise statutory powers to provide and manage public libraries; ~~and the to provide and manage the Council's library and information service.~~
- ~~1.2.~~ To prescribe loan periods for articles borrowed from the Council's libraries and collections; and to make charges for the borrowing of items, other than books or periodicals from the Council's collections or the provision of any service provided at libraries.
- ~~2.3.~~ To grant permission for the reproduction of photographs, documents or books and to impose appropriate charges.
- ~~3.4.~~ To grant applications for permission to use accommodation within the Central Library or any community library on the usual terms, conditions and charges applying thereto.

### Community Learning

- ~~5.~~ To attend to the general management of community centres and community learning centres within the Council's ownership ~~and, following determination of funding provision by Full Council, to issue funding letters to the relevant organisations.~~
- ~~4.6.~~ To manage the Creative Learning Programme.
- ~~7.~~ To provide programmes of adult education.
- ~~5.8.~~ To ~~create~~ and deliver the Community Learning and Development ~~strategy~~ Plan

### Housing Allocations

- ~~9.~~ To ~~maintain a common housing register and to~~ allocate Council homes in accordance with the Council's letting and allocation policies.

### Housing Tenancies

- ~~10.~~ To manage Council tenancies and housing estates in line with service policies, tenancy agreements and relevant legislation including, but not limited to, the various Housing (Scotland) Acts; and to sign, and authorise officers to sign, tenancy agreements relating to Council houses.
- ~~6.11.~~ To sign, and to authorise ~~Local Housing Managers~~ Locality Inclusion Managers to sign, Notices of Proceedings for Recovery of Possession of Council houses, in terms of the Housing (Scotland) Act 2001.
- ~~7.12.~~ To instruct, following consultation ~~with the Chief Officer – Customer Experience,~~ the raising on behalf of the Council of proceedings for recovery of possession of Council houses on any of the grounds specified in paragraphs 1 - 15 inclusive of Part 1 of schedule 2 to the Housing (Scotland) Act 2001 or otherwise in terms of that Act or on any other lawful grounds.
- ~~To authorise Locality Inclusion Managers Local Housing Managers to instruct the raising on behalf of the Council of proceedings for recovery of possession of Council houses on grounds of rent arrears, in terms of the Housing (Scotland) Act 2001.~~
- ~~8.13.~~ To deal with cases of unauthorised or irregular occupation of Council houses by persons other than the tenant and to instruct the raising on behalf of the Council of proceedings for recovery of possession of such Council houses.

**Commented [AS37]:** Added to reflect decision of ODC in January 2020

**Commented [AS38]:** New DP - Added to reflect operational responsibilities.

**Commented [AS39]:** updated to reflect Council policy

**Commented [AS40]:**  
Updated to reflect current designations – changed from Local Housing Managers to Locality Inclusion Managers.

**Commented [AS41]:**  
Updated to include in following consultation with the Chief Officer – Customer Experience, to align with operational responsibilities.

**Commented [AS42]:**  
Deleted as covered by DP10

**9-14.** To make decisions, and take or instruct all necessary action, in relation to succession to Council house tenancies and vacancy and abandonment of Council houses.

**10-15.** To authorise home loss and discretionary payments under the provisions of the Land Compensation (Scotland) Act 1973, schedule 2 of the Housing (Scotland) Act 2001 and related legislation, regulations and guidance.

#### Housing Revenue Account

16. To authorise payments from the Housing Revenue Account as required to maintain the wellbeing of tenants.

17. To maintain a current Housing Revenue Account Business Plan.

18. To ~~write off~~ following consultation ~~with the Chief Officer – Customer Experience~~, -Former Tenants' Arrears and associated housing debts in accordance with the ACC Financial Regulations, ~~reporting any such instances to City Growth and Resources Committee~~.

**Commented [AS43]:** Updated wording to align with organisational responsibilities and to include provision to report to CG&R Committee.

#### Property Factoring

19. To act as the Responsible Person for the purposes of section 3 of the Property Factors (Scotland) Act 2011.

#### Communities

**20-21.** To ~~administer~~ funding, develop and maintain appropriate ~~scrutiny and governance~~ arrangements for the Fairer Aberdeen Fund and the Common Good Fund.

**Commented [AS44]:** Added scrutiny to reflect role undertaken.

**21-22.** To deliver participatory budgeting, following consultation with the Convener of the City Growth and Resources Committee and the Chief Officer - Finance, provided that sufficient budgetary provision exists for the purpose for which the participatory budgeting process is being delivered.

**22-23.** To update and maintain Locality Improvement Plans.

**Commented [AS45]:**  
Updated terminology

24. Following consultation with the Chief Officer - Governance, to create, amend and implement procedures concerning the Community Empowerment (Scotland) Act 2015, including in relation to Participation Requests, all in accordance with Council policy.

**23-25.** To ~~create~~~~undertake~~ and report to ~~Committee~~ on the Council's Child Poverty Action Plan and Child Poverty Action Report.

**Commented [AS46]:** New DP - Addition to reflect operational responsibilities.

#### Homelessness

**26.** To undertake the Council's statutory responsibilities in terms of the Prevention of Homelessness and Homelessness provision in line with the Housing (Scotland) Acts.

**24-27.** To ~~create~~ and monitor the implementation of the Council's Rapid Rehousing Transition Plan.

**Commented [AS47]:**  
New DP - Addition to reflect operational responsibilities.

**25-28.** To provide out of hours emergency services for homeless persons, including the carrying out of urgent repairs.

**26-29.** To assess homeless applications and provide a range of temporary and permanent accommodation in accordance with the Housing (Scotland) Acts and Homelessness (Scotland) Act 2003.

**27-30.** To administer a homelessness prevention fund in order to prevent and reduce instances of homelessness.

~~28.31.~~ To increase the relative priority of homeless families and couples where the short-term supply and demand for housing is impacting on the Council's statutory duty to offer appropriate permanent housing.

~~29.32.~~ To write off debts, following consultation with the Chief Officer – Customer Experience, in relation to homelessness in accordance with the ACC Financial Regulations.

**Commented [AS48]:**  
Updated wording to align with organisational responsibilities.

**Antisocial Behaviour**

~~30.33.~~ To prepare and review a Local Antisocial Behaviour Strategy, in consultation with the Chief Constable of the Police Service of Scotland, as required by Part 1 of the Antisocial Behaviour etc. (Scotland) Act 2004.

~~34.~~ To authorise relevant officers to implement Part 5 of the Antisocial Behaviour etc. (Scotland) Act 2004.

~~35.~~ To authorise applications for Antisocial Behaviour Orders (ASBOs) and interim ASBOs, to revoke or extend ASBOs, and the taking of other legal actions or measures under the Crime and Disorder Act 1998 and the Antisocial Behaviour etc. (Scotland) Act 2004.

~~31.36.~~ To authorise action under Part 7 (Housing: Antisocial behaviour notices) of the Antisocial Behaviour etc. (Scotland) Act 2004.

**Equalities**

~~32.37.~~ To manage and support encampments of Gypsy and Travelling Community to ensure that the needs of both the Gypsy and Travelling Community and the settled community are being met and liaise with the Chief Officer - Governance in cases of unauthorised encampments in considering whether to seek legal action for eviction on Council owned land.

~~33.38.~~ To provide services to travelling persons including, but not limited to, the management and maintenance of a site for travelling persons.

~~34.39.~~ To ensure that the Council complies with the Equality Act 2010 and its public sector general equality duty and specific equalities duties.

~~35.40.~~ To engage with marginalised and seldom heard equality and communities of interest groups so that their issues and needs can be identified and addressed where appropriate in Council policy, plans and strategies.

~~36.41.~~ To develop, publish, support, monitor and review the Council's Gaelic Action Plan.

~~37.42.~~ To develop, publish, support, monitor and review the Council's BSL (British Sign Language) Action Plan.

**Terrorism**

~~40.~~ ~~To advise the Council on strategies and policies for the development and implementation of counter-terrorism programmes.~~

**Commented [AS49]:**  
Removed as not a decision making delegation.

**Parking, Bus Lanes and other Enforcement Activity**

~~38.43.~~ To undertake, arrange to be undertaken, authorise and instruct, and to appoint and authorise officers (whether City Wardens, ~~officers in the Parking and Bus Lane Appeals Team~~ or other officers) to undertake, arrange to be undertaken, authorise and instruct, all activity relating to parking enforcement in terms of (where applicable) the Road Traffic Act 1991, Road Traffic (Permitted Parking Area and Special Parking Area) (Aberdeen City Council) Designation Order 2003, Road Traffic

Regulation Act 1984 and any other relevant legislation. This delegated power includes (but is not limited to):

a appointing and authorising City Wardens and other officers to be parking attendants and to issue Penalty Charge Notices; and

~~b issuing, and authorising officers in the Parking and Bus Lane Appeals Team and other officers to issue, Notices to Owner, Notices of Rejection and Charge Certificates;~~

~~c taking, and authorising officers in the Parking and Bus Lane Appeals Team and other officers to take or arrange to be taken, any appropriate actions in relation to Notices to Owner, Notices of Rejection and Charge Certificates (such actions including, but not being limited to, considering and responding to representations, responding to the Parking and Bus Lane Tribunal for Scotland and instructing recovery action in relation to unpaid charges); and~~

~~eb~~ taking, and authorising officers in the Parking and Bus Lane Appeals Team and other officers to take or arrange to be taken, any appropriate actions in relation to the immobilisation, removal, storage and disposal of vehicles.

**Commented [AS50]:** Sections b and c in respect of appeals transferred to CO-CE to align with operational responsibilities.

~~39. To~~ undertake, arrange to be undertaken, authorise and instruct, and to authorise officers (whether City Wardens, ~~officers in the Parking and Bus Lane Appeals Team~~ or other officers) to undertake, arrange to be undertaken, authorise and instruct, all activity relating to bus lane enforcement in terms of (where applicable) the Road Traffic Regulation Act 1984, the Aberdeen City Council (Bus Lanes in Aberdeen) (Amendment) Order 2009, the Bus Lane Contraventions (Charges, Adjudication and Enforcement) (Scotland) Regulations 2011 and any other relevant legislation. This delegated power includes (but is not limited to) :-

~~40.44. and~~ issuing, and authorising ~~officers in the Parking and Bus Lane Appeals Team~~ City Wardens and other officers to issue, ~~Charge Notices and Charge Certificates,~~ and

~~a taking, authorising officers in the Parking and Bus Lane Appeals Team and other officers to take or arrange to be taken, any appropriate actions in relation to Charge Notices and Charge Certificates (such actions including, but not being limited to, considering and responding to representations, responding to the Parking and Bus Lane Tribunal for Scotland and instructing recovery action in relation to unpaid charges);~~

**Commented [AS51]:** Section b transferred to CO-CE to align with operational responsibilities.

~~41.45.~~ To instruct, and to authorise City Wardens and other officers to undertake, environmental enforcement activity in terms of the Environmental Protection Act 1990, Refuse Disposal (Amenity) Act 1978, Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003, Smoking, Health and Social Care (Scotland) Act 2005 and any other legislation relevant to public health.

~~42.46.~~ To authorise City Wardens and other officers to issue fixed penalty notices in terms of the Dog Fouling (Scotland) Act 2003.

#### Private Sector Housing

47. To:

a Implement all aspects of the Scheme of Assistance under the Housing (Scotland) Act 2006 and the Tenements (Scotland) Act 2004;

b Make third party applications to the Housing and Property Chamber First-Tier Tribunal for Scotland under Chapter 4, Housing (Scotland) Act 2006; and

c Where instructed in writing by the Chief Officer of the Aberdeen City Integration Joint Board, to provide aids and adaptations for the homes of people with disabilities, where authorised within the

**Commented [AS52]:** Transferred from CO-OPS DPs to align with operational responsibilities.



Integration Joint Board approved budget available for the purpose and in accordance with approved policies.

**48. To:-**

- a** Approve Houses in Multiple Occupation (HMO) Licence applications subject to the standard conditions, where there are no objections, concerns or contentious issues;
- b** Add additional conditions to HMO Licences, where such conditions are agreed by all parties under section 133, Part 5, Housing (Scotland) Act 2006;
- c** Refuse to consider HMO licence applications under section 129A, Part 5, Housing (Scotland) Act 2006;
- d** Grant applications for variation of HMO licences from licence holders under section 138, Part 5, Housing (Scotland) Act 2006, where the invitation to make oral representations has been declined by the enforcing authority (the fire authority) and the Chief Constable on being served notice of the application, and they have each made no representations;
- e** Grant temporary exemption orders and extensions to same under sections 142 and 143, Part 5, Housing (Scotland) Act 2006;
- f** Make orders for the suspension of rent, etc. under section 144, Part 5, Housing (Scotland) Act 2006;
- g** Make requirements to require rectification of breach of HMO Licence conditions, under section 145, Part 5, Housing (Scotland) Act 2006; and
- h** Sign and serve (or arrange for or instruct the service of) HMO amenity notices and all notices of the above types of decision and take, or arrange for or instruct the taking of, any action necessary in connection with doing any of the foregoing, all in terms of the provisions of sections 146-153, Part 5, Housing (Scotland) Act 2006.

**49. To:-**

- a** Approve applications for Landlord Registration where applicants are considered to be 'fit and proper' and where there are no objections from Police Scotland in terms of spent or unspent criminal convictions and no other concerns about the applicant, all in terms of section 84, Part 8, Antisocial Behaviour etc. (Scotland) Act 2004;
- b** Sign and serve (or arrange for or instruct the service of) Rent Penalty Notices under section 94, Part 8, Antisocial Behaviour etc. (Scotland) Act 2004; and
- c** Waive Late Application Fees in relation to Landlord Registration when considered appropriate to do so.

**50.** To authorise the Private Sector Housing Strategy Officer to instruct the Chief Officer - Governance to prepare and sign "Notice of Potential Liability for Costs" as and when required.

**Commented [MM53]:** Deleted the Housing Strategy and Performance Manager – incorrect title

**CHIEF OFFICER - DIGITAL AND TECHNOLOGY**

1. To engage with potential suppliers and to pilot new information and communications technologies (ICT) systems, subject to the ACC Procurement Regulations.
2. ~~To implement hardware and software ICT solutions to meet business needs.~~ To determine and implement hardware and software ICT solutions, including the application or removal of restrictions and tools, to meet business needs and to protect the security of the Council's ICT systems.
3. To alter ICT service hours and availability of ICT support.

**Commented [MM54]:** To recognise that the CO requires flexibility to proactively take action to prepare for or respond to information security weaknesses/cyber attacks as well as adapt to newly developed technology.

#### 4. DIRECTOR OF COMMISSIONING

1. To exercise all powers delegated to him/her in terms of the ACC Procurement Regulations.
2. To approve (or to nominate a person as having authority to approve) any procurement or contract, as a result of a Direction from the Integration Joint Board to the Council and/or a relevant business case, where the estimated value of the contract is of or above £50,000 (supplies/services) or £250,000 (works) or the turnover from the contract is estimated to be £4.5m or more (concessions), subject to the approval of the Chief Officer - Finance and the Head of Commercial and Procurement Services.

**Commented [AS55]:** Updated to reflect concession contracts and to align with the change to the Procurement Regulations

### HEAD OF COMMERCIAL AND PROCUREMENT SERVICES

1. To have overall responsibility for creating and amending procurement procedures in terms of the ACC Procurement Regulations and in accordance with Council policy.
2. To ensure that the Procurement Manual relevant Procurement Guidance Notes are in place and that necessary revisions are made to these it on a regular basis to reflect changes in legislation, Council policy or good practice, in terms of the ACC Procurement Regulations.
3. To exercise all responsibilities and powers delegated to him/her under the ACC Procurement Regulations.
4. To sub-delegate his/her responsibilities and powers under the ACC Procurement Regulations to managers and team leaders within his/her Service.
5. To approve the entering into, variation, extension or termination of any contract or agreement in circumstances where, following after consultation with the relevant Chief Officer (or his/ her deputy or nominee), he/she is satisfied that it is competent and in the interests of the Council to do so.
- 5-6. To sign (and to authorise the Team Leader of the Commercial Legal Team to sign) contracts, agreements, notices and other documents to which the Council is a party.
- 6-7. To authorise the entering into of an agreement with any person (including another local authority) for:
  - a. the supply by the Council to that person of any goods or materials;
  - b. the provision by the Council for that person of any services;
  - c. the use by that person of any property belonging to or facilities under the control of the Council and, without prejudice to paragraph (b) above, the placing at the disposal of that person of the services of any person employed in connection with the property or facility in question;
  - d. the carrying out by the Council of works of maintenance in connection with land or buildings for the maintenance of which the person is responsible;subject to compliance with the Local Authorities (Goods and Services) Act 1970 and any other relevant legislation, and Aberdeen City Council keeping trading accounts for the relevant trading operation in accordance with proper accounting practices.
- 7-8. To arrange and effect, and to authorise the Insurance Officer to arrange and effect, all insurance cover on behalf of the Council.

**Commented [AS56]:** Replacement of "Procurement Guidance notes" with "Procurement Manual" to reflect current terminology.

**Commented [AS57]:** Updated to reflect Team Leader of Commercial Legal Team

**Commented [AS58]:** Reviewed wording to provide greater clarity.

**Commented [AS59]:** New DP for Head of Commercial and Procurement. The Chief Officer – Governance already has this DP and has, up until now, authorised officers in C&P to do this via a sub-delegation, however it would be preferable for the Head of C&P to have it as well to avoid sub-delegation as the person who is sub-delegating retains responsibility for the actions of the person they have given authority to and where they are C&P matters the Chief Officer – Governance is often not involved.

**8.9.** To settle or repudiate, and to authorise the Insurance Officer and other officers to settle or repudiate, all claims made against the Council which involve the Council's insurers. Such settlement or repudiation shall follow consultation with other officers where necessary.

**9.10.** To agree minor amendments to the Memorandum and Articles of Association of Arm's Length External Organisations (ALEOs) of the Council where those amendments do not alter the extent of the Council's control over that ALEO, and to execute written resolutions or vote at a general meeting of an ALEO on behalf of the Council in relation thereto.

**Commented [AS60]:** New DP - Additional delegation to deal with minor amendments to the Articles of Association of an ALEO that really has no material impact on the Council.

**CHIEF OFFICER - BUSINESS INTELLIGENCE AND PERFORMANCE  
MANAGEMENT**

1. To put in place an appropriate framework and internal controls across all functions which provide assurance of effective and efficient organisational performance against the Council's outcomes.
2. To put in place an appropriate control environment and effective internal controls which provide assurance of adherence with the requirements of Statutory Performance Indicators for the statutory duty of Public Performance Reporting.
3. To authorise the nominated representative of the Council (as data controller) and as the Council's Data Protection Officer, all in terms of the Data Protection Act 2018, the General Data Protection Regulation (GDPR), any other relevant legislation and any relevant Council policy, and procedures and guidance; and to approve, implement and amend procedures relating to data protection and the GDPR.

**Commented [AS61]:** Transferred from CO-Governance to align with operational responsibilities.

## 5. CHIEF OPERATING OFFICER

### CHIEF OFFICER - INTEGRATED CHILDREN'S AND FAMILY SERVICES

#### Education

1. ~~To take steps to~~ discharge the duty of the Council, as education authority, to secure adequate and efficient provision of school education (including pre-school education), and in doing so:
  - a. having regard to the duty to ensure that education is directed to the development of the personality, talents and mental and physical abilities of children and young people (section 2 of the Standards in Scotland's Schools etc. Act 2000);
  - b. endeavouring to ensure that schools managed by them promote the physical, social, mental and emotional health and well-being of pupils (section 2A of that Act); and
  - c. raising standards in Scotland's schools (section 3D of that Act).
2. To prepare an accessibility strategy under the Education (Disability Strategies and Pupil's Educational Records) (Scotland) Act 2002.
3. To operate cross border arrangements for pupils from outside the Council's area (sections 23 and 24 of the Education (Scotland) Act 1980).
4. To make decisions as to limiting the capacity of schools, the management of roll capping and the reservation of school places in both primary and secondary school.
5. To set school commencement dates for primary schools (section 32 of the Education (Scotland) Act 1980).
6. To make decisions on requests for deferred entry to schools.
7. To admit children to pre-school education (Children and Young People (Scotland) Act 2014).
8. To administer the Council's scheme of Devolved School Management.
9. To consider applications for early entry to school.
10. ~~To manage and determine~~ make decisions on placing requests, including the publishing of information on arrangements in accordance with the provisions of sections 28A and 28B, and representing the Council at any placing appeal committee in accordance with sections ~~28E-28C~~ or ~~28F-28E~~, of the Education (Scotland) Act 1980.
11. ~~To manage and determine~~ make decisions on placing requests under schedule 2 to the Education (Additional Support for Learning) (Scotland) Act 2004 and represent the Council at any placing appeal committee or ~~Additional Support Needs Tribunal~~ First-tier Tribunal.
12. To agree or refuse requests for access to pupil educational records in accordance with the Pupils' Educational Records (Scotland) Regulations 2003.
13. To enforce attendance at school, including the serving of notices, making and issuing Attendance Orders and instructing proceedings against parents in respect of children's nonattendance (sections 36, 37, 38, 39 and 43(2) of the Education (Scotland) Act 1980).

**Commented [AS62]:** Clearer wording of power.

**Commented [AS63]:** Changed "manage and determine" to "make decisions on" to make the power clearer and to try and use consistent language throughout. Also section numbers refined for accuracy

**Commented [AS64]:** Changed "manage and determine" to "make decisions on" to make the power clearer and to ty and use consistent language throughout and ASNT no longer exists under that name.

14. To allow pupils to miss school (section 34 of the Education (Scotland) Act 1980).
15. To exclude pupils from school (regulation 4 of the Schools General (Scotland) Regulations 1975) and represent the Council at any exclusions appeal committee in accordance with section 28H of the Education (Scotland) Act 1980 or at the First-Tier Tribunal
16. To promote the involvement of the parents of pupils in attendance at schools in the education provided to those pupils (section 1 of the Scottish Schools (Parental Involvement) Act 2006).
17. To provide support and guidance to Parent Councils (Scottish Schools (Parental Involvement) Act 2006).
18. To consider applications and award bursaries (section 49 of the Education (Scotland) Act 1980).
19. ~~To issue employment permits and otherwise discharge the Council's duties in relation to the employment of children under the Aberdeen City Council Byelaws on the Employment of Children 2015, in accordance with the~~
20. ~~To discharge the Council's duties in relation to the employment of children (Children and Young Persons (Scotland) Act 1937) and other legislation relating to the employment of children.~~
- ~~21-20.~~ Following consultation with the Chief Officer - People and Organisational Development, to sign agreements reached by the Local Negotiating Committee for Teachers.
- ~~22-21.~~ To provide or arrange in-service training for staff.
- ~~23-22.~~ To provide the education authority's representatives on the Appointment Committees for all Statutory Appointments.
- ~~24. To provide work experience for pupils who are eligible (section 123 of the Education (Scotland) Act 1980.~~
- ~~25-23.~~ To endorse applications for staff requiring registration with the Scottish Social Services Council (SSSC).
- ~~26-24.~~ To consult on, prepare and publish a two year plan for day care services to children in need in terms of section 19 of the Children (Scotland) Act 1995 and section 55 of the Children and Young People (Scotland) Act 2014.
- ~~27-25.~~ To provide early learning and childcare under section 27 of the Children (Scotland) Act 1995.
- ~~28. To carry out the consultation processes required by the Schools (Consultation) (Scotland) Act 2010.~~
- ~~29-26.~~ To submit a proposal which affects or relates to denominational schools to the Scottish Ministers for their consent in accordance with the Schools (Consultation) (Scotland) Act 2010.
- ~~30-27.~~ To implement the duties and exercise the powers set out in the Education (Additional Support for Learning) (Scotland) Act 2004.
- ~~31-28.~~ To implement the duties and exercise the powers set out in the Education (Scotland) Act 2016.
- ~~32-29.~~ To consent to the withdrawal of children from school in terms of the Education (Scotland) Act 1980.

**Commented [EF65]:** This was missing. Whilst Exclusion appeals have not yet transferred to the Tribunal, and may not – this future proofs this power.

**Commented [AS66]:** Transferred to CO – Customer Experience to align with operational responsibilities.

**Commented [AS67]:** Transferred to CO – Customer Experience to align with operational responsibilities

**Commented [AS68]:** Transferred to CO – City Growth to align with operational responsibilities.

**Commented [AS69]:** Transferred to CO – Corporate Landlord to align with operational responsibilities.



**33-30.** To authorise the approval of early retirement requests from teachers and non-teaching staff within the function in accordance with agreed policy.

**34-31.** To offer recruitment and retention incentive payments for hard to fill professional teaching posts.

**35-32.** To sign and date co-ordinated support plans in accordance with the Education (Additional Support for Learning) (Scotland) Act 2004 and the Education (Co-ordinated Support Plan) (Scotland) Regulations 2005.

**36-33.** To provide transport for pupils and students (section 51 of the Education (Scotland) Act 1980).

**37-34.** To provide child guidance services (section 4 of the Education (Scotland) Act 1980).

**38-35.** ~~To make decisions about the provision of other food and drink to pupils who are eligible for free school meals e.g. breakfast and the provision of school food and drink for non-eligible children and whether or not to charge for such provision (section 53 of the Education (Scotland) Act 1980). To provide school meals (section 53 of the Education (Scotland) Act 1980).~~

**39-36.** To provide clothing (section 54 of the Education (Scotland) Act 1980).

~~**40.** To license stage or theatrical performances by children, and to amend or revoke such licences whether issued by the Council or by another local authority, in accordance with the Children and Young Persons (Scotland) Act 1937, the (Children and Young Persons Act 1963) and associated regulations.~~

~~**41-37.** To award Education Maintenance Allowances (section 72(f) of the Education (Scotland) Act 1980) in accordance with criteria and limits set by the Scottish Government. currently sits with financial inclusion service (dereks team I think)~~

**Commented [AS70]:** Updated to clarify responsibilities and to reflect that some decision making in respect of the provision of school meals is undertaken by the CO – O&PS

**Commented [AS71]:**  
Transferred to CO – Customer Experience to align with operational responsibilities.

**Commented [AS72]:**  
Transferred to CO – Customer Experience to align with operational responsibilities.

#### Children's Social Work

**42-38.** To delegate the Chief Social Work Officer role to Lead Service Managers when the Chief Officer - Integrated Children's and Family Services is absent or as otherwise required. Any such delegation shall be made in writing.

**43-39.** To take necessary steps to discharge the Council's duties under the Social Work (Scotland) Act 1968, the Children (Scotland) Act 1995, the Children's Hearings (Scotland) Act 2011, the Social Care (Self-directed Support) (Scotland) Act 2013, the Children and Young People (Scotland) Act 2014, the Adoption and Children (Scotland) Act 2007, the Looked After Children (Scotland) Regulations 2009, the Adoption Agencies (Scotland) Regulations 2009 and other legislation relating to children's social work matters.

**44-40.** Where the carer of a person over 18 years of age is a child under 18 years of age, to assist Health and Social Care staff to assess the carer's needs and provide information about the assessment in terms of sections 12A, 12AA and 12AB of the Social Work (Scotland) Act 1968 and the Carers (Scotland) Act 2016.

**45-41.** To make direct payments to individuals to allow them to purchase community care services or, if they are disabled, to assist them to care for their children (aged up to 18 years) under the Social Care (Self-directed Support) (Scotland) Act 2013.

- 46.42.** To make direct payments to 16 and 17 year olds with a disability and to parents of children under 18 with a disability to allow them to pay for children’s services under the Social Care (Self-directed Support) (Scotland) Act 2013.
- 47.43.** To bury or cremate any child or young person who was in the care of, or receiving help from, the Council immediately before their death in terms of section 28 of the Social Work (Scotland) Act 1968.
- 48.44.** To decide whether to pay the expenses of parents, relatives etc. visiting people (including looked after children) who are being cared for or maintained in accommodation by the Council, or in attending funerals, in terms of section 20 of the Social Work (Scotland) Act 1968.
- 49.45.** To provide and maintain whatever residential and other establishments are needed for the Council’s functions under Part II of the Children (Scotland) Act 1995.
- 50.46.** To recover from other local authorities any costs for services provided to people ordinarily resident in the areas of those authorities under the Social Work (Scotland) Act 1968, in terms of section 86 of that Act.
- 51.47.** To authorise the following finance-related matters in accordance with ACC Financial Regulations and Council policies:
- a. reimbursing carers and substitute carers for loss or damage (ex gratia) of up to ~~£500~~£1000,
  - b. reimbursing staff for loss or damage (ex gratia) of up to ~~£500~~£1000;
  - c. making payments to staff for emergency expenses (ex gratia) of up to £50; and
  - d. reimbursing neighbours and/or relatives of departmental carers for damage caused by service users (ex gratia), where it would be in the interests of the Council to maintain goodwill.
- 52.48.** To provide reports and information to the courts in private law proceedings in terms of section 11 of the Matrimonial Proceedings (Children) Act 1958 and section 11 of the Children (Scotland) Act 1995.
- 53.49.** To assess and recover contributions for “maintainable” children looked after by the Council in terms of sections 78 to 82 of the Social Work (Scotland) Act 1968.
- 54.50.** Where there is an assessed need, to pay allowances to people who have children and young people residing with them in terms of section 50 of the Children Act 1975.
- 55.51.** To provide an adoption service in accordance with section 1 of the Adoption and Children (Scotland) Act 2007.
- 56.52.** To supervise and provide reports to the court in respect of non-agency adoptions in terms of sections 18 and 19 of the Adoption and Children (Scotland) Act 2007.
- 57.53.** To take necessary or facilitative steps to implement arrangements for the adoption of children.
- 58.54.** To provide adoption support plans under section 45 of the Adoption and Children (Scotland) Act 2007.
- 59.55.** To approve and pay adoption allowances in terms of section 71 of the Adoption and Children (Scotland) Act 2007.

**Commented [AS73]:**

To amend DP 50 to increase the figure from £500 to £1000 to ensure that carers and staff are not left in a financially detrimental position as a result of loss or damage.

- 60-56.** To secure the welfare of all foster children, receiving and assessing notifications, inspecting premises, imposing requirements and removing children from unsuitable premises (sections 3, 5, 6, 8, 9, 10 and 12 of the Foster Children (Scotland) Act 1984).
- 61-57.** To publish information about services for children in terms of section 20 of the Children (Scotland) Act 1995.
- 62-58.** To safeguard and promote the welfare of children looked after by the Council and give them the opportunity to fulfil their potential in terms of section 17 of the Children (Scotland) Act 1995.
- 63-59.** To safeguard and promote the welfare of children in need, giving help “in kind or in cash” in terms of section 22 of the Children (Scotland) Act 1995.
- 64-60.** To minimise the effect of disability on children, assessing the needs of children with or affected by disability, assessing the ability of their carers to meet those needs and providing information assessment in terms of sections 23, 24, and 24A of the Children (Scotland) Act 1995 and the Social Care (Self-directed Support) (Scotland) Act 2013.
- 65-61.** To provide accommodation for children and young people when lost or abandoned or when no-one with parental responsibility can do it, in terms of section 25 of the Children (Scotland) Act 1995.
- 66-62.** To provide accommodation in terms of section 25 of the Children (Scotland) Act 1995.
- 67-63.** To provide accommodation and maintenance for children looked after by the Council in terms of section 26 of the Children (Scotland) Act 1995.
- 68-64.** To provide after-care for children (under 26 years of age) who were previously looked after by a local authority in terms of section 29 of the Children (Scotland) Act 1995 and continuing care under section 26A of the Children (Scotland) Act 1995.
- 69-65.** To provide financial help towards maintaining, educating or training for young people who were looked after by the Council at the time of leaving school age in terms of section 30 of the Children (Scotland) Act 1995.
- 70-66.** To review cases of children looked after by the Council in terms of section 31 of the Children (Scotland) Act 1995.
- 71-67.** To remove children from residential establishments in terms of section 32 of the Children (Scotland) Act 1995.
- 72-68.** To accept responsibility for orders made in respect of children in other parts of the United Kingdom where the child is now ordinarily resident in Aberdeen in terms of section 33 of the Children (Scotland) Act 1995.
- 73-69.** To provide short-term refuges where a child may be at risk of harm in terms of section 38 of the Children (Scotland) Act 1995.
- 74-70.** To make enquiries and provide information to the Principal Reporter to the Children’s Panel where children may need compulsory measures of care in terms of section 60 of the Children’s Hearings (Scotland) Act 2011.

**75-71.** Where a child may be at risk of significant harm, to investigate the matter and if need be apply for the following orders:

- Child Assessment Order (under section 35 of the Children’s Hearings (Scotland) Act 2011);
- Child Protection Order (under sections 37 to 39 of the Children’s Hearings (Scotland) Act 2011);
- Emergency Child Protection Order to a Justice of the Peace (under section 55 of the Children’s Hearings (Scotland) Act 2011); and
- Exclusion Order (under sections 76 to 80 of the Children (Scotland) Act 1995).

**76-72.** To provide reports on children and their social background for a Children’s Hearing in terms of section 66 of the Children’s Hearings (Scotland) Act 2011.

**77-73.** To implement the measures contained in Orders made by a Children’s Hearing under the Children’s Hearings (Scotland) Act 2011.

**78-74.** To recommend that a Compulsory Supervision Order is reviewed by a Children’s Hearing under the Children’s Hearings (Scotland) Act 2011.

**79-75.** Where assessed as necessary, to apply to a court for a Permanence Order, or Permanence Order with authority to adopt, under sections 80-83 of the Adoption and Children (Scotland) Act 2007.

**80-76.** To apply for variation or revocation of a Permanence Order when there has been a material change of circumstances under section 99 of the Adoption and Children (Scotland) Act 2007.

**81-77.** To provide information to the Courts and arrange accommodation for the detention of children being prosecuted for, or convicted of, criminal offences in terms of sections 42, 43, 44 and 51 of the Criminal Procedure (Scotland) Act 1995.

**82-78.** To make purchases, outside the central purchasing arrangements, of necessary food, clothing and other essential items for children in care of the Council and living within the Council’s residential establishments for young people.

**83-79.** To offer recruitment and retention incentive payments for hard to fill professional social work posts.

**84-80.** To endorse applications for staff requiring registration with the Scottish Social Services Council (SSSC).

**85-81.** To assess and approve foster carers in accordance with the provisions of the Looked After Children (Scotland) Regulations 2009.

**86-82.** To place a child in foster placement in accordance with the provisions of the Looked After Children (Scotland) Regulations 2009.

**87-83.** To establish a fostering panel in terms of Regulation 17 of the Looked After Children (Scotland) Regulations 2009.

**CHIEF EDUCATION OFFICER**

1. To approve, in consultation with the Early Learning and Childcare Programme Board, specific grants from the Partner Providers Grant Funding Scheme, to individual Early Learning and Childcare Providers, to support infrastructure projects and increase quality provision for the delivery of expanded hours of Early Learning and Childcare.

**Commented [AS74]:** New section – power below added to reflect decision of CG&R Committee.

## **CHIEF OFFICER - OPERATIONS AND PROTECTIVE SERVICES**

### **Roads and Infrastructure Services**

1. To maintain a list of public roads including classification of roads network.
2. To manage and maintain all roads on a list of public roads including power to reconstruct, alter, widen, improve or renew any such road within approved budgets.
3. To exercise the control of road occupations, reporting to the next relevant committee if any member objects to the proposed decision.
4. To manage and implement the requirements of the New Roads and Street Works Act 1991.
5. To implement arrangements for both temporary and permanent traffic management and related street furniture.
6. To commence and complete the statutory procedure set out in the Local Authorities Traffic Order (Procedure) (Scotland) Regulations 1999 and undertake all necessary preparation prior to making orders under the Road Traffic Regulation Act 1984, sections 1, 2 and 4 (road traffic orders), only bringing the matter before the Operational Delivery Committee where, following consultation with such members as the Chief Officer deems appropriate, an objection is received or where there are unresolved outstanding objections arising from the statutory/ public consultation process.
7. To make and sign permanent traffic orders and implement them where the statutory/public consultation process yields no objections or, where objections have been received, the orders have gained the appropriate committee approval; and to authorise second tier and third tier roads officers to sign and implement such orders in these circumstances.
8. To make and sign, and to authorise second and third tier roads officers to sign, temporary traffic orders.
9. To commence and complete the statutory procedure set out in the Road Humps (Scotland) Regulations 1998 and undertake all necessary preparation prior to making orders under the Roads (Scotland) Act 1984 relating to road humps, only bringing the matter before the Operational Delivery Committee where, following consultation with members (whether all members or simply ward members), objection is received or where there are outstanding objections arising from the statutory/public consultation process.
10. To commence and complete the statutory procedure set out in the Stopping Up of Roads and Private Accesses and the Redetermination of Public Rights of Passage (Procedure) (Scotland) Regulations 1986 and undertake all necessary preparation prior to making orders under the Roads (Scotland) Act 1984 relating to stopping up and redetermination, only bringing the matter before the Operational Delivery Committee where, following consultation with members (whether all members or simply ward members), objection is received or where there are outstanding objections arising from the statutory/public consultation process.
11. To exercise operational management of “on-street” and “off-street” parking facilities.
12. To authorise the removal of private vehicles which have unpaid Penalty Charges Notices recorded against them in accordance with the Road Traffic Regulation Act 1984, Road Traffic Act 1991, Road Traffic (Permitted Parking Area and Special Parking Area) (Aberdeen City Council) Designation

Order 2003 and the Removal and Disposal of Vehicles Regulations 1986 and any other relevant legislation.

**13.** To represent the Council's interests with regard to coast protection and flood prevention matters including the development of the Flood Risk Management Plan.

**13-14.** To lodge objections or to make representations on the Council's behalf on applications for licences and the renewal and variation of licences, to the Council's Licensing Committee in cases where the Council are permitted by statute to object to such applications

**Commented [AS75]:** New DP - Reflects practice and mirrors the power available to Environmental Services.

#### Environmental Services

**14.** In accordance with the Burial and Cremation (Scotland) Act 2016 and associated Regulations:

- following consultation with the Chief Officer - Finance, to accept bequests requiring provision by the Council for the upkeep and maintenance in perpetuity of individual graves and tomb stones in cemeteries under the control of the Council in such cases where the amount of the bequest is sufficient to cover the cost of maintenance and upkeep of the grave and of any tombstone;
- to act as Registrar of Burials and Cremations and to act as the keyholder for crematorium buildings;
- to ensure the proper disposal of the ~~dead-deceased~~ while taking into account requests of the bereaved;
- to operate the Council's crematorium and to maintain, renew and repair the crematorium buildings;
- to provide facilities for and make available memorials to the ~~deceased~~~~dead~~;
- to manage arrangements for appointments and statutory paperwork for disposal of the ~~dead~~~~deceased~~, including implementing, monitoring and maintaining systems and records of any disposal of the ~~dead-deceased~~ and issuing any extracts of such records;
- to maintain identification of the remains throughout the process of cremating the ~~deceased~~~~dead~~; and
- to arrange for the supervision of exhumations.

**Commented [AS76]:** Amended terminology to align with other sections of the PDOs.

**Commented [AS77]:** Amended terminology to align with other sections of the PDOs.

**15.** To carry out the Council's duties in regards to the Wildlife and Natural Environment (Scotland) Act 2011.

**16.** Following consultation with the Chief Officer - Governance, to negotiate, authorise and sign agreement(s) with NHS Grampian and their associated funeral service provider(s) to bury or cremate pregnancy loss provided by NHS Grampian, all in accordance with Scottish Government guidance and best practice.

**16-17.** To approve and execute allotment site regulations, make minor amendments to such regulations and administer and manage allotments, including granting, varying and terminating allotment leases and maintaining a list of individuals who request allotments, all in terms of the Community Empowerment (Scotland) Act 2015 and other relevant legislation.

**Commented [AS78]:** New PDO added to reflect that the responsibilities being undertaken by the CO to ensure the Council meet its duties under the Community Empowerment (Scotland) Act 2015 and other relevant legislation and to enable the CO to approve and sign off the Regulations currently out for consultation

## Waste Services

17. To set commercial waste charges.
18. To authorise officers to enforce the provisions of the Environmental Protection Act 1990.
19. To remove and dispose of abandoned vehicles in terms of the Refuse Disposal (Amenity) Act 1978.
20. To authorise officers to remove, store and return to any owner any bin blocking a street.
21. Following consultation with the Chief Officer - Finance, the Head of Commercial and Procurement Services, and the Convener of the City Growth and Resources Committee, to agree that, notwithstanding the terms of the Council's Waste Service Contract, the commencement and handover dates have been achieved, provided that the Altens East Plant operator shall continue to use its reasonable endeavours to ensure the Altens East Plant Contractor passes the Plant Function Tests and Mass Balance Tests (as those terms are defined in the Waste Service Contract).
22. Following consultation with the Chief Officer - Finance, the Head of Commercial and Procurement Services, and the Convener of the City Growth and Resources Committee, to approve expenditure on repairs and maintenance to sites owned by the Council, that are procured by the Altens East Plant operator on behalf of the Council, provided that the Altens East Plant operator conducts the procurement in accordance with the ACC Procurement Regulations and that the expenditure is capable of being met from existing budgets.
23. Following consultation with the Chief Officer - Finance, the Head of Commercial and Procurement Services and the Convener of the Operational Delivery Committee, to negotiate and agree non material variations or supplemental agreements to the Waste Service Contract, including but not limited to, or as a consequence of:-
  - variations necessitated due to a change in taxation and/or any applicable legislation or subordinate legislative provision, EU regulation or directive having direct effect, provision of common law or other binding law, requirement of any authorisation, licence, permission, consent or permit or rule of any court of competent jurisdiction and any local, national or supranational agency, inspectorate, minister, ministry, official or public or statutory person (whether autonomous or not), or of the government of the United Kingdom or the European Union, which exists at any time during the life of the contract;
  - the approval of fixed term waste trials;
  - amendments to reporting requirements;
  - changes in the price index used for the indexation of elements of the contract prices; and
  - the approval of repairs and maintenance of sites owned by the Council that are serviced by the Altens East Plant operator under the Waste Management Services contract (for example Ness Farm, Hill of Tramaud).
24. Following consultation with the Chief Officer - Finance, the Head of Commercial and Procurement Services and the Convener of the Operational Delivery Committee, to negotiate and agree variations to the Waste Management Services Contract following a decision of the Council to:-
  - a. change its waste collection operations;



- b. change the opening hours of Council sites serviced by the Altens East Plant operator under the Waste Services Contract;
  - c. close Council owned facilities currently serviced by the Altens East Plant operator under the Waste Services Contract; and
  - d. add new facilities to be serviced by the Altens East Plant operator under the Waste Services Contract.
25. Following consultation with the Chief Officer - Finance, the Head of Commercial and Procurement **Services** and the Convener of the Operational Delivery Committee, to negotiate and conclude the variations necessary to the Waste Management Services Contract in relation to the acceptance of third party recycle and/or residual waste at Altens East Plant provided that the nature of those variations results in a net reduction of the Council's operational costs of the Altens East Plant.
26. Following consultation with the Chief Officer - Finance, the Head of Commercial and Procurement **Services** and the Convener of the Operational Delivery Committee, to give Suez consent to bid for:-
- a. the inclusion of the Altens East Plant on framework agreements for waste and recycling services; and
  - b. individual contracts to provide waste and recycling services to third parties (i.e. other local authorities or commercial entities) using the Altens East Plant to process the waste and/or recycle, as and when such opportunities arise, contingent upon the variation to the Waste Services Contract in number 25 above having been concluded.

#### Protective Services

- 43-51.** To authorise officers as required in respect of the rights of entry and inspection contained in section 5 of Part I of the Civic Government (Scotland) Act 1982.
- 44-52.** To authorise the issue of Certificates under section 39(4) of the Civic Government (Scotland) Act 1982 regarding the compliance of vehicles, kiosks or moveable stalls with relevant regulations made under section 1(3) of the Food Safety Act 1990.
- 45-53.** To authorise the issue of Certificates under section 50 of the Licensing (Scotland) Act 2005 regarding the compliance of premises with regulations made under section 1(3) of the Food Safety Act 1990 relating to construction, layout, drainage, ventilation, lighting and water supply or concerned with the provision of sanitary and washing facilities.
- 46-54.** To take such action as is necessary with regard to the administrative arrangements under Part 1 of the Food and Environmental Protection Act 1985.
- 47-55.** To authorise persons, under section 5 of the Food Safety Act 1990, to act in matters arising under the said Act.
- 48-56.** To appoint, under Regulation 5(6) of the Food Hygiene (Scotland) Regulations 2006, authorised officers for the purpose of enforcing the said Regulations.

**49-57.** To designate, under section 5 of the Public Health etc. (Scotland) Act 2008, an appropriate number of competent persons for exercising, on behalf of the Council, the functions relating to protection of public health contained in the Act.

**50-58.** To:

- i. enforce and ensure compliance with (and authorise officers to enforce and ensure compliance with) the Health and Safety at Work etc. Act 1974; and
- ii. appoint as inspectors under section 19 of that Act such persons as he/she considers necessary for carrying into effect the provisions of that Act and other relevant statutory provisions and, in each case, delegate to those persons the powers to be exercised by them.

**51-59.** To take, or arrange for the taking of, any action necessary to comply with health and safety legislation and to appoint officers to undertake health and safety functions.

**52-60.** To undertake Port Health duties under the Public Health (Scotland) Act 1945 and the Airports Authority Act 1965.

**53-61.** To enforce and ensure compliance with (and to authorise officers to enforce and ensure compliance with) the relevant environmental health and public health provisions of the following legislation:

- a Prevention of Damage by Pests Act 1949;
- b Public Health (Scotland) Act 2008;
- c Caravan Sites and Control of Development Act 1960;
- d Private Water Supplies (Scotland) Regulations 2006;
- e Water Supply (Water Quality) (Scotland) Regulations 2000;
- f Housing (Scotland) Act 1987;
- g Housing (Scotland) Act 2006;
- h Housing (Scotland) Act 2001;
- i Control of Pollution Act 1974;
- j Noise and Statutory Nuisance Act 1998;
- k The Clean Air Act 1993;
- l Civic Government (Scotland) Act 1982;
- m Dog Fouling (Scotland) Act 2003 (pursuing recovery of unpaid fixed penalties and notifying the Procurator Fiscal of requests for hearings);
- n Environmental Protection Act 1990;
- o Control of Dogs (Scotland) Act 2010;
- p any legislation relating to hazardous substances or radiation; and
- q any other legislation relating to environmental health or public health matters.

**54-62.** To grant, manage and revoke licences under the Caravan Sites and Control of Development Act 1990 (as amended).

**55-63.** To engage, as required, temporary staff in the event of an emergency mortuary being required for use, having regard to the scale of the emergency.

**56-64.** To authorise officers under section 7 of the Smoking, Health and Social Care (Scotland) Act 2005 to exercise the powers contained in section 7 and also in schedule 1 to the Act.

**57-65.** To appoint and authorise Licensing Standards Officers to exercise powers in terms of section 13 of the Licensing (Scotland) Act 2005.

**58-66.** To authorise officers to enforce the appropriate provisions of the following legislation:-

- a Animal Boarding Establishments Act 1963;
- b Animal Health Act 1981;
- c Animal Health and Welfare (Scotland) Act 2006;
- d Breeding of Dogs Act 1973;
- e Breeding and Sale of Dogs (Welfare) Act 1999;
- f Dangerous Wild Animals Act 1976;
- g Licensing of Animal Dealers (Young Cats and Young Dogs) (Scotland) Regulations 2009;
- h Performing Animals (Regulation) Act 1925;
- i Pet Animals Act 1951;
- j Riding Establishments Act 1964 and Riding Establishments Act 1970;
- k Zoo Licensing Act 1981;
- l Animal By-Products (Scotland) Regulations 2003; and
- m Animal By-Products (Scotland) (Enforcement) Regulations 2013.

**59-67.** To authorise any official veterinary surgeon, acting for the Council, for any of the statutory purposes for which an official veterinary surgeon is required.

**60-68.** To appoint a chief inspector of weights and measures and authorise appropriately qualified officers to exercise the statutory functions of the Council as a local weights and measures authority.

**61-69.** To authorise the chief inspector of weights and measures to exercise the powers conferred on the Council, in its capacity as the local weights and measures authority, by consumer protection and trading standards legislation.

**62-70.** To exercise the Council's power to grant and refuse, renew, vary or revoke a petroleum storage certificate or a petroleum storage licence in terms of the Petroleum (Consolidation) Regulation 2014.

**63-71.** To authorise officers of the Trading Standards Service to issue, vary and revoke product safety notices under section 14 of the Consumer Protection Act 1987 and regulations 11 to 15 of the General Product Safety Regulations 2005.

**64-72.** To authorise officers of the Trading Standards Service to exercise the powers contained in the Tobacco and Primary Medical Services (Scotland) Act 2010.

**65-73.** To authorise officers of the Environmental Health and Trading Standards Services to enforce the Single Use Carrier Bags (Scotland) Regulations 2014.

**66-74.** To authorise officers of ~~the~~ Trading Standards Scotland ~~Investigations Team~~ to carry out specific trading standards and consumer protection enforcement work within Aberdeen City Council's jurisdiction.

**Commented [AS79]:** Updated title

**67-75.** To lodge objections or to make representations on the Council's behalf on applications for licences and the renewal and variation of licences, to the Council's Licensing Committee in cases where the Council are permitted by statute to object to such applications.

**68-76.** To appoint a public analyst and Food Examiner to perform the duties detailed in the relevant sections of the Food Safety Act ~~1990~~1960.

**Commented [AS80]:** Correct date

**69-77.** To appoint an Agriculture Analyst under section 67 of the Agriculture Act 1970.

**70-78.** To exercise the Council's power to grant, renew or amend an Explosives Licence in terms of the Explosives Regulations 2014.

**71-79.** To exercise the Council's power to refuse to issue or to revoke an Explosives Licence in terms of the Explosives Regulations 2014.

**72-80.** To exercise the Council's power to issue or refuse assent for an Explosives Licence, where the application is made to another relevant licensing authority in terms of the Explosives Regulations 2014.

**73-81.** To exercise the Council's power to issue or to refuse to issue or to revoke a licence to supply fireworks outwith the restricted dates in terms of the Fireworks Regulations 2004.

**82.** To establish, hold, manage, regulate and administer markets in accordance with section 27 of the Local Government and Planning (Scotland) Act 1982, to otherwise exercise all powers under section 27 in relation to those markets (except the power to make byelaws) and to take all decisions relating to the day-to-day administration of those markets.

**82.** [To deliver free school meals to eligible school pupils \(section 53 of the Education \(Scotland\) Act 1980\).](#)

**Commented [MM81]:** Added to reflect responsibilities that some decision making in respect of the provision of school meals is undertaken by the CO – O&PS.

#### **Private Sector Housing**

**74.** To:

**a** ~~Implement all aspects of the Scheme of Assistance under the Housing (Scotland) Act 2006 and the Tenements (Scotland) Act 2004;~~

**b** ~~Make third party applications to the Housing and Property Chamber First Tier Tribunal for Scotland, under Chapter 4, Housing (Scotland) Act 2006; and~~

**Commented [AS82]:** Complete PSH sectioned transferred to CO-EI&CE to align with organisational responsibilities

~~c—Where instructed in writing by the Chief Officer of the Aberdeen City Integration Joint Board, to provide aids and adaptations for the homes of people with disabilities, where authorised within the Integration Joint Board approved budget available for the purpose and in accordance with approved policies.~~

~~75.—To:—~~

- ~~a—Approve Houses in Multiple Occupation (HMO) Licence applications subject to the standard conditions, where there are no objections, concerns or contentious issues;~~
- ~~b—Add additional conditions to HMO Licences, where such conditions are agreed by all parties under section 133, Part 5, Housing (Scotland) Act 2006;~~
- ~~c—Refuse to consider HMO licence applications under section 129A, Part 5, Housing (Scotland) Act 2006;~~
- ~~d—Grant applications for variation of HMO licences from licence holders under section 138, Part 5, Housing (Scotland) Act 2006, where the invitation to make oral representations has been declined by the enforcing authority (the fire authority) and the Chief Constable on being served notice of the application, and they have each made no representations;~~
- ~~e—Grant temporary exemption orders and extensions to same under sections 142 and 143, Part 5, Housing (Scotland) Act 2006;~~
- ~~f—Make orders for the suspension of rent, etc. under section 144, Part 5, Housing (Scotland) Act 2006;~~
- ~~g—Make requirements to require rectification of breach of HMO Licence conditions, under section 145, Part 5, Housing (Scotland) Act 2006; and~~
- ~~h—Sign and serve (or arrange for or instruct the service of) HMO amenity notices and all notices of the above types of decision and take, or arrange for or instruct the taking of, any action necessary in connection with doing any of the foregoing, all in terms of the provisions of sections 146-153, Part 5, Housing (Scotland) Act 2006.~~

~~76.—To:—~~

- ~~a—Approve applications for Landlord Registration where applicants are considered to be 'fit and proper' and where there are no objections from Police Scotland in terms of spent or unspent criminal convictions and no other concerns about the applicant, all in terms of section 84, Part 8, Antisocial Behaviour etc. (Scotland) Act 2004;~~
- ~~b—Sign and serve (or arrange for or instruct the service of) Rent Penalty Notices under section 94, Part 8, Antisocial Behaviour etc. (Scotland) Act 2004; and~~
- ~~c—Waive Late Application Fees in relation to Landlord Registration when considered appropriate to do so.~~

~~77.—To authorise the Housing Strategy and Performance Manager and the Private Sector Housing Strategy Officer to instruct the Chief Officer—Governance to prepare and sign “Notice of Potential Liability for Costs” as and when required.~~

## 6. DIRECTOR OF RESOURCES

1. ~~To determine all matters (including Business Cases) submitted or referred to the Establishment Control Board.~~
2. ~~To approve (or to nominate a person as having authority to approve) any procurement, contract and/or business case for the inclusion of a project onto the Council's Capital Programme, as a result of a decision of the Aberdeen City Region Deal Joint Committee and/or a relevant business case, where the estimate value of the contract is of or above £50,000 (supplies/services) or £250,000 (works), or the turnover from the contract is estimated to be £4.5m or more (concessions), following consultation with the Chief Officer - Finance and the Head of Commercial and Procurement Services.~~
2. ~~To approve (or to nominate a person as having authority to approve) any procurement or contract, as a result of a decision of the Pensions Committee and/or a relevant procurement business case, where the estimated value of the contract is of or above £50,000 (supplies/services) or £250,000 (works), or turnover from the contract is £4.5m or more (concessions) following consultation with the Chief Officer - Finance and the Head of Commercial and Procurement Services.~~
3. ~~To approve outline, full and procurement business cases for all capital projects approved as part of the budget process for the purposes of capital processes and Procurement Regulations, following consultation with the Chief Officer – Capital, Head of Commercial and Procurement -and Conveners of the Capital Programme Committee and the City Growth and Resources Committee and undertake all necessary procurement exercises for each of these capital projects within budget allocated, following consultation with the Head of Commercial and Procurement Services, and thereafter enter into to authorise the entering into any necessary contracts.~~

**Commented [AS83]:** Procedure re staffing Business Cases reviewed and this DP is no longer required in light of the updated GD regarding staffing Business Cases which will be determined by the Chief Officer – People and Organisational Development.

**Commented [AS84]:** Updated to reference concession contracts and to align with Procurement Regulations.

**Commented [AS85]:** Updated to reference concession contracts and to align with Procurement Regulations.

**Commented [AS86]:** Added to reflect the delegation of power approved at the previous Budget Meeting.

## CHIEF OFFICER - FINANCE

### General Powers delegated to the Chief Officer - Finance as Proper Officer

1. To act as Proper Officer for the purposes of section 95 of the Local Government (Scotland) Act 1973 and to administer the financial affairs of the Council and take any necessary actions or decisions in accordance with the ACC Financial Regulations.
2. To delegate the role of Proper Officer for the purposes of section 95 of the Local Government (Scotland) Act 1973 to Service Managers when the Chief Officer - Finance is absent or as otherwise required. Any such delegation shall be made in writing.
3. ~~To sub-delegate his/her responsibilities and powers under the ACC Financial Regulations to managers within his/her Service.~~
- 2.4. To provide the financial administration of the Common Good Fund, Registered Charities, Trusts, Companies and any other funds managed by the Council.
5. To ensure the proper and safe custody of all funds administered by the Council.
- 3.6. ~~To approve new permitted investment instruments under the Council's Investment Strategy, reporting the approval to the City Growth and Resources Committee as soon as practicably possible thereafter.~~
- 4.7. To enquire into the financial standing of any organisation wanting to provide services with or to the Council in relation to any tender or contract.
- 5.8. To authorise the signature of cheques and other appropriate documentation on behalf of the Council.
- 6.9. To sign bank indemnities.
- 7.10. To approve monthly PPP unitary charge invoices to a value of £2million.
- 8.11. In respect of the Council's Arms-Length External Organisations, to make banking arrangements and provide letters of comfort, where appropriate.
- 9.12. To approve the purchase of second hand goods up to a value of £50,000.
- 10.13. To write off debt in accordance with the ACC Financial Regulations
- 11.14. Following consultation with the Convener of the City Growth and Resources Committee, to approve press releases to the London Stock Exchange through a Regulatory Information Service.
- 12.15. To make arrangements to collect sums due to the Council under the Council's "Contributing to your Care" charging policy for non-residential care services.
- 13.16. To make arrangements to collect sums due to the Council under the national "Charging for Residential Care" scheme.
- 14.17. To administer payments in cash or in kind in accordance with section 12 of the Social Work (Scotland) Act 1968.

**Commented [AS87]:**

New DP - Added to mirror the same power the Head of Commercial and Procurement has in respect of Procurement Regulations.

**Commented [JB88]:** New DP added to reflect the Treasury and Investment Strategy documents being considered by FC on 2/3/20

**15-18.** To make payments due to social care providers, foster carers, kinship carers and adopters.

**16-19.** Following consultation with the relevant Chief Officer and the Convener of the City Growth and Resources Committee, to set fees and charges outside of the budget meeting.

**17-20.** To allocate funding, following consultation with the Convener of the City Growth and Resources Committee, from the Transformation Fund on a savings/cost reduction return for investment basis and subject to the ACC Procurement Regulations.

#### **Accounting**

**19.** To put in place an appropriate control environment and effective internal controls which provide assurance of effective and efficient operations, financial stewardship, probity and compliance with Council policy, legislation and codes of practice in accordance with the Council's Financial Regulations.

**20.** To produce and continuously review the Council's Financial Regulations and any related financial procedures, policies or codes of practice.

**20-21.** To provide financial services to other bodies, organisations etc. subject to a charge being made where appropriate.

**21-22.** To manage the Council's treasury management, including all borrowing and investment activities and banking arrangements.

**22-23.** To secure arrangements for the administration and accounting of VAT, payment of salaries and wages, receipt of monies, purchase cards, credit cards, match funding and imprest accounts.

**23-24.** To develop the budget preparation strategy and financial monitoring procedures, including reporting on progress with Council approved savings targets, for both the revenue budget and capital plan, including annual budgets, medium term financial plan and longer term financial planning.

**24-25.** To amend service budgets for new monies received or subsequent approvals during the year, with all such changes being recorded in the monitoring statements.

**25-26.** To prepare the Council's Annual Accounts in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom (CIPFA/LASAAC) for each financial year ending 31 March.

**26-27.** To select suitable accounting policies for the Council and ensure that they are consistently applied to the Council's accounts relating to each financial year.

**27-28.** To take appropriate action as part of the annual final accounts process to maximise the financial benefit to the Council within appropriate legislation, policies and regulations.

**28-29.** To be the primary point of contact for the Council's external auditors.

**29-30.** To submit all financial returns on behalf of the Council.

**30-31.** To authorise disposal or write off of obsolete or excess stock, scrap materials, stores differences and equipment that is obsolete or beyond economic repair, where the value does not exceed £10,000, all in accordance with the ACC Financial Regulations.



**31-32.** To administer the residual housing advances scheme, to implement amendments to interest rates for such loans and to take appropriate action to recover any arrears.

**32-33.** To approve leasing arrangements, and arrange finance and operational leases, in relation to equipment and capital assets.

**33-34.** To authorise arrangements for electronic funds transfers.

**34-35.** Following consultation with the Chief Executive, Directors and the Head of Commercial and Procurement ~~Services~~, to put in place a scheme of delegated financial limits.

**35-36.** To arrange for suitable independent audit of European Union funding claims to be carried out.

**36-37.** To determine the retention period for all books, forms and records related to financial matters.

#### **Pensions Administration**

38. To administer the North East Scotland Pension Fund in accordance with the Local Government Pension Regulations.

39. To implement investment arrangements for the North East Scotland Pension Fund in accordance with the Local Government Pension Regulations, including sourcing and appointment of investment fund managers within the approved strategy.

40. To appoint member representatives to serve on the Pension Board of the North East Scotland Pension Fund.

41. Following consultation with the Chief Officer - Governance, to agree participation by the North East Scotland Pension Fund in securities litigation.

42. To write off debt related to the North East Scotland Pension Fund, in accordance with the ACC Financial Regulations.

42-43. To approve (or nominate officers to approve) the Council's entering into of any agreement or other document concerning the administration of the North East Scotland Pension Fund as described in the power relating to "Pensions" delegated herein to the Chief Officer – Governance.

**Commented [AS89]:** New DP - Added to reflect responsibilities in relation to the Pensions Fund.

### CHIEF OFFICER - CAPITAL

1. To deliver the Council's Capital Programme ("the Capital Programme"), including the Council's ~~Non Housing Capital Plan (NHCP) General Fund Capital Programme (GFCP)~~ and the Council's Housing Capital ~~Plan Programme~~ (HCP).
2. To maintain and oversee a governance structure for the delivery of the Capital Programme.
3. To ensure a governance framework is in place through which all projects in the Capital Programme will be evaluated and prioritised for development and delivery, subject to any appropriate Council or committee approval.
4. To ensure appropriate resources are in place to deliver the Capital Programme and, where necessary, to commit resources as required for such delivery.
5. Following consultation with the Chief Officer - Finance, the Leader of the Council and the Convener of the City Growth and Resources Committee, to allocate funds from the Construction Inflation budget for project management and other costs relating to the Capital Programme.
6. To make any necessary financial, legal and technical decisions in relation to construction projects, following the receipt of professional advice where appropriate and provided that sufficient budgetary provision exists to cover any cost involved, ~~following consultation with the Chief Officer - Corporate Landlord.~~
7. To audit, assess and review the progress, quality and management of projects within the Capital Programme.
8. To report progress on the Capital Programme to the Corporate Management Team (CMT), elected members and the relevant committee, as appropriate.
9. Following consultation with the Director of Resources and Chief Officer - Finance, to approve or reject Strategic Outline Business Cases and where approved, to authorise the development of Outline Business Cases for potential capital projects.
10. Following consultation with the Director of Resources and Chief Officer - Finance, to approve the Outline/Full Business Cases in principle for capital projects ~~recommended for addition to the capital programme outwith the budget meeting,~~ for onward submission to the relevant committee.
11. Following consultation with the Director of Resources, to consider and approve project change requests and authorise consequent amendments to key project criteria provided that sufficient budgetary provision exists to cover any cost involved.
12. To approve the allocation of external funding to individual projects.

**Commented [AS90]:** Updated terminology

**Commented [AS91]:** Wording added to ensure alignment with PDO 11 under the CO-CL

**Commented [AS92]:** Added to reflect that Full Council will approve the capital programme as part of the budget process and proposed additions outwith that considered by CG&R.

## CHIEF OFFICER – PEOPLE AND ORGANISATIONAL DEVELOPMENT

1. ~~To take action to ensure the Council is compliant with relevant employment law.~~
- 1.2. To approve and arrange for the application of all matters which conform to the national conditions of service and local conditions of service of all categories of employees of the Council, or in the opinion of the Chief Officer – People and Organisational Development are minor variations acceptable to management, the employee and trade unions as appropriate.
2. ~~Following consultation with the relevant Chief Officer, to create fixed term jobs within the Council where the duration of the contract is linked to available funding, including all costs.~~
3. To ~~approve through normal agreed processes, following consultation with the Chief Officer – Finance and the relevant trades unions, in line with our FAIR agreement, changes staffing Business Cases in respect of staff resources including proposed restructuring, establishing/disestablishing posts, converting or making changes to posts, evaluation review, temporary or one-off amendments to pay, changes to jobs and the creation and recruitment to fixed term and permanent posts, within existing clusters.~~
4. -To put in place arrangements for the appointment of Head Teachers and Depute Head Teachers in accordance with Council policy and the Parental Involvement in Head Teacher and Depute Head Teacher Appointments (Scotland) Regulations 2007.
5. To authorise requests for the extension of either full or half sickness allowance, including teachers, in exceptional circumstances following consultation with the relevant Chief Officer, ~~and where the costs of this extension can be met from within existing service budgets.~~
6. Following consultation with the Chief Executive, to approve applications for Voluntary Severance and Early Retirement for officers below Chief Officer. Applications from Chief Officers should only be approved following consultation with the Chief Executive and the Leader of the Council.
7. To implement pay awards.
8. To take any required action to give effect to the Council's employee benefits scheme.
9. To approve, following consultation with the Convener of the City Growth and Resources Committee, minor changes to the equal pay and modernisation scheme or the buy-out of existing protective terms and conditions on the basis that any such change would be within budget.
10. ~~Following consultation with the Business Manager, to make non-material amendments to human resources policies where such amendments have been consulted on with recognised trade unions~~
11. Following consultation with the Chief Executive and Chief Officer - Governance, to authorise a settlement agreement with an employee below Chief Officer, including in relation to his/ her leaving the Council's employment. Settlement agreements with Chief Officers can only be authorised following consultation with the Chief Executive, Chief Officer - Governance and the Leader of the Council.
12. To act as the representative of the Council when in negotiation with, and in statutory consultation with, trade unions.

**Commented [AS93]:** New DP - Reflects operational responsibilities of the CO.

**Commented [AS94]:** Deleted as now covered in a new DP

**Commented [AS95]:** New DP - Procedure re staffing and this DP added to align with updated GD regarding staffing changes and reflect that these will be determined by the Chief Officer – People and Organisational Development, 'agreed process' agreed with Tus where they are involved.

**Commented [AS96]:** Deleted unnecessary text as budget should always be in place as existing post.

**Commented [AS97]:** Deleted as covered under refreshed GD37 – ensures a consistent approach across all policies

## CHIEF OFFICER - CORPORATE LANDLORD

### Assistance to Local Industry

1. To discuss and negotiate, on a without prejudice basis, proposals and developments in terms of land transactions, premises and finance (following consultation with the Chief Officer - Finance) by way of assistance to local industry.

### Proposals for Council-owned Property

2. To discuss and negotiate, on a without prejudice basis, proposals and developments for Council-owned property.
3. Following consultation with the Chief Officer - Governance, to make arrangements for the referral of compensation disputes to arbitration or the Lands Tribunal.
4. To declare property surplus to the requirements of the Council following consultation with service users.
5. Following consultation with the Convener of the City Growth and Resources Committee, to decline offers to purchase Council land or property and offers to sell land or property to the Council.
6. Following consultation with the Convener of the City Growth and Resources Committee, to instruct the Chief Officer - Governance to acquire or sell or take any other interest in heritable property or land where the consideration is less than £250,000 provided that such sale or acquisition represents the land or property's market value.
7. To authorise the granting of standard securities and charges in favour of the Council and the discharge of such standard securities and charges.
8. To instruct the Chief Officer – Governance to grant wayleaves and servitudes over any Council-owned property, or enter into any such agreements over land to protect the Council's wider interests.
9. To pay statutory disturbance and home loss payments where appropriate in terms of the Land Compensation (Scotland) Acts.
10. To provide, maintain and equip schools and other buildings (section 17 of the Education (Scotland) Act 1980).
11. To make the necessary financial, legal and technical decisions based on professional advice in relation to capital and revenue based building and refurbishment projects and provided that sufficient budgetary provision exists to cover any cost involved, following consultation with the Chief Officer – Corporate Landlord.
12. To oversee budgets associated with the Council's scheme of Devolved School Management.
13. To name Council-owned property and facilities following consultation with the Convener of the City Growth and Resources Committee.
14. To carry out the consultation processes required by the Schools (Consultation) (Scotland) Act 2010.

**Commented [AS98]:** Wording added to ensure alignment with PDO 6 under the CO-Capital

**Commented [AS99]:** Transferred from CO-IC&FS to align with operational responsibilities.

### Lease/Building Occupation Management (General Services Account and Common Good Properties)

~~13~~15. To grant or decline applications for landlord's consent on terms and conditions reflecting market practice and the Council's interest including the charging of fees for the granting of landlord's consent.

~~14~~16. To instruct the Chief Officer - Governance to pursue the irritancy of leases provided that the Chief Officer - Governance is satisfied that there are grounds for doing so.

~~15~~17. To approve assignations or sub-leases either in whole or in part incorporating terms as necessary to protect the Council's interest.

~~16~~18. To approve the grant of new leases and extensions and variations of existing leases, to agree rent reviews and terminations in respect of such leases (where these are agreed at Market Rental Value) and otherwise to attend to the general management of land and property in the Council's ownership, including the advertising of property for sale or lease.

~~17~~19. To make arrangements for referral of a disputed revised rent or other dispute to arbitration in accordance with the terms of the lease in question.

~~18~~20. To approve new leases to the Council from third parties and extensions and variations of existing leases from third parties, to agree rent reviews and terminations in respect of such leases, and to otherwise attend to the general management of land and property leased to the Council.

~~19~~21. To grant or refuse any application for a let of Education or other Council property including the use of educational premises for licenced functions.

~~20~~22. Following consultation with the Chief Officer - Governance, to alter/waive (in whole or in part) commercial rents in response to economic downturn subject to the Disposal of Land by Local Authorities (Scotland) Regulations 2010 and ~~annual reporting to the relevant Committee to report any use of this power by way of service update.~~

**Commented [AS100]:** Updated to ensure that any use of the power is reported timeously.

### Adoption of Amenity Areas

~~21~~23. Following consultation with the Chief Officer - Operations and Protective Services, to refuse to adopt or adopt amenity areas subject to the areas being brought up to a standard suitable for adoption and the owners paying the Council a capitalised maintenance charge.

### Rateable Values

~~22~~24. To make representations on, negotiate and agree Rateable Values for properties where there is a Council interest as proprietor, tenant or occupier, in relation to any Valuation Notice served on the Council.

### Planning Representations

~~23~~25. To make representations on the Council's behalf to the Chief Officer - Strategic Place Planning for submission to the Planning Development Management Committee, in situations where notice has been served on the Council as a party having a notifiable interest in neighbouring land which is subject to a planning application.

**24-26.** To make applications for planning and other statutory consent for sites and heritable property where such consent is required to deliver an approved Council initiative or project following consultation with the Chief Officer - Capital.

**Properties held on the Housing Revenue Account (HRA) - Asset Management and Repairs**

**25-27.** To approve or decline applications from tenants of Council houses for:

- a erection of lock-up garages;
- b installation of car runways;
- c erection of boundary enclosures including walls, fences, gates, etc.;
- d erection of outbuildings including, but not limited to, garden sheds, greenhouses and pigeon lofts;
- e external alterations and additions to houses including, but not limited to, enclosures of verandas, erection of satellite dishes, replacement of external doors and replacement windows;
- f internal alterations and additions to houses including, but not limited to, replacement of sink units, kitchen fitments and bathroom suites, installation of bathroom showers, central heating, removal of internal coal cellars, removal of coal fires and installation of alternative forms of heating, and electrical rewiring and upgrading; and
- g retrospective Landlord's consent in relation to work carried out by a tenant in connection with section 28 of the Housing (Scotland) Act 2001, but on condition that all other statutory consents and approvals are retrospectively obtained.

**26-28.** To arrange for payments to be made in terms of section 29 of the Housing (Scotland) Act 2001 to Council tenants at the termination of a Scottish secure tenancy in respect of improvements carried out by them, including the construction of garages, during the currency of the tenancy, with the consent of the Council, in terms of Council policy.

**27-29.** To determine, following consultation with the Chief Officer - Finance, such annual increase, if any, as may be required in licence fees, registration fees, and the other charges as may be determined by the appropriate committee.

**28-30.** To arrange for payments to be made in terms of section 234 of the Housing (Scotland) Act 1987 where a tenant is required to remove from their house in order to facilitate the carrying out of repairs or where the Chief Officer - Corporate Landlord in the exercise of his/ her delegated powers arranged for the provision of temporary or permanent re-housing to tenants in houses which are affected by a modernisation scheme.

**29-31.** Following consultation with the Chief Officer - Early Intervention and Community Empowerment, to authorise Area Housing Managers to either terminate or continue within the various categories of tenancy and to grant or decline future applications from organisations to lease Council-owned HRA properties.

**30-32.** To instruct the carrying out at the Council's expense of works necessary to comply with notices and orders served by the Council in terms of the Housing (Scotland) Act 1987 and the Housing (Scotland) Act 2006 and to take appropriate action to recover the costs from the parties concerned.

~~31-33.~~ To serve Closing Orders on vacant Below Tolerable Standard dwellings (as defined by the Housing Scotland Act (2006)) as may be instructed by the Director of Resources.

**Commented [AS101]:** Transferred to CO-EI&CI to reflect operational responsibilities

~~32-34.~~ To serve on the owners concerned, on the instruction of the Director of Resources, Demolition Orders, Revocation of Demolition Orders or Closing Orders in circumstances where properties have not been restored to the tolerable standard.

~~33-35.~~ Following consultation with the Convener of the City Growth and Resources Committee, to instruct the Chief Officer - Governance to dispose of or purchase individual properties following a value for money appraisal where this option is considered by the Chief Officer - Corporate Landlord to be the most appropriate for the Housing Revenue Account, subject to (a) market value being achieved or paid; and (b) consultation with ward members on the proposals, with referral to the City Growth and Resources Committee if any ward member does not agree.

~~34-36.~~ Relative to the sale of Council houses under the Housing (Scotland) Act 1987, to decide whether to pursue recovery of any proportion of discount remaining repayable, following the sale of the house by a creditor following upon the default of the borrower.

#### Community Empowerment (Scotland) Act 2015

~~35-37.~~ To administer the Council's Common Good Register as required under the Community Empowerment (Scotland) Act 2015.

~~36-38.~~ To process ~~and determine~~ applications under the Community Empowerment (Scotland) Act 2015 to purchase or lease land owned by the Council, subject always to the duty to carry out a review of a case under section 86(2) being discharged by the relevant committee.

**Commented [AS102]:** Updated to reflect that applications are determined by the City Growth and Resources Committee.

## 7. PLACE

### CHIEF OFFICER - STRATEGIC PLACE PLANNING

The powers delegated below take account of the fact that all planning applications which come within the category of “Local Development”, as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, are dealt with under a separate Scheme of Delegation prepared in accordance with the provisions of section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) - this is contained at Appendix 2.

The Chief Officer - Strategic Place Planning or any appropriate person nominated by him/her for the purpose (and where appropriate, that Chief Officer and any such appropriate person hereinafter referred to as the “Appointed Officer”) has the following delegated powers:

#### Major and National Applications

1. To determine:

- applications for the requisite approval of matters specified by condition(s) imposed on a grant of planning permission in principle under section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended); and
- planning applications for modification of conditions under section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended),

all in respect of applications falling within the categories of National and Major Development as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 **except** where that application:

- i. has been made by or on behalf of;
  - a. an elected member of the Council or a member of staff employed within the Strategic Place Planning function of the planning authority or
  - b. the Chief Executive or any other member of the Corporate Management Team of the planning authority,
- all as determined from the contents of the application form;
- ii. requires to be the subject of formal notification to the Scottish Ministers as defined in the Schedule to the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 (or any other Scottish Government Direction);
- iii. is an Environmental Impact Assessment (EIA) application for which a validated EIA has been submitted;
- iv. has been the subject of formal timeous objection<sup>1</sup> by the local Community Council within whose area the application site falls;
- v. has been the subject of six or more timeous letters of representation<sup>2</sup> (following advertisement and/or notification) that express objection or concern about the proposal;
- vi. is being recommended for approval and has been the subject of formal objection from the Roads Authority or the Council’s Environmental Health service;

**Commented [AS103]:** All powers, and appendix 2 have been reviewed and updated to reflect the Planning (Scotland) Act 2019



- vii. is being recommended for approval and is considered by the Appointed Officer to be contrary to the adopted development plan strategy.
- 2. To determine applications for the approval of consent, agreement or approval required by a condition(s) imposed on a grant of planning permission under section 37 of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 3. Under the terms of section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) and section 69 of the Local Government (Scotland) Act 1973, and following consultation with the Chief Officer - Governance, to:
  - a. negotiate and conclude legal agreements related to planning and other applications;
  - b. determine applications for Modifications or Discharge of Planning Obligations under section 75A in relation to planning application; and
  - c. to participate in the promotion and development of Good Neighbour Agreements under section 75D.

provided the Appointed Officer considers such agreements to be in accordance with the original decision on the application.

- 4. To determine planning and other applications given a willingness to approve and for which legal agreements are not completed within 6 months of the date on which a willingness to approve was agreed by the Planning Authority.

~~5. To determine applications for Listed Building consent and Conservation Area consent subject to any of the applicable exceptions contained in paragraph 2 above and provided that the Scottish Ministers, if notified, have either made no observations or where observations have been made which can competently be made the subject of appropriate planning conditions, to determine these applications with those conditions attached.~~

**Commented [MM104]:** Moved from Major and National Applications to General Delegations

~~6.5.~~ To determine requests for non-material variation of major and national planning applications in terms of section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

#### General Delegations

~~7.6.~~ To determine following consultation with the Chief Officer - Governance, the Convener of the Planning Development Management Committee and the Business Manager, whether to appeal a decision of the Scottish Ministers which overturned or modified a decision of the Council and thereafter, if applicable, to instruct the making of such an appeal.

~~7.7~~ —To determine applications for Listed Building consent and Conservation Area consent subject to any of the applicable exceptions contained in paragraph 2 above and provided that the Scottish Ministers, if notified, have either made no observations or where observations have been made which can competently be made the subject of appropriate planning conditions, to determine these applications with those conditions attached.

8. To determine Hazardous Substance Consent applications under the Planning (Hazardous Substances) (Scotland) Act 1997 and the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015.
9. To determine whether planning or other applications that have been lodged or preapplication proposals require planning or other consent
10. To issue decisions on all types of consent where Full Council or any relevant committee of the Council are minded to grant a development and the Scottish Ministers, having been notified, indicate no objections or intention to intervene, or the period for so indicating has expired.
11. To deal with Proposal of Application Notices in terms of section 35B of the Town and Country Planning (Scotland) Act 1997 (as amended) and Pre-Application Screening Notices in terms of section 35A(3) of that Act.
12. To determine applications for advertisement consent under the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.
13. To appoint Officers to participate in mediation in terms of Section 268A of the Town and Country Planning (Scotland) Act 1997 (as amended).
14. To prepare and publish an Open Space Strategy.
15. To prepare and publish an annual obligations report detailing the following:
  - a - the number of planning obligations: entered into that year; entered into in a previous year and not yet expired; and, entered into in a previous year and not yet complied with.
  - b - the development to which each planning obligation relates
  - c - the name of the person who has entered into the agreement
16. To determine, in accordance with the applicable Environmental Impact Assessment Regulations, whether a particular planning application requires to be supported by an Environmental Statement (Screening Opinion) and the scope of any such Statement (Scoping Opinion) and to determine the scope of any such Statement (Scoping Opinion) and whether the information submitted with any EIA report is sufficient to reaching a reasoned conclusion on the significant effects of the development on the environment or whether supplementary information is required and the scope of any such information all in accordance with Section 40 of the Town and Country Planning (Scotland) Act 1997 (as amended) and as required by Section 40 A of the Planning (Scotland) Act 2019 when it comes into force.
17. To provide the following information to assist with the preparation of the National Planning Framework if required to do so by the Scottish Ministers and to work with any other Planning Authority to provide the information if required to do so by the Scottish Ministers:
  - a - Physical, cultural, economic, social, built heritage and environmental characteristics
  - b - Principle purposes for which land in the area is used
  - c - Size, composition and distribution of population
  - d - Housing needs
  - e - Capacity of education services
  - f - Capacity of health services
  - g - Health needs
  - h - Housing needs of older and disabled people
  - i - Whether land should be allocated for resettlement

**Commented [EC105]:** Addition to reflect s40 of Planning (Scotland) Act 2019. This section is not yet in force having been introduced by the new Act. Expected Q1 2021.

**Commented [EC106]:** Addition to reflect Section 3G of 1997 Planning Act which has been inserted by 2019 Act though necessary Regulations are not yet in force.

**Commented [EC107]:** Addition to reflect new s36 of Planning Act 2019

**Commented [AS108]:** Updated to reflect new Planning Act 2019

**Commented [EC109]:** Rationale is section 2 of new Planning Act

j - Infrastructure (communications, transport, drainage, water supply, energy (including land / facilities for renewables))

k - Any change expecting in anything listed above

l - Any other matter as prescribed

18. To instruct the registration and/or discharge of Charging Orders in terms of section 158 of the Town and Country Planning (Scotland) Act 1997 (as amended) in order to reclaim the costs of carrying out enforcement action.

14-19. To determine, in accordance with the applicable Environmental Impact Assessment Regulations, whether a particular planning application requires to be supported by an Environmental Statement (Screening Opinion) and the scope of any such Statement (Scoping Opinion).

13-20. To determine whether the information submitted with any Environmental Impact Assessment report is sufficient to reaching a reasoned conclusion on the significant effects of the development on the environment or whether supplementary information is required and the scope of any such information.

14-21. To determine applications related to Prior Notification or Prior Approval made under the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 Schedule 1 for the following:

- ii. Part 1A - Class 6G: Free standing wind turbine within the residential curtilage;
- iii. Part 1B - Class 6K and 6L: Biomass facilities on agricultural or forestry land;
- iv. Part 6 - Class 18: Agricultural buildings; iv. Part 7 - Class 22: Forestry buildings and operations;
- v. Part 13 - Class 39 and 40: Public gas transporters and electricity undertakings;
- vi. Part 20 - Class 67: Development by electronic communications code operators;
- vii. Part 23 - Class 70: Demolition of buildings;
- viii. Part 24 - Class 71: Toll road facilities;
- ix. Any other types of prior notification or prior approval that might come forward in future amendments to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 Schedule 1.

15-22. To determine Certificates of Lawfulness under the Town and Country Planning (Scotland) Act 1997 (as amended) where, in the opinion of the Appointed Officer, there is no reasonable doubt that the use or development is or would be:-

- lawful without further planning approval; or
- unlawful

16-23. To give, serve, issue and sign the following notices, all under the Town and Country Planning (Scotland) Act 1997 (as amended), following consultation with the Chief Officer – Governance

**Commented [EC110]:** Rationale is new sections 158 B-E of 1997 Act inserted by 2019 Planning Act but awaiting Regulations.

**Commented [AS111]:** Updated to reflect professional practice

**Commented [AS112]:** Addition to ensure a satisfactory assessment is available prior to Committee considering a planning application.

with an annual report to the Planning Development Management Committee detailing all action authorised under the below:

- Enforcement Notices under Section 123
- Notices under section 33A requiring an Application for Planning Permission for a Development already carried out;
- Planning Contravention Notices under section 125;
- Stop Notices under section 140;
- Temporary Stop Notices under section 144A;
- Breach of Condition Notices under section 145;
- Fixed Penalty Notices under section 136A;
- Completion Notices under section 61 and as amended by Section 33 of the Planning (Scotland) Act 2019;
- Notices in terms of Land Adversely Affecting the Amenity of Neighbourhood under section 179

**17-24.** To instruct applications for interdict in terms of section 146 of the Town and Country Planning (Scotland) Act 1997 (as amended) in order to restrain breaches of planning control.

**18-25.** To develop and maintain a Development Management Charter and Enforcement Charter under section 158A of the Town and Country Planning (Scotland) Act 1997 (as amended).

**19-26.** To take, following consultation with the Chief Officer - Governance, any necessary enforcement action in respect of unauthorised advertisements, poster panels (hoardings) or fly posting.

**20-27.** To make an order to revoke or modify planning permission where all owners, lessees or occupiers of land affected, or such other person who in the opinion of the Appointed Person will be affected by the order, have notified the planning authority in writing that they do not object to the order under sections 65 and 67 of the Town and Country Planning (Scotland) Act 1997 (as amended).

**21-28.** To determine all applications for Certificates of Appropriate Alternative Development under section 25 of the Land Compensation (Scotland) Act 1963.

**22-29.** To decline to determine an application under section 39 of the Town and Country Planning (Scotland) Act 1997 (as amended).

**23-30.** To grant or refuse applications ~~to fell for proposed works to trees top or top trees~~ protected by Tree Preservation Orders or by virtue of their inclusion within Conservation Areas.

**31.** To approve the making, signing, serving, ~~and~~ confirmation and revocation of provisional Tree Preservation Orders.

**32.** To authorise officers to enter any land for purposes connected with the exercise or proposed exercise of any of the authority's functions under Sections 159 to 163 and 167 to 170 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006

**Commented [AS113]:** Added to cover all enforcement notices – this covers enforcement of decisions on planning matters that have already been determined and an annual report will be submitted to PDMC to report on this activity.

**Commented [AS114]:** updated wording to ensure covers all proposed works to protected trees

**Commented [AS115]:** Added revoke to align with DP re high hedges. This is an additional / extension of the power regarding TPOs. It essentially allows us to revise or revoke in addition to making them. This will be of use in our statutory review of TPOs.

**Commented [AS116]:** New DP - Added to cover power of entry with regards to TPOs and Trees in Conservation Areas

and the Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2010 (SSI 2010/434).

**24.33.** To determine applications for the serving of High Hedge notices, to vary or revoke such notices and to take enforcement action to ensure compliance with such notices.

**25.34.** To make observations on behalf of the planning authority on routine proposals by statutory undertakers.

**26.35.** To make observations on behalf of the planning authority to consultation requests from Aberdeenshire Council in respect of applications for development in Aberdeenshire.

**27.36.** To make observations on behalf of the planning authority on consultation requests from Marine Scotland in respect of development applications.

**37.** To prepare Habitat Regulation Appraisals (HRAs) as required under the EU Habitats Directives.

**38.** To prepare, maintain and publish a list of persons who have registered interest with the the intention of acquiring land for the purpose of self build housing under Section 16E of the Town and Country Planning (Scotland) Act 1997 (as amended) and as required by the Planning (Scotland) Act 2019 when it comes into force.

**Commented [AS117]:** New DP added to reflect responsibilities under Town and Country Planning (Scotland) Act 1997 (as amended) and the Planning (Scotland) Act 2019.

**Commented [EC118R117]:** S8 of 2019 Act

**39.** To invite local communities to prepare Local Place Plans, to prepare and maintain a register of Local Place Plans and to report to the Scottish Ministers when required to under Section 15A of the Town and Country Planning (Scotland) Act 1997 (as amended) and as required by the Planning (Scotland) Act 2019 when it comes into force.

**Commented [EC119]:** New DP added to reflect responsibility inserted by s14 of 2019 Planning (Scotland) Act.

**40.** To make minor amendments to the Regional Spatial Strategy where those changes are drafting or technical matters or other matters of a minor nature which do not materially affect the substance or effect of the Strategy.

**Commented [EC120]:** Addition to reflect the addition of s 42C to the 1997 Act by the 2019 Act but this depends on whether Members agree to recommendations in report re development of Regional Spatial Strategy.

**41.** To take all decisions and steps necessary or expedient to discharge the Council's operational duties or exercise its powers under the Planning (Scotland) Act 2019 (the "2019 Act"). For the avoidance of doubt, strategic decisions required by the 2019 Act shall be reserved to the appropriate Committee or Full Council.

**Commented [AS121]:** To enable the Chief Officer to exercise the relevant operational duties or powers under the Planning (Scotland) Act 2019.

**28.42.** To make any necessary changes to the wording of the development plan, prior to adoption, where those changes are drafting matters or other matters of a minor nature which do not materially affect any policy or proposal in the plan.

**29.43.** To make any necessary changes to the wording of supplementary and/or non statutory planning guidance, where those changes are drafting or technical matters or other matters of a minor nature which do not materially affect the substance or effect of the guidance.

**Commented [AS122]:** Updated terminology to reflect new Planning (Scotland) Act.

#### Transportation

**30.44.** To prepare a Local Transport Strategy (LTS) and related Costed Action and Delivery Plan in accordance with Scottish Government Guidance, and to monitor, review and update this at appropriate intervals, subject to the relevant approvals.

- 31-45.** To make any necessary changes to the wording of the LTS, prior to approval, where those changes are drafting matters or other matters of a minor nature which do not materially affect any policy, action or proposal in the strategy.
- 32-46.** To prepare supplementary transport action plans, policies and programmes as may be required to support the delivery and monitoring of the LTS.
- 33-47.** To make any necessary changes to the wording of supplementary transport action plans, policies and programmes, where those changes are drafting or technical matters or other matters of a minor nature which do not materially affect the substance or effect of the information.
- 34-48.** To implement the LTS following consultation with the Chief Operating Officer and the Director of Resources and external partners.
- 35-49.** To implement arrangements for both temporary and permanent traffic management or related street furniture.
- 36-50.** To promote the construction of new roads and infrastructure schemes where the scheme is included in the Regional Transport Strategy, Local Transport Strategy, Strategic Development Plan, [Regional Spatial Strategy \(as applicable\)](#) and Local Development Plan and associated budget.
- 37-51.** To approve the allocation of external and internal funding and earmarked reserves to individual projects
- 38-52.** To, so far as possible, perform transport functions which relate to or which affect or are affected by transport consistently with the transport strategy of the Regional Transport Partnership Nestrans
- 39-53.** To pay the net expenses of the Regional Transport Partnership Nestrans for each financial year.

#### **Building Standards**

- 40-54.** To act as verifier for the purposes of the Building (Scotland) Act 2003 and to exercise the following functions of the Council under that Act:
- ii. Building Warrant Applications
  - iii. Accept/Reject Completion Submissions
  - iv. To grant extensions to life of building warrants and to the periods of use of buildings intended to have a limited life provided such requests are reasonable
- 41-55.** To act as local authority for the purposes of the Building (Scotland) Act 2003 and to exercise the following functions of the Council under the Act:
- ii. Dangerous Building Notices
  - iii. Defective Building Notices
  - iv. Enforcement Notices
- 42-56.** To determine Raised Structures applications under section 89 of the Civic Government (Scotland) Act 1982.
- 43-57.** To determine Planning & Building Standards Certificates under section 50 of the Licensing (Scotland) Act 2005.

**44-58.** To comment on behalf of the Council on Notices of Requirements served by the Firemaster under the Fire (Scotland) Act 2005.

**Roads, ~~Outdoor Access Core Paths~~ and Street Names**

**45-59.** ~~To authorise officers to enter any land for purposes connected with the exercise or proposed exercise of any of the authority's functions under Section 26(1) of the Land Reform (Scotland) Act 2003~~

**Commented [AS123]:** Added to clarify officer powers under LR(S)A2003, as is found in other areas of PDO, e.g. Protective Services.

**46-60.** To initiate Temporary and Permanent Stopping Up Orders and Right of Way Diversion Order procedures under the Town and Country Planning (Scotland) Act 1997 ~~and the Countryside (Scotland) Act 1967.~~

**Commented [AS124]:** Additional relevant Act added

**47-61.** To approve the making, signing and serving of any notices and orders in relation to public rights of outdoor access in terms of the Land Reform (Scotland) Act 2003 and other relevant legislation.

**48-62.** To maintain a list of ~~adopted~~ core paths ~~and aspirational core paths~~ and review that list when appropriate, as the Appointed Officer sees fit.

**Commented [AS125]:** Updated to use correct terminology and to stop distinguishing between types of designation (adopted / aspirational) as they are all core paths.

**49-63.** To construct, ~~alter~~, widen, improve, ~~or~~ renew ~~or maintain adopted~~ core paths ~~and aspirational core paths~~ within approved budgets, ~~including power to maintain.~~

**Commented [AS126]:** wording updated to align with DP above

**50-64.** To grant construction consent for new private roads, to determine the value of security to be lodged and arrange for their adoption in terms of the appropriate legislation; and, in the event that construction proceeds in the absence of such security, to instruct enforcement action.

**51-65.** To allocate funds to projects funded by developer contributions, following consultation with the Chief Officer - Finance.

**52-66.** Following consultation with the Convener of the Operational Delivery Committee and relevant ward members, to carry out the functions of the Council under section 97 of the Civic Government (Scotland) Act 1982, including naming any street or road, altering an existing name and giving each of the premises in it such distinguishing number as thought fit, subject to the Chief Officer - Strategic Place Planning being satisfied that any proposed name is not contentious.

**53-67.** To agree with the Scottish Government replacement projects from the approved Strategic Housing Investment Plan (SHIP) to the Strategic Local Programme Agreements.

**Note**

In accordance with Principle 4, the Appointed Officer and Chief Officer - Strategic Place Planning, following consultation with the Convener of the Planning Development Management Committee may decide, for whatever reason, that the particular circumstances of an application which would in terms of this Scheme fall to be determined by the Appointed Officer are such that the application should be determined by the Planning Development Management Committee. The final decision lies with the Chief Officer - Strategic Place Planning.

## Definitions

1. A **“timeous objection”** from the Community Council means any written representation - stating explicitly that it is objecting - received from the Community Council within whose area the application is located no later than the time period specified for representations following the date of notification or, if applicable, ~~the time period allowed for advertisement of the application (whichever is the later) or any later date agreed in writing with the planning case officer prior to the expiry of the aforementioned time period(s).~~ advertisement of the application (whichever is the later) or any later date agreed in writing with the planning authority.
2. A **“timeous letter of representation”** means any written representation no later than the expiry of the time period specified by the Planning Authority for representations to be made following the date of notification or, if applicable, advertisement of the application (whichever is the later).
3. **“Letter of representation”** is to be construed in light of the following:
  - if more than one representation is submitted from a single individual or a single e-mail address, this only counts as one representation
  - a single letter with a number of signatures from one postal address counts as only one representation
  - a petition (i.e. the same comment or letter submitted on behalf of and signed by multiple individuals from the same or different addresses) is counted as one representation
  - a representation will only be counted if it is from a specified e-mail address or street address and from a specified individual(s)



## CHIEF OFFICER - CITY GROWTH

### Culture

1. To purchase any works of art or museum exhibits within any such financial limits as may be set by the Council.
- ~~1.2.~~ Following consultation with the Chief Officer - Customer, to authorise international travel of officers to accompany works of art to and from overseas venues - where such works of art are being loaned to such venues and where all costs are covered by the borrower.
- ~~2.3.~~ To make bookings for exhibitions, recitals and other cultural events within the city within any such financial limits as may be set by the Council.
- ~~3.4.~~ To grant permission to reproduce works of art in approved publications and to impose an appropriate charge.
- ~~4.5.~~ Following consultation with the Head of Commercial and Procurement ~~Services~~, to grant loans of items from the collections held by the Council to outside bodies.
- ~~5.6.~~ To apply for any and all necessary licenses to ensure the delivery of catering and hospitality services (alcohol, public entertainment) under the relevant licensing legislation.
7. Following consultation with the Chief Officer - Finance, to set charges for museums and galleries.
8. To refuse applications, following consultation with Convener of the City Growth and Resources, for commemorative plaques if they do not meet the Council's criteria.

**Commented [AS127]:** New DP - approved by the CG&R Committee on 31 July 2019.

**Commented [AS128]:** New DP - added to ensure the timely processing of applications

### Economic Development

- ~~6.9.~~ To negotiate on behalf of the Council with existing and prospective investors in relation to all forms of economic activity in the city.
- ~~7.10.~~ To investigate and secure sources of external funding and negotiate appropriate partnerships where required.
- ~~8.11.~~ To identify and develop partnerships with other bodies and companies who can contribute to the city's economic development.
- ~~9.12.~~ Following consultation with the Head of Commercial and Procurement ~~Services~~, to make a financial contribution to the activities described in powers 7 to 9 immediately above by way of loans or grants, in accordance with any criteria approved by the relevant committee.
- ~~10.13.~~ To negotiate on behalf of the Council with prospective events, conference organisers and third party funders in relation to attracting events/conferences to the city that contribute to the Council's economic priorities.
- ~~11.14.~~ Following consultation with the Chief Officer - Finance and the Head of Commercial and Procurement ~~Services~~, to ~~award~~ approve an application for assistance from the subvention funding for an amount equal to the balance of the subvention fund up to a maximum of £200,000 per annum to support the venue operator appointed by Aberdeen City Council to attract new business to P&J Live events to the Aberdeen Exhibition & Conference Centre and the new Aberdeen arena, as per the contractual agreements in place.

**Commented [AS129]:** Reworded to reflect P&J Live and amended wording to provide clarity on use of the Fund

12.15. Following consultation with the City Region Deal Programme Board, to agree any change requests requested or required in relation to City Region Deal Projects.

13.16. To make representations on the Council's behalf to the Chief Officer - Strategic Place Planning for submission to the Planning Development Management Committee, in situations where notice has been served on the Council as a party having a notifiable interest in neighbouring land which is subject to a planning application.

**Commented [AS130]:** Added to enable the Cluster to be able to be as responsive as possible to any unanticipated situations that may arise.

14.17. To make applications for planning and other statutory consent for sites and heritable property where such consent is required to deliver an approved Council initiative or project following consultation with the Chief Officer -- Capital

**Commented [AS131]:** Added to enable the Cluster to be able to be as responsive as possible to any unanticipated situations that may arise.

18. To provide work experience for pupils who are eligible (section 123 of the Education (Scotland) Act 1980.

**Commented [AS132]:** Transferred from CO-IC&FS to align with operational responsibilities.

## 8. GOVERNANCE

### CHIEF OFFICER - GOVERNANCE

#### General Legal/Governance

1. Following consultation with the Business Manager, to amend the Council’s Scheme of Governance documentation to:

- correct obvious, technical or clerical errors and take account of any changes to names or titles and to make any other minor or inconsequential amendments;
- reflect the law (including changes to the law), government guidance, regulators’ guidance, and Council policies and decisions; and
- take account of any changes to names or titles and to make any other minor or inconsequential amendments;

**Commented [AS133]:** to reflect any redesigns carried out under delegated authority

**Commented [AS134]:** Updated to ensure that decisions by committee or under PDOs can be reflected in the PDOs.

2. To maintain and update Appendix 1, Proper Officers and Statutory Appointees, as required.

3. To designate any Manager, Team Leader or Solicitor within the Governance function to perform appropriate functions of the Chief Officer - Governance.

4. To act as Monitoring Officer and nominate a Deputy Monitoring Officer, in terms of section 5 of the Local Government and Housing Act 1989.

5. To engage, instruct or appoint external legal advisers (including, but not limited to, private firms, counsel and solicitor advocates) and expert witnesses.

6. To raise, defend, conduct, enter into, appear in, withdraw or abandon any court, tribunal or other legal proceedings (whether such proceedings have commenced or are in contemplation) on behalf of the Council, and/or the Licensing Board and for such other bodies as the Council may from time to time determine (and/or otherwise attend to the interests of the Council, the Licensing Board or the body in question in relation to any such proceedings (whether such proceedings are underway or in contemplation)), with the authority to:

**Commented [AS135]:** Slight tweak of wording and addition to clarify position in respect of Pensions Fund.

- settle or compromise any such proceedings;
- instruct the enforcement of any orders or decrees obtained in any such proceedings;
- accept service of any document in connection with any such proceedings; and
- take any other action in relation to any such proceedings as s/he considers appropriate.

For the avoidance of any doubt, such proceedings include (but are not restricted to) those relating to any pension fund for which the Council is administering authority or to which the Council is otherwise connected.

7. To finalise the membership of committees and sub committees, where compositions have been agreed by Council or committee, upon notification of names from members or external bodies; this shall include making changes to the membership of committees and sub committees upon notification from members or external bodies providing the agreed composition does not change.

**Commented [AS136]:** Updated to reflect external members and to align with practice for Councillors.

8. To finalise appointments to outside bodies, where compositions have been agreed by Council or committee, upon notification of names from members, and notify outside bodies accordingly; this shall include making changes to appointments to outside bodies upon notification from members providing the agreed composition does not change. This shall not apply where named appointments are required to be made by Council.
9. To arrange meetings of the Appointment Panel in accordance with the Protocol for Appointment of Chief Officers (Appendix 3 to Standing Orders).
10. To maintain the Council's Register of Outside Bodies.
11. To make minor amendments to the Constitution for Community Councils and amend the population figures for Community Council areas on an annual basis.
- ~~12. To act as the nominated representative of the Council (as data controller) and as the Council's Data Protection Officer, all in terms of the Data Protection Act 2018, the General Data Protection Regulation (GDPR), any other relevant legislation and any relevant Council policy and procedures; and to approve, implement and amend procedures relating to data protection and the GDPR.~~
- ~~13.12. To oversee compliance with any Council policy or procedure on fraud, bribery, or corruption or whistleblowing.~~
- 14.13. To exercise all powers assigned to the Monitoring Officer under any Council policy or procedure.
- 15.14. To be responsible for the safe custody of the title deeds of all land and property in the ownership of the Council, the Minutes and other records of the proceedings of the Council, its committees and sub committees and all other records belonging or relating to the Council which are not more appropriately retained by another Chief Officer. This responsibility may be exercised by arrangement with any other local authority or authorities.
- 16.15. To refer matters to external bodies, including (but not limited to) Police Scotland and the Crown Office and Procurator Fiscal Service, where he/she considers it appropriate to do so.
- 17.16. To appoint authorising officers in terms of the Regulation of Investigatory Powers (Scotland) Act 2000 ("RIPSA"), subject always to the terms of the Regulation of Investigatory Powers (Prescription of Offices, etc. and Specification of Public Authorities) (Scotland) Order 2010 and any such appointee having already undertaken RIPSA training.
- 18.17. To appoint designated persons in terms of Part I, Chapter II (Acquisition and Disclosure of Communications Data) of the Regulation of Investigatory Powers Act 2000, subject to any such appointee having already undertaken appropriate training.
- 19.18. To appoint ~~non Council employees~~ as officers of the Council persons who are not Council employees.
- 20.19. To maintain and amend the Council's lists of proper officers and statutory appointees.
20. To authorise in writing persons to exercise the powers in section 21(4BA) and (4D) of the Chronically Sick and Disabled Persons Act 1970 and so to act as enforcement officers under that section.
21. To approve any arrangements concerning elected member family leave, acting-up and allowances in accordance with legislation (including the Local Governance (Scotland) Act 2004 (Remuneration Regulations 2007) and Cosla guidance.

**Commented [AS137]:** transferred to Chief Officer – Business Intelligence and Performance Management to reflect operational responsibilities

**Commented [AS138]:** Updated to cover whistleblowing also.

**Commented [AS139]:** Reviewed wording to provide clarity

**Commented [AS140]:** Added to reflect Council decision re family leave

## Pensions

**22.** To enter into sign (and to authorise officers to sign), on behalf of the Council, any agreement or ~~and~~ other documents concerning the administration of the North East Scotland Pension Fund, including but not limited to:

- investment management agreements;
- limited partnership agreements;
- admission agreements;
- bond documentation;
- tender documentation;
- side letters;
  
- powers of attorney;
- forms of adherence;
- forms of due diligence; and
  
- tax documentation

where the entering into of such an agreement or document has been approved by the Chief Officer - Finance or an officer nominated by the Chief Officer - Finance for this purpose.

**Commented [AS141]:** Updated to reflect the role of the Chief Officer – Finance.

**22-23.** Following consultation with the Chief Officer - Finance, to make amendments to the Authorised Signatory List as required by changes in personnel subject to the positions as listed remaining the same.

**Commented [AS142]:** New DP Approved by Pensions Committee on 13 September 2019.

## Licences, Civic Government (Scotland) Act 1982 etc.

**23-24.** To act as, or appoint, a Clerk to the Licensing Board; and to appoint a Depute Clerk to the Licensing Board to exercise the powers of the Clerk to the Licensing Board.

**24-25.** To authorise officers to exercise the powers (including, but not limited to, entry and inspection) contained within section 5 of the Civic Government (Scotland) Act 1982 and paragraph 20 of Schedule 2 to the Civic Government (Scotland) Act 1982.

**25-26.** In relation to applications for the grant, variation or renewal of licences, orders, permits and registrations under the Civic Government (Scotland) Act 1982 and its associated regulations, the Theatres Act 1968, the Cinemas Act 1985 and the Deer (Scotland) Act 1996, to:

- i. determine such applications;
- ii. refuse to accept incompetent applications; and
- iii. impose conditions which are non-contentious and agreed by all parties,

except where valid objections or representations in respect of the application have been received and have not, in the opinion of the Chief Officer - Governance, been withdrawn or satisfactorily addressed or resolved.

**26-27.** To deem an application for the renewal of a licence under Part II of the Civic Government (Scotland) Act 1982 made up to 28 days after the expiry of the licence to be an application made before the date of expiry.

**27-28.** To authorise officers to inspect and test vehicles and taximeters in terms of section 11 of the Civic Government (Scotland) Act 1982.

**28-29.** To authorise officers to carry out inspection and enforcement functions in relation to knife dealers' licences in terms of sections 27E, 27F and 27G of the Civic Government (Scotland) Act 1982.

**29-30.** To authorise the immediate temporary suspension of licences under the Civic Government (Scotland) Act 1982 without a hearing where there is or is likely to be a serious threat to public order or public safety.

**30-31.** To approve vehicles which comply with the specification for licensing as wheelchair accessible taxis.

**31-32.** To authorise officers to exercise powers of entry to, and inspection of, sports grounds as defined by section 11 of the Safety of Sports Grounds Act 1975.

**32-33.** To determine requests for film classification under the Cinemas Act 1985 where a U or PG certificate is sought.

#### Stock Exchange Bonds

**33-34.** To develop and maintain Insider Lists in connection with any stock exchange bonds issued by the Council.

**34-35.** To take or instruct any other actions which may be required in order to ensure the Council's compliance with any law, regulations, guidance, codes or stock exchange requirements relating to any stock exchange bonds issued by the Council.

#### Schools/Education

**35-36.** To make arrangements for the clerking of the School Placings and Exclusions Appeals Committee.

**36-37.** To reject school placing appeals and exclusion appeals which s/he considers are not competent.

**37-38.** To appoint external members to the pool of members for the School Placings and Exclusions Appeals Committee who fall into the following categories, subject to their attendance at a relevant training session and a clear PVG check being returned:

1. parents of children of school age;
2. people who, in the opinion of the Chief Officer - Governance, have experience in education; or
3. people who, in the opinion of the Chief Officer - Governance, are acquainted with the educational conditions in the area of the Council.

**38-39.** To institute proceedings on behalf of the Council as Education Authority in terms of section 43 of the Education (Scotland) Act 1980.

**Commented [AS143]:** Added relevant to cover 121 sessions.

### Legal Documentation

~~39-40.~~ To sign (and to authorise officers to sign) deeds, contracts, agreements, notices, orders and other documents to which the Council is a party, ~~such signing to be in accordance with any relevant legislation.~~

**Commented [AS144]:** Removal of unnecessary wording.

~~40-41.~~ To ~~approve the entering~~ into, ~~variation~~, ~~extension~~ or ~~termination of~~ any contract, agreement, protocol, memorandum of understanding or other legal document (or to arrange for any of these things to be done) in circumstances where, following consultation with the relevant Chief Officer ~~(or his/her deputy or nominee)~~, ~~s/he/she~~ is satisfied that it is in the interests of the Council to do so.

**Commented [AS145]:** Minor tweaks to wording

### Civic Administration

~~42.~~ To authorise the Lord Provost ~~(or, as appropriate, when failing the Depute Provost)~~ to incur expenditure to meet the expenses of his/her office ~~in relation to~~ the provision of reasonable hospitality, whether within or outwith the city, to representatives of other authorities ~~or~~ organisations, members of the Council or others.

**Commented [AS146]:** Minor tweak of wording

## HEALTH AND SOCIAL CARE PARTNERSHIP

### **9. CHIEF OFFICER OF THE ABERDEEN CITY INTEGRATION JOINT BOARD**

**(also referred to and known as the Chief Officer of the Aberdeen Health and Social Care Partnership)**

1. To facilitate and implement Directions issued to Aberdeen City Council from the Integration Joint Board, on the instruction of the Chief Executive of Aberdeen City Council and in accordance with the requirements of the ACC Procurement Regulations.
2. To take necessary steps to discharge the Council's duties under the following legislation: Social Work (Scotland) Act 1968, the Children (Scotland) Act 1995, the Social Care (Self-directed Support) (Scotland) Act 2013, the Children and Young People (Scotland) Act 2014, The Mental Health (Care and Treatment) (Scotland) Act 2003, the Adult Support and Protection (Scotland) Act 2007, the Carers (Scotland) Act 2016, the Community Care and Health (Scotland) Act 2002 and the Adults with Incapacity (Scotland) Act 2000.
3. To comply with the 'Duty of local authority to assess needs'. Legislative Reference: section 12(A) Social Work (Scotland) Act 1968, and amended under the National Health Service and Community Care Act 1990.
4. To arrange for the protection of property of people who have gone into hospital or care. Legislative reference: section 48 of National Assistance Act 1948.
5. To provide domiciliary services where assessed as required. Legislative Reference: section 14 of the Social Work (Scotland) Act 1968 [NB term domiciliary services replaced 'home help' within NHS & Community Care Act 1990].
6. To bury or cremate any person over the age of 18 who was in the care of or receiving help from the Council immediately before their death. Legislative Reference: section 28 of the Social Work (Scotland) Act 1968.
7. To recover expenses from the estate of the deceased person or from any person who was liable to maintain the deceased person immediately before their death expenses incurred. Legislative Reference: section 28 of the Social Work (Scotland) Act 1968.
8. To make expenses payments to parents, relatives or other connected persons in respect of visiting a person, in the care of the authority or receiving assistance from the authority, and in the same financial circumstances to assist persons to attend the funeral of a person in the care of the authority. Legislative Reference: section 29 of the Social Work (Scotland) Act 1968 as amended by paragraph 15(13) of Schedule 4 of the Children (Scotland) Act 1995.
9. To recover or impose any charges for services provided. Legislative Reference: section 87 and section 78A of the Social Work (Scotland) Act 1968, or under and by virtue of section 16, section 18 of the Social Care (Self-directed Support) (Scotland) Act 2013, or under and by virtue of section 28 of the Mental Health (Care and Treatment) (Scotland) Act 2003.
10. To make arrangements with voluntary or other organisations or persons for residential accommodation where nursing is provided for people who appear to need such accommodation.



Legislative Reference: section 13A of the Social Work (Scotland) Act 1968 as inserted by section 56 of the National Health Service and Community Care Act 1990.

11. To provide information on Adult Social Care services and any relevant services of other authorities or organisations. Legislative Reference: section 1 of the Chronically Sick and Disabled Persons Act 1970.
12. To provide services to chronically sick and disabled persons. Legislative Reference: section 2 of the Chronically Sick and Disabled Persons Act 1970.
13. To assess the ability of carers to provide care. Legislative Reference: section 12A of the Social Work (Scotland) Act 1968.
14. To have the power to enact the 'Options for Self-Directed Support', including make Direct Payments. Legislative Reference: Social Care (Self-directed Support) (Scotland) Act 2013.
15. To oversee the general functions under the Adults with Incapacity (Scotland) Act 2000:
  - a. to supervise a guardian appointed with functions relating to the personal welfare of an adult in the exercise of those functions;
  - b. to consult the Public Guardian and the Mental Welfare Commission on cases or matters relating to the exercise of functions under this Act in which there is, or appears to be, a common interest;
  - c. to receive and investigate any complaints relating to the exercise of functions relating to the personal welfare of an adult made -
    - i. in relation to welfare attorneys;
    - ii. in relation to guardians or persons authorised under intervention orders;
  - d. to investigate any circumstances made known to them in which the personal welfare of an adult seems to them to be at risk;
  - e. to provide a guardian, welfare attorney or person authorised under an intervention order, when requested to do so, with information and advice in connection with the performance of his functions in relation to personal welfare under this Act.
16. To make arrangements for the provision, equipping and maintenance of residential accommodation and the care of the person for the time being resident in accommodation. Legislative Reference: section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003.
17. To make arrangements for the exercise by the Council of its functions in respect of persons subject to guardianship. Legislative Reference: Adults with Incapacity (Scotland) Act 2000.
18. To make arrangements for the provision of any ancillary or supplementary services. Legislative Reference: Mental Health (Care and Treatment) (Scotland) Act 2003.
19. To make arrangements for the supervision of persons suffering from mental handicap who are neither liable to detention in a hospital nor subject to guardianship. Legislative Reference: Mental Health (Scotland) Act 1984.

20. To appoint Mental Health Officers. Legislative Reference: section 32 of the Mental Health (Care and Treatment) (Scotland) Act 2003.
21. To receive patients who have attained the age of 16 years into guardianship. Legislative Reference: section 57 of the Adults with Incapacity (Scotland) Act 2000.
22. To provide or secure the provision of suitable training and occupation for persons suffering from mental handicap who are over school age. Legislative Reference: Education (Scotland) Act 1980 in terms of the Mental Health (Scotland) Act 1984.
23. To authorise Mental Health Officers to enter and inspect premises and to provide information for the purpose of the issue of a warrant to search for and remove patients. Legislative Reference: sections 33 and 35 of the Mental Health (Care and Treatment) (Scotland) Act 2003.
24. To make arrangements for the exercise by the Council of its functions in respect of persons under the Mental Health (Care and Treatment) (Scotland) Act 2003 and the Adults with Incapacity (Scotland) Act 2000 including:
  - a. to make arrangements for the provision, equipping and maintenance of residential accommodation and the care of the person for the time being resident in accommodation so provided;
  - b. to apply for and implement welfare and financial guardianships or intervention orders and any other ancillary or supplementary services or orders under the Adults with Incapacity (Scotland) Act 2000;
  - c. to make arrangements for the supervision and provision of services for people who are the subject of Compulsory Treatment Orders whether community or hospital based; and
  - d. to make arrangements for provision of any ancillary or supplementary services.
25. To apply for orders for the purpose of removing people in need of care and attention to suitable premises. Legislative Reference: section 35 of the Mental Health (Care and Treatment) (Scotland) Act 2003 and section 14 of the Adult Support and Protection (Scotland) Act 2007.
26. To make provision for the safeguarding of vulnerable adults. Legislative Reference: Adult Support and Protection (Scotland) Act 2007.
27. To supervise persons subject to a Community Payback Order, Unpaid Work Order, or release from prison related Order and to provide the necessary social background reports and other reports to the Court. Legislative Reference: The Management of Offenders etc. (Scotland) Act 2005.
28. To provide supervision for the purpose of assisting and advising an offender in regard to payment of a fine. Legislative Reference: section 217 of the Criminal Procedure (Scotland) Act 1995.
29. To supervise people placed on a Supervised Attendance Order for default of a fine. Legislative Reference: section 235, 236 or 237 of the Criminal Procedure (Scotland) Act 1995.
30. To supervise people placed on a Drug Treatment and Testing Order. Legislative Reference: sections 89-95 of the Crime and Disorder Act 1998.
31. To jointly establish arrangements with other Responsible Authorities for the assessment and management of the risks posted by certain high risk offenders. Legislative Reference: section 10 of the Management of Offenders etc. (Scotland) Act 2005.

32. To provide a throughcare service to prisoners during their period of imprisonment and who will be subject to supervision following release. Legislative Reference: section 71 of the Criminal Justice (Scotland) Act 2003.
33. To jointly, with Scottish Ministers, establish arrangements for the assessment of management of the risks posed by custody and community prisoners. Legislative Reference: section 9 of the Custodial Sentences and Weapons (Scotland) Act 2007.
34. Following consultation with the Director of Commissioning, to monitor the performance of any contract for the provision of Health and Social Care facilities services, or both, on the Council's behalf.
35. To authorise the provision of aids and adaptations for the homes of people with disabilities within the approved budget available for the purpose and in accordance with approved policies.
36. To take, or arrange for the taking of, any action necessary to comply with health and safety legislation and to appoint officers to undertake health and safety functions.
37. [To provide Appropriate Adult support services to vulnerable persons under section 42 of the Criminal Justice \(Scotland\) Act 2016.](#)

**Commented [JA147]:** The new duty under s42 of the CJ(S)A2016 relates to the council having to provide an appropriate adult service if a request for support is intimated to ACC by a police constable. Support is required when a person is in custody and applies to over 16's.  
January 31, 2020, 4:09 PM

## APPENDIX 1

### PROPER OFFICERS AND STATUTORY APPOINTEES

**PROPER OFFICERS** - The undernoted officers are Proper Officers for the following purposes:

Legislation	Function	Officer
Any other legislation (not included in the below list) which requires certain functions to be exercised by a Proper Officer		<ul style="list-style-type: none"> <li>• Chief Executive</li> </ul>
<b>Local Government (Scotland) Act 1973</b> Section 33A	Councillors' declaration of acceptance of office	<ul style="list-style-type: none"> <li>• Chief Executive</li> <li>• Chief Officer - Governance</li> <li>• Legal Services Manager</li> <li>• Democracy Manager</li> </ul>
Section 34	Receipt of Councillors' resignations	<ul style="list-style-type: none"> <li>• Chief Executive</li> <li>• Chief Officer - Governance</li> </ul>
Section 43 and Schedule 7 paragraph 1(4)	Receipt of requisition for special Council meeting	<ul style="list-style-type: none"> <li>• Chief Officer - Governance</li> <li>• Legal Services Manager</li> <li>• Democracy Manager</li> </ul>
Section 43 and Schedule 7 paragraph 2(1)	Signing summons to attend Council meeting	<ul style="list-style-type: none"> <li>• Chief Executive</li> <li>• Chief Officer - Governance</li> <li>• Legal Services Manager</li> <li>• Democracy Manager</li> </ul>
Section 43 and Schedule 7 paragraph 2(2)	Receipt of notice by Councillor of alternative address:	<ul style="list-style-type: none"> <li>• Chief Officer - Governance</li> <li>• Legal Services Manager</li> <li>• Democracy Manager</li> </ul>
Section 50B	Excluding reports containing exempt information from public, and providing documents to the press	<ul style="list-style-type: none"> <li>• Chief Officer - Governance</li> <li>• Legal Services Manager</li> <li>• Democracy Manager</li> </ul>
Section 50C	Providing a written summary of the proceedings where minutes are excluded from public, without disclosing the exempt information.	<ul style="list-style-type: none"> <li>• Chief Executive</li> <li>• Chief Officer - Governance</li> </ul>
Section 50D	Compiling a list of background papers to a report to be open to inspection by members of the public	<ul style="list-style-type: none"> <li>• Democracy Manager</li> </ul>

Section 50F	Determining documents which are not open to inspection and would disclose exempt information.	<ul style="list-style-type: none"> <li>• Chief Executive</li> <li>• Chief Officer - Governance</li> </ul>
Section 92	Dealing with the transfer of securities	<ul style="list-style-type: none"> <li>• Director of Resources <del>Chief</del></li> <li>• <u>Chief</u> Officer - Finance</li> </ul>
Section 95	Administration of the Council's financial affairs	<ul style="list-style-type: none"> <li>• Chief Officer - Finance</li> </ul>
Section 128	Educational Endowments	<ul style="list-style-type: none"> <li>• Chief Officer - Governance</li> </ul>
Section 145	Ordnance Survey applications sent to the proper officer of the local authority.	<ul style="list-style-type: none"> <li>• Chief Officer - Early Intervention and Community Empowerment</li> </ul>
Section 189	Instituting, defending or appearing in legal proceedings	<ul style="list-style-type: none"> <li>• Chief Officer - Governance</li> <li>• Legal Services Manager</li> </ul>
Section 190	Service of legal proceedings, notices, etc., will be duly served on the authority if served on the proper officer of the authority	<ul style="list-style-type: none"> <li>• Chief Officer - Governance</li> <li>• Legal Services Manager</li> </ul>
Section 191	Signing any claim on behalf of the Council in any sequestration, liquidation or other such proceedings in which the Council is entitled to make a claim and may act on behalf of the Council in connection with that claim in all respects.	<ul style="list-style-type: none"> <li>• Chief Officer - Governance</li> <li>• Legal Services Manager</li> </ul>
Section 193	Signing notices, orders, authenticating documents etc.	<ul style="list-style-type: none"> <li>• <del>Chief</del> Officer with responsibility for the relevant function to which the notice, order etc. relates                             <ul style="list-style-type: none"> <li>• <a href="#">Other officers as authorised in terms of the Powers Delegated to Officers</a></li> </ul> </li> </ul>

**Commented [AS148]:** Providing greater clarity

Section 197	Inspection and deposit of documents	<ul style="list-style-type: none"> <li>Chief Officer - Governance</li> </ul>
Section 202	Authenticating byelaws	<ul style="list-style-type: none"> <li>Chief Officer - Governance</li> </ul>
Section 202B	Certifying a true copy of an entry in register of byelaws	<ul style="list-style-type: none"> <li>Chief Officer - Governance</li> </ul>
Section 204	Evidence of byelaws - copy of a byelaw purporting to be made by the Council upon which is endorsed a certificate purporting to be signed by the proper officer.	<ul style="list-style-type: none"> <li>Chief Officer - Governance</li> </ul>
Section 206	The admission of honorary freemen and keeping a roll containing the names of persons admitted to be freemen.	<ul style="list-style-type: none"> <li>Chief Officer - Governance</li> </ul>
Section 231	Application to sheriff in cases of difficulty - making application to the sheriff on questions arising from the Local Government (Scotland) Act 1973	<ul style="list-style-type: none"> <li>Chief Officer - Governance</li> </ul>
<b>Civic Government (Scotland) Act 1982</b> Section 112	Execution of management rules	<ul style="list-style-type: none"> <li>Chief Officer - Governance</li> </ul>
Section 113	Evidence of management rules	<ul style="list-style-type: none"> <li>Chief Officer - Governance</li> </ul>
<b>Local Government and Housing Act 1989</b> Section 2	Lists of politically restricted posts – proper officer to maintain a list of politically restricted posts	<ul style="list-style-type: none"> <li>Director of Resources</li> <li>Chief Officer – <a href="#">People and Organisational Development</a></li> </ul>

<p><b>Local Government (Scotland) Acts 1973 and 1975, Local Government Finance Act 1992</b> and associated delegated legislation</p>	<p>All administrative functions, including preparation of the Assessment Roll, preparation and issue of rates notices, collection of rates, receiving and settling claims for exemption from rates, handling objections to rates levels and the abatement, remission or repayment of rates under the relevant rating provisions</p>	<ul style="list-style-type: none"> <li>• Director of Resources <del>Chief</del></li> <li>• <del>Chief</del> Officer - Finance</li> </ul>
<p><b>Local Government Finance Act 1992</b> and associated delegated legislation</p>	<p>All administrative functions, including preparation and issue of council tax notices, collection of council tax, handling of objections to assessments and the exemption, abatement or remission of charges</p>	<ul style="list-style-type: none"> <li>• <del>Director of Resources Chief</del></li> <li>• <del>Chief Officer – Finance</del> <del>Chief Officer – Customer Experience</del></li> </ul>
<p><b>Local Government etc. (Scotland) Act 1994</b> Section 16</p>	<p>Property held in trust</p>	<ul style="list-style-type: none"> <li>• Director of Resources</li> <li>• Chief Officer - Governance</li> <li>• Chief Officer - Finance</li> </ul>
<p><b>Requirements of Writing (Scotland) Act 1995</b> Schedule 2, paragraph 4(1)</p>	<p>Signing of documents</p>	<ul style="list-style-type: none"> <li>• <del>Officers as authorised in terms of the Powers Delegated to Officers Such officers as may be (or have already been) appointed by the Council in this respect</del></li> </ul>
<p><b>Local Authorities (Contracts) (Scotland) Regulations 1997</b> Regulation 4</p>	<p>Signing of Certificates</p>	<ul style="list-style-type: none"> <li>• Chief Officer - Governance</li> <li>• Chief Officer - Finance</li> <li>• Legal Services Manager</li> <li>• Head of Commercial and Procurement <del>Services</del></li> <li>• Relevant Delegated Procurers</li> </ul>

**Commented [AS149]:** Updated to reflect CO – CE responsibilities.

**Commented [AS150]:** Reviewed wording

<p><b>Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests) Regulations 2003</b> Regulations 3-7</p>	<p>To set up, maintain and make available for public inspection the register of interests. This record will consist of the date of receipt of that notice, the name of the responsible person who gave that notice and a statement of the information contained in, or a copy of, that notice. The proper officer shall maintain that record in respect of any person until five years after the date that person ceases to be a responsible person.</p>	<ul style="list-style-type: none"> <li>• Legal Services Manager</li> <li>• Democracy Manager</li> <li>• Chief Officer - Governance</li> </ul>
<p><b>Scottish Local Government Elections Order 2011</b></p>	<p>Retention of documents following an election</p>	<ul style="list-style-type: none"> <li>• Chief Executive</li> <li>• Chief Officer - Governance</li> </ul>
<p><b>Community Empowerment (Scotland) Act 2015</b> Part 9 Section 116 <del>*not yet in force – date to be appointed*</del></p>	<p>This section provides for the execution of allotment site regulation by proper officers. These regulations cover allotment allocation, rent, cultivation of allotments, maintenance of allotments, buildings or structures, keeping of livestock, access, sale of surplus produce etc.</p>	<ul style="list-style-type: none"> <li>• <del>Such officers as may be (or have already been) appointed by the Council in this respect</del> Chief Officer – Operations and Protective Services</li> </ul>
<p><b>Housing (Scotland) Act 2006</b> Section 140</p>	<p>A licence holder who requests the local authority to provide a certified copy of the HMO (Houses In Multiple Occupation) licence is, if the request is reasonable, entitled to be given such a certified copy. Section 140(4) provides that any such copy HMO licence which purports to be certified by a proper officer of the local authority is sufficient evidence of the terms of the HMO licence</p>	<ul style="list-style-type: none"> <li>• Such officers as may be (or have already been) appointed by the Council in this respect</li> </ul>
<p>Section 160</p>	<p>Certifying a HMO licence for entry in the HMO register</p>	<ul style="list-style-type: none"> <li>• Such officers as may be (or have already been) appointed by the Council in this respect</li> </ul>

**Commented [AS151]:** Added to reflect that the responsibilities being undertaken by the CO to ensure the Council meet its duties under the Community Empowerment (Scotland) Act 2015



<b>Environmental Protection Act 1990</b> Section 33A (11)(a)	Signing a certificate for proceedings in relation to fixed penalty notices for contraventions of section 33(1)(a) and (c) (this is to be done by a proper officer with the responsibility mentioned in Section 95 of the Local Government (Scotland) Act 1973)	<ul style="list-style-type: none"> <li>Chief Officer - Finance</li> </ul>
<b>Local Electoral Administration and Registration Services (Scotland) Act 2006</b> Sections 5,6 & 7	Section 5 imposes requirements on the proper officer to make relevant election documents available for inspection by members of the public. The proper officer must, on the request of any registered party or a person who was a candidate at the election, supply them with a copy of the marked copies of the register, the postal voters list, the list of proxies and the proxy postal voters list relating to the election.	<ul style="list-style-type: none"> <li>Chief Officer - Governance</li> </ul>
<b>Discretionary Housing Payments (Grants) Order 2001</b> Part 3(3)	Signature of Claims (by the proper officer pursuant to section 95 of the Local Government (Scotland) Act 1973.)	<ul style="list-style-type: none"> <li>Chief Officer - Finance</li> </ul>

#### STATUTORY APPOINTEES

The undernoted officers are statutory appointees in terms of the undernoted legislation:

Legislation	Function	Officer
<b>Social Work (Scotland) Act 1968</b> Section 3	Chief Social Work Officer	<ul style="list-style-type: none"> <li>Chief Officer - Integrated Children's and Family Services</li> </ul>
<b>Representation of the People Act 1983</b> Sections 25, 41	Returning Officer	<ul style="list-style-type: none"> <li>Chief Officer - Governance</li> </ul>

<b>Representation of the People Act 1983</b> Section 5, s6b	The proper officer is to prepare a list of rooms in schools and meeting rooms which candidates in the constituency are entitled to use	<ul style="list-style-type: none"> <li>Such officers as may be (or have already been) appointed by the Council in this respect</li> </ul>
<b>Weights and Measures Act 1985</b> Section 72(1)(a)	Chief Inspector of Weights and Measures	<ul style="list-style-type: none"> <li>Trading Standards Manager</li> </ul>
<b>Local Government and Housing Act 1989</b> Section 4	Head of Paid Service	<ul style="list-style-type: none"> <li>Chief Executive</li> </ul>
Section 5	Monitoring Officer	<ul style="list-style-type: none"> <li>Chief Officer - Governance</li> </ul>
<b>Environmental Protection Act 1990</b> Section 149(1)	Officer appointed for the purposes of discharging the functions imposed or conferred on the Council for dealing with stray dogs in its area	<ul style="list-style-type: none"> <li>Environmental Health Manager</li> </ul>
<b>Regulation of Investigatory Powers (Scotland) Act 2000</b> (i) Sections 6 and 7	Authorising Officers	<ul style="list-style-type: none"> <li>Chief Executive (where required by statute)</li> <li>Protective Services Manager</li> <li>Revenues and Benefits Manager</li> <li>Housing Manager</li> <li>Other officers as appointed by Chief Officer - Governance</li> </ul>
<b>Regulation of Investigatory Powers Act 2000</b>	Designated Persons	<ul style="list-style-type: none"> <li>Protective Services Manager</li> <li>Other officers as appointed by Chief Officer - Governance</li> </ul>
<b>Licensing (Scotland) Act 2005 (i)</b> Schedule 1, Paragraph 8	Clerk of the Licensing Board	<ul style="list-style-type: none"> <li>Chief Officer - Governance</li> </ul>
<b>Valuation Joint Boards (Scotland) Order 1995</b> Schedule 2, Section 4	To act as the Treasurer of Grampian Valuation Board	<ul style="list-style-type: none"> <li>Chief Officer - Finance</li> </ul>

<b>Education (Scotland) Act 2016</b> Section 25	All education authorities must appoint a Chief Education Officer to advise the authority on carrying out the authority's legislative functions under this Act and other education Acts. The Chief Education Officer must be appropriately experienced, as determined by the authority.	<ul style="list-style-type: none"> <li>To be appointed. Section 25 is not yet in force.</li> </ul>
<b>Registration of Births, Deaths and Marriages (Scotland) Act 1965</b> Section 7	District registrars/senior registrars.	<ul style="list-style-type: none"> <li>Registrars</li> </ul>
<b>Local Government (Scotland) Act 1973</b> Section 95	Administration of the Council's financial affairs	<ul style="list-style-type: none"> <li>Chief Officer - Finance</li> </ul>
<b>Local Government etc. (Scotland) Act 1994</b> Section 27	Assessor	<ul style="list-style-type: none"> <li>Such officers as may be (or have already been) appointed by the Council in this respect</li> </ul>
<b>Mental Health (Care and Treatment) (Scotland) Act 2003</b> Section 32	Mental Health Officers	<ul style="list-style-type: none"> <li>Mental Health Officers</li> </ul>
<b>Food Safety Act 1990</b> Section 27	Analysts	<ul style="list-style-type: none"> <li>Such officers as may be (or have already been) appointed by the Council in this respect</li> </ul>
<b>Agriculture Act 1970</b> Section 67(3)	Agricultural Analyst/Depute Agricultural Analyst	<ul style="list-style-type: none"> <li>Such officers as may be (or have already been) appointed by the Council in this respect</li> </ul>
<b>Data Protection Bill Act 2018</b> <b>Section 7 &amp; GDPR</b> <b>Section 67 &amp; Article 37(1) of GDPR</b>	Data Protection <del>Officer</del>	<ul style="list-style-type: none"> <li><del>Data Protection Officer</del> <del>Chief Officer - Governance</del></li> </ul>

**Commented [AS152]:** Updated to reflect legislation and responsibilities.

<p><b>Town and Country Planning (Scotland) Act 1997</b> <b>Section 43A</b></p>	<p>To determine any application for planning permission for a development within the category of local developments or any application for consent, agreement or approval required by a condition imposed on a grant of planning permission for a development within that category.</p>	<ul style="list-style-type: none"> <li>• Chief Officer - Strategic Place Planning and any appropriate person nominated by him/her for the purpose</li> </ul>
<p><u>Town and Country Planning (Scotland) Act 1997</u> <u>Section 1A when it comes into force</u></p>	<p><u>Each Planning Authority must have a chief planning officer (CPO). The role of CPO is to advise the Planning Authority on the carrying out of functions conferred on them by virtue of the planning Acts and, and functions conferred on them by any other relevant enactment.</u></p>	<ul style="list-style-type: none"> <li>• <u>Chief Planning Officer – to be appointed – guidance from Scottish Ministers on the role awaited.</u></li> </ul>

## APPENDIX 2

### Scheme of Delegation for dealing with planning applications for Local Developments

#### [Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended)]

The Chief Officer - Strategic Place Planning or any appropriate person nominated by him/her for the purpose (that Chief Officer or any such appropriate person hereinafter referred to as the "Appointed Officer") has the following delegated powers:

1. To determine applications for:
  - the requisite approval of matters specified in condition(s) imposed on a grant of planning permission in principle under section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended);
  - planning permission (including planning permission in principle);
  - applications for the approval of consent, agreement or approval required by a condition imposed on a grant of planning permission or planning permission in principle; and
  - planning applications for modification of conditions under section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended).

all in respect of applications falling within the category of "local development" as defined within the [Town and Country Planning \(Hierarchy of Developments\) \(Scotland\) Regulations 2009](#) [and as required by Section 28 of the Planning \(Scotland\) Act 2019, in respect of planning permission for a development within the category of local developments, \(when it comes into force\)](#) **except** where that application:-

- i. has been made by or on behalf of;
  - a. an elected member of the Council or a member of staff employed within the Place Planning function of the planning authority; or
  - b. the Chief Executive or any other member of the Corporate Management Team of the planning authority,
- all as determined from the contents of the application form.
- ii. requires to be the subject of formal notification to the Scottish Ministers as defined in the Schedule to the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 (or any other Scottish Government Direction);
- iii. is an Environmental Impact Assessment (EIA) application for which a validated EIA has been submitted;
- iv. is being recommended for approval and has been the subject of formal timeous objection by the local Community Council within whose area the application site falls;

**Commented [AS153]:** Changes to reflect forthcoming aspects of Planning (Scotland) Act

- v. is being recommended for approval and has been the subject of six or more timeous letters of representation (following advertisement and/or notification) that express objection or concern about the proposal;
- vi. is being recommended for approval and has been the subject of formal objection from the Roads Authority or the Council's Environmental Health service;
- vii. is being recommended for approval and is considered by the Appointed Officer to be contrary to the adopted development plan strategy;
- viii. has been subject to a Public Hearing under section 38A(4) of The Town and Country Planning (Scotland) Act 1997.

**2.** To determine applications for the approval of consent, agreement or approval required by a condition(s), imposed on a grant of planning permission under section 37 of the Town and Country Planning (Scotland) Act 1997 (as amended) and as required by Section 28 of the Planning (Scotland) Act 2019 when it comes into force.

**Commented [AS154]:** Changes to reflect forthcoming aspects of Planning (Scotland) Act

**3.** To determine applications for any approval of the planning authority required under a development order as required by Section 28 of the Planning (Scotland) Act 2019 when it comes into force.

**Commented [AS155]:** Changes to reflect forthcoming aspects of Planning (Scotland) Act

**4.** To determine applications for certificates of lawfulness of existing use or development under Section 150 of the Town and Country Planning (Scotland) Act 1997 (as amended) and as required by Section 28 of the Planning (Scotland) Act 2019 when it comes into force.

**Commented [AS156]:** Changes to reflect forthcoming aspects of Planning (Scotland) Act

**2.5.** To determine applications for certificates of lawfulness of proposed use or development under Section 151 of the Town and Country Planning (Scotland) Act 1997 (as amended) and as required by Section 28 of the Planning (Scotland) Act 2019 when it comes into force.

**Commented [AS157]:** Changes to reflect forthcoming aspects of Planning (Scotland) Act

**3.** To determine applications for advertisement consent required by virtue of regulations made under Section 182 of the Town and Country Planning (Scotland) Act 1997 (as amended) and as required by Section 28 of the Planning (Scotland) Act 2019 when it comes into force.

**Commented [AS158]:** Changes to reflect forthcoming new Planning Act

**Commented [AS159]:** Changes to reflect forthcoming aspects of Planning (Scotland) Act

**4.6.** Under the terms of section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) and section 69 of the Local Government (Scotland) Act 1973, and following consultation with the Chief Officer - Governance, to:

- a. negotiate and conclude legal agreements related to planning and other related applications;
- b. determine applications for Modifications or Discharge of Planning Obligations under section 75A in relation to planning applications;
- c. to participate in the promotion and development of Good Neighbour Agreements under section 75D.

provided the Appointed Officer considers such agreements to be in accordance with the original decision on the application.

**5.7.** To determine planning and other applications given a willingness to approve and for which legal agreements are not completed within 6 months of the date on which a willingness to approve was agreed by the Planning Authority.

**6.8.** To determine applications for Listed Building consent and Conservation Area consent subject to any of the applicable exceptions contained in paragraph 2 above and provided that the Scottish Ministers, if notified, have either made no observations or, where observations have been made which can competently be made the subject of appropriate planning conditions, to determine these applications with those conditions attached.

**7.9.** To determine requests for non-material variation of planning applications in terms of section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

#### Note

The powers delegated to the appointed officer hereof are further qualified to the extent outlined in the provisions of Section 43A(6) of the Town and Country Planning (Scotland) Act 1997 (as amended). Accordingly, the Appointed Officer and Chief Officer - Strategic Place Planning, following consultation with the Convener of the Planning Development Management Committee may decide, for whatever reason, that the particular circumstances of an application which would in terms of this Scheme fall to be determined by the Appointed Officer are such that the application should be determined by the Planning Development Management Committee. The final decision lies with the Chief Officer - Strategic Place Planning.

#### Definitions

1. A **"timeous objection"** from the Community Council means any written representation - stating explicitly that it is objecting - received from the Community Council within whose area the application is located no later than the time period specified for representations following the date of notification or if applicable, [the time period allowed for advertisement of the application \(whichever is the later\) or any later date agreed in writing with the planning case officer prior to the expiry of the aforementioned time period\(s\).](#) ~~advertisement of the application (whichever is the later) or any later date agreed in writing with the planning authority.~~
2. A **"timeous letter of representation"** means any written representation received no later than the time period specified by the planning authority for representations to be made following the date of notification or, if applicable, advertisement of the application (whichever is the later).
3. **"Letter of representation"** is to be construed in light of the following:
  - if more than one representation is submitted from a single individual or a single e-mail address, this only counts as one representation
  - a single letter with a number of signatures from one postal address counts as only one representation
  - a petition (i.e. the same comment or letter submitted on behalf of and signed by multiple individuals from the same or different addresses) is counted as one representation
  - a representation will only be counted if it is from a specified e-mail address or street address and from a specified individual(s)





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# Standing Orders For Council, Committee and Sub Committee Meetings

Approved by Council 2 March 2020

## **Aberdeen City Council Standing Orders For Council, Committee and Sub Committee Meetings**

The Council will exercise all its powers and duties in accordance with the law and the Council's Scheme of Governance.

In the event of any conflict or inconsistency between these Standing Orders and legislation, the legislation shall prevail.

<b>Version</b>	<b>2.0</b>
<b>Effective From</b>	<b>2 March 2020</b>
<b>To be Reviewed</b>	<b>March 2021</b>
<b>Application of Policy</b>	<b>Council-wide</b>
<b>Policy Author</b>	<b>Lynsey McBain, Committee Services Officer</b>

DRAFT

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**Commented [AS1]:** The Contents page will be updated following the Council meeting. Standing Order 15 (Petitions) needs to be added which is on page 14, however due to the format of the contents page it cannot be added at this stage.

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# FIRST COUNCIL MEETING FOLLOWING AN ELECTION THE STATUTORY MEETING

## 1. Calling of Statutory Meeting

- 1.1 In a local government election year, the Council will hold its first meeting within 21 days of the election, on a date set by the Chief Officer - Governance.

## 2. Terms of Business

- 2.1 The Returning Officer, whom failing such Councillor as the meeting may select, will chair the meeting until the Lord Provost is elected.
- 2.2 The agenda will include the following business:
- 2.2.1 Receipt of notice of election of Councillors;
- 2.2.2 Election of Lord Provost, Depute Provost, Leader or Co-Leaders, and Depute Leader of the Council;
- 2.2.3 Appointment of a Business Manager and Depute Business Manager;
- 2.2.4 Appointment of a Convener and Vice Convener(s) for Committees of the Council;
- 2.2.5 Appointment of Members to Committees;
- 2.2.6 Nomination or appointment as the case may be of representatives to Boards, Joint Committees and Outside Bodies; and
- 2.2.7 Approval of Senior Councillor allowances.
- 2.3 Where Standing Orders refer to the Leader of the Council, this will include reference at all times to Co-Leaders, if appointed.
- 2.4 Where any function in terms of the Standing Orders is attributed to the Leader of the Council, the Co-Leaders will determine who will undertake it and notify the Chief Executive on request.
- 2.5 In the absence of the Business Manager, the Depute Business Manager will fulfil the duties of the Business Manager.
- 2.6 There will be no more than one appointment made to the roles of:
- Lord Provost;
  - Depute Provost;
  - Depute Leader (if appointed);
  - Business Manager;
  - Depute Business Manager; and
  - Convener.
- 2.7 The Convener and Vice Convener of the Audit, Risk and Scrutiny Committee must be a member of the opposition.

- 2.8 Any External Member appointed by Council to any Committee or Sub Committee will have full voting rights on all matters considered relevant by the Council, Committee or Sub Committee, unless otherwise agreed by Council.
- 2.9 An External Member will remain as a member of the Committee or Sub Committee until the next ordinary election of Councillors, subject to their right to resign or their removal by the nominating body.
- 2.10 An External Member will be expected to comply with the Councillors' Code of Conduct.

### 3. Nominations and Appointments

#### 3.1 General Procedures

- 3.1.1 When nominating or appointing Members to any office or position where there are a greater number of candidates than vacancies, the decision will be taken by a vote.
- 3.1.2 A Member will be entitled to vote for as many candidates as there are vacancies.
- 3.1.3 A Member must not vote more than once for any one candidate in any ballot.
- 3.1.4 In addition to the nominator and seconder, Members may speak in support of their own candidacy for a maximum of 5 minutes.

#### 3.2 Voting in the Case of One Vacancy

- 3.2.1 Where only one vacancy requires to be filled and one candidate has an absolute majority of votes cast, that candidate will be declared elected, nominated or appointed, as the case may be.
- 3.2.2 Where only one vacancy requires to be filled and there are only two candidates and the vote results in a tie, the candidate to be removed will be determined by lot, using a method decided upon by the Clerk.
- 3.2.3 Where there are more than two candidates and the first vote does not produce an absolute majority in favour of any candidate, the candidate with fewest votes will be removed, and a fresh vote will take place between the remaining candidates.
- 3.2.4 This process will continue until one candidate has a majority of votes cast.
- 3.2.5 Where there is an equal number of votes for the candidates with fewest votes, an extra vote will be taken between those candidates.
  - 3.2.5.1 The name of the candidate with the fewest votes will be removed from the process.
  - 3.2.5.2 If an equal number of votes remains, the candidate to be removed will be determined by lot using a method decided upon by the Clerk.

#### 3.3 Voting in the Case of Two or More Vacancies

- 3.3.1 Where there is more than one vacancy and the number of candidates exceeds the number of vacancies, the following method of voting shall apply:-
  - 3.3.1.1 The number of candidates matching the number of vacancies that receive the highest number of votes cast will be duly elected, nominated or appointed, as the case may be.

**3.3.1.2** Where there is an equal number of votes between two or more candidates, and where their respective proportion of the votes cast does not allow them to automatically take up a vacancy, an extra vote will be taken between those candidates. The candidate(s) receiving the highest number of votes cast will be duly elected, nominated or appointed, as the case may be.

**3.3.2** In the event that Standing Order 3.3.1.2 still produces an equality of votes, the decision will be by lot using a method decided upon by the Clerk.

**3.3.2.1** The first named candidate drawn will be elected, nominated or appointed, as the case may be, followed by the second named candidate, should there be more than two candidates with an equality of votes.

**3.3.2.2** This process will continue until the number of candidates amounts to the same number of vacancies.

#### **4. Duration of Appointments**

**4.1** Each appointment made under Standing Order 3 will stand until the next local government election, unless and until:

**4.1.1** a Member resigns from that appointment; or

**4.1.2** is removed by the Council as set out in Standing Order 5; or

**4.1.3** in the case of a Leader, the Council agrees to that Member being a Co-Leader with another Member.

#### **5. Removal from Office**

**5.1** Any Member elected or appointed as Lord Provost, Depute Provost, Leader or Co Leaders of the Council, Depute Leader of the Council, Business Manager or Depute Business Manager, or as Convener or Vice Convener can only be removed from office by a resolution by Full Council following a Notice of Motion submitted at least three weeks prior to the Council meeting in accordance with Standing Order 12.

**5.2** Any such Notice of Motion will form the first item of business at the next Full Council meeting.

**5.3** Any such Notice of Motion can only be heard by Full Council and, for the avoidance of doubt, not by the Urgent Business Committee.

**5.4** Following debate, a proposal as to whether to remove from office the office bearers detailed at Standing Order 5.1 will be voted on and decided by simple majority.

**5.5** For the avoidance of doubt, there will be a casting vote in the event of there being no overall majority.

**5.6** Where the Council agrees to remove a Co-Leader from their role, the removal from office will only apply to the named Member.

**5.6.1** The remaining Co-Leader will be determined to be the Leader of the Council, unless Council appoints a replacement Co-Leader.



## 6. Appointment and Employment of Chief Officers

- 6.1 The processes which apply to the appointment and employment of Chief Officers are set out at Appendix 3 to this document.

## COUNCIL AND COMMITTEE MEETINGS

### 7. Ordinary Meetings

- 7.1 Meetings of the Council, its Committees and Sub Committees will be held in line with the meeting timetable as approved by the Council.
- 7.2 No meetings will be held on a Saturday or Sunday or on public holidays observed by the Council.
- 7.3 It will be within the discretion of the Convener of the Council, a Committee or Sub Committee to cancel, advance or postpone an ordinary meeting to another date if in his/her opinion, acting reasonably; there is a good reason for so doing.

### 8. Special Meetings

- 8.1 A special meeting of the Council, a Committee or Sub Committee may be called at any time by its Convener.
- 8.2 A special meeting may also be called by at least a quarter of the Members of the Council, Committee or Sub Committee.
- 8.2.1 In such instances a special meeting will be held within fourteen days of a written request being received by the Chief Officer - Governance.
- 8.2.2 The written request must set out the business of the meeting and be signed by at least a quarter of the Members of the Council, Committee or Sub Committee.

### 9. Place of Meetings

- 9.1 All meetings of the Council, its Committees and Sub Committees will, unless otherwise determined by the Chief Officer - Governance in consultation with the Convener, take place in the Town House.

### 10. Notice of Meetings

- 10.1 At least five Clear Days before a meeting of the Council, Committee or Sub Committee, the time and place of the meeting will be published at the Council's offices.
- 10.1.1 Standing Order 10.1 does not apply to the Urgent Business Committee nor the Licensing Sub Committee.
- 10.2 A Summons to attend the meeting including the list of business to be transacted at the meeting will be delivered:-
- 10.2.1 by post to a Member's normal place of residence;
- 10.2.2 to such other address as a Member may specify; or
- 10.2.3 by email to an address provided by the Council.
- 10.3 If a Summons is not sent to or received by any Member, the meeting will still be valid.

## 11. Order of Business

### 11.1 Council Meetings

**11.1.1** At an ordinary meeting of Council, the business shown on the agenda will (unless otherwise determined by the Convener) proceed in the following

order:-

- 11.1.1.1 Admission of Burgesses
- 11.1.1.2 Notification of Urgent Business
- 11.1.1.3 Determination of Exempt Business
- 11.1.1.4 Declarations of Interest
- 11.1.1.5 Deputations
- 11.1.1.6 Minutes of Previous Meeting(s) of Council
- 11.1.1.7 Referrals from Committees
- 11.1.1.8 Committee Planner
- 11.1.1.9 Council Business
- 11.1.1.10 Notices of Motion
- 11.1.1.11 Exempt / Confidential Business

### 11.2 Committee and Sub Committee Meetings

**11.2.1** At an ordinary Committee or Sub Committee meeting, the business shown on the agenda will usually (unless otherwise determined by the Convener) proceed in the following order:

- 11.2.1.1 Notification of Urgent Business
- 11.2.1.2 Determination of Exempt Business
- 11.2.1.3 Declarations of Interest
- 11.2.1.4 Deputations
- 11.2.1.5 Minutes of Previous Meeting
- 11.2.1.6 Committee Planner
- 11.2.1.7 Notices of Motion
- 11.2.1.8 Referrals from Council, Committees and Sub Committees
- 11.2.1.9 Committee Business (to be set out as per Committee Terms of Reference)
- 11.2.1.10 Exempt / Confidential Business

## OPERATION OF COUNCIL, COMMITTEE AND SUB COMMITTEE MEETINGS

### 12. Notices of Motion

- 12.1** A Member can submit a Notice of Motion to Council, a Committee or Sub Committee.
- 12.2** Notices of Motion should be submitted to the Clerk in writing at least three weeks prior to the meeting.
  - 12.2.1** The Clerk will then be responsible for collating the views of the relevant Director(s), Chief Officer - Governance, Chief Officer - Finance and any other relevant Chief Officer(s) and presenting these to the Member.
- 12.3** Following the conclusion of the consultation set out in Standing Orders 12.1 and 12.2, the final written motion must be submitted by the Member to the Clerk by 12 noon two weeks prior to the meeting, along with any relevant correspondence.
- 12.4** Precise deadlines for all Council, Committee and Sub Committee meetings will be made available to Members on the internal website.
- 12.5** Prior to a Notice of Motion appearing on an agenda, the Convener will determine competency.
- 12.6** A Notice of Motion will be determined incompetent if:-
  - 12.6.1** The judgement of the relevant Director(s) or Chief Officer(s) is that the matter is already being pursued. In such circumstances, the Member may only resubmit the motion after a period of six months from the date of submission of the Notice of Motion;
  - 12.6.2** The terms of the motion could result in a breach in law;
  - 12.6.3** The motion proposes expenditure and does not identify a source of funding; or
  - 12.6.4** A motion in similar terms has already been submitted for the same meeting by another Member.
- 12.7** If the Convener rules the motion incompetent, it will not appear on the agenda for the meeting.
- 12.8** If the motion is ruled incompetent, the Member may submit a revised version, subject to adhering to the process outlined in Standing Orders 12.1, 12.2 and 12.3 above.
- 12.9** A Notice of Motion submitted to the Clerk outwith the deadlines referred to above, can only be accepted onto the agenda at the discretion of the Convener, prior to, or at the meeting of the Council, Committee or Sub Committee.
- 12.10** Standing Order 12.9 does not apply to any Notice of Motion submitted under Standing Order 5.1 (Removal of Office of Lord Provost, Depute Provost, Leader or Co Leaders, Depute Leader of the Council or Convener or Vice Convener).
- 12.11** When submitting a Notice of Motion outwith the deadlines referred to above, the Member will be required to specify why the motion should be considered as a matter of urgency.

- 12.12 If a Member who has submitted a Notice of Motion is absent from the meeting when the motion is due to be considered, the motion will not be considered at that meeting but will be put on the agenda for the next meeting.
- 12.13 If the Member is absent on the second occasion, the motion will fall.
- 12.14 If a Member is not a member of the Committee or Sub Committee where their motion is to be considered, they will be invited to the meeting to move or speak to the motion and sum up; however they will not be entitled to vote on the matter.
- 12.15 Members are permitted to submit joint notices of motion, however the 10 minute time limit for moving the motion will remain unchanged, which can be split between any or all of the Members who submit the joint motion.
- 12.16 A Member can make minor alterations to their motion, with the consent of the Convener.
- 12.17 Any motion proposing a nomination for Freedom of the City must be signed by at least 23 Members of the Council.

### 13. Reports by Officers

- 13.1 Reports to the Council, Committees or Sub Committees will be in the name of the Chief Executive, Directors, Statutory and Chief Officers or by the Council's Internal or External Auditors; or by a representative of Police Scotland or the Scottish Fire and Rescue Service.
- 13.2 Reports must be provided in draft to the following for consultation in accordance with the published timetable:
  - 13.2.1 Chief Officer - Finance
  - 13.2.2 Chief Officer - Governance
  - 13.2.3 Chief Executive
  - 13.2.4 Clerk
  - 13.2.5 Administration Leaders
  - 13.2.6 Convener of the City Growth and Resources Committee
  - 13.2.7 Convener and Vice Convener of Council or the relevant Committee or Sub Committee
  - 13.2.8 Business Manager

13.2.9 Executive lead for their respective committee

**Commented [AS2]:** This addition ensures the Executive Lead receives all draft reports.

13.3 Reports must also be provided in draft to the following officers for consultation, in cases where the report contains matters within their professional remit:-

- 13.3.1 Chief Officer – Integrated Children’s and Family Services
- 13.3.2 Chief Officer – People and Organisational Development
- 13.3.3 Head of Commercial and Procurement
- 13.3.4 Chief Officer – Corporate Landlord
- 13.3.5 Chief Officer – City Growth

**Commented [SD3]:** Updated to reflect title changes

- 13.4 Standing Orders 13.2 and 13.3 do not apply to planning or licensing applications where there are no draft reports and separate statutory consultation procedures apply.
- 13.5 A report author must consult the local Members of a ward where the report contains proposals which, **if implemented**, would have a significant local impact on that particular ward.
- 13.6 Where an initial report is prepared as a result of a Notice of Motion having been considered, the report author must consult the Member(s) who submitted the Notice of Motion.
- 13.7 A report will only be submitted for consideration by the Council, Committee or Sub Committee where the Clerk, Chief Officer – Finance and the Chief Officer – Governance have responded to the consultation on that report.
- 13.8 Subject to Standing Orders 13.9 to 13.12 below, final reports to be included on an agenda for a meeting of the Council, Committee or Sub Committee must be submitted to the Clerk as specified in the timetable published by the Chief Officer - Governance.
- 13.9 If a report not listed on the agenda is submitted after the agenda for the meeting of the Council, Committee or Sub Committee has been published; the Convener must give authority for the report to be added to the agenda.
- 13.10 If a report listed on the agenda is submitted after the agenda has been published but more than three Clear Days before the meeting, no Late Docquet will be required.
- 13.11 If a report is submitted after the agenda has been published but less than three Clear Days before the meeting, the relevant Director or Chief Officer must submit a Late Docquet to the Clerk explaining why the report is late and the special circumstances which require the item to be considered as a matter of urgency.
- 13.11.1 In terms of Standing Order 36.3, the Docquet must also be signed by the Convener who will specify why the item should be considered at the meeting as a matter of urgency.
- 13.11.2 Standing Order 13.11 does not apply to the Licensing Committee, Urgent Business Committee or Licensing Sub Committee.
- 13.12 Any officer listed under Standing Order 13.1 will have the authority to withdraw his/her report from the agenda, following consultation with the Business Manager.

**Commented [AS4]:** Reviewed to clarify when a local member should be consulted

## 14. Deputations

- 14.1 Every request for a deputation must be in writing and received by the Clerk at least two working days before the meeting to which it relates. **Any** documentation that a deputation may wish to circulate to the Committee must be submitted along with the deputation request. Should such documentation not be submitted with the request, it will be for the Convener to determine if the document is circulated.
- 14.1.1 For example, for a meeting on a Thursday, requests must be received by the end of the Monday; and for a meeting on a Tuesday, requests must be received by the end of the previous Thursday.
- 14.2 In the event that a report has not been published to enable a deputation request to comply with the deadline set out in Standing Order 14.1, deputation requests may still be submitted and put on to the agenda.

**Commented [AS5]:** Reviewed in line with recent documents submitted with a deputation request.

- 14.2.1** In such instances, Standing Order 14.1 would require to be suspended at the meeting for the deputation to be heard.
- 14.3** The request must relate to a report on an agenda.
- 14.4** The request must state the report on which the deputation wants to be heard and the action (if any) the deputation would like the Council, Committee or Sub Committee to take in relation to the report.
- 14.5** The following deputation requests are not competent:-
- 14.5.1** Deputations which fail to comply with Standing Order 14.1
  - 14.5.2** Deputations which relate to reports containing confidential information (see Standing Order 22)
  - 14.5.3** Deputations which relate to the annual budget
  - 14.5.4** Deputations which relate to a petition
  - 14.5.5** Deputations which relate to a planning or licensing application
  - 14.5.6** Deputations which relate to matters that have alternative procedures for representation (which may include, but are not restricted to, the Council's proposed sale or let of a property which has been subject to a closing date and the Council's proposed tendering of goods, services or works).
  - 14.5.7** Deputations which relate to a Notice of Motion which has not yet been moved.
- 14.6** Subject to Standing Order 14.2 (late publication of reports), if a deputation request is determined to be incompetent, it will not be put on the agenda.
- 14.7** Deputations cannot consist of more than three people.
- 14.8** No individual may form part of more than one deputation on the same matter.
- 14.9** A competent deputation request will be placed on the agenda for the relevant meeting of the Council, Committee or Sub Committee.
- 14.9.1** If a deputation is deemed to be competent, it will be heard at the meeting, unless a Member moves a procedural motion to determine otherwise.
- 14.10** If, having heard the deputation, the Council, Committee or Sub Committee defer consideration of the report, no further request will be accepted from the same body or individuals in relation to the matter unless a new report containing substantially different information is submitted to a future meeting.
- 14.11** Competency in respect of Standing Orders 14.3, 14.5 and 14.10 will be determined by the Convener.
- 14.12** If a report on which a deputation has been heard is referred to another meeting of the Council, a Committee or Sub Committee, in order for the same body or individuals to be heard, a fresh request for a deputation must be submitted.
- 14.13** Deputations will be given a maximum of ten minutes to present their case, irrespective of the number of speakers.
- 14.14** Following the conclusion of the deputation, Members will be given the opportunity to ask questions of the deputation for a maximum of ten minutes.

14.14.1 No questions can be asked of officers during this time period, and no debate or discussion will take place until the report is considered as part of the agenda.

## 15. Petitions

- 15.1 A petition complying with the agreed criteria and having received at least 100 valid signatures will be placed on the agenda for consideration at the relevant committee.
- 15.2 The petitioner will be invited to explain their petition at the relevant committee and will have a maximum of ten minutes to present their case, following which Members will be given the opportunity to ask questions of the petitioner for a maximum of ten minutes.
- 15.3 The petitioner can be supported by up to two other individuals but the ten minute limit will be the same.
- 15.4 A Council officer will then have the opportunity to present their case for a maximum of ten minutes, following which Members will be given the opportunity to ask questions of the officer for a maximum of ten minutes.
- 15.5 There are three options for the committee to consider.
  - 15.5.1 Take no action and advise the lead petitioner of the Committee's reasoning.
  - 15.5.2 Agree that the matter be the subject of a report to the relevant Committee(s).
  - 15.5.3 Refer the matter to a relevant organisation with or without a recommendation.

**Commented [AS6]:** Added to be consistent with deputations and to ensure the same procedure adopted across all committees. Reflects the process agreed by Council.

## 16. Rights of Members to Attend Meetings

- 16.1 Subject to Standing Orders 12.14 and 16.2 and 16.3, any Member will be entitled to attend any Committee or Sub Committee meeting of which they are not a member and will, with the consent of the Convener, be entitled to ask questions or address the meeting.
  - 16.1.1 The Member may not propose or second any motion or amendment or vote.
- 16.2 A Member cannot be present at a meeting of a Committee or Sub Committee for which they are not a member when all of the following three conditions apply:-
  - 16.2.1 The press and public have been excluded from the meeting; **and**
  - 16.2.2 The meeting is likely to involve the taking of a decision which may affect the interests of any person or body following a hearing; **and**
  - 16.2.3 The person or body has a right in terms of the law, Standing Orders or other administrative procedure, to be heard at that meeting in person or through a representative, for example the Appeals Sub Committee or Licensing Committee.
- 16.3 In respect of the following, Members will only be entitled to make representations through, as applicable, the formal statutory process or other procedure agreed by Council, Committee or Sub Committee:
  - 16.3.1 quasi-judicial matters;
  - 16.3.2 individual housing allocation decisions; or
  - 16.3.3 reviews to be undertaken by the Community Asset Transfer Review Sub Committee.

**Commented [AS7]:** Added to clarify the right of members to attend and speak at committee meetings when a quasi judicial applications are being considered to ensure all parties are getting an equal opportunity; to clarify the right of members to attend and speak at committee meetings when an individual housing allocation is being determined to ensure fairness as the housing applicant does not get an opportunity to address the Committee; and to clarify the right of members to attend and speak at meetings of the CATSC

- 16.4 Prior to sitting as a member or a substitute of the Pensions Committee and the Appeals Sub Committee, a Councillor must have undertaken the required training.

**Commented [AS8]:** Clarifies requirements of Members to undertake training. Anyone that sits on the Pensions Committee or Board have to have the knowledge and skills to execute their fiduciary duty and be able to challenge the advice they may be given. This is in line with the Knowledge and Skills Framework developed by CIPFA in 2010 which has been adopted by the Fund, the Training Policy which applies to Committee & Board members and The Local Government Pension Scheme (Scotland) Regulations 2018

Appeals Sub Committee procedure requires members to have undertaken training prior to hearing an appeal.

## 17 Substitute Members

- 17.4 Members or Groups will be entitled to nominate substitutes to attend meetings of Committees and Sub Committees on their behalf, providing those substitutes have received relevant training as determined by the Council.
- 17.5 Bodies appointing External Members shall be permitted to appoint a named substitute for their substantive Member, providing those substitutes have received relevant training as determined by the Council.

## 18 Failure to Attend Meetings

- 18.4 If a Member does not attend any meeting of the authority within a period of six consecutive months, the Chief Executive must report this to Council, unless leave of absence has been granted to the Member.
- 18.5 If the Council is not satisfied as to the cause of the failure to attend, the Member will cease to be a Member of the Council.
- 18.6 The Member will not cease to be a Member of the Council if the absence is due to the Member having been suspended by the Standards Commission.
- 18.6.1 No report from the Chief Executive is required in these circumstances.

## 19 Chairing of Meetings

- 19.4 At any meeting of the Council, its Committees or Sub Committees, the chair will be taken by the Convener, or where the Convener is absent, the Vice Convener, who will be addressed in accordance with Standing Order 25.2.
- 19.4.1 In the event that there is more than one Vice Convener, it will be for those Members to determine which of them will chair the meeting.
- 19.4.2 In the event that no agreement is reached between those Members, the decision will be taken by means of a procedural motion.
- 19.4.3 In the absence of both Convener and Vice Convener(s), the Members present will appoint a Convener.

**Commented [AS9]:** Reviewed to provide clarification as to how the Vice Convener should be addressed when acting as Convener.

## 20 Quorum

- 20.4 The quorum of Council, Committees and Sub Committees will be one quarter of the total number of members of the Council, Committee or Sub Committee, or three members, whichever is the higher.

## 21 Attendance at Meetings by Chief Officers

- 21.4 All meetings will normally have advice available from the Chief Officer – Finance and the Chief Officer - Governance.
- 21.5 The attendance of all other officers is at the discretion of the appropriate Chief Officer, taking into account the business of the meeting and the Working Time Regulations 1998.



## 22 Exempt and Confidential Information

- 22.4 Agendas and reports containing Confidential Information will contain a declaration that the report is 'Not for Publication' because it contains Confidential Information as described in Appendix 1 to the Standing Orders.
- 22.5 Agendas and reports containing Exempt Information (exempt items) will contain a declaration that the report is 'Not for Publication' because it contains Exempt Information as described in Appendix 2 to the Standing Orders.
- 22.6 The public **may** be excluded from a meeting when an item of business is being considered, if it is likely that, if the public were present, Exempt Information would be disclosed.
- 22.7 The public **must** be excluded from a meeting when an item of business is being considered and it is likely that, if the public were present, Confidential Information would be disclosed to them in breach of an obligation of confidence.

## 23 Declarations of Interest

- 23.4 Any Member making a declaration of interest should:-
- 23.4.1 indicate whether it is a financial or non-financial interest;
  - 23.4.2 include some information on the nature of the interest; and
  - 23.4.3 confirm whether or not they intend to withdraw from the meeting room.
- 23.5 A Member must withdraw from the meeting room, including from the public gallery, where they have declared an interest that prevents them from participating in the discussion of, and voting on, the item.

## 24 Introducing Reports

- 24.4 The Convener may identify that a report requires introduction from an officer or a representative of an external organisation, following which, Members will be given the opportunity to ask questions of officers or an external representative. Any introduction and questions for an external representative should be undertaken prior to asking questions of officers.
- 24.5 To promote the effective management of the meeting, Members should seek clarification or advice on any points from officers in advance of the meeting.
- 24.6 When, in the opinion of the Convener, Members have had a reasonable opportunity to ask questions, the Convener will move to determination of the matter.

**Commented [AS10]:** Reviewed to take account of external representatives such as ALEOs speaking to officer reports regarding their performance etc.

## 25 Speaking at Meetings

- 25.4 When addressing Members, Trade Union Advisers, officers, deputations or representatives of external partners at meetings, no Member or officer should use the first name of the person being addressed.
- 25.5 When referring to or addressing the Convener, Members, Trade Union Advisers and officers should address the Convener as 'Lord Provost', 'Convener' or 'Chair' as appropriate.

- 25.6 When referring to or addressing a Member, Members, Trade Union Advisers and officers should address the Member as Councillor.

**Commented [AS11]:** Added to reflect how Councillors should be addressed during a meeting. This is already covered in the Member Officer Relations Protocol but should be included in Standing Orders for completeness.

## 26 Order of Debate

- 26.4 If consensus cannot be reached on an item, the order of debate will be as follows:-

26.4.1 Motion moved and seconded

26.4.2 Amendment(s) moved and seconded

26.1.3 Debate

26.1.4 Summing up for the amendment(s)

26.1.5 Summing up for the motion

26.1.6 Vote

- 26.2 Any Member wishing to speak at any meeting will address the Convener and restrict their remarks to the item of business before the meeting through:-

26.2.1 Asking questions

26.2.2 Moving, seconding or supporting a motion or any relative amendment

26.2.3 Moving or seconding a Procedural Motion; and

26.2.4 Raising a Point of Order

- 26.3 Advisers to the Staff Governance Committee will be entitled to raise a Point of Order, ask questions and participate in any debate, but will not be entitled to move a motion or amendment, nor participate in any vote.

**Commented [AS12]:** Added to allow Advisers to raise a Point of Order

## 27. Points of Order

- 27.1 A Point of Order is a verbal objection made to the Convener that a statement or proposed procedure or action at the meeting may be in breach of the law, Standing Orders or Councillors' Code of Conduct.
- 27.2 Any Member may raise a Point of Order at any point in the meeting, and must specify which Standing Order, law or section of the Councillors' Code of Conduct will be, or has been, breached.
- 27.3 The Convener will decide how the Point of Order will be dealt with.

## 28. Procedural Motions

- 28.1 A Procedural Motion is a motion on the procedure being proposed or undertaken at the meeting, including, but not restricted to:-
- 28.1.1 Moving exempt business to the public section of the agenda;
- 28.1.2 Proposing a change to the minute;
- 28.1.3 Proposing that an item be deferred to a later date;
- 28.1.4 Proposing that an item be referred to another Committee or directly to full Council;
- 28.1.5 Proposing that no further debate or questioning take place;

- 28.1.6 Proposing the suspension of a Standing Order;
- 28.1.7 Proposing an alternative method of voting; and
- 28.1.8 Proposing that a planning site visit be undertaken.
- 28.2 A Procedural Motion has to be moved and seconded, and Members will then vote on whether to support or oppose it.
- 28.3 When a Procedural Motion has been moved and seconded, it will be put immediately to the vote, without any debate.
- 28.4 If a Procedural Motion is not seconded, it will fall and this will be recorded in the minute.
- 28.5 Except where the Procedural Motion is to suspend Standing Orders in terms of Standing Order 41, for a Procedural Motion to be successful, it requires a simple majority of the vote.

## 29. Motions and Amendments

- 29.1 \_\_\_\_\_
- 29.1 Any motion or amendment proposed at a Council, Committee or Sub Committee meeting should be submitted to the Clerk by 10am on the Working Day before the meeting takes place to enable competency of the motion/amendment to be considered prior to the commencement of the meeting. Motions or amendments can be submitted outwith this time, however an adjournment at the meeting may be required to allow for advice to be given to the relevant member.
- 29.2 Any motion or amendment in respect of the budget should be submitted to the Chief Officer – Finance, by 10am on the third last Working Day before the meeting takes place to enable the Chief Officer – Finance to consider any financial implications. For example, if the budget meeting is on Tuesday then any amendment should be submitted to the Chief Officer – Finance, by 10am the Thursday before. Such motion or amendment should detail the cost of the proposal(s) being advanced or the savings proposed to be achieved and the consequential impact of that cost or those savings on the annual budget and any associated commissioning intentions and service standards.
- 29.4 The Clerk will then be responsible for collating the views of the following officers and presenting these to the Member:
  - 29.4.1 the relevant Director(s);
  - 29.4.2 Chief Officer – Governance;
  - 29.4.3 Chief Officer – Finance; and
  - 29.4.4 other relevant Chief Officer(s).
- 29.5 The Convener will have the prior right to the motion, except:-
  - 29.5.1 where he/she waives this right and allows another Member to have the prior right to the motion;
  - 29.5.2 where a written Notice of Motion submitted by a Member is moved; or

**Commented [SD13]:** Covered by wording below

**Commented [AS14]:** Updated to provide a deadline for motions and amendments to be aimed for. Added to ensure the effective operation of the committee meeting and to provide officers with sufficient time to consider the competency of the proposals.

**Commented [AS15]:** Added to ensure the effective operation of the meeting and to provide officers with sufficient time to consider the competency of the proposals.

- 29.5.3** the Council is meeting to consider its annual revenue budget, in which case the Convener of the City Growth and Resources Committee will have the prior right to the motion. Following the moving of each budget, the spokesperson of the biggest Opposition Group will have the right to propose an amendment.
- 29.6** When moving any motion or amendment, a Member will provide its terms in full, which will then require to be seconded by another Member.
- 29.6.1** No Member will speak in support of a motion or amendment until it has been seconded.
- 29.6.2** Any Member who has moved or seconded a motion or amendment will not be entitled to enter the debate.
- 29.7** All motions and amendments must be relevant to the report.
- 29.8** All amendments must differ from the motion and from each other substantially.
- 29.9** The Convener will offer any relevant officer an opportunity to address the meeting on the competency, relevancy or implications of any motion or amendment.
- 29.10** A motion or amendment is incompetent if it would require the incurring of expenditure and the source of funding is not identified.
- 29.11** A motion or amendment which identifies the source of funding as the Council's reserves will not be competent without advice being provided to the meeting by the Chief Officer - Finance.
- 29.12** The Convener will determine whether a motion or amendment is competent and relevant, and may seek advice from officers in this regard.
- 29.13** A motion or amendment moved but not seconded, or which has been ruled by the Convener to be incompetent will not be put to the vote but will be recorded in the minute.
- 29.14** If a motion or amendment is withdrawn, the mover and seconder can move or second and speak in support of a further motion or amendment.
- 29.15** No Member will speak more than once (except on a Point of Order, by asking a question or by moving a Procedural Motion) in a debate, except for the Members who moved the motion / amendment(s), who will have the right to sum up.
- 29.15.1** In respect of the motion which proposes any element of the Council annual budget, the Council Leader will have the right to sum up.
- 29.16** A Member can make minor alterations to their motion or amendment, with the consent of the Convener.
- 29.17** When there is only one amendment to the motion, the vote will be taken between the motion and the amendment.
- 29.17.1** Whichever is carried will be the resolution of the meeting.
- 29.18** Where there is more than one amendment to the motion, a vote will be taken between the last two amendments, and this process will be repeated until only one amendment remains.
- 29.18.1** A vote will then be taken between the motion and the remaining amendment.

**29.18.2** Whichever is carried by majority will become the resolution of the meeting.

**29.19** If an amendment proposes that no decision be taken, the first vote will be between it and the motion.

**29.19.1** If the amendment is carried, the meeting will proceed to the next item of business.

**28.19.2** If the amendment is not carried, it will be eliminated from the amendments which, with the motion, will be voted on in the usual way.

**29.20** The processes outlined above will not apply to the Appointment Panel, unless this is agreed by Members of the Panel.

## **30. Time Allowed for Speaking**

**30.1** Moving a motion or amendment – 10 minutes

**30.2** Seconding a motion or amendment – 5 minutes

**30.3** Speaking in debate – 5 minutes

**30.4** Summing up – 5 minutes

**30.5** Moving a Council budget – no time limit

**30.6** Seconding a Council budget – 10 minutes

**30.7** Summing up a Council budget – 10 minutes

## **31. Closure of Debate**

**31.1** After eight or more Members have spoken (including the movers and seconders of motions and amendments), any Member who has not spoken can move as a Procedural Motion that no further debate take place.

**31.2** If the Procedural Motion is agreed, the movers of the original motion and amendment(s) will have the right to sum up and the matter will thereafter be put to the vote.

**31.2.1** In respect of the motion which proposes any element of the Council annual budget, the Council Leader will have the right to sum up.

**31.3** If the Procedural Motion is defeated, the debate will continue.

**31.4** Subsequent Procedural Motions that no further debate take place can be made after a further three Members have spoken.

## **32. Method of Voting**

**32.1** Votes will be taken by means of the electronic voting system at Council, and by roll call at Committees or Sub Committees, subject to Standing Orders:

**32.1.1** (Votes in Respect of Two or More Vacancies); and

**32.2** (Motion by a Member for an Alternative Method of Voting).

**32.1.1** Votes in respect of two or more vacancies may be taken by roll call.

**32.2** A Member can move that an alternative method of voting is used, such as roll call or show of hands, by means of a Procedural Motion.

**32.3** The Clerk will conduct the vote.

**32.3.1** No one will interrupt the proceedings (except to draw attention to an omission in the calling of a Member's name or to a Point of Order) until the result of the vote has been announced.

**32.4** With the exception of Standing Order 41.1 (Suspending Standing Orders), a simple majority of those present and voting will decide the result of any vote between motions and amendments.

**32.5** Subject to Standing Order 33.1 (Quasi-Judicial Items of Business), a Member who is absent when their name is called will be entitled to vote if they enter the meeting before the result of the vote is announced.

**32.6** In the event of a tied vote, the Convener will have the casting vote, except where the vote relates to the appointment of a Member to any particular office.

**32.6.1** If the Convener chooses not to exercise their casting vote, lots will be drawn using a method decided upon by the Clerk.

**32.7** Any Member wishing to record their dissent against the decision after a vote should do so immediately after the result has been announced, and this will be recorded in the minute.

### **33. Quasi-Judicial Items of Business**

**33.1** Where the Council, Committee or Sub Committee is required to determine an item of business which is of a Quasi-Judicial nature, a Member must be present in the meeting room for the duration of the item.

**33.2** If a Member has left the room at any point during discussion of the item, they will not be permitted to participate in the determination of the item, nor any vote.

### **34. Referrals**

**34.1** Immediately following a vote at Committee or Sub Committee, one third of the membership of the Committee or Sub Committee may refer the matter to the Council, a Committee or Sub Committee for a decision, unless the Convener determines otherwise (see Glossary for calculation).

**34.2** Subject to Standing Orders 34.3 and 34.4, should the matter be referred in terms of Standing Order 34.1, the Clerk will then arrange for the matter to be referred to the next meeting of Council, relevant Committee or Sub Committee for determination.

**34.3** Standing Orders 34.1 and 34.2 will not apply to any proceedings relating to:-

**34.3.1** The appointment of or retirement of staff;

**34.3.2** Grievance or disciplinary appeals by staff;

**34.3.3** School attendance;

**34.3.4** Bursaries;

**34.3.5** Admission of any particular child to school;

**34.3.6** Provision of school transport for any particular child;

**34.3.7** The granting of any licence, registration or certificate;

**34.3.8** Assumption of parental rights or adoption in the case of any individual; or

**34.3.9 Aids and adaptations to premises for the benefit of social work clients.**

**34.4** Where an item is referred to a meeting of the Council, Committee or Sub Committee, and it is not possible for the item to be open to the public for inspection at least three Clear Days before the meeting, the referring Committee or Sub Committee must specify why the item should be considered as a matter of urgency.

**34.4.1** The Convener of the Council, Committee or Sub Committee to which the item is referred will then determine whether it is added to the agenda.

**35 Minutes**

- 35.1** The Clerk will prepare the minutes of meetings of the Council, its Committees and Sub Committees and any other meetings at which Members are represented, as may be determined by the Chief Officer - Governance.
- 35.2** The minutes will record the names of the Members who attended the meeting and will contain a summary of the business of the meeting as determined by the Clerk.
- 35.3** The Convener and Vice Convener will normally propose and second the minute as a true record unless either were not present, in which case any Member present at the meeting can either propose or second the minute as a true record.
- 35.4** At the meeting, if any Member challenges the accuracy of the minute, they can move a Procedural Motion that a correction is made.
- 35.5** Any corrections to the minute will be outlined in the subsequent minute.
- 35.6** Any discussion around the approval of the minute cannot extend to opening up discussion of the substantive issues detailed in the minute.

**36. Powers of Convener**

- 36.1** To preserve order and ensure that Standing Orders are followed.
- 36.2** To decide on the order of business and matters of competency and relevancy, unless otherwise specified.
- 36.3** To accept urgent business onto the agenda in terms of Section 50B(4)(b) of the Local Government (Scotland) Act 1973.
  - 36.3.1** The reason(s) why the matter must be considered urgently will be recorded in the minute of the meeting.
- 36.4** To ensure that all Members are given the opportunity to speak and to decide on the order in which they speak.
- 36.5** To rule on all Points of Order.
- 36.6** To adjourn the meeting at any time for any reason, and to determine the length of the adjournment.
- 36.7** When the Convener begins to speak, all other Members must stop speaking.
- 36.8** It will be within the discretion of the Convener of the Council, a Committee or Sub Committee to cancel, advance or postpone an ordinary meeting to another date if in his/her opinion, acting reasonably; there is a good reason for so doing.
- 36.9** The decision of the Convener on all matters in Standing Order 36 will be final.

## 37. Behaviour

- 37.1 All Members must behave respectfully at any meeting and should not behave in a manner that is improper, offensive or deliberately obstructs the business of the meeting.
- 37.2 All Members are bound by the Councillors' Code of Conduct and are responsible for complying with it at all times.
- 37.3 If a member of the public interrupts any meeting, the Convener may issue a warning to the person creating the disturbance or may order them to leave the meeting.
- 37.4 If there is general disturbance during any part of the meeting, the Convener may order that the public leave the meeting.

## 38. Suspension of Members

- 38.1 If any Member disregards the authority of the Convener, obstructs the meeting or, in the opinion of the Convener, acts in an offensive or disruptive manner at a meeting, the Convener may move, as a Procedural Motion, that the Member be suspended for the remainder of the meeting.
- 38.2 If seconded, the motion will be put to the vote immediately.
- 38.3 If the Procedural Motion is carried, the suspended Member will leave the meeting room immediately.
- 38.4 If the Procedural Motion is not carried, the Convener may call for an adjournment in the meeting.

## 39. Filming, Photographing and Recording of Meetings

- 39.1 Other than the live webcasting of Council, Committee and Sub Committee meetings by Aberdeen City Council, any video or sound recordings or broadcasting of meetings, or the taking of any photographs, will be at the Convener's discretion.

## 40. Length of Meetings

- 40.1 The Convener can call a break in proceedings at any time.
- 40.2 Meetings will last no longer than six hours.
  - 40.2.1 If a meeting continues beyond six hours, and where there has been no break in proceedings, the Convener must call a twenty minute break in proceedings in line with the Working Time Regulations 1998.
  - 40.2.2 For the avoidance of doubt, the calculation of six hours will not include any adjournments.
- 40.3 If the meeting is adjourned to another date, the Convener, following consultation with the Clerk, will determine the time and date that the meeting will resume.

## 41. Suspending Standing Orders

- 41.1 Any Standing Order may be suspended at any meeting with the agreement of two thirds of the Members present and entitled to vote (see Glossary for calculation).
  - 41.1.1 This will be done by means of a Procedural Motion.



- 41.2 The Member must specify which Standing Order they are proposing to suspend.

## 42. Altering Previous Decisions

- 42.1 It will not be competent for the Council, Committee or Sub Committee to alter or reverse a previous decision within a period of six months.
- 42.2 Standing Order 42.1 does not apply:-
- 42.2.1 where a Notice of Motion to that effect has been submitted, of which appropriate prior notice has been given in terms of Standing Order 12;
- 42.2.2 where the Council, Committee or Sub Committee approves a recommendation contained in a report to alter or reverse a previous decision; or
- 42.2.3 to ongoing negotiations between the Council and any other party.

## 43. Amendments to Standing Orders

- 43.1 Non-material amendments can be made to the Standing Orders by the Chief Officer - Governance, following consultation with the Business Manager, without the requirement to report to Council.
- 43.1.1 Such amendments will be notified to all Members once completed.
- 43.2 Material amendments to the Standing Orders, including the removal or addition of Standing Orders, may only be approved after consideration of a report to the Council by the Chief Officer - Governance.

## 44. Review of Standing Orders

- 44.1 The Standing Orders will be subject to annual review by the Chief Officer - Governance.

## 45. Monitoring Officer

- 45.1 A Monitoring Officer's report may be required where any proposal, decision or omission by the Council may breach or has breached the law or any statutory code of practice.

## 46. Member Access to Documents

- 46.1 The additional rights of access to documents for Members are as set out in Appendix 4 to the Standing Orders.

# COMMITTEES AND SUB COMMITTEES

## 47. Delegation and Appointment to Committees and Sub Committees

- 47.1 The Council may appoint or disband Committees for any purpose at any time, and will delegate or refer to these Committees any matter it thinks fit.
- 47.2 Committees may appoint or disband Sub Committees for any purpose at any time, and will delegate or refer to these Sub Committees any matter they think fit.
- 47.3 Matters referred or delegated to Committees or Sub Committees will be set out in the Terms of Reference.

- 47.4 Committee and Sub Committee remits may be amended only after consideration of a report to Council or the appropriate parent Committee by the Chief Officer – Governance.
- 47.5 Each Committee and Sub Committee can delegate any of its delegated functions to a named officer.
- 47.6 Where a matter for consideration is not specifically referred to in the Terms of Reference, it will be competent for it to be considered by Full Council or the Committee or Sub Committee with the most relevant Terms of Reference, as determined by the Chief Officer - Governance.
- 47.7 The Council may, at any time, deal with any matter falling within the Terms of Reference of any Committee or Sub Committee.
- 47.8 Similarly, a Committee may, at any time, deal with any matter falling within the Terms of Reference of any of its Sub Committees.
- 47.9 The Council will set the membership for each Committee and must reflect the political composition of the Council.
- 47.10 Committees will set the membership for each Sub Committee and must reflect the political composition of the Council.
- 47.11 Members of Sub Committees who are not Members of the parent Committee will be provided with relevant training where required.
- 47.12 The Council may establish Working Groups with no delegated powers for such functions deemed necessary, consisting wholly of Councillors or otherwise.
- 47.13 On behalf of the Council, each Committee and Sub Committee can appoint representatives to outside bodies which provide services linked to, or associated with, the remit of that Committee or Sub Committee.

# GLOSSARY

## Agenda

A list of business to be considered at Council, Committee and Sub Committee Meetings.

## Amendment

Where a motion has been put forward in respect of an item on the agenda, a Member may move an alternative proposal. The motion and amendment will then be **debated** and a vote taken between the two.

## Business Manager

A Councillor appointed by Council to liaise with Chief Officers and Members of all parties in respect of Council business and governance matters.

## Calculation of Quarter or One Third / Two Thirds of Members

If the figure is not a whole **number** it will be rounded up. This is to ensure that a quarter, one third or two thirds will always be met.

## Chief Officer - Finance

Where this document refers to the Chief Officer - Finance, it should be noted that this may also refer to his/her nominated officer.

## Chief Officer - Governance

Where this document refers to the Chief Officer - Governance, it should be noted that this may also refer to his/her nominated officer.

## Clear Days

For **example** if a letter is posted on Monday advising of a meeting on Friday, it gives 3 clear days' notice (i.e. Tuesday, Wednesday, Thursday). Saturday, Sunday and public holidays are included within the definition of Clear Days.

## Clerk

The Committee Officer with responsibility for the administration of the Council, Committee or Sub Committee.

## Committee

A Committee of the Council appointed in accordance with Standing Orders.

## Committee Planner

A document containing outstanding and pending business that is placed on the agenda for each meeting.

## Confidential Information

See Appendix 1 to this document.

## Convener

The Chair of the Committee. Where 'Convener' is referred to in this document, this will also include the Lord Provost.

**Council**

Where 'Council' is referred to in this document, it refers to meetings of Full Council.

**Deputation**

A request submitted by a member of the public to address a Council, Committee or Sub Committee meeting in respect of a report on a published agenda.

**Depute Provost**

The Vice Convener of Full Council. The Depute Provost will act as Chair in the absence of the Lord Provost.

**Depute Business Manager**

A Councillor appointed by Council who acts as Business Manager in the absence of the Business Manager.

**Exempt Information**

See Appendix 2 to this document.

**External Member**

A representative appointed to any Committee or Sub Committee from outwith Aberdeen City Council who may have full voting rights.

**Group**

A number of Councillors who form a group. A group cannot be composed of a single member.

**Group Leaders**

The leaders of the individual political groups.

**Late Docquet**

A document which must accompany any reports that are not available for inspection by members of the public at least three clear days before a meeting. This contains the reason for lateness, an explanation of why the Council, Committee or Sub Committee requires to consider the report as a matter of urgency, and is signed by the Director and Convener. The Convener has ultimate discretion as to whether or not the item should be considered.

**Lord Provost**

The Convener of the Council. The Lord Provost is the civic head of the Council.

**Minute**

A summary of decisions from any Council, Committee or Sub Committee meeting prepared by the Clerk. This will not be a verbatim record.

**Motion**

An initial proposal of action submitted by a Member in respect of an item of business on an agenda.

**Non-Material Amendments to Standing Orders**

Such amendments may include the change of title for a particular post referred to in the Standing Orders, or an error in the text.

### Notice of Motion

A request submitted by a Member in advance of a meeting of Council, a Committee or Sub Committee which may be placed on the agenda for an issue to be discussed and for a decision to be made.

### Quasi-Judicial

Where the Council, Committee or Sub Committee has powers and procedures resembling those of a court of law or **judge, and** is obliged to objectively determine facts and draw conclusions from them so as to provide the basis of an official action.

### Quorum

The minimum number of Members at a Council, Committee or Sub Committee meeting who must be present for valid transaction of business.

### Significant Local Impact

In relation to a particular ward, this means in the opinion of the relevant Chief Officer, a significant impact on:

- roads or traffic arrangements within that ward;
- buildings or facilities within that ward; or
- the natural environment of that ward.

### Sub Committee

A Sub Committee of any Council Committee appointed in accordance with Standing Orders.

### Summons

A calling notice advising Members of the date, time and location of a Council, Committee or Sub Committee meeting.

### Vice Convener

The Vice Chair of the Committee. The Vice Convener will act as Chair in the absence of the Convener (see Standing Order 19).

## Appendix 1

# LOCAL GOVERNMENT (SCOTLAND) ACT 1973 SECTION 50(A)

## DEFINITION OF CONFIDENTIAL INFORMATION

In accordance with section 50A of the Local Government (Scotland) Act 1973, Confidential Information means:

- information furnished to the authority by a Government department upon terms (**however** expressed) which forbid the disclosure of the information to the public; and
- information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court.

In either case the reference to the obligation of confidence is to be construed accordingly.

DRAFT

## Appendix 2

# LOCAL GOVERNMENT (SCOTLAND) ACT 1973

## SCHEDULE 7A

### ACCESS TO INFORMATION: EXEMPT INFORMATION

#### DESCRIPTIONS OF EXEMPT INFORMATION

#### (INCLUDING QUALIFICATIONS)

##### Employee/Office Holder:

1. Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office-holder, former office-holder or applicant to become an office-holder under, the authority.

##### Occupier:

2. Information relating to any particular occupier or former occupier of, or applicant for, accommodation provided by or at the expense of the authority.

##### Recipient of Council Service:

3. Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority.

##### Recipient of Financial Assistance:

4. Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the authority.

##### Particular Child:

5. Information relating to the adoption, care, fostering or education of any particular child or where any particular child is subject to a compulsory supervision order or interim compulsory supervision order (as defined respectively in sections 83 and 86 of the Children's Hearings (Scotland) Act 2011) information relating to the order. "Child" means a person under the age of 18 and any person who has attained that age and is in attendance as a pupil at a school.

##### Financial Affairs of Particular Person:

6. Information relating to the financial or business affairs of any particular person (other than the authority). Information is not exempt if it is required to be registered under the Companies Acts (as defined in section 2(1) of the Companies Act 2006) or similar legislation.

##### Social Work Relating to a Particular Person:

7. Information relating to anything done or to be done in respect of any particular person for the purposes of any of the matters referred to in section 27(1) of the Social Work (Scotland) Act 1968 (providing reports on and supervision of certain persons).

##### Proposed Expenditure on Contracts:

8. The amount of any expenditure proposed to be incurred by the authority under any particular contract for the acquisition of property or the supply of goods or services if and so long as disclosure to the public of the amount there referred to would be likely to give an advantage to a person entering into, or seeking to enter into, a contract with the authority in respect of the property, goods or services, whether the advantage would arise as against the authority or as against such other persons.

**Contractual Terms:**

9. Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services if and so long as disclosure to the public of the terms would prejudice the authority in those or any other negotiations concerning the property or goods or services.

**Tender for Contract:**

10. The identity of the authority (as well as of any other person by virtue of paragraph 6 above) as the person offering any particular tender for a contract for the supply of goods or services.

**Labour Relations:**

11. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officeholders under, the authority if and so long as disclosure to the public of the information would prejudice the authority in those or any other consultations or negotiations in connection with a labour relations matter arising as mentioned in that paragraph.

**Legal Proceedings:**

12. Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with –
  - a. any legal proceedings by or against the authority, or
  - b. the determination of any matter affecting the authority (whether, in either case, proceedings have been commenced or are in contemplation).

**Statutory Notices Etc:**

13. Information which, if disclosed to the public, would reveal that the authority proposes –
  - a. to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - b. to make an order or direction under any enactment if and so long as disclosure to the public might afford an opportunity to a person affected by the notice, order or direction to defeat the purpose or one of the purposes for which the notice, order or direction is to be given or made.

**Crime:**

14. Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

**Informant:**

15. The identity of a protected informant.



## Appendix 3

### PROTOCOL FOR APPOINTMENT OF CHIEF OFFICERS

1. The Chief Executive, all Directors and Chief Officer posts at second tier level or above will be appointed by an Appointment Panel which must reflect the political composition of the Council
  - 1.1 Meetings of the Appointment Panel will be arranged by the Chief Officer – Governance.
  - 1.2 Group Leaders will provide the Chief Officer – Governance with the names of Members to sit on the Panel
  - 1.3 The Panel will be chaired by the Convener of the City Growth and Resources Committee unless otherwise agreed by the Members on the Appointment Panel.
  - 1.4 Only those Members who participate in the shortlisting of candidates can participate in the interview and selection process.
  - 1.5 The Chief Executive, Chief Officer – People and Organisational Development and any officer nominated by the Chief Executive will be entitled to be represented at any interview or meeting relating to the appointment of Chief Officers.
2. The above process does not apply to Chief Officer posts in respect of the Integration Joint Board, which will be in line with the process set out in the Aberdeen City Health and Social Care Partnership Integration Scheme.
3. There will be a period of at least seven days between the date a vacancy is advertised and the closing date for the receipt of applications.
4. The Panel responsible for making the appointment will draw up a shortlist of suitably qualified applicants who will then be called for interview.
5. Meetings dates for the Appointment Panel will be set by the Chief Officer – Governance, following consultation with the Chairperson.
  - 5.1 It will be within the discretion of the Chairperson to cancel, advance or postpone an ordinary meeting to another date if in his/her opinion, acting reasonably; there is a good reason for so doing.
6. The quorum for the Appointment Panel will be one quarter of the total number of members of the Panel, or three members, whichever is the higher.
7. The list of applicants for any appointment will be treated as confidential and only the name of successful candidates will be recorded in the minutes of the Appointment Panel.
8. The determinations of the Panel will not be recorded in the minute.
9. The Convener will have the casting vote in the case of an equality of votes.

## Appendix 4

### ADDITIONAL RIGHTS OF ACCESS TO DOCUMENTS FOR MEMBERS OF LOCAL AUTHORITIES

1. Any document which is in the possession or under the control of a local authority and contains material which relates to any business to be transacted or proceedings at a meeting of –
  - a. the authority or of a committee or sub-committee of the authority; or
  - b. a statutory committee appointed by the authority, or any sub-committee of that committee, or
  - c. a relevant body, any member of which was appointed by the authority, or of a committee or sub-committee of such a bodyshall, subject to subsection (2) below, be open to inspection by any member of the authority and, in the case of a committee, sub-committee or relevant body, by any other member of the committee, sub-committee or relevant body.
2. Where it appears to the proper officer that a document discloses exempt information of a description for the time being falling within any of paragraphs 1 to 5, 7, 9, 11, 12 and 14 of Part I of Schedule 7A to this Act, subsection (1) above does not require the document to be open to inspection.
3. The Secretary of State may by order amend subsection (2) above –
  - a. by adding to the descriptions of exempt information to which that subsection refers for the time being; or
  - b. by removing any description of exempt information to which it refers for the time being.
3. Any statutory instrument containing an order under subsection (3) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
4. The rights conferred by this section on a member of a local authority are in addition to any other rights he may have apart from this section.



<b>FINANCIAL REGULATIONS – TABLE OF CHANGES</b>				
<b>Reference</b>	<b>Existing FR Reference</b>	<b>Proposed Change</b>	<b>Rationale for Change</b>	
1	Overall check	Review all content with consideration of: Revisions to other parts of scheme of governance Audit recommendations New financial guidance Use of any new powers/funding arrangements Feedback from consultation	Consistency Current Control/clarity	
2	Section 4 – Associated documents also 6.6	Add references to CR&D scheme	CR&D scheme puts in place responsibilities for officers – knowledge and skills related to financial management	
3	Section 4 – Associated documents also section 5.3 Monies owed to the council	Check for consistency with Service Income Policy and Debt Management Policy Ensure that regulations are up to date with all methods of electronic customer payments	Consistency Current	
4	5.11 Gifts and hospitality	Check for consistency with Staff travel policy. Staff travel policy is being refined following the first year of implementation.	Consistency; treatment of specific ‘in kind’ offers of hospitality. Treatment of foreign travel funded by grant.	Propose that a revised staff and member travel policy is submitted alongside this review of governance. Revisions are proposed following the travel audit

				(to be reported to ARS in February). Changes recommended: Description of purpose of travel Approval of foreign travel when funded by grant or in exceptional circumstances
5	5.12 Purchasing and Appendix A	Ensure that regulations are up to date with all methods of electronic purchasing Ensure that regulations reflect evolving no PO no pay policy implementation	Consistency Current	
6	5.14 Tax	Ensure compliance with Making Tax Digital	Consistency Current	
7	5.15 Grants	Ensure that regulations meet best practice requirement and internal audit review.	Current	No specific updates at this time; a more detailed grant policy document to be developed Q4 2020.
8	5.16 Partnerships and External bodies	Ensure the regulations reflect evolving relationships with ALEOs	Current	
9	8.5 Scheme of Virement	The council's financial controls and reporting focus strongly on forecasting. It is proposed to clarify the role of forecasting and review the section on virement	Control/clarity	

		linked to the overall financial controls and the role of forecasts.		
10	IJB Section 3, and 8.2	<p>Ensure that the financial regulations provide for all key circumstances regarding the relationship with the IJB.</p> <ul style="list-style-type: none"> <li>• Clarify relationship</li> <li>• Budget</li> <li>• Relationship between 2 sets of regulations</li> <li>• NHS staff working obo IJB</li> <li>• Grants</li> <li>• Grant approvals</li> </ul> <p>*There had been a request that grant approvals be authorised by the CO – AHSCP. It is felt that where these grants relate to council related responsibilities i.e. adult social care there should still be the need for approval by CO procurement and CO finance as there could be joint outcomes with other ACC responsibilities.</p>	Control/clarity	
11	5.6.3 In relation to cash audit – stock inventory update	Widen role of corporate landlord for furniture and equipment stock. Role of finance in administering the inventory review.		

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# FINANCIAL REGULATIONS

Commented [AS1]: Number and Formatting to be updated

*Version 1*  
*Draft version for consideration at Council March 2020*



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# **FINANCIAL REGULATIONS**

## **1. INTRODUCTION**

Financial Regulations are an integral part of the stewardship of Council Funds. Adhering to the Regulations ensures that all financial transactions of the Council are conducted in a manner which demonstrates openness, integrity and transparency. They form a significant part of the governance of the Council.

The Regulations provide references to a number of linked documents which form an integral part of the Financial Regulations. Some of the linked documents are intended for internal use and can only be accessed through the Council's Intranet site.

## **2. COMPLIANCE**

It is the duty of all officers employed by the Council to fully comply with the Financial Regulations. Failure to comply with the requirements contained within these Regulations and the associated guidance and procedures may result in an investigation under the Council's Conditions of Services Disciplinary and Appeals Procedure.

Any breach or non-compliance with these Regulations must, on discovery, be reported immediately to the Chief Officer – Finance. The Chief Officer - Finance may consult other relevant officers, including the Chief Executive, to determine the appropriate action.

Employees who deliberately obstruct or unreasonably fail to provide information to Auditors or Investigation Officers within the specified period may be subject to disciplinary action.

All budget holders must immediately notify the Chief Officer – Finance of any budget that is or is likely to be overspent.

## **3. RESPONSIBILITIES**

### **GENERAL RESPONSIBILITIES**

All officers employed by the Council must ensure that their financial transactions comply with the law. In case of doubt officers must consult the Chief Officer – Governance before incurring or legally committing to expenditure.

**No officer must commit any expenditure unless it can be met from an approved budget.** In case of doubt officers must consult the Chief Officer – Finance before incurring or legally committing to expenditure.

Powers Delegated to Officers provides that, except where prohibited by law, Chief Officers may sub-delegate any of their delegated powers to their deputies or such other officer(s) as they may consider appropriate. Chief Officers will remain accountable for decisions taken by their sub-delegates. These Financial Regulations assume that any reference to a Chief Officer would include any of their officers so nominated in accordance with that delegated power.

**Chief Officers** in this context means (i) the Chief Executive and Directors of the Council; (ii) Council officers whose job titles include the term “Chief Officer”; (iii) the Council’s Head of Commercial and Procurement; (iv) the Chief Officer of the Aberdeen City Health and Social Care Partnership (ACHSCP); and (v) the Chief Finance Officer of the ACHSCP.

**Connected Bodies** in this context refers to a range of external bodies that are closely connected to the Council. Such bodies include:

- i) The Council’s Arm’s Length External Organisations (ALEO’s), as defined in the ALEO Assurance Hub Terms of Reference;
- ii) A range of Group Entities that form part of the Council’s Group Accounts, including Associate and Subsidiary Companies, Joint Ventures and Trusts; and
- iii) Similar bodies to those outlined at ii) but who are not included in the Council’s Group Accounts due to the value of their assets or level of turnover being not material.

The above definition of Connected Bodies includes some (but not all) of the bodies on the Council’s Register of Outside Bodies. Those Outside Bodies that are not included in the definition of Connected Bodies are those bodies over which the Council is not considered to have a controlling or significant interest.

### **3.1 Responsibility of the Chief Officer - Finance**

It shall be the responsibility of the Chief Officer - Finance, or designated officer, to ensure that these Regulations are kept up to date and monitored for their effectiveness. The Regulations shall be reviewed annually and updated to take account of changes in Statute, professional guidance or Council policy that impact upon the Regulations.

The Chief Officer - Finance, as the “Proper Officer”, in terms of Section 95 of the Local Government (Scotland) Act 1973, shall be the adviser on financial matters to the Council and all its Committees. S/he shall be responsible for the proper administration of the Council’s financial affairs.

The Chief Officer - Finance shall determine the detailed format of capital and revenue budgets.

### **3.2 Responsibility of Chief Officers**

It shall be the duty of each Chief Officer to ensure that these Regulations and all associated policy manuals and documents as listed in Section 4 are made known to appropriate staff members and shall ensure full compliance with them.

Each Director shall prepare revenue and capital budgets in respect of their Function after consultation with the Chief Officer - Finance. Each Chief Officer shall consult the Chief Officer - Finance in respect of any matter which may materially affect the finances of the Council before any provisional or other commitment is incurred or before finalising a draft Full Council or committee report on the matter.

Whenever any matter arises which involves, or is thought to involve, irregularities concerning funds, property or the exercise of the Council’s functions, or that of any Connected Body, the relevant Chief Officer shall notify the Chief Officer - Finance in writing. The Chief Officer – Finance, following consultation with the Chief Officer –

Governance, will then determine what action is necessary.

Chief Officers shall ensure that arrangements are in place to establish the correct liability, process and accounting for VAT. The Chief Officers will seek advice from the Chief Officer - Finance as necessary to ensure compliance with VAT or other tax regimes.

Any debt, including associated interest and/or penalty, arising from the improper operation of VAT or other taxes may be recovered against the budget of the Service responsible. This will be determined by the Chief Officer – Finance.

Chief Officers shall ensure that their Cluster has appropriate governance arrangements in place.

Chief Officers are responsible for the submission of a Certificate of Assurance on the Effectiveness of Internal Financial Controls to the Chief Officer – Finance on an annual basis.

### **3.3 Responsibility of Chief Executives/Managing Directors/Trustees/Board Members of Connected Bodies.**

The Head of Commercial and Procurement shall use reasonable endeavours to ensure that all contracts with Connected Bodies will provide that:

- i) In the absence of their own equivalent policies and documents, Chief Executives/Managing Directors/Trustees/Board Members of Connected Bodies shall adhere to these Financial Regulations and the policies and documents referred to in section 4.  
However, the accounting implications of these Financial Regulations should not be viewed as prescriptive for the Council's ALEO's. It is recognised that related companies and charitable trusts will be required to operate to different standards of financial accounting and reporting, e.g. standards pertaining to charities.
- ii) Chief Executives/Managing Directors/Trustees/Board Members of Connected Bodies shall ensure that their organisation has appropriate governance arrangements in place, including internal audit arrangements.

### **3.4 Responsibilities in relation to Aberdeen City Health and Social Care Partnership (ACHSCP)**

The ACHSCP oversees the delivery of integrated services that the Council has been directed by the ACHSCP to deliver. This arrangement requires further clarification in addition to those set out in 3.3 above.

The Aberdeen City Council financial regulations are fully applicable to Council staff who are working to deliver integrated services under directions from the ACHSCP.

In addition, applicable staff are required to comply with the ACHSCP Financial Regulations. Any breach of compliance with ACHSCP regulations will be considered a breach of Aberdeen City Council financial regulations as set out in section 2. In applying the ACHSCP Financial Regulations due regard must be given to the authority of the Council Financial Regulations.

In the delivery of integrated services, staff employed by NHS Grampian may be required to comply with the Council Financial Regulations. Similarly, Council staff may be required to comply with the Financial Regulations of NHS Grampian.

The Chief Officer – Governance has the delegated power to appoint non-Council employees as officers of the Council. Under this power, employees of NHS Grampian may be appointed as officers of the Council for the specifically described purpose of delivering integrated services, and as such will be required to comply with Aberdeen City Council Financial Regulations.

The Chief Officer - Finance and the Chief Finance Officer of the ACHSCP will maintain a list of named individuals in this circumstance. Any breach or non-compliance may result in being removed from the appointment as an officer of the Council and may result in a referral for disciplinary action in line with the policies of the NHS Grampian.

Aberdeen City Council will maintain a list of those officers of Aberdeen City Council that are required to comply with the Financial Regulations of NHS Grampian. Any breach of those regulations will be treated as non-compliance with Aberdeen City Council Financial Regulations.

### **3.5 Responsibility of the Chief Officer – Governance**

The Chief Officer – Governance can arrange for the provision of advice on proposed income and expenditure.

The Chief Officer – Governance shall deal with reported irregularities in accordance with the Council's policies and procedures. S/he, following consultation with the Chief Executive, may, report matters to the Police where s/he considers it appropriate to do so.

Records relating to Fraud, Bribery and Corruption and Whistleblowing will be retained by the Chief Officer – Governance. A report on matters arising from the work of the Corporate Investigations team will be presented to the Audit, Risk and Scrutiny Committee annually.

It shall be the responsibility of the Chief Officer – Governance, following consultation with the Chief Officer - Finance, to ensure that an annual governance statement is incorporated into the Accounts and reported to Audit, Risk and Scrutiny Committee.

The Chief Executive has ultimate responsibility for the provision of the Internal Audit service to the Council. The management of Internal Audit is under the control of the Chief Officer - Governance. The Chief Officer - Governance also has a responsibility to ensure that the internal audit function operates to a consistent standard in accordance with best practice.

The Chief Internal Auditor (whether employed or engaged to act on behalf of the Council) or a representative authorised by the Chief Officer – Governance, may without prior notice:

- (i) enter at all reasonable times any Council operated property;
- (ii) have access to all records (electronic or manual), documents and correspondence relating to any financial or other transaction of the Council;
- (iii) require and receive such explanations as are necessary concerning any

matter under examination;

- (iv) require any employee to produce cash, stores, or any other Council property under his or her control; and
- (v) examine financial records of organisations in receipt of grant aid from the Council.

The Chief Internal Auditor function may from time to time be commissioned externally. These auditors are the Council's representatives and will be afforded the same rights and privileges as an employee operating as an Internal Auditor.

The Chief Officer – Governance may engage specialist auditors from outwith the Council to carry out specific audit work.

Reference should be made to section 5.17 below for further information on the Internal Audit function.

### **3.6 Councillors**

The Committee responsible for oversight of the audit function is the Audit, Risk and Scrutiny Committee.

### **3.7 External Audit**

3.7.1 The Council's External Auditor shall have the right to access all records (electronic or manual), documents and correspondence relating to any financial or other transactions of the Council. They will be able to receive such explanations as they consider necessary concerning any matter under examination.

3.7.2 Officers of the Council will ensure that these rights are given to the Council's External Auditors.

## **4. ASSOCIATED DOCUMENTS**

Officers must comply with all documents contained within the ACC Scheme of Governance, and with the associated documents set out below.

### **4.1 Finance Framework**

The Finance Framework is a clear, illustrated set of guidelines, roles and responsibilities for financial management in Aberdeen City Council for:

- Budget holder roles;
- Finance roles;
- Clear competencies; and
- Approach to meeting competency gaps – training and support

### **4.2 Whistleblowing Policy**

This document sets out the Council's policy regarding whistleblowing. It is intended to cover concerns that are in the public interest.

#### **4.3 Fraud, Bribery and Corruption Policy**

This document sets out the Council's policy on the prevention, detection and investigation of fraud, bribery and corruption.

Chief Officers are responsible for ensuring risk management arrangements are in place to prevent, detect and prohibit fraud, bribery and corruption.

The Monitoring Officer is responsible for referring allegations to the external agencies including the Police.

The Corporate Investigation Manager is responsible for the management of investigations and will be able to:

- Enter freely and at all reasonable times any Council operated premises or land.
- Have access to all records (electronic or manual), documents and correspondence relating to any financial or other transaction of the Council
- Require and receive such explanations as are necessary concerning any matter under examination
- Require any employee to produce cash, stores, or any other Council property under his or her control
- Examine financial records or assets of organisations in receipt of grant aid from the Council
- Concern themselves with any activity, function or operation of the Council
- Present, upon request, a duly authorised certificate confirming the above provisions

#### **4.4 Risk Management**

The Risk Management Policy and Guidance documents contain the processes and activities for identifying and assessing risks, planning and implementing controls and monitoring progress.

#### **[Risk Management Policy & Guidance](#)**

#### **4.5 Following the Public Pound**

The Council's procedures relating to grants to external bodies are documented in the Following the Public Pound Local Code of Practice.

#### **[Following the Public Pound Local Code of Practice](#)**

#### **4.6 Treasury Management**

All cash and bank transactions shall comply with the requirements of the CIPFA Code of Practice on Treasury Management in public services. The Chief Officer - Finance



shall submit to the Council an annual treasury management strategy and investment strategy prior to the new financial year; a treasury management and investment annual report and a mid-year review of the treasury management and investment strategy and performance.

[Treasury Management Policy Statement and Strategy \(link only available internally via The Zone\)](#)

#### 4.7 Monies owed to the Council

These procedures detail the arrangements for raising charges and collecting monies owed to the Council

[Debt Management Policy](#)

[Service Income Policy](#)

These guidelines must be complied with and necessary approvals sought before setting and collecting charges and undertaking recovery action.

#### 4.8 Travel Procedures

These procedures detail the arrangements for arranging and paying for Councillors and officers travel.

[Travel Policy – Councillors](#)

[Travel Policy – Officers](#)

These arrangements can only be varied by agreement with the Chief Officer - Finance.

These guidelines must be complied with and necessary approvals sought before making any travel arrangements.

**Commented [CSS2]:** Minor changes to travel policy are proposed – need to ensure that consultation on these is in line with consultation on F Regs.  
Foreign travel  
Purpose of travel

#### 4.9 Councillors Expenses

The Scottish Government has laid down arrangements for the payment of Councillors' expenses.

[Councillors Remuneration, Allowances and Expenses \(link only available internally via The Zone\)](#)

[National Guidance](#)

Councillors, and officers supporting them, must comply with these regulations.

#### 4.10 Money Laundering

The Anti-Money Laundering Policy sets out the legal and regulatory requirements relating to the handling of money which could have come from the proceeds of crime and is issued to help protect the Council and individual officers from the potential impact of criminals using the Council to launder money.

[Money Laundering Policy](#)

The Chief Officer - Governance is the officer responsible for reporting suspected Proceeds of Crime Act offences

#### **4.11 Information Governance**

Each Chief Officer shall be responsible for:

- i) maintaining proper security, custody and control of all records (both electronic and paper records) within their Cluster.
- ii) the use and security of all personal data within their Cluster.

The Council has a Corporate Information Policy which is supported by a number of procedures and guides. These include the Council's Corporate Data Protection Procedures and the Council's Records Retention & Disposal Schedule. The aim is to ensure that the Council's information is used and managed appropriately:

[Corporate Information Policy](#)

[Corporate Data Protection Procedures](#)

[Corporate Records Retention & Disposal Schedule](#)

#### **4.12 ICT Acceptable Use and Security**

The Council has a Corporate ICT Acceptable Use Policy which sets out the Council's position on the acceptable use of Council ICT equipment, systems, and networks. Further information and guidance on ICT and Information Security is available on the Council's webpages:

[ICT Acceptable Use Policy](#)

[ICT Security web pages](#)

#### **4.13 Codes of Conduct**

Aberdeen City Council expects all Councillors and Officers to adhere to the relevant Codes of Conduct.

[Employee Code of Conduct](#)

[Councillor Code of Conduct](#)

#### **4.14 Continuous Review and Development Scheme**

Aberdeen City Council expects all Officers to engage with the Continuous Review and Development Scheme.

This Scheme sets out the principles, behaviours and competencies that officers must undertake to develop as part of their conditions of employment. Reference is made in

the Scheme to principles, behaviours and competencies that directly relate to financial management.

## **Continuous Review and Development Scheme**

### **5. RISK MANAGEMENT AND CONTROL OF RESOURCES**

#### **5.1 Internal Check**

The following principles shall apply in the allocation of duties to individual members of staff, to ensure that there is adequate separation of duties, to reduce the risk of error or fraud:

- (i) Procedures to be followed regarding the calculation, checking and recording of sums due by or to the Council shall be arranged in such a way whereby the work of one person is proven independently or is complementary to the work of another. Calculation, checking and recording of sums due shall be separated from the duty of collecting or disbursing such sums; and
- (ii) Officers charged with the duty of examining and checking the accounts of cash transactions shall not themselves be participants or beneficiaries in any of these transactions.

#### **5.2 Cash, Banking, and Security**

##### **5.2.1 General**

Income is an essential source of financing many of the Council's services. Therefore, the system for collection of income needs to meet the following objectives:

- all income, including Council Tax, Business Rates, Council rents, etc., due to the Council is identified and maximised;
- all collections are recorded and banked promptly and completely; and
- the accounting records and debtor accounts are properly and promptly updated.

Chief Officers are responsible for the prompt and complete collection of income. They must ensure that accurate records are maintained for all income received (or that should be received) by their Cluster.

Chief Officers shall review the level of all fees and charges for services rendered as part of the budget setting process. Recommendations for changes in the level of fees and charges will form part of the annual budget report to Council. Setting of fees and charges as part of the annual budget report is a function reserved to itself by the Full Council. Approval of fees outwith the budget meeting is delegated to the Chief Officer - Finance in consultation with the appropriate Chief Officer.

All monies received on behalf of the Council (subject to a de-minimis value of £5.00) must be immediately recorded by the issue of a receipt, controlled ticket or by direct entry into a receipting system. Such methods must be approved by

the Chief Officer - Finance.

All information and data should be managed in accordance with the Corporate Information, ICT Acceptable Use and Records Retention and Disposal Schedule policies, see 4.10.

### **5.2.2 Treatment of Monies Collected**

All monies received by the Council shall be paid into the Council's bank accounts daily or remitted to the Chief Officer - Finance without delay at such intervals as may be approved by the Chief Officer – Finance.

All money received by an officer on behalf of the Council shall, without delay, be reconciled and remitted to the Chief Officer - Finance, or as otherwise directed, to the Council's bank accounts.

No deduction may be made from such money save to the extent that the Chief Officer - Finance may specifically authorise.

Each officer who banks money shall enter a reference to the source of the income on the paying-in slip.

Maximum limits for cash holdings shall be agreed with the Insurance Officer and shall not be exceeded without his or her express permission.

### **5.2.3 Forms, Books and Tickets**

All receipt forms, books, tickets and other such items shall be ordered and supplied under arrangements approved by the Chief Officer - Finance.

### **5.2.4 Personal Cheques**

Personal cheques from Council staff shall not be cashed out of monies held on behalf of the Council.

### **5.2.5 Transfers of Money**

Every transfer of Council money (cash or cheques) from one member of staff to another will be evidenced in the records of the Services concerned by the signature of the receiving officer.

### **5.2.6 Arrangements with Bankers**

All arrangements with the Council's Bankers concerning the Council's bank accounts and the issue of cheques, BACS, CHAPS and other forms of payment shall be made by the Chief Officer - Finance or another authorised bank signatory.

The Chief Officer - Finance shall determine all arrangements with the Council's Bankers concerning the use of purchase cards and credit cards.

### **5.2.7 Opening and Closing of Bank Accounts**

The bank account of the Council will be opened with the Bank selected by the Strategic Commissioning Committee following a procurement process. Where required the Chief Officer - Finance will arrange for subsidiary accounts to be opened with the Bank. Therefore, all banking arrangements, including

- the opening and closing of bank accounts;
- the approval of authorised signatories;
- the direction for withdrawals;
- the ordering and issuing of cheques; and
- day to day operation of all bank accounts,

shall be made with the approval of the Chief Officer - Finance.

All bank accounts opened for use in and for the benefit of Council services shall be in the name, or incorporate the name, of Aberdeen City Council and will not be in the name of any officer or designation. The one exception, subject to the approval of the Chief Officer - Finance, is that Children's Social Work and Adult Social Care may open accounts in trust for individual service users under the name of the relevant Chief Officer and the individual service user.

### **5.2.8 Cheque Control**

All cheques and other documents, but excluding cheques drawn on authorised Imprest accounts or other such accounts so authorised by the Chief Officer - Finance, shall be ordered only on the authority of the Chief Officer - Finance who shall make proper arrangements for their safe custody.

Cheques on the Council's main bank accounts shall bear the facsimile signature of the Chief Officer - Finance and/or other officer authorised by the Council.

### **5.2.9 Safe Keys**

Keys to safes and similar security boxes should be held securely at all times, either in a secure key box or carried on the person of those responsible. The loss of any such keys must be reported immediately to the Chief Officer - Finance. A register of all such key holders shall be maintained by each Director.

### **5.2.10 Purchase Cards**

Purchase cards allow goods and services to be purchased and charges made electronically. Purchase cards are for business use only and must not be used for personal purchases.

All purchases made with a Council purchase card must be supported by a VAT receipt where relevant. If there is any doubt about whether a VAT receipt is required, clarification should be sought from the VAT Officer or from your primary finance contact.

### **5.2.11 Imprests / Petty Cash**

The Chief Officer - Finance will provide such imprests as considered appropriate for such officers of the Council as may require them for the specific purpose of meeting minor expenses.

Such officers will be personally responsible for imprests which they hold, and, on leaving the employment of the Council or otherwise ceasing to be entitled to hold an imprest, they shall account to the Chief Officer - Finance for the amount advanced. A formal record of this accounting will be retained within the Service concerned for inspection.

Such imprests held within Services are to be recorded and controlled by the appropriate Chief Officer with arrangements made, by them, to include authorisation levels, general security and regular annual checks.

In addition, imprests are to be reconciled at regular intervals (no less than quarterly) to the Service's own records and to the financial ledger.

Income received on behalf of the Council must not be paid into an imprest account. It must be deposited in the Authority's main bank account(s) or paid over to the Authority in a form as provided elsewhere in these Regulations.

All imprest accounts will be maintained in accordance with guidance issued by, and under the general direction of, the Chief Officer – Finance, see link below for current guidance.

#### **[Petty Cash Procedures](#)**

### **5.3 Monies Owed to the Council**

#### **5.3.1 General**

This refers to, but is not limited to, Charges for Services; Rent; Council Tax; Business Rates; Car Parking and Bus Lane Enforcement Fines.

The collection of monies owed and debtor accounts shall be administered through the Finance Cluster, unless otherwise agreed with the Chief Officer - Finance.

Where the collection of monies owed and debtor accounts is administered outwith the Finance Cluster, Chief Officers will follow advice and instruction from the Chief Officer -Finance in the application of controls and appropriate levels of resourcing to operate those controls.

Wherever possible monies owed should be collected prior to the supply of the goods and services, especially when dealing with companies or persons from outside the UK.

VAT must be applied in compliance with VAT legislation. Advice on the correct VAT treatment may be obtained from the Council's VAT officer.

The debt management policy and service income policy referred to in Section 4 set out the more detailed arrangements for administration of monies owed.

### **5.3.2 Debtor Accounts**

No debtors invoice should be raised for a value less than £25 (excluding VAT), unless prior dispensation has been granted by the Chief Officer - Finance. If the charge is for a low value, then the relevant Service should reduce the frequency of billing.

Where charges between Services require to be applied, advice must be sought from the Chief Officer - Finance on the most suitable process to achieve this and to ensure that appropriate records are maintained.

Where a service or business need exists invoicing in arrears is permitted. The reason why invoicing in arrears is necessary should be clearly documented, with an agreed timescale for raising the invoice, and the decision must be confirmed by the appropriate Chief Officer. The Chief Officer - Finance shall be notified so that appropriate accounting treatment can be applied to that area of service.

Invoices will clearly state the description and relevant details, including cost and VAT where applicable, of the goods and/or services supplied by the Council. For further information on VAT see section 5.14.

### **5.3.3 Record Keeping**

Directors must ensure that supporting information is prepared and retained to support the charges levied for every invoice raised.

The Chief Officer - Finance must maintain accounting arrangements to ensure the prompt and proper recording of all money due to the Council.

The Chief Officer – Early Intervention and Community Empowerment is required to maintain records regarding rentals due and payments made towards the amounts due for every housing property.

The Chief Officer – Corporate Landlord is required to maintain records regarding lease arrangements and payments made towards the amounts due for every industrial and commercial property, whether held by:

- i) the Council (including Common Good property) or
- ii) Trusts for which the Council is the sole trustee.

The Chief Officer - Operations and Protective Services must also maintain a record of fines issued in relation to Car Parking and Bus Lane Enforcement. Details of fines issued must be made available to the Chief Officer - Finance in order to complete the appropriate accounting transactions, including the value of sums collected and reasons and values of fines cancelled and written off.

### **5.3.4 Uncollectable/Bad Debt and Write Off of Debt**

The Chief Officer - Finance is responsible for setting the accounting policy on uncollectable and bad debt. Appropriate provisions for bad debt will be considered when preparing the Annual Accounts.

The Chief Officers named below have the authority to approve write-off in the five categories of:

- (a) insolvency, receivership, liquidation and sequestration;
- (b) ceased trading/defunct company;
- (c) unable to trace;
- (d) recommendation of sheriff officer; and
- (e) small balances that are uneconomic to pursue.

Where the named Chief Officers consider a debt to be uncollectable they must prepare and retain a schedule of debtors showing name, address, amounts due, and reason for the debt.

The Chief Officer - Finance has authority to write off debts up to £25,000.

The Chief Officer - Customer Experience has authority to write off debts as follows:

- i) Business rates and sundry debts may be written off up to a value of £25,000 per debtor; and
- ii) Council Tax, Housing Benefit Overpayments and Penalty Charge Notices up to a value of £10,000 per debtor.

The Chief Officer - Customer Experience may delegate authority, to nominated officers to write off debts up to the value of £10,000 per debtor, in the categories outlined above, on the basis that a schedule of debt so written off is supplied to The Chief Officer - Customer Experience by the nominated officers on a regular basis, no less frequently than 6 monthly.

The Chief Officer – Early Intervention and Community Empowerment has authority to write off debts as follows:

- i) Former Tenants' Arrears and associated housing debts up to the value of £10,000 per debtor; and
- ii) In relation to homelessness, up to the value of £25,000 per debtor.

Additional factors to be considered when identifying which homelessness debts may be unreasonable to pursue will include:

- whether ongoing pursuance is likely to result in destitution for the household;
- if sustainability of subsequent accommodation may be affected by collection, and the risk of repeat homelessness increased;
- whether the relative cost/benefit impact is uneconomic taking account of any indirect costs which may be incurred; and
- the vulnerability of the household members.

The Chief Officer - Customer Experience and The Chief Officer – Early Intervention and Community Empowerment will submit annual joint reports to the City Growth and Resources Committee advising of the number, value and reasons for such accounts to be written off.



The Chief Officer - Customer Experience and The Chief Officer – Early Intervention and Community Empowerment shall also submit reports, no less frequently than annually, to the City Growth and Resources Committee advising of the number and value of debts exceeding the delegated authority outlined above that they recommend for write off. This report must include individual details of each debt and the reasons for recommending write-off.

## **5.4 Employee Remuneration**

### **5.4.1 Responsibility for Payment Arrangements**

All employees are to be paid through the payroll system.

The payment of all salaries, wages, compensation and other emoluments to all employees including casual workers, former employees, Councillors or beneficiaries shall be made by the Chief Officer - Customer Experience, under arrangements made or approved by the Chief Officer - Finance.

Chief Officers shall provide such information as directed by the Chief Officer - Customer Experience and/or the Chief Officer - Finance as is necessary to ensure remuneration is made accurately and timeously. Examples of information requirements include appointment, resignation, dismissal, suspension, secondment, transfer, sickness absence and changes in remuneration, other than pay awards.

The Chief Officer - Customer Experience shall also maintain records of service for superannuation, income tax, national insurance and social security purposes.

### **5.4.2 Form and Certification of Records**

Time records or other pay documents shall be in a form prescribed or approved by the Chief Officer - Customer Experience and/or the Chief Officer – Finance and shall be certified by or on behalf of the Director.

A list of officers appointed by Directors to authorise payroll information shall be prepared and maintained within each Function. This will be known as the list of Authorised signatories. Such lists shall be submitted to the Chief Officer - Customer Experience or their authorised officer.

Changes to these lists shall be notified timeously to the Chief Officer - Customer Experience or their authorised officer.

All requests and/or information relating to pay information, whether in paper or electronic format, shall be authorised by an authorised signatory. No pay related document shall be processed unless authorised by an authorised signatory.

An individual is not permitted to authorise a change in their own pay, expenses, allowances or other remuneration and this must be authorised by an authorised signatory who is senior to them.

### **5.4.3 Overpayments of Salaries and Wages**

The Chief Officer - Customer Experience shall ensure that all reasonable steps are taken to recover any identified overpayments. Recovery will normally be made by deduction from future salary payments, or by raising a Debtors invoice in the case of former employees.

## **5.5 Officers' Travelling Expenses and Allowances**

### **5.5.1 Arrangements for Claims**

The Chief Officer - Customer Experience, following consultation with the Chief Officer - Finance, shall be responsible for making arrangements for the administration and regulation of payment of claims for expenses to employees of the Council and other approved bodies. Claims for car mileage will only be paid where the employee has evidenced the following:

- a valid driving licence;
- a current insurance policy which covers the user for business use; and
- if applicable, a valid M.O.T. certificate for the vehicle used.

All officers who use either private or Council vehicles in the course of their duties must, in the event of their driving licence becoming invalid, report this immediately to their Chief Officer.

### **5.5.2 Claim Forms**

All claims for payment of car allowances, subsistence allowances, travelling, telephone expenses and incidental expenditure shall be made using the Council's official expenses claim form, adhering to the published guidance, and must be duly certified by the claimant and authorised by an authorised signatory.

The format of the expenses claim form will be as prescribed by the Chief Officer - Customer Experience, following consultation with the Chief Officer - Finance.

No officer shall authorise their own personal claims.

### **5.5.3 Certification of Claims**

A certifying officer will certify a claim only where s/he is satisfied that:

- the journeys were authorised;
- the expenditure was properly and necessarily incurred and evidenced; and
- the allowances are properly payable by the Council.

All mileage claims shall be accompanied by a valid VAT fuel receipt.

### **5.5.4 Time Limits**

Officers' claims submitted more than 3 months after the expenses were incurred will be paid only in exceptional circumstances. Such late claims shall be

authorised by the employee's Chief Officer.

#### **5.5.5 Foreign Travel**

Where officers are provided with foreign currency to cover expenses whilst travelling abroad receipts must be provided to support the expenditure incurred. If receipts are not provided the officer shall re-imburse the Council for such expenditure.

### **5.6 Stocks and Stores**

#### **5.6.1 Care and Custody of Stock**

The care, custody and level of stores and equipment in any Service shall be the responsibility of the appropriate Director who will ensure that:

- adequate records are kept to maintain efficient and effective control over receipt and issue of stocks and stores items;
- stocktaking is carried out periodically by persons other than storekeepers as agreed by the Director;
- the arrangements for generating the year end stock figures are notified to the Chief Officer - Finance; and
- all obsolete or excess stock or scrap materials is identified and disposed of in accordance with the Council's policies.

#### **5.6.2 Reporting of Write-Offs or Surpluses**

Any discrepancies between actual stock held and the book value recorded shall be notified to the Chief Officer - Finance, whose agreement shall be obtained prior to them being written off. All write offs in excess of £10,000 must be reported to the relevant Council committee for their approval.

Each Chief Officer shall report annually on the certificate of assurance on the effectiveness of internal financial controls to the Chief Officer - Finance the total values of write-offs and surpluses of stock and the net effect of these adjustments on the book value of consumable stores under his or her control. The relevant Chief Officer should also provide a brief explanation of the reasons for any differences.

#### **5.6.3 Inventories**

Inventories are maintained to provide assurance on the effective management and maintenance of moveable assets and technology. This requirement also supports effective operational performance and health and safety. The Chief Officer – Finance has the responsibility for ensuring the maintenance of all inventories. Inventories will be maintained of relevant assets where the sum purchase generally was of a value in excess of £1,000.

The Chief Officer – Digital and Technology has the responsibility for the inventory information for information technology (hardware and software). The Chief Officer – Corporate Landlord has the responsibility for the maintenance of inventory information for equipment, furniture, fixtures and fittings. The Chief Officer – Finance has the responsibility for the maintenance of inventory information for any other assets or specialist equipment held by other Chief Officers.

Inventories will be maintained on a continuous basis. There will be an annual check of all items in the inventory. This ensures that:

- new items have been entered on inventories (with date of purchase, value, etc.);
- all details (numbers, description, serial numbers, location, etc.) are recorded; and
- inventory items are present.

All Chief Officers are responsible for providing information to support this process, taking action in relation to any surpluses or deficits of inventory items. These must be investigated promptly and reported to the Chief Officer – Digital and Technology, the Chief Officer – Corporate Landlord or the Chief Officer - Finance, who will take appropriate action in relation to the recording of assets.

Appropriate officers will be nominated as responsible for maintaining inventories. It must be determined by a competent person that an inventory item is beyond economic repair before disposal or that there is reasonable justification for disposal. Prior to any disposal, this information must be recorded in the inventory register.

#### **5.6.4 Use of Equipment**

The Council's property shall not be removed other than in the course of the Council's normal business or used other than for the Council's purposes without the specific approval of the Director of the Service concerned.

#### **5.6.5 Levels of Stock**

Service managers shall assess the normal level of stock required to manage the service in the most cost effective and efficient manner and shall seek to maintain stocks at that level. Approval to exceed the normal stock level if special circumstances arise shall be sought from the Council Committee concerned.

### **5.7 Security of Other Assets**

#### **5.7.1 Responsibility for Security**

The Chief Officer – Corporate Landlord, following consultation with the Chief Officer – Finance and Chief Officer – Governance, will maintain a register of all land and heritable properties owned or leased by the Council. The register will be held in a form designed to meet all internal and external requirements for such information.

The register shall, as far as practicable, include:

- the account it is held on;
- the purpose for which it is held;
- its location and extent (including address);
- purchase valuation details (including current valuation, date of valuation, valuation basis and useful life);
- occupier;
- tenancies granted and rents payable; and
- particulars of nature of interest i.e. owned or leased.

The Chief Officer – Governance will have custody of all title deeds and lease documents and shall ensure their security.

The Chief Officer – Operations and Protective Services will maintain an asset register of all vehicles, plant and equipment.

Each Director shall be responsible for maintaining proper security, custody and control of all fixed and movable assets under their control. The Chief Officer - Finance shall be consulted by the Director as appropriate in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.

#### **5.7.2 Theft or Loss**

Each Chief Officer is responsible for ensuring that the Chief Officer - Finance is immediately informed of any theft or loss of an asset (including cash).

All losses of documented information or devices holding information such as laptops, mobile devices and flash drives must also be reported to the Chief Officer – Governance. Reference should be made to the Data Protection guidance referred to at 4.11.

### **5.8 Disposal of Surplus Assets**

5.8.1 All surplus goods and materials in excess of £10,000 in value to be disposed of by any part of the Council shall be advertised for sale either by inviting sealed offers or by public auction, unless in special circumstances (of which the Committee concerned shall be the judge) it is otherwise decided.

5.8.2 The appropriate Chief Officer shall arrange for the disposal of surplus goods and materials valued at £10,000 or less by any means s/he deems appropriate, provided that the Chief Officer-Finance has approved disposal thereof.

### **5.9 Leasing**

#### **5.9.1 General**

No leasing of equipment or capital assets shall be undertaken on behalf of the Council without the prior approval of the Chief Officer - Finance and Head of Commercial and Procurement.

Leased equipment is the property of the lessor and cannot be sold, assigned or otherwise disposed of by Services.

## **5.10 Insurance**

### **5.10.1 Responsibility for Insurance**

The Head of Commercial and Procurement shall arrange and effect, or authorise the Insurance Officer to arrange and effect, all insurance cover on behalf of the Council. S/he shall also settle or repudiate, or authorise the Insurance Officer and other officers to settle or repudiate, all claims made against the Council which involve the Council's insurers. Such settlement or repudiation shall follow consultation with other officers where necessary.

Chief Officers will ensure that all officers in their Service adhere to all insurance policy requirements.

The Head of Commercial and Procurement will arrange that the Council regularly tests the market by way of competitive tender to ensure that best value is achieved.

### **5.10.2 Notification of Risks**

Chief Officers shall give prompt notification to the Head of Commercial and Procurement of all new or increased risks, properties, vehicles, stocks and stores which require to be insured and of any alteration affecting existing insurances. This should be done at the inception of a new project or proposed change, to ensure that Insurers requirements are met.

### **5.10.3 Notification of Claims**

Chief Officers shall notify the Head of Commercial and Procurement and Chief Officer - Finance immediately in writing of any loss or any event likely to lead to a claim. Directors may also inform the Police where appropriate. All liability claims made against the Council shall be referred to the Insurance Officer in the first instance, without delay.

Upon notification to the Police, a crime report number should be obtained and notified to the Insurance Section.

The Chief Officer - Governance will notify the Insurance and Claims section (in Commercial and Procurement) of any corporate investigations which may be of interest to the insurers.

The relevant Chief Officer shall also advise the Chief Officer - Organisational Development of all cases involving Employer's Liability claims.

### **5.10.4 Fidelity Guarantee Insurance**

The Council is covered under Fidelity Guarantee insurance for any dishonest

act by an employee. This cover does not apply to associate or subsidiary companies, joint ventures or trusts, who would each require to provide their own Insurances.

#### **5.10.5 Review of Insurance Cover**

The Head of Commercial and Procurement, following consultation with the Chief Officer - Finance and Directors, shall annually, or at such other period as may be considered necessary, review all insurances regarding premium levels, claims experience and assessment of risk. The Head of Commercial and Procurement may decide not to insure for certain risks or to self-insure.

#### **5.10.6 Indemnities**

The Head of Commercial and Procurement shall consult with the relevant Director, the Chief Officer - Finance and the Chief Officer – Governance, regarding the terms of any indemnity that the Council is requested to give.

### **5.11 Gifts and Hospitality**

#### **5.11.1 General**

It is important that officers are aware that it is a serious criminal offence to receive or give any significant gift, loan, fee, reward or advantage for doing or not doing anything, or for showing favour or disfavour to any person in the course of work for the Council. Aberdeen City Council's Fraud, Bribery and Corruption Policy is in accordance with the Bribery Act 2010 which makes it illegal to offer or receive bribes.

Insignificant gifts are classified as diaries, calendars, pens and similar tokens with a monetary value of £50.00 or less.

Working lunches or dinners can be an appropriate method of business provided that no extravagance is involved, and the occasions are infrequent (infrequent is defined as fewer than 4 times in a 12-month period). Where there is a business need for increased frequency then this should be discussed and agreed by the relevant Chief Officer and paid for from within approved budgets.

For clarification, this clause applies to all 'in kind' gifts and other offers of goods or services at no cost to the employee. The Member and Staff travel policies provide more detailed examples relating to gifts and hospitality of that nature.

Likewise, it can be reasonable for an officer to represent a Service of the Council at an external social function or event organised by outside bodies. Acceptance of such invitations must be first approved by the officer's Chief Officer and the Chief Officer's by their Director and Directors by the Chief Executive. The Chief Executive should seek approval from the Chief Officer – Finance, as Section 95 officer.

#### **5.11.2 Register for Gifts and Hospitality**

Chief Officers will hold a Register for Gifts and Hospitality within their service.

All gifts, whether accepted or not, that are not considered to be insignificant or that cannot be considered reasonable hospitality received directly in connection with any meeting, function or conference must be recorded in the appropriate Register for Gifts and Hospitality.

Gifts are insignificant and may be excluded from the Register if they have a monetary value of £50.00 or less.

### **5.11.3 Bequests**

Bequests left to individual staff members should be returned to the Executor of the Will with the suggestion that a donation could be made to, for example, a Residential Home's Amenity Fund. Similarly, relatives of clients who wish to show their gratitude should be similarly advised.

### **5.11.4 Improper Handling of Gifts & Hospitality**

Where it is suspected that an improper motive exists or a "special deal" not otherwise available is offered on a personal purchase from a supplier with whom the officer has a working relationship, the officer concerned should report this immediately to their Chief Officer. In the case of a Chief Officer, they should report this to their Director who should, following consultation with the Chief Executive, decide on appropriate action. Appropriate action may include the possible withdrawal from a tendering exercise or referral to the Police. The Chief Officer - Finance and Chief Officer - Governance must be informed of all such instances.

Any allegations of the soliciting of gifts by an employee of the Council will be subject to the Council's disciplinary procedure.

## **5.12 Purchasing**

### **5.12.1 Value for Money**

Local authorities must secure best value in accordance with section 1 of the Local Government Scotland Act 2003. Section 10 provides further information on the 2003 Act and Best Value.

Each Director and Chief Officer must ensure that their Services achieve best value from any purchase before making any commitment.

All purchasing and Orders for supplies, services and works must be undertaken in accordance with the Procurement Regulations.

All purchases of computer and telecommunications equipment must be co-ordinated through the Chief Officer – Digital and Technology.



In procuring equipment, particularly ICT equipment, regard should be held for business continuity in case the equipment fails at some point in the future.

### **5.12.2 Orders for Supplies, Services and Works**

Purchase Orders are only to be issued for supplies, services and works which are lawful and only if the cost is covered by a budget allocation.

No supplies, services or works shall be ordered or instructed except on an official Purchase Order form, which shall be in an approved format and in accordance with Regulation 7 of the Procurement Regulations.

By reason of urgency or necessity (for example risk to health and safety or emergency situation), a verbal order may be issued. It must be confirmed within 3 working days with the issue of an official order form from the ordering system.

Purchase Orders must be issued for all supplies, services and works, or such other expenditure as the Chief Officer - Finance may require. A list of exemptions from the requirement for a purchase order is maintained by the Chief Officer - Finance and is included in this document as Appendix A.

On-line ordering is to be controlled by restricted access to approved officers with financial limits set in the PECOS purchasing system to the appropriate values.

Once the supplies have been received, or services or works completed, then the Order shall be appropriately receipted to confirm that it is complete, or part delivered, and invoice payment can be progressed accordingly.

### **5.12.3 Payment of Accounts**

Each Budget Holder shall be responsible for ensuring the prompt examination, verification and certification of all invoices, vouchers and accounts relating to their Service.

Invoices must be processed for payment in accordance with the supplier's credit terms with expenditure authorised by authorised signatories (electronically through PECOS / Infosmart or with original signature). Signature stamps must not be used.

The Council has adopted a "No Purchase Order No Pay" approach to managing procurement expenditure, and as a result invoices will not be paid unless a purchase order has been raised. A list of exemptions from the requirement for a purchase order is maintained by the Chief Officer - Finance and is included in this document as Appendix A.

All supplier invoices should be addressed to the Business Services team. Any invoices received elsewhere shall be redirected to them for processing through the Council's workflow systems to enable a comprehensive audit trail to be maintained and electronic access to such records.

No officer shall authorise an account for their own reimbursement or for a close relative or business associate.

VAT must be accounted for in accordance with the relevant legislation and further information on VAT can be found in Section 5.14.

#### **5.12.4 Partnerships and Joint Ventures**

Prior to entering into any formal partnership or joint venture agreements with other parties the relevant Chief Officer must advise the Chief Officer - Finance and the Head of Commercial and Procurement of the on-going negotiations.

No partnership or joint venture agreement is to be formally entered into without the prior agreement of the Chief Officer - Finance and Head of Commercial and Procurement.

Before any partnership or joint venture is entered into, the selection criteria must be determined in advance, documented and be consistent with the nature of the contract.

### **5.13 Consultants & Sub-Contractors**

#### **5.13.1 General**

Consultants, usually professional specialists who charge a fee, can be used to carry out work or to undertake specialised work for which there is a lack of experience/expertise by Council employees. It is therefore necessary to control the work and terms and conditions of such people or companies to ensure that value for money is achieved and that the Council's services are not compromised.

If Council officers would normally be expected to provide the service or advice but have sub-contracted the work due to lack of capacity then, this should not be regarded as consultancy work, but rather as sub-contracted work and coded accordingly.

#### **5.13.2 Contract**

All purchasing and Orders for consultancy services and/or sub-contract work must be undertaken in accordance with the Procurement Regulations.

#### **5.13.3 Payment of Fees**

The relevant Chief Officer should ensure that fees are only paid when the work fulfils the specification.

It is acceptable for interim payments to be made during the period of the engagement provided the consultant and/or sub-contractor has demonstrated that the claim for payment reflects the work that has been undertaken to that point.

### **5.14 Taxation and VAT**

### 5.14.1 General

The Chief Officer - Finance will be responsible for the taxation procedures of the Council, ensuring where possible, that tax liabilities and obligations are properly reported and accounted for, avoiding any possible losses.

Where transactions of a new or unusual nature are being considered the Chief Officer - Finance should be consulted on the tax implications before committing the Council.

### 5.14.2 Value Added Tax (VAT)

As with all VAT registered organisations, the Council is responsible for managing its VAT affairs in accordance with the Value Added Tax Act 1994, and VAT Regulations issued by Her Majesty's Revenue and Customs (HMRC).

HMRC VAT Regulations can be extremely complex and HMRC have the power to apply significant financial penalties for failure to comply with statutory requirements. Therefore, it is very important for all officers to be aware of their role in ensuring the Council's compliance with and adherence to HMRC's VAT regulations.

Services will be responsible for interest and/or penalties charged by HMRC where the Service has failed to obtain, or comply with, appropriate VAT guidance that results in the incorrect VAT treatment.

#### **Chief Officer - Finance Responsibilities**

It shall be the responsibility of the Chief Officer - Finance to secure arrangements for the administration and accounting of VAT to ensure compliance with all statutory requirements including such returns as are required within laid down timescales. This includes the Making Tax Digital regulations being introduced in 2020 that require VAT records to be held digitally and linked digitally to the VAT return.

#### **Chief Officers Responsibilities**

Chief Officers shall ensure that arrangements are in place to properly establish the correct liability, process and accounting for VAT.

All officers in the Council who have financial responsibilities are responsible to the Chief Officer – Finance, through the Council's VAT Officer, for the provision of accurate VAT information.

Chief Officers shall ensure that any VAT invoices and VAT receipts that are held by their officers are retained for the prescribed statutory period.

Chief Officers will also retain documentation supporting all income raised by debtors invoice and documentation supporting all non-invoiced income, including amounts lodged directly with the bank and cash collected directly by Services.

The treasury management team and the bank reconciliation team must be given the relevant documentation, financial coding and VAT coding for any transactions coming into or going out of the bank account.

## General

Aberdeen City Council VAT Registration Number 663 7266 13

To reclaim VAT, the council must have a valid tax invoice from a VAT registered trader and be able to produce it on request. Posting of the relevant VAT entries happens automatically when the correct VAT codes are used. The VAT Codes are:

S	Standard Rate (currently 20%)
R	Standard Rate – PECOS orders
C	Outside Scope
F	Reduced Rate
Z	Zero Rated
E	Exempt

## VAT Errors

If input tax is claimed and not supported by a valid invoice, or output tax is under declared, the council may be liable for penalties for misdeclaration of VAT. When errors arise due to incorrect VAT coding this can impact on the amount of revenue posted to the income and expenditure account.

To correct this error, the Council's VAT Officer will adjust the relevant VAT return on the completion of a journal entry.

If the sum of errors in any one VAT period (1 calendar month) is greater than £50,000, the Council is required to make a voluntary disclosure to HMRC. Between £10,000 and £50,000 a voluntary disclosure is required if the sum is more than 1% of that month's turnover. A voluntary disclosure is not required if the sum of errors in the VAT period is below £10,000.

HMRC periodically inspects the Council's records and any errors discovered by them during the inspection will be automatically deducted from payments due to the Council on the next VAT return. The Council may be liable for interest and penalty charges in these circumstances. Penalties may be greater if the error is discovered by HMRC rather than via a voluntary disclosure.

## 5.15 External Funding / Grants

### 5.15.1 General

**Receivable** - External funding is a source of income. Funding conditions need to be considered to ensure they are compatible with the objectives of the Council.

There are many sources of external funding, such as the European Union, the Scottish Government and other Public Bodies and officers are to be alert to the opportunity of securing additional funding, especially in the context of projects.

**Payable** - The Council is relying upon external organisations to deliver services on its behalf and it is incumbent upon it to ensure that where external funding pays for service delivery it has robust and comprehensive governance of those funds. Where grants to outside organisations are being considered then careful consideration and compliance with the Aberdeen City Council Code of Practice on Funding External Organisations and Following the Public Pound must be followed.

### **Following the Public Pound**

Further information on providing funding to partners and ALEO's is set out in section 5.16 below.

Approval of grants, both receivable and payable, must be compliant with Committee Terms of Reference and Powers Delegated to Officers, as appropriate.

#### **5.15.2 Match Funding**

Match funding occurs where external funding is payable only on the basis that it is matched by other funders, or by the recipient themselves.

**Where External Funding is Receivable** failure to achieve the match funding will put the Council at risk of losing the external funding proposed. The Council officer responsible for obtaining the external funding must produce a business case to support the application. The business case must include confirmation of the match funding. The match funding must be confirmed by the said officer prior to submitting the application for external funding and entering into any agreements. The business case should be signed off by the Director of the relevant Service and the Chief Officer - Finance.

Where match funding is being provided by the Council itself, then this may be in the form of attributing a value to specific staff, property or other supplies and services costs. The external funder will require to see evidence that those costs have actually been incurred by the Council. To provide this evidence a mechanism for justifying and accounting for those values must be put in place. This may involve the use of time recording systems or other estimation techniques. In these circumstances the Council officer managing the project shall seek guidance from the Chief Officer – Finance.

It is essential that match funding and project costs are closely monitored by the officer managing the project to take account of changes in cost profiles and to ensure that the full project value is captured and reflected in the Council's Medium Term Financial Plan.

Where match funding is being provided to the Council by a third party, suitable documentation should be put in place between the Council and that party to ensure that the Council is not exposed to unnecessary financial risk because of its commitment to deliver the project. The Service must put in place a clear process to ensure that the funds are drawn down from the third party in line with a timetable of funding that should be agreed prior to the start of the project. The timetable will be reflective of the cost profile submitted as part of the external funding application.

**Where External Funding is Payable** failure to ensure that the match funding is obtained may put the Council at risk of both exposure to additional costs and a failure to complete the project and achieve the benefits anticipated. The budget holder must arrange for a suitable analysis of the costs of a project to be carried out to determine the requirements for match funding that is being requested from the outside body. The Council must be satisfied that only reasonable costs are included in the proposed project and that the request for grant funding, to match other partners, is appropriate.

Where match funding is being provided by the Council to an external body suitable documentation should be put in place between the Council and that body to ensure that the Council is not exposed to unnecessary financial risk because of its commitment to deliver the project. The Service must put in place a clear process to ensure that the funds are drawn down from the Council in line with a timetable of funding that should be agreed prior to the start of the project. The timetable will be reflective of the cost profile submitted as part project proposal / application for funding made.

### 5.15.3 Grant Offers and Claims

**Where External Funding is Receivable** – Prior to acceptance of external funding the Director, the Chief Officer - Finance and the Head of Commercial and Procurement will require to be satisfied that the terms of an external funding grant can be met.

The Director must ensure that all funding received by the Council from external bodies, government bodies, other agencies, partner organisations etc. is received. S/he must also ensure that the income and expenditure is properly accounted for and complies with the conditions of the funding.

All claims for grant funds are to be made promptly by the due date.

All grants are to be paid directly to the Council.

The relevant Chief Officer shall identify a responsible officer to monitor compliance with grant conditions.

Grant claims for European Union funding must be properly authorised by the appropriate Director and the Chief Officer - Finance will arrange for suitable independent audit of the claims to be carried out.

**Where External Funding is Payable** – Reference must be made to the Council's Code of Practice on Funding External Organisations and Following the Public Pound for guidance.

#### [Following the Public Pound](#)

## 5.16 Partnerships and Relationships with External Bodies

### 5.16.1 General

Chief Officers will be responsible for ensuring that any funding relationships with external bodies, other than those which are operated on a contractual basis, are operated in accordance with the:

- “Code of Guidance on Funding External Bodies and Following the Public Pound” issued by the Accounts Commission,
- the associated COSLA Operational Guidance; and
- the Council’s own local Code of Practice.

#### **5.16.2 Relationship Management**

The Council will appoint a suitable individual to establish and maintain the relationship between itself and the external body.

In considering an application for funding, due consideration in line with the code of practice should be given to the following areas:

- Aims and objectives of the external body and how they align to those of the Council; and
- Financial viability, risk and control.

#### **5.16.3 Funding Agreement**

The Council will put in place an appropriate funding agreement to set out the responsibilities of the external body to report back on outcomes and achievements to demonstrate their accountability towards the funds and the value that has been derived.

Detailed advice and checklists are available in the Aberdeen City Council Local Code of Practice for Funding External Bodies and Following the Public Pound

#### **5.16.4 Group Entities**

The Council recognises the importance of its relationships with those organisations that form part of its group. In so doing, the Council has approved a range of requirements to be adhered to by the group entities. These include requirements for the Council to scrutinise group entities, with specific reference to:

- Management assurance;
- Internal and external audit reports;
- Business planning;
- The system of risk management;
- The roles and responsibilities of the Board; and
- The work of the ALEO Assurance Hub.

The Head of Commercial and Procurement shall use reasonable endeavours to ensure that all contracts with Group Entities will provide that each group entity must:

- i) comply with all reasonable requests to co-operate with the ALEO Assurance Hub (applies only to those group entities that are considered to be ALEO’s);
- ii) provide quarterly and year end information for inclusion in the Council’s financial performance reports and the Annual Accounts in accordance with the timetable set by the Chief Officer - Finance. To include provision of an audited set of annual accounts and external audit report;

- iii) provide such assistance as the Chief Officer - Governance or Chief Officer - Finance may require in the production of the annual governance statement;
- iv) submit a Certificate of Assurance on the Effectiveness of Internal Financial Controls, as prescribed by the Chief Officer – Finance, on an annual basis;
- v) afford the Council's Internal Auditors (whether employed directly by or engaged by Internal or External Audit) full access rights as listed in 3.5; and
- vi) afford the Council's External Auditors the same rights of access as set out in 3.7.1.

## **5.17 Internal Audit**

### **5.17.1 General**

Guidance regarding the provision of an effective system of internal audit is provided by the United Kingdom Public Sector Internal Audit Standards (PSIAS).

The function of Internal Audit is based upon the following principles:

- it must be completely independent of all systems operating within the Council with no authority or responsibility for activities which they audit; and
- it may concern itself with any activity, function or operation of the Council.

The Council will secure an Internal Audit function through the employment of suitably qualified individuals or through entering into a binding contract with an external supplier of such services. The Chief Officer - Governance will manage the relationship that is put in place.

The Chief Officer – Governance shall be responsible for overseeing an independent and effective internal audit function.

The Chief Internal Auditor shall report on a regular basis to the Audit, Risk and Scrutiny Committee and they must:

- annually provide a copy of the Internal Audit plan drawn up after discussion with Chief Officers for the Committee's information, input and approval;
- report on all work carried out and the follow up status of previously reported work;
- provide an assurance for the reliability of existing and new financial systems and other management controls throughout the Council, including trusts where the Council is sole trustee or able to exercise overall control.
- prepare an annual report, including their audit opinion, on the overall adequacy and effectiveness of the Council's control environment; and
- liaise closely with External Auditors to ensure the Council derives maximum value from the combined resource.

### **5.17.2 Responsibilities of Senior Management**

It is the responsibility of the Council's Chief Officers to ensure that:



- internal auditors and officers undertaking investigations are given access at all reasonable times to premises, personnel, documents and assets that the Auditors/Investigating Officers consider necessary for the purposes of their work;
- auditors and investigating officers are provided with any information and explanations that they seek in the course of their work, within a specified timescale; and
- any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.

It is also the responsibility of Chief Officers to consider and respond promptly to recommendations in audit and investigations reports.

### **5.18 Financial Irregularities**

All officers shall inform their Chief Officer immediately of any circumstances which may suggest an irregularity affecting the finances, property, services or policy of the Council. These shall be reported immediately by the Chief Officer to the Chief Officer – Finance and Chief Officer – Governance. Pending investigation and reporting, the Chief Officer is to take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.

The Chief Officer - Finance or Chief Officer – Governance may investigate such incidents as they consider appropriate.

If, on consideration of the results of such an investigation, the Chief Officer - Finance and Chief Officer – Governance are of the opinion that there may be a breach of criminal law they may, after taking advice from the Chief Officer – Governance, report the matter to the Police.

When an officer is suspended pending the conclusion of an investigation into a possible irregularity, or if an officer resigns in such circumstances, then that officer shall immediately surrender all Council property they may have including all money, portable ICT equipment, flash drives and keys. The officer shall be instructed not to enter Council premises without prior agreement and not to contact other Council officers in relation to the matter under investigation. The officer's Chief Officer must also ensure that passwords and computer access by the officer under investigation are also immediately withdrawn.

### **5.19 Deposit of Trust Securities**

- 5.19.1 All officers acting as trustees by virtue of their official position shall deposit all securities, bank passbooks and documents and articles of value relating to any trust with the Chief Officer - Finance unless the relevant trust deed provides otherwise.

### **5.20 Control of Registered Charities, Trust Funds and Other Funds**

#### **5.20.1 Custody and Control**

The Chief Officer - Finance shall ensure:

- 1) the proper and safe custody and control of all charitable and other funds held by the Council;
- 2) that all expenditure is in accordance with the conditions of the fund; and
- 3) that such charitable funds are held in accordance with regulations laid down by the Office of the Scottish Charity Regulator.

All registered charities, trust funds and other funds shall, wherever possible, be in the name of the Council or refer to the Council. All monies left in trust to the Council or to be administered by its officers shall be notified immediately to the Chief Officer - Finance, unless the trust's deed outlines otherwise.

### **5.20.2 Investment**

All investments of money under the Council's control shall be made by the Chief Officer - Finance in the name of the Council or in the name of nominees approved by the City Growth and Resources Committee. Any investments made will be made in accordance with the Treasury Management Strategy approved by the Council.

### **5.20.3 Audit**

Where elected members (all or some) of Aberdeen City Council are the sole trustees of registered charities, the charities will be subject to external audit by the Council's appointed external auditor.

## **5.21 Control of Common Good**

### **5.21.1 Purposes for which Common Good monies may be utilised**

Items of expenditure which can be met from the Aberdeen City Council Common Good must be for:

- upholding the dignity of the City;
- the prudent management, upkeep and improvement of those items of Council property which form part of the Common Good;
- safeguarding the corporate rights of the community and defending its interests;
- granting donations to public institutions or charities – this must be exercised in the interests of the general public of the City; and
- any other purpose which in a reasonable judgement of the Council is for the good of the community as a whole, or in which the inhabitants may share; as distinct from the interest or benefit of any particular individual or group.

Overall, the purposes for which Common Good monies may be utilised are limited to the City and its interests.

Where there is a doubt about whether Common Good monies can be used for a particular purpose then in the first instance advice should be sought from the Chief Officer – Governance.

### **5.21.2 Common Good Investment Strategy**

The Common Good Investment Strategy was approved by the Finance and Resources Committee in December 2012. The Chief Officer - Finance is responsible for reviewing the Strategy and reporting any proposed changes in the Strategy to the City Growth and Resources Committee.

## **5.22 Voluntary Funds**

### **5.22.1 General**

A voluntary fund is any fund (other than an official Council fund) which is managed wholly or in part by a Council employee. Examples of such are School funds and funds to support Social Work Services establishments. Directors shall supply the Chief Officer - Finance with a list of all employees who are signatories to such funds.

Such funds are to be subject to the same financial rigour and probity as if they were Council funds.

### **5.22.2 Financial Control and Administration**

The financial control of voluntary funds must reflect the standards required of public funds.

The Chief Officer - Finance or their representative may examine the accounts and records of the fund if held by a Council employee and ask for such records, explanations and information as they may require.

In the event of any loss of voluntary funds the Council accepts no responsibility whatsoever, and no person has any authority to bind the Council to accept such liability.

Money due to the Council shall not be paid into any voluntary fund, either permanently or temporarily.

The Council employee shall keep all money, goods, or property of the voluntary fund, separate from those of the Council. The Council employee must not use official Council order forms for voluntary funds.

The Council employee shall at the end of each financial year submit a return stating the balance held and a copy of the audit certificate & accounts to the Chief Officer – Finance.

### **5.22.3 Employee Involvement**

The Council employee must inform their line manager of any involvement in a voluntary fund and state the position they hold within the fund. The line manager must ensure proper accounts of the funds activities are kept and that an independent audit is carried out at annual intervals by a competent auditor appointed by and reporting to the fund's controlling body. An audit should be carried out whenever an employee relinquishes this responsibility and hands over the funds to another person.

## **5.23 Pension Funds**

### **5.23.1 General**

The Chief Officer - Finance shall be responsible for the financial affairs of the North East Scotland Pension Funds. The investment of Pension Funds monies shall be made in the name of the nominees approved by the appropriate Committee and such investments shall be within the policy determined by the Council.

Specific guidance on the financial regulations relating to the Pension Funds can be found in Section 12. To the extent that section 12 varies from the general financial regulations, Section 12 shall take precedence for the Pension Funds only. For matters not specifically covered within Section 12, the Pension Funds will take due guidance from the general Financial Regulations. Should the Pension Fund officers still have any doubt on interpretation or implementation of the general financial regulations, further guidance shall be sought from the Chief Officer-Finance.

## **5.24 Amendments to Financial Regulations**

5.24.1 Non-material amendments to the Financial Regulations can be made by the Chief Officer - Governance, following consultation as required by Powers Delegated to Officers, without the requirement to report to Full Council.

5.24.2 Material amendments to the Financial Regulations, including the removal or addition of Financial Regulations, may only be approved after consideration of a report to Full Council by the Chief Officer - Governance.

## **5.25 Review of Financial Regulations**

5.25.1 The Financial Regulations will be subject to annual review by the Chief Officer - Finance.

## **6. FINANCIAL MANAGEMENT & CONTROL - ROLES AND RESPONSIBILITIES**

### **6.1 Introduction**

6.1.1 Aberdeen City Council is committed to achieving Best Value and the highest possible standards in the delivery of its services. The Council attaches a very high priority to exercising strong control over the management of its financial resources. Both objectives are facilitated by the provision of high quality financial

management and control, through continuous improvement, to meet both statutory requirements and the needs of clients/customers in the most efficient and effective manner.

- 6.1.2 Financial management is provided to the Council, its Committees and Services through an accounting function that provides corporate financial management and service specific accounting. Within all Services, budget holders undertake financial management in varying degrees.
- 6.1.3 The Financial Regulations define the respective roles and responsibilities of officers in both the accounting function and Services. Compliance with the Financial Regulations will improve the effectiveness of financial management and control and ensure the continued development of best practice.

## **6.2 Councillors**

- 6.2.1 As Council and committee members, councillors have a personal, individual and collective responsibility for the Council's organisation and activities. Councillors are responsible for ensuring that adequate management arrangements are in place, developing and taking decisions on the use of the Council's physical, financial and human resources, and to concern themselves with the performance, development, continuity and overall well-being of the organisation (*extract from the Code of Conduct for Councillors*).
- 6.2.2 To enable Councillors to discharge their responsibilities in this respect, officers must present to Councillors appropriate information on the Council's performance both in operational and financial terms to allow them to ask relevant questions.

## **6.3 Chief Executive**

- 6.3.1 The Chief Executive has a responsibility to ensure that the Financial Regulations are applied across the Council, and the appropriate committee structures are in place.
- 6.3.2 The Chief Executive, as Head of Paid Service, has an authority over all officers and has responsibility for ensuring that the Council maintains an efficient use of the resources at its disposal. However, the Chief Executive relies on senior officers of the Council informing them of the up to date position of an operation. Directors shall therefore report to the Chief Executive on the financial performance of their Functions.
- 6.3.3 The Chief Executive does not have operational responsibility for Services, which responsibility rests with Directors. Similarly, the Chief Officer - Finance has the responsibility for establishing the appropriate financial reporting framework.
- 6.3.4 The Directors shall formally report any financial problems identified in a Service to the Chief Officer - Finance and to the Chief Executive who can instruct appropriate action and report as appropriate.
- 6.3.5 On a periodic basis a summary of the financial position of each Service shall also be reported to the Chief Executive. In pursuance of this the quarterly financial performance report shall be included on the agenda of the Corporate Management Team.

## **6.4 Chief Officer - Finance**

6.4.1 Section 95 of the Local Government (Scotland) Act 1973 states that every local authority shall make arrangements for the proper administration of its financial affairs and shall ensure that one of its officers has responsibility for the administration of these affairs. In Aberdeen City Council, the Chief Officer - Finance is the Section 95 officer. Where the Section 95 officer position is vacant, the Chief Executive will make alternative arrangements.

6.4.2 The Chartered Institute of Public Finance and Accountancy (CIPFA) has defined in detail the role of the Chief Financial Officer within local government.

6.4.3 CIPFA specifically outlines the role of the Chief Financial Officer as being:

- a key member of the Leadership Team, helping it to develop and implement strategy and to resource and deliver the authority's strategic objectives sustainably and in the public interest;
- actively involved in, and able to bring influence to bear on, all material business decisions to ensure immediate and longer-term implications, opportunities and risks are fully considered, and aligned with the authority's financial strategy; and
- leading the promotion and delivery by the whole authority of good financial management so that public money is safeguarded always and used appropriately, economically, efficiently and effectively.

To deliver these responsibilities the Chief Financial Officer:

- must lead and direct a finance function that is resourced to be fit for purpose; and
- must be professionally qualified and suitably experienced.

6.4.4 There exists, however, a degree of decentralisation of financial administration within the Council and the responsibilities of the Chief Officer - Finance must be seen in this context. The Financial Regulations delegate much of the day to day financial administration to Chief Officers, and by sub-delegation, to staff within Finance. The extent of delegations will be outlined within a framework of job profiles.

### **Financial Management**

6.4.5 As head of strategic and operational financial management and administration, it is the responsibility of the Chief Officer - Finance to:

- ensure that a proper and prudential financial framework exists within the Council in terms of relevant legislation and codes of practice;
- secure effective systems of financial administration; and

- ensure that financial management arrangements are in line with the Council's strategic policies and objectives and its overall management arrangements.

6.4.6 Specifically, the Chief Officer - Finance will:

- advise on effective systems of internal control such as Financial Regulations;
- secure effective systems of internal financial control to ensure that income collected, and payments made, are accurate, complete and timely;
- advise on anti-fraud and anti-corruption measures; and
- ensure that all staff with financial management responsibilities are made aware of the existence and content of these financial regulations and their requirement to comply with them.

### **Supporting the Democratic Process**

6.4.7 In supporting and advising the democratic process, the Chief Officer - Finance is expected to:

- advise on the respective roles of councillors and officers on financial management;
- advise councillors on an overall financial strategy which serves policy and service objectives;
- provide councillors with clear, accurate and impartial advice when considering service plans and budgets;
- provide timely, accurate and impartial advice on reported financial performance, including reporting any concerns and/or disagreements with Directors on the stated financial position and the reliability of financial systems; and
- ensure that councillors have adequate access to financial skills and are provided with an appropriate level of financial training on an ongoing basis.

### **Contributing to Corporate Management and Leadership**

6.4.8 The Chief Officer - Finance has an essential part to play in the corporate management of the authority by;

- contributing to the effective leadership of the authority;
- contributing to the management of the authority;
- ensuring that the authority's financial resources are well managed; and
- contributing to cross-authority issues and to the development of the authority.

## **Supporting and Advising Operational Officers**

6.4.9 In supporting and advising operational officers, the Chief Officer - Finance shall:

- ensure that financial strategy and arrangements serve policy and service objectives, advising services on all strategic and operational financial matters and on the availability of resources;
- advise officers on performance and standards to be adhered to in relation to financial matters;
- delegate responsibility for financial management and control to Directors, ensuring the development and maintenance of appropriate management accounting systems, functions and controls and that these are compatible with the corporate financial reporting systems;
- ensure that officers' roles and responsibilities in relation to financial management are clear and understood and that budget managers have access to adequate financial skills; and
- provide timely, accurate and impartial advice to the Chief Executive on any concerns or disagreements with Directors on the reported financial position or reliability of financial systems.

## **Leading and Managing an Effective and Responsive Financial Service.**

6.4.10 In leading and managing the authority's finance function, the Chief Officer - Finance will;

- secure high standards of performance and service to the public;
- demonstrate accountability to the public by providing robust financial and performance information;
- establish a good, professional working relationship with external auditors and other statutory agencies; and
- act as head of profession for all finance staff in the authority.

## **Bond Governance**

6.4.11 The credit rating that was obtained to facilitate the issue of bonds on the London Stock Exchange (LSE) must be maintained over the term of the bonds. The credit rating agency conducts a review at least once every twelve months and the Chief Officer – Finance shall ensure that the credit rating agency is provided with all the information that it requires to carry out its assessment. The outcome of such reviews shall be reported to the first meeting of the City Growth and Resources Committee following receipt of the outcome. The credit rating agency may also amend the rating between reviews. If this occurs, the Chief Officer – Finance shall report this occurrence to the next available City Growth and Resources Committee.



6.4.12 The Chief Officer – Finance shall ensure that the Council’s quarterly financial monitoring report to City Growth and Resources Committee is structured to comply with the reporting requirements of the LSE including any notifications required to comply with the Market Abuse Regulations.

## **6.5 Chief Officers**

6.5.1 Within the overall framework of the financial management and administration arrangements, it is the responsibility of the Directors to:

- ensure adherence to law and the Council’s Scheme of Governance;
- manage the expenditure and income of the Function and ensure its control within approved budgets;
- prepare draft budget and service plans, following consultation with the Chief Officer - Finance and the Chief Executive;
- provide data necessary to enable the completion of budgets, monitoring reports, annual reports and all government or other statistical returns, following consultation with the Chief Officer - Finance; and
- formally report any financial problems identified within the Function to the Chief Officer - Finance, and if appropriate the Chief Executive, who can instruct appropriate action and report as required.
- furnish the Section 95 officer, or her/his authorised representative, with all such information that s/he may reasonably require for the discharge of her/his functions.

6.5.2 In practice, duties will be delegated to operational managers within the Function, the extent of which shall be covered by a framework of job descriptions clearly defining individual responsibilities.

## **6.6 All Staff**

6.6.1 The respective roles and responsibilities of budget holders, finance staff and staff with a responsibility for administering financial transactions are set out in the Finance Framework (also see 4.1 above)

6.6.x The Continuous Review and Development Scheme sets out skills, behaviours and competencies required of all staff (also see 4.x above).

### **Line Responsibilities/Accountabilities**

6.6.2 The Chief Officer - Finance has overall responsibility for the management and administration of the Council’s financial affairs and consequently for all staff engaged in delivering the service. All finance staff are responsible to the Chief Officer - Finance for maintaining professional accounting standards and the highest standards of conduct and integrity.

All staff engaged in financial management within Services have a similar responsibility, not only to their Director, but also to the Chief Officer - Finance. Finance staff also have a responsibility to Chief Officers for the provision of impartial advice and guidance on all financial matters, including contributing to and assisting in Best Value reviews, option appraisal and the process of continuous improvement across the Council.

- 6.6.3 The Chief Officer - Finance has the power to draw to the attention of a Director any circumstances where he/she considers that a member of staff engaged in financial management has not met the required standards. The Chief Officer - Finance may recommend how the matter shall be taken forward. Conversely, any Director has recourse to the Chief Officer - Finance where it is considered that any member of staff in Finance has not met the required standards. If a Director and the Chief Officer - Finance fail to agree, the matter shall be raised with the Chief Executive who will determine what action is appropriate.

## **7. INTERNAL CONTROL**

### **7.1 Introduction**

- 7.1.1 Internal control consists of all the policies and procedures the Council applies to achieve the following goals:

- Safeguard Council assets - well designed internal controls protect assets from accidental loss or loss from fraud.
- Ensure the reliability and integrity of financial information - internal controls ensure that management has accurate, timely and complete information, including accounting records, to plan, monitor and report business operations.
- Ensure compliance - internal controls help to ensure the Council complies with the laws and regulations affecting the operations of our business.
- Promote efficient and effective operations - internal controls provide an environment in which managers and staff can maximise the efficiency and effectiveness of their operations.
- Accomplishment of goals and objectives - internal control systems provide a mechanism for management to monitor the achievement of operational goals and objectives.

### **7.2 Responsibilities**

- 7.2.1 Chief Officers are responsible for maintaining an adequate system of financial control and are expected to communicate the expectations and duties of staff as part of a control environment. They are also responsible for ensuring that the major areas of an internal control framework are addressed and that weaknesses highlighted are acted upon.

- 7.2.2 Staff are responsible for complying with the Council's internal controls.

### 7.3 Control Framework

7.3.1 The framework of good internal control includes:

- **The Control environment:** A sound control environment is created by management through communication, attitude and example. This includes a focus on integrity, a commitment to investigating discrepancies, diligence in designing systems and assigning responsibilities.
- **Risk Assessment:** This involves identifying the areas in which the greatest threat or risk of inaccuracies or loss exist. To be most efficient, the greatest risks should receive the greatest amount of effort and level of control. For example, the value or the nature of the transaction (for instance, those that involve cash) might be an indication of the related risk.
- **Monitoring and Reviewing:** The system of internal control should be periodically reviewed by management. By performing a periodic assessment, management assures that internal control activities have not become obsolete or lost due to staff turnover or other factors. They should also be enhanced to remain sufficient for the current level and extent of risks.
- **Information and communication:** The availability of information and a clear and evident plan for communicating responsibilities and expectations is paramount to a good internal control system.
- **Control activities:** These are the activities that occur within an internal control system. These are described in 7.4.

### 7.4 Internal Control Activities

7.4.1 These activities are the policies and procedures as well as the daily activities that occur within a system of internal control. The systems should include both prevention and detection activities. Internal Audit will provide assurance over the controls that the Council has established and make recommendations for strengthening such controls.

7.4.2 Prevention control activities aim to deter the instances of error or fraud. Activities include comprehensive documentation, authorisation processes, segregation of duties and security. These activities prevent undesirable transactions from happening and therefore require well thought out procedures and risk identification.

7.4.3 Detection control activities aim to identify any undesirable transactions after the fact, and in financial situations the most frequently used detection controls are reconciliation along with monitoring and review.

7.4.4 Appropriate controls shall be established to ensure that the financial information system accurately collates, sums and reports all authorised input and that regular and sufficient back up is maintained.

### 7.5 Embedding Internal Control Activities into Operations

7.5.1 Control activities occur at all levels and functions of the Council. Chief Officers

should establish control activities that are effective and efficient.

7.5.2 When designing and implementing control activities, the aim should be to get the maximum benefit at the lowest cost. Consideration should be given to the following:

- The cost of the control activity in comparison to the cost that would be incurred by the Council if the undesirable event occurred, recognising that some risks may be difficult to attribute a financial value to e.g. reputational risks;
- Control activities should be built into business processes and systems as the processes and systems are being designed. Adding control activities after the development of a process or system is generally costlier and may enable errors or fraud to occur;
- The allocation of resources among control activities should be based on the likelihood and impact of the risk;
- For any given risk, there may be multiple appropriate control activities that can be put into place, either individually or in combination with other control activities; and
- Excessive use of controls could impede productivity.

## 7.6 Commonly Used Controls

7.6.1 The following brief descriptions of the commonly used control activities will help managers to identify and select appropriate activities to prevent and detect error and fraud.

- **Documented Systems / Process** – Comprehensive documentation of systems and processes provides clarity to those involved and a structure to enable checking to be carried out;
- **Authorisation** – Control activities in this category are designed to provide reasonable assurance that all transactions are within the limits set by policy or that exceptions to policy have been granted by the appropriate officer(s);
- **Review and approval** – Control activities in this category are designed to provide reasonable assurance that transactions have been reviewed for accuracy and completeness by appropriate officers;
- **Verification** – Control activities in this category include a variety of computer and manual controls designed to provide reasonable assurance that all accounting information has been correctly captured;
- **Reconciliation** – Control activities in this category are designed to provide assurance of the accuracy of financial records through the periodic comparison of source documents to data recorded in and between accounting information systems;
- **Physical security over assets** – Control activities in this category are designed to provide reasonable assurance that assets are safeguarded and

protected from loss or damage due to accident, natural disaster, negligence or intentional acts of fraud, theft or abuse;

- **Segregation of duties** – Control activities in this category reduce the risk of error and fraud by requiring that more than one person is involved in completing a financial process;
- **Education, training and development** – Control activities in this category reduce the risk of error and inefficiency in operations by ensuring that staff have the proper education and training to perform their duties effectively. Education and training programs should be periodically reviewed to ensure they remain relevant to the current Council operating environment and financial processing procedures; and
- **Performance planning and evaluation** – Control activities in this category establish key performance indicators for the Council that may be used to identify unexpected results or unusual trends in data which could indicate situations that require further investigation and/or corrective actions. Evaluations may be done at multiple levels within the Council, as appropriate: the Council as a whole; major projects; specific Services / Functions; or specific activities. Performance reviews may focus on compliance, financial or operational issues. For example, financial reviews should be made of actual performance versus budgets, forecasts and performance in prior periods.

7.6.2 This list is not exhaustive, and advice should be sought from the Chief Officer - Finance if any officer is uncertain about incorporating appropriate control activities into their operations.

## **8. BUDGETARY CONTROL**

### **8.1 Revenue**

8.1.1 Revenue items are the operational costs incurred by the authority during the financial year in providing its day to day services, or income generated through, for example, fees and charges.

### **8.2 Revenue Budget Preparation**

8.2.1 A budget is required for all revenue items which form part of the Council's budgets, e.g.:

- General Revenue Fund;
- Housing Revenue Account;
- Common Good; and
- North East Scotland Pension Funds (the Council being the administering authority).

8.2.2 The budgets for both income and expenditure must be prepared in accordance with the Council's budgeting principles and approved timelines in support of the Council's Strategic Business Plan. The budgets will be prepared jointly by the Chief Officers and the Chief Officer - Finance.

8.2.3 The Chief Officer - Finance shall prepare a consolidated draft budget, incorporating a Medium Term Financial Plan, together with a report on its financial implications. This budget report may be submitted to the City Growth and Resources Committee prior to being submitted to the Council Budget meeting. Once approved by Council the Budgets will constitute the Revenue Budgets for the relevant financial year.

### **8.3 Revenue Budget Monitoring**

8.3.1 The Chief Officer - Finance shall provide Chief Officers and Budget Holders with up-to-date financial information on income and expenditure compared to the approved budget. The Chief Officer - Finance will be entitled to receive any clarification deemed necessary on any item of expenditure or income. Chief Officers and Budget Holders shall provide the Chief Officer - Finance with such information as he or she shall require from them.

8.3.2 The Chief Officer - Finance shall report on a quarterly basis to the City Growth and Resources Committee on comparisons of actual figures with budget to date along with a forecast for the full year. The Committee should seek explanations and action where the Chief Officer – Finance has indicated that the quarterly forecast requires special attention. The Committee is entitled to seek explanations and actions for any figures which it deems require special attention.

8.3.3 The General Revenue Fund, Housing Revenue Account and the Common Good Fund shall be to the City Growth and Resources Committee; the North East Scotland Pension Funds shall be to the Pensions Committee; financial information related to the Consolidated Group position will be reported quarterly to City Growth and Resources Committee.

### **8.4 Revenue Budget Management**

8.4.1 No expenditure shall be incurred unless it can be met from an approved budget. For the avoidance of doubt, any officer who fails to comply with this Financial Regulation may be subject to disciplinary action.

8.4.2 Budget Holders shall be responsible for monitoring their budgets in accordance with the Council's Scheme of Governance, using the relevant financial systems as determined by the Chief Officer - Finance.

8.4.3 If it becomes apparent that the forecast for any service budget is likely to vary from budget, this shall be reflected in revenue budget monitoring reports and reported to the City Growth and Resources Committee. If this is a permanent variance then a budget virement may be approved following the guidelines below.

8.4.4 The Chief Officer – Finance must be notified of forecasts for all budgets monthly. If it becomes apparent to any budget holder that due to previously unforeseen factors there is a risk of budget forecast being overspent, then the Chief Officer – Finance must be notified immediately.

### **8.5 Scheme of Virement**

8.5.1 The term "virement" refers to the switching of budgetary provision from one budget head to another.

8.5.2 Chief Officers and Budget Managers may exercise virement, in accordance with the scheme of virement as set out below, and within the Services' overall Revenue Budget provided that:

- The Chief Officer - Finance has been notified; and
- The virement does not create an additional financial commitment into future financial years.

Approval of such virement shall consider the following criteria:

- adherence to the Accounting Code of Practice (ACOP);
- the balancing of related expenditure and income issues;
- movements within approved schemes of budget delegation;
- the need to remedy anticipated budget pressures elsewhere;
- the impact of approved service developments on the nature of Service spend;
- previous Council decisions on the application of budget resources;
- the remedy of error in budget compilation; and
- spend to save initiatives.

8.5.3 Virement cannot be used by Services in the following situations:

- to mask overspend and underspend issues;
- to apply underspends or over-recoveries of income without reference to Committee;
- for expected savings on finance costs or recharges;
- for recurring items of expenditure in place of non-recurring savings;
- for property items such as rates and utilities;
- any savings against a property which has been declared surplus under the Council's surplus asset procedure;
- to reinstate an item deleted by Council during budget considerations unless approved by the relevant Council Committee(s);
- to provide a budget for the implementation of a new policy, or variation of existing policy, which exceeds the limit of delegated authority provided to all Chief Officers in this regard (general delegated power no. 40) and therefore requiring the approval of the relevant Council Committee;
- for Service budgets which are committed to and included within partnership agreements;
- between Services that are budgeted and funded through Council house rents and the Council tax i.e. the Housing Revenue Account and General Fund budgets; and
- between Services that are budgeted and funded via the Integration Joint Board and other funds of the Council i.e. between IJB budgets and non-IJB budgets.

8.5.4 Education establishments within the scheme of Devolved Education Management (DEM) may vire between different categories of specified budgets in accordance with the scheme regulations.

#### **Devolved Education Management (DEM) scheme**

8.5.5 Virement rules relating to revenue expenditure summarised in table below:

<b>Scope</b>	<b>Limit</b>	<b>Approval to Vire</b>
1. Within or between Account Code Groupings, within individual budget holder areas of responsibility (e.g. printing & stationery to telephones – within Admin costs or Administration Costs to Supplies & Services)	Up to £20,000 or 10% of the budget grouping, whichever is the lesser	Budget Manager
	Up to £100,000	Chief Officer
	Over £100,000	Director, reported to City Growth and Resources Committee in Financial Performance Report
2. Between Functional Services Budgets but within Chief Officer area of responsibility (e.g. Primary to Secondary Education, Libraries to Community Learning, or Learning Disability to Mental Health)	Up to £20,000 or 10% of the budget grouping, whichever is the lesser	Chief Officer
	Up to £100,000	Director, reported to City Growth and Resources Committee in Financial Performance Report
	Over £100,000	City Growth and Resources Committee
3. Between Functional Service Budgets within Function Budgets (e.g. transfer from Education to Environmental Services)	Up to £250,000	Director, reported to City Growth and Resources Committee in Financial Performance Report
	Over £250,000	City Growth and Resources Committee
4. Between Function Budgets i.e. across committees (e.g. transfer from Commissioning to Operations)	Up to £500,000	Chief Executive, reported to City Growth and Resources Committee in Financial Performance Report
	Over £500,000	City Growth and Resources Committee

## 8.6 Capital

8.6.1 Capital items are the costs incurred by the authority on the acquisition, creation or enhancement of fixed assets.

8.6.2 Examples include, but are not limited to, land and property, roads and structures, vehicles and plant, and Information and Communication Technology (ICT).



- 8.6.3 Enhancement of an asset refers to something which will significantly lengthen the useful life of an asset; increase the open market value of an asset; or increase the extent to which an asset can be used.
- 8.6.4 Capital income is the value of any receipt received upon the sale or disposal of any fixed asset, or the value of any grant or contribution received to offset the cost of a new fixed asset.

## **8.7 Capital Budget Preparation**

- 8.7.1 The Chief Officer – Capital, following consultation with the Chief Officer – Corporate Landlord, shall ensure that all capital items are included in one of the Council’s capital budgets:
- Non-Housing capital programme; or
  - Housing capital programme.
- 8.7.2 The budgets for both capital income and expenditure must be prepared in accordance with the Council’s budgeting principles and approved timelines, in support of the Council’s Strategic Business Plan.
- 8.7.3 Bids to have new projects included in the capital programmes should comply with, and have been approved by, the governance arrangements overseen by the Capital Board. The Chief Officer – Capital shall then submit such proposals to the relevant Council Committee.
- 8.7.4 The revenue budget implications identified during the process shall be incorporated into the Revenue Budget and Medium Term Financial Plan.
- 8.7.5 The Chief Officer - Finance shall prepare a consolidated draft capital programme, incorporating a 5-year programme, together with a report on its financial implications. This budget report will be submitted to the Council Budget meeting. Once approved by Council the Budget will constitute the Capital Budget for the relevant financial year.
- 8.7.6 The Chief Officer - Finance shall prepare a report on the Prudential Indicators. This will demonstrate the affordability and prudence of the budget being set. This report will be incorporated into the Council budget setting report outlined at 8.7.5.

## **8.8 Capital Monitoring**

- 8.8.1 No capital expenditure should be incurred unless it can be met from an approved capital budget. For the avoidance of doubt, any officer who fails to comply with this Financial Regulation may be subject to disciplinary action.
- 8.8.2 Capital project and programme managers shall be responsible for monitoring their budgets in accordance with the Council’s Scheme of Governance using the relevant financial systems as determined by the Chief Officer - Finance. The Chief Officer – Finance must be notified of any budget that is or is likely to be overspent.

8.8.3 The Chief Officer – Capital, following consultation with the Capital Board, is responsible to the Corporate Management Team, for monitoring the overall Capital programme. S/he is also responsible, following consultation with the Capital Board, for the profiling of project expenditure within the Capital programme, subject to funding limits determined by the Chief Officer - Finance.

## 8.9 Virement of Capital Budgets

8.9.1 The Chief Officer – Capital, following consultation with the Capital Board, may exercise virement of budgets between projects included in the approved General Fund Capital programme, in accordance with the scheme of virement and within the overall budget, provided that the Chief Officer - Finance has been notified.

8.9.2 Budget virements shall not be made between the Non-Housing and Housing Capital programmes at any level.

8.9.3 Virement rules relating to capital expenditure summarised in table below:

Scope	Limit	Approval to Vire
Between Capital Project Budgets within Project Sponsor area of responsibility (e.g. between two school projects)	Up to £20,000 or 10% of each project's gross expenditure budget, whichever is the lesser	Project Sponsor, reported to Programme Board in next Highlights report
	Up to £100,000	Chief Officer - Capital, reported to City Growth and Resources Committee in Quarterly monitoring report
	Over £100,000	City Growth and Resources Committee
Scope	Limit	Approval to Vire
Between Capital Project Budgets within Programme Board area of responsibility (e.g. between projects both governed by Asset Management Programme Board)	Up to £250,000	Chief Officer - Capital, reported to City Growth and Resources Committee in Quarterly monitoring report
	Over £250,000	City Growth and Resources Committee
Between Capital Project Budgets governed by different Programme Boards (e.g. from City Centre Masterplan to Asset Management Programme Board)	Up to £500,000	Chief Executive, reported to City Growth and Resources Committee in Quarterly monitoring report
	Over £500,000	City Growth and Resources Committee

## **9. ACCOUNTING POLICIES AND ANNUAL ACCOUNTS**

### **9.1 General**

- 9.1.1 The Chief Officer - Finance is responsible for the preparation of the Council's Annual Accounts, in accordance with proper practices. The accounts must be prepared in the format required by the Code of Practice on Local Authority Accounting in the United Kingdom ["The Code"] (published by CIPFA / LASAAC), for each year ending 31 March.
- 9.1.2 Maintaining proper accounting records is one of the ways in which the Council discharges its responsibility for stewardship of public resources. Accordingly, the Chief Officer - Finance is responsible for selecting suitable accounting policies and ensuring that they are consistently applied to the accounts relating to each financial year. All accounting procedures of the Council and the format of related records shall be determined by the Chief Officer - Finance.
- 9.1.3 It is the duty of Chief Officers to maintain proper financial and accounting records within their Cluster to demonstrate adequate stewardship of public resources. Arrangements put in place by the Chief Officer - Finance shall not be discontinued or amended and new arrangements will not be introduced without the approval of the Chief Officer - Finance.
- 9.1.4 The following principles will be observed in the allocation of accounting duties:
- The duties of providing information regarding sums due to, or by, the Council, and of calculating, checking and recording these, will be separated as completely as possible from the duty of collecting or disbursing them; and
  - Officers charged with the duty of examining and checking the accounts of cash transactions shall not themselves be participants or beneficiaries in any of these transactions.

### **9.2 The Annual Accounts**

- 9.2.1 It is a statutory requirement that the Council prepares its Annual Accounts for the preceding financial year by 30 June following, or by such date as may be determined by Scottish Ministers in regulations under Section 105 of the Local Government (Scotland) Act 1973. The Chief Officer - Finance must submit the accounts by that date to the Council and the Controller of Audit. Following completion of the Audit, the Chief Officer - Finance will submit a certified copy of the Accounts, together with the External Auditor's report thereon, to the Council, not later than two months following receipt of the External Auditor's report.
- 9.2.2 To comply with its obligations to the London Stock Exchange (LSE) Aberdeen City Council will be required to complete its Annual Accounts earlier than the statutory deadline. The Chief Officer – Finance will be responsible for issuing a timetable and instructions that will allow completion of the Annual Accounts in time to meet the LSE requirements.
- 9.2.3 Chief Officers shall be responsible for ensuring that their staff provide the Chief Officer - Finance with such assistance as is necessary to ensure the deadlines

set by the Chief Officer - Finance for the completion of the Annual Accounts are complied with.

9.2.4 At the end of the financial year (or any other date as laid down by the Chief Officer - Finance), this shall include (but will not be limited to) the submission of:

- a copy of certified stock lists;
- a reconciliation of sums of petty cash held;
- assurance statements on internal controls;
- details of asset impairments and dilapidations;
- details of related parties and other organisations with which the Council has / may have control; and
- any other information necessary to close the Council's accounts.

9.2.5 It is the direct responsibility of the Chief Officers to provide the External Auditor with supporting documentation and any other information required in connection with the closure of the Council's Accounts.

## **10. LOCAL GOVERNMENT IN SCOTLAND ACT 2003**

### **10.1 Requirements of the Act**

10.1.1 The Act sets out a statutory duty on local authorities to secure Best Value in the delivery of their services. Best Value requires the Council to consider the balance between:

- the quality of performance of its functions;
- the cost to the authority of that performance; and
- the cost to persons of any service provided to them by the authority on a wholly or partly rechargeable basis.

10.1.2 In maintaining that balance, the Council shall also have regard to seeking the most effective and efficient means of delivering services to its citizens.

10.1.3 The Act also sets out the requirement for statutory trading accounts to be maintained for 'significant trading operations' and that they should break even over a 3-year rolling period.

10.1.4 The Act introduces a requirement under primary legislation for authorities to adopt proper accounting practice and sets out a statutory duty to publish performance reports, including provision for the inclusion of trading accounts under this duty.

10.1.5 The requirement to keep accounts in accordance with 'proper practices' is defined, for the purposes of local government legislation, as meaning compliance with the terms of the Code of Practice on Local Authority Accounting in the United Kingdom ("The Code"). The Code is prepared under International Financial Reporting Standards.

10.1.6 The Code specifies the principles and practices of accounting required to prepare a Statement of Accounts which gives a true and fair view of the financial position and transactions of a local authority. The Code is reviewed continuously and is normally updated annually by the CIPFA/LASAAC Local Authority Code Board ("CIPFA/LASAAC").

## 10.2 Key Roles and Responsibilities

### 10.2.1 City Growth and Resources Committee

The City Growth and Resources Committee is responsible for oversight of the Council's:

- Revenue Budget;
- Capital Plan; and
- Common Good budget.

The City Growth and Resources Committee will also receive quarterly reports on the Council's Financial Performance as prepared by the Chief Officer – Finance.

The Capital Programme Sub Committee will oversee and scrutinise the Council's capital programme, making recommendations to the City Growth and Resources Committee on whether business cases should be approved for inclusion in the capital plan.

### 10.2.2 Audit, Risk and Scrutiny Committee

The Audit, Risk and Scrutiny Committee is responsible for the review of:

- the risk management system;
- the control environment; and
- internal and external audit reports.

The Committee is also responsible for overseeing the implementation of the Council's ALEO Assurance Framework, including the operation of the ALEO Assurance Hub

## 11. LOCAL AUTHORITY RESERVES

### 11.1 Background

11.1.1 To assist authorities in developing a framework for reserves, CIPFA have issued guidance in the form of the Local Authority Accounting Panel (LAAP) Bulletin 99 – Guidance Note on Local Authority Reserves and Balances. This guidance outlines the framework for reserves, the purpose of reserves and some key issues to be considered when determining the appropriate level of reserves.

### 11.2 Statutory/Regulatory Framework for Reserves

11.2.1 Local Authorities may only hold reserves for which there is a statutory or regulatory power to do so. In Scotland the legislative framework is as follows:

Reserve	Powers
General Fund	Local Government Scotland Act 1973

Capital Fund Insurance Fund	Local Government Scotland Act 1975
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11.2.2 For each reserve there is a clear protocol setting out:

- the reason / purpose of the reserve;
- how and when the reserve can be used;
- procedures for the reserves management and control; and
- the review timescale to ensure continuing relevance and adequacy.

The protocol for each reserve is as follows:

### **General Fund**

#### **Purpose of the Reserve**

Every local authority shall have a General Fund and the following shall apply in respect of the General Fund:

- (a) All sums received by or on behalf of the authority shall be paid into that Fund.
- (b) All fees, commissions, discounts allowed on payment of accounts and expenses payable to or recovered by any officer of a local authority in respect of any business relating to the authority whether by reason of his office or otherwise shall be accounted for and paid into that Fund.
- (c) All sums payable by the authority shall be paid out of that Fund.

#### **Use of Reserve**

This represents the general reserve of the Council and is used to manage the financial strategy of the Council. Any use of General Fund reserves must be approved by the City Growth and Resources Committee.

#### **Management and Control**

Management and control is maintained through the established financial management processes for producing the Annual Accounts and the Council's budget.

### **Capital Fund**

#### **Purpose of the Reserve**

To defray any expenditure of the authority to which capital is properly applicable, or to provide money for repayment of the principal of loans (but not payment of interest on loans).

### **Use of reserve**

The Capital Fund will support major capital investment projects within the Council's approved capital programme.

### **Management and Control**

Management and control is maintained through the established financial management processes for producing the Annual Accounts and the Council's budget.

### **Insurance Fund**

#### **Purpose of the Reserve**

An authority may operate an Insurance Fund for the following purposes:

- (a) where the authority could have insured against a risk but have not done so, defraying any loss or damage suffered, or expenses incurred, by the authority as a consequence of that risk; or
- (b) paying premiums on a policy of insurance against a risk.

#### **Use of reserve**

The reserve is used to manage insurance costs over the medium term.

#### **Management and Control**

The Insurance Fund is subject to dedicated accounting rules and procedures as approved by LASAAC (Local Authorities Scotland Accounts Advisory Committee).

11.2.3 The adequacy and relevance of each Fund is reviewed by the Chief Officer - Finance at each year-end and through the budget process. All recommendations for movements in balances are reported to Council either through the year-end report or as part of the budget and service plan strategy.

11.2.4 The Code of Practice on Local Authority Accounting in the United Kingdom has introduced a number of technical reserves in line with proper accounting practice associated with capital accounting, defined benefits pension schemes, financial instruments and employee benefits. These reserves are governed by specific accounting treatment and do not form part of the Council's general available reserves.

### **11.3 Operation of Reserves**

11.3.1 Useable reserves are generally held to do three things:

- create a working balance to help cushion the impact of uneven cash flows and avoid unnecessary temporary borrowing – this forms part of general reserves;

- create a contingency to cushion the impact of unexpected events or emergencies – this also forms part of general reserves; and
- create a means of building up funds, often referred to as earmarked reserves, to meet known or predicted liabilities.

#### **11.4 Role of the Chief Officer - Finance**

11.4.1 The Chief Officer - Finance is responsible for advising on the levels of reserves. The Council, based on this advice, should then approve the appropriate strategy as part of the budget process.

#### **11.5 Adequacy of Reserves**

11.5.1 There is no guidance on the minimum level of reserves that a Council should hold. In determining reserve levels, the Chief Officer - Finance must take account of the strategic, operational and financial risks facing the Council over the medium term and the Council's overall approach to risk management.

11.5.2 In determining the level of general reserves, the Chief Officer - Finance should consider the Council's Medium Term Financial Plan and the overall financial environment. Guidance also recommends that the Chief Officer - Finance also reviews any earmarked reserves as part of the annual budget process.

11.5.3 In light of the size and scale of the Council's operations, over the medium term a risk-based approach has been taken to establish a level of uncommitted reserves to be held by the Council. This Reserves Strategy should be reviewed on a regular basis. The value of reserves must be reviewed annually as part of the Council's Budget and Business Planning process and in light of the financial environment at that time.

11.5.4 The level of other earmarked funds will be established as part of the annual budget process.

#### **11.6 Reporting Framework**

11.6.1 The Chief Officer - Finance has a fiduciary duty to local taxpayers to ensure proper stewardship of public funds.

11.6.2 The level and utilisation of reserves will be formally approved by the Council based on the advice of the Chief Officer - Finance. To enable the Council to reach a decision, the Chief Officer - Finance should clearly state the factors that influenced this advice.

11.6.3 As part of the budget report the Chief Officer - Finance should state:

- the current value of general reserves, the movement proposed during the year and the estimated year-end balance and the extent that balances are being used to fund recurrent expenditure;
- the adequacy of general reserves in light of the Council's Strategic Business Plan; and
- an assessment of earmarked reserves and advice on appropriate levels and movements during the year and over the medium term.



## **12. NORTH EAST SCOTLAND PENSION FUNDS**

### **12.1 Introduction**

The North East Scotland Pension Fund (NESPF) and the Aberdeen City Council Transport Fund (ACCTF) are administered by Aberdeen City Council within the Local Government Pension Scheme (LGPS) Regulations.

The Scheme was established under the Superannuation Act 1972 and is open to all employees of the scheduled bodies, except for those whose employment entitles them to belong to another statutory pension scheme (e.g. Police, Fire, Teachers). Employees of admitted bodies can join the Scheme subject to the admitted bodies' individual admission criteria, which are out-with the control of Aberdeen City Council.

The Funds' investments are externally managed in accordance with the Local Government Pension Scheme (Scotland) (Management and Investment of Funds) Regulations 2010, as amended.

All pension benefits are paid in accordance with the Local Government Pension Scheme (Scotland) Regulations 2014, as amended.

### **12.2 North East Scotland Pension Fund Pensions Committee**

Aberdeen City Council is the administering authority for the North East Scotland Pension Fund (NESPF) and the Aberdeen City Council Transport Fund (ACCTF). The Council delegates this responsibility to the Pensions Committee.

The Pensions Committee is the key decision maker for all matters under the LGPS Regulations including benefit administration and investment management.

The Council and the Pensions Committee have fiduciary duties and responsibilities towards pension scheme members, participating employers and local taxpayers.

### **12.3 North East Scotland Pension Fund Pension Board**

The Pension Board is responsible for assisting the Scheme Manager in relation to:

- Compliance with the Local Government Pension Scheme (Scotland) Regulations 2014, as amended, and any other legislation relating to the governance and administration of the Scheme; and
- Securing compliance with requirements imposed by the Pensions Regulator.

### **12.4 Pension Funds Management and Control**

#### **12.4.1 Scheme Governance**

The Chief Officer - Finance shall ensure that the Pensions Section complies with all government regulations in the administration of the Pension Funds.

The Chief Officer - Finance shall ensure that all required policy statements are created, maintained and annually reviewed, and reported to the Pensions Committee as required. The statutory statements/policies are currently:

- Governance Policy Statement
- Governance Compliance Statement
- Training Policy
- Statement of Investment Principles
- Pensions Administration Strategy
- Communication Policy

#### 12.4.2 Accounting

The North East Scotland Pension Funds are governed by the Council and are required to:

- Make arrangements for the proper administration of their financial affairs and to secure that the proper officer of the administering authority has responsibility for the administration of those affairs (section 95 of the Local Government (Scotland) Act 1973). For the North East Scotland Pension Funds, that officer is the Chief Officer - Finance of Aberdeen City Council;
- Manage its affairs to secure economic, efficient and effective use of resources and safeguard its assets;
- Ensure the Annual Accounts are prepared in accordance with legislation (The Local Authority Accounts (Scotland) Regulations 2014), and so far as it is compatible with the legislation, in accordance with proper accounting practices (section 12 of the Local Government in Scotland Act 2003); and
- Approve the Annual Accounts for signature by the Section 95 officer.

#### **The Chief Officer - Finance's responsibilities:**

The Chief Officer - Finance is responsible for the preparation of the Pension Funds' Annual Accounts in accordance with proper practices as required by legislation and as set out in the CIPFA/LASAAC *Code of Practice on Local Authority Accounting in the United Kingdom* (the accounting code).

In preparing the Annual Accounts, the Chief Officer - Finance will:

- select suitable accounting policies and then apply them consistently;
- made judgements and estimates that are reasonable and prudent;
- comply with legislation; and
- comply with the Local Authority Accounting Code (in so far as it is compatible with legislation).

The Chief Officer - Finance will also:

- keep adequate accounting records which are up to date; and

- take reasonable steps for the prevention and deletion of fraud and other irregularities.

It is the responsibility of the Pension Fund Manager to provide the Internal/External Auditor's with supporting documentation and any other information required in connection with the Pension Funds' accounts.

#### **12.4.3 Global Custody Arrangements**

The Chief Officer - Finance shall ensure that appropriate custody arrangements are in place to provide for the:

- safe custody of Scheme assets;
- income collection;
- proxy voting;
- foreign exchange transactions;
- the provision of a 'global record keeper'; and
- investment accountancy services.

The Chief Officer - Finance shall make recommendations to the Pensions Committee regarding added value custody services, such as, but not limited to:

- cash management;
- performance measurement; and
- stock lending.

#### **12.4.4 Cash Management**

Subject to the overriding requirements of the Council's Treasury Management Policy and Strategy, the Chief Officer - Finance shall create and maintain a Cash Management Policy in respect of the North East Scotland Pension Funds. The policy will provide for cash management practices in compliance with the Pension Funds' long-term investment objectives as set out in the Pension Funds Statement of Investment Principles.

The Chief Officer - Finance shall review the cash management strategy, policies, objectives, controls and activities annually, and report on these to the Pensions Committee.

#### **12.4.5 Financial Controls**

The Chief Officer - Finance shall maintain separate bank accounts on behalf of the Pension Funds as per the requirements of the LGPS Regulations.

The Chief Officer - Finance shall ensure that financial transactions carried out on behalf of the Pension Funds will be carried out with due regard to segregation of duties.

The Chief Officer - Finance shall approve the scope and limit of financial transactions carried out on behalf of the Pension Funds.

#### **12.4.6 Budget**

A budget will be prepared taking into account the following:

- a) any 'Service Level Agreement' between Aberdeen City Council and the Pension Funds;
- b) any projected Fund management costs. These costs are to be assessed by the Chief Officer - Finance and the Pension Fund Manager regarding any likely movement in the investment markets over a 12-month period; and
- c) any projected third-party costs. These costs are to be assessed by the Chief Officer - Finance and the Pension Fund Manager.

It is the responsibility of the Pension Fund Manager to report any variations to the budget to the Pensions Committee on a quarterly basis.

#### **12.4.7 Financial Administration**

- The Chief Officer - Finance shall ensure that appropriate policies are in place and are regularly reviewed for the effective and efficient collection of all monies due to the Pension Funds.
- The Chief Officer - Finance shall ensure that all outstanding income due to the Funds are pursued by the Pensions Section and escalated to the Service Income Section as appropriate. A report shall be prepared annually by the Pension Fund Manager for the Chief Officer - Finance regarding the write-off of unrecoverable debt. On review of the annual report the Pension Fund Manager shall be authorised to write off debts up to a value of £10,000, and the Chief Officer - Finance is authorised to write off debts up to a value of £25,000. All unrecoverable debts over £25,000 would be submitted to the Pensions Committee to seek approval for write-off.
- The Chief Officer - Finance shall ensure that effective procedures are in place and regularly reviewed regarding the Pension Funds' expenditure.
- The Chief Officer - Finance shall ensure that accurate records are maintained in respect of all Pension Funds' income and expenditure activity.
- The Chief Officer - Finance shall ensure that the Pension Funds have in place appropriate IT and accounting systems to comply with the requirements of the LGPS Regulations.

The Chief Officer - Finance shall be responsible for authorising all agreements and other documents concerning the administration of the Pension Funds.

#### **12.4.8 Employee benefit payments**

The Chief Officer - Finance shall approve and control arrangements for the payment of all benefits to Scheme members and the transfer of Pension Fund benefits to external pension providers.

The Senior Pensions Officer (Benefits) will review and authorise all payments and transfers processed through the Pension Fund benefit administration system.

#### **12.4.9 Risk Management**

Subject to overriding requirements at Regulation 12 of the LGPS (Management and Investment of Funds) (Scotland) Regulations 2010, as amended, the Chief Officer - Finance shall be responsible for the identification and control of Risk for the North East Scotland Pension Funds.

The Chief Officer - Finance will carry out an ongoing review of risk management relating to the Pension Funds and will report quarterly to the Pensions Committee in respect of all risk matters impacting the Pension Funds.

#### **12.4.10 Audit**

The Pension Funds shall be subject to the same internal audit appointments as the Council, providing there is no conflict of interest. The Pension Funds' External Auditors shall be appointed by the Accounts Commission.

The internal and external audit functions shall report to the Pensions Committee. A copy of such information shall be provided to the Audit, Risk and Scrutiny Committee.

An annual internal and external audit plan shall be drawn up after discussion with the Chief Officer - Finance and the Pension Fund Manager for the Pensions Committee's information, input and approval.

Both the internal and external audit function shall work directly with the Pension Fund Manager in relation to work carried out and followed up, with reporting to the Pensions Committee.

Internal and External Audit shall prepare an annual report, including their audit opinion, on the overall adequacy of the Pension Fund's control environment.

#### **12.4.11 Investment of Funds**

The Chief Officer - Finance will be responsible for ensuring that all monies in respect of the Pension Funds' shall be invested in accordance with the Local Government Pension Scheme (Scotland) Regulations.

The Chief Officer - Finance shall ensure that proper records are maintained regarding the investments of the North East Scotland Pension Funds.

The Chief Officer - Finance will be responsible for ensuring that, all investment will be held either in the name of the Aberdeen City Council Pension Fund or appropriate nominee name.

Asset classes considered as being suitable investments for the Pension Funds will be detailed in the Pension Funds' 'Statement of Investment Principles' (SIP). The SIP will be subject to annual review by the Pensions Committee.

In accordance with the Local Government Pension Scheme Regulations the Pensions Committee will take proper advice regarding investment of the Funds' monies including advice from the Chief Officer - Finance.

#### **12.4.12 Service Providers**

The Chief Officer - Finance shall ensure that all service providers engaged on behalf of the Pension Funds will be appointed in accordance with the Procurement Regulations.

The Pension Funds have identified the following third-party service providers as 'key' providers regarding the Pension Funds service provision. The list is not exhaustive and may be revised subject to direction by the Chief Officer - Finance:

- the Council;
- Scheme Actuary;
- Global Custodian;
- Investment Fund Managers;
- Investment Consultants;
- Benefit Administration system provider; and
- Implementation Services.

All third-party service providers will be subject to annual performance review (or more often as required) with reporting to the Pensions Committee as required.

#### **12.4.13 Travel and Expenses**

In respect of the North East Scotland Pension Funds', the Chief Officer - Finance shall approve an annual travel plan regarding the attendance at training events and conferences for elected members and officers.

Travel will be approved in accordance with the Travel Procedures set out in sections 4.7 and 4.8. To the extent that those procedures do not apply to all travel requirements relating to the Pension Funds, additional procedures specific to the Pension Funds will be determined by the Chief Officer – Finance.

## APPROVED EXEMPTIONS FROM REQUIREMENT TO ISSUE A PURCHASE ORDER

The requirement to issue a purchase order is set out in Financial Regulation 5.12.2 and 5.12.3.

Essentially there are only 2 overarching reasons to not use a Purchase Order when committing or incurring expenditure and all Exemptions must meet one or other of these 2 criteria.

1. The expenditure being incurred would not represent a purchase of supplies, services and works
2. There is an agreed alternative control process in place

Specific examples that meet these 2 criteria are as follows:

1. The expenditure being incurred would not represent a purchase of supplies, services and works:
  - 1.1 Payments made through the payroll system
    - 1.1.1 Salaries and wages
    - 1.1.2 Payroll deductions including payments to HMRC, pension funds and employee benefits scheme providers
    - 1.1.3 Travel and subsistence claims
  - 1.2 Taxation and similar payments made to government bodies
    - 1.2.1 Levies
    - 1.2.2 Council Tax
    - 1.2.3 Business Rates
    - 1.2.4 Payments to the Tax Authorities
  - 1.3 Transfer payments
    - 1.3.1 Benefit payments including Housing Benefit, Universal Credit etc.
    - 1.3.2 Grant schemes and other similar payments e.g. fund distributions
  - 1.4 Other payments that do not constitute a purchase of supplies, services and works
    - 1.4.1 Grant schemes and other similar payments e.g. fund distributions
    - 1.4.2R Refunds to customers/clients
    - 1.4.3 Insurance/Legal settlements and compensation payments
    - 1.4.4 Court fees/Legal fees
    - 1.4.5 Interview Expenses
    - 1.4.6 Long service awards
    - 1.4.7 Subscriptions to Professional Bodies (code 12873)
    - 1.4.8 SQA fees
    - 1.4.10 Registration & Inspection fees

- 1.4.11 Purchase of land and heritable property
- 1.5 Other agreed exemptions
  - 1.5.1 Postages
  - 1.5.2 Hire of taxis
  - 1.5.3 Payments related to the election function
- 2. There is an agreed alternative control process in place:
  - 2.1 Payment vouchers/Self Bills
  - 2.2 Payments to foster carers, adoption fees and kinship carer payments
  - 2.3 Payments made via the one-bill system, including gas, electric, telephone, photocopying charges and utility bills for Void properties
  - 2.4 Property Rents
  - 2.5 Payments made via feeder systems with an alternative purchase commitment recording functionality.
    - 2.5.1 Care Client Payments (e.g. Carefirst)
    - 2.5.2 Building and Infrastructure works and jobs (Consillium)
    - 2.5.3 Fleet related payments (Tranman/Jamma)
    - 2.5.4 Other specific payments where there is an alternative control process such as library and asset related (e.g. Spydus; Confirm)
  - 2.6 Items purchased using purchasing cards or credit cards (specific control arrangements apply to the use of these cards)
  - 2.7 Ongoing annual (repeat) subscriptions
  - 2.8 Unitary Charges (e.g. 3R's/AWPR projects)
  - 2.9 Payments for agency staff using relevant framework contracts and alternative controls.

All other purchases require a purchase order to be raised and quoted on the supplier's invoice. Invoices not containing the purchase order number will not be paid.

No exceptions will be accepted unless specifically approved by the Chief Officer - Finance or their authorised representative.



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## Review of Procurement Regulations

Existing PR Reference	Proposed Change	Rationale for Change
Various	<p>Incorporation of the governance for concession contracts. A contract is a concession contract when the Council allows a third party to operate a service or undertake works (usually it is a service from a council owned premises) with a view to making a profit. Usually such an arrangement is without cost to the council.</p> <p>New provisions include:</p> <ul style="list-style-type: none"> <li>• Chief Officer of the commissioning cluster, following consultation with the Head of Commercial and Procurement has delegated authority to approve concession contracts under the EU threshold;</li> <li>• Permission to procure a concessionaire for concession contracts with a Contract Value over the EU Threshold must be approved by committee</li> <li>• Both under and over EU threshold Concession Contracts must be procured following the same processes as are set out for under and over EU threshold services or works contracts.</li> </ul> <p>(The EU Threshold in respect of Concession Contracts is £4,551,413 of <u>turnover from the contract</u> (this is already explained in the definition of Contract Value). Concession Contract above that value become subject to the rules of the Concession Contracts (Scotland) Regulations 2016.)</p>	<p>The regulations do mention concession contracts in places (for example the definition of “Contract Value” already includes what that means in the context of a concession contract), but there is no mention of them in other places. As concession contracts over a certain value are regulated (in the same way as services contracts over £50,000 and Works contracts over £250,000) the regulations should set out the procedure to be followed to award regulated concession contracts, and the committee approval and delegations.</p>

2.1.2	New definition: <b>Capital Programme</b> means a list of the budgets allocated to capital projects, and the associated funding, either (i) approved at the annual Council budget meeting; (ii) approved by the City Growth and Resources Committee; or (iii) approved under Powers Delegated to Officers, or a specific delegation from Council or committee.	Term is used in proposed changes to para 4.1.1.2.
2.1.8	Defined term “Corporate Procurement Strategy” changed to “Corporate Procurement Plan” and similarly amended throughout the document. No change to the definition.	Procurement Strategy didn’t meet ACC’s definition of a strategy so wasn’t included as a strategy in the framework that was approved by the SCC. It was reclassified as a plan.
3.3	Addition of the following wording at the end of clause 3.3: Employees of NHS Grampian appointed as officers of the Council for the purpose of delivering integrated services will be required to comply with Aberdeen City Council Procurement Regulations when undertaking a procurement pursuant to a Direction issued by the IJB to the Council. The Council’s Head of Commercial and Procurement will maintain a list of such individuals. Any breach or non-compliance may result in being removed from the appointment as an officer of the Council and may result in a referral for disciplinary action in line with the policies of the NHS Grampian. The Council’s Head of Commercial and Procurement will maintain a list of those officers of the Council that are required to comply with the Procurement Regulations of NHS Grampian. Any breach of those regulations will be treated as non-compliance with Council’s Procurement Regulations.	The Aberdeen City Health and Social Care Partnership (ACHSCP) is a collection of NHS Grampian and Council employees undertaking procurements as directed by the ACHSCP. This addition has been made to clarify the requirement to follow the regulations of organisation for which the procurement is being undertaken for.  This also aligns with a similar addition proposed in the financial regulations.
4.1.1	Addition of wording to clarify that expenditure must be met from an approved budget.	Reflects what is stated in the Financial Regulations and also will clarify that “expenditure approval” and having an approved budget are two distinct requirements. Officers often think that if they have an approved budget, they can

		spend from it without further approval, however that is not the case.
4.1.1.2	<p>Expenditure and procurement approval for Business Cases above £250,000 for works contracts that relate to capital projects that are already part of the Capital Programme may be approved by Director of Resources following consultation with Chief Officer – Capital, Head of Commercial and Procurement and Conveners of the Capital Programme Committee and the City Growth and Resources Committee.</p> <p>Business Cases that above £250,000 for works contracts that are not already part of the capital programme can only be submitted to the City Growth and Resources Committee with the approval of Chief Officer – Capital (previously it was Head of Commercial and Procurement).</p>	<p>To align with amendments proposed to Powers Delegated to Officers which were suggested to reflect the delegation of power approved at the previous Budget Meeting.</p> <p>To reflect that Full Council will approve the capital programme as part of the budget process and proposed additions out with that considered by CG&amp;R.</p>
4.1.1.4 (Expenditure via Frameworks)	<p>Procurement of supplies, services and works must whenever possible be procured under Scotland Excel or Scottish Government Frameworks. Where this is not possible and the Contract Value is above £50,000 (services) and £250,000 (works), the delegated procurer must justify why it is not possible in their business case.</p>	<p>Using frameworks not only give assurance on best value, the use of them mitigates the need for numerous and recurring individual procurement exercises reducing demand on internal resources.</p> <p>Scotland Excel and Scottish Government Frameworks are proposed as the first port of call because, as a member authority of the Scotland Excel Joint Committee, the Council pays an annual fee and is consulted on the frameworks that are put in place. Similarly, as a stakeholder, the Council is also consulted by the Scottish Government in respect of the framework agreements it puts in place. This means that it is more likely that the framework will meet the needs of the Council.</p>
4.1.3.1	<p>Introduction of the delegated authority to Head of Commercial and Procurement, following consultation with the convener of Strategic</p>	<p>This is in line with procurement legislation (i.e. it is compliant to direct award in such circumstances).</p>

	Commissioning Committee or the City Growth and Resources Committee (as appropriate) to approve expenditure on direct awards or contract extensions without the need for committee approval when the works, supplies or services can only be provided by a particular economic operator because competition is absent for technical reasons or because that operator has an exclusive right (including intellectual property rights), and no reasonable alternative or substitute exists.	The change is requested to streamline the commissioning of such goods, works or services where there is no other reasonable option.
3.9(ii), 3.11, 4.1.1.4(iv), 5.3.2, 13.1	Requirement to record contracts on the contracts register clarified to state that it is all contracts over £10,000 (supplies/ services or works) and £4.5m (concessions)	A clarification to bring the regulations in line with the Procurement Manual and what is happening in practice. (The legal requirement to record contracts on the Councils contract register applies only to regulated procurements (over £50k for supplies/services, £250k for works).
8.8	New provision setting out that agreements with ALEOs setting out terms and conditions of annual funding will require the approval of the Strategic commissioning committee.	Some of the service level agreements with the Council's ALEOs could fall within the definition of a Concession Contract. As the rules regarding Concession Contracts are now written into the regulations, without this new provision, such ALEO concession arrangements may not be subject to member scrutiny. It is assumed that members will wish to retain the right to scrutinise and approve all concession arrangements with ALEOs.
14.6	Chief Officer to the IJB included in the requirement to provide work plans and business cases to the Head of Commercial and Procurement	A clarification to reflect what is happening in practice. The procurements on this work plan are being conducted by the Council and the related expenditure is Council money, so the Chief Officer of the IJB follows the same processes as any other Chief Officer in the Council.
14.6.2 and 14.6.3,	Deleted the requirement for directors/ Chief Officers to submit workplans to the Strategic Commissioning committee/ City Growth and Resources Committee.	This is a duplication/ not what has been happening in practice. As is already set out in the regulations, the directors/ Chief Officers submit their work plans to the Head of Commercial and Procurement and he submits them to SCC/ CG&R.
none	Insert definition of "EU Threshold" being the thresholds published from time to time on	The term is used throughout the regulations at present but is not defined. There are different thresholds for different

	<a href="https://www.gov.scot/publications/eu-procurement-thresholds">https://www.gov.scot/publications/eu-procurement-thresholds</a>	types of contracts, so quoting the website is the most succinct way of doing this.
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# Aberdeen City Council Procurement Regulations

Approved by Council [date]





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<b>Policy Author</b>	<b>Head of Commercial and Procurement</b>

## 1. Overview

- 1.1 The purpose of these Procurement Regulations is to:
- a. ensure that uniform contracting procedures of the highest standard are laid down for use throughout the Council;
  - b. secure compliance with the law;
  - c. ensure that the Council obtains best value in its procurement activity and all resultant contracts;
  - d. provide a framework for a more detailed Procurement Manual; and
  - e. protect the Council and its staff.
- 1.2 This shall ensure the Council consistently acts in a transparent and proportionate manner and in a way that is equal and without discrimination. In turn this shall lead to value for money, and more sustainable outcomes.

## 2. Definitions

- 2.1 Throughout this document the following definitions shall apply:
- 2.1.1 **Annual Procurement Report** means a report published by the Council annually in relation to Regulated Procurements.
- 2.1.2 **Capital Programme** means a list of the budgets allocated to capital projects, and the associated funding, either (i) approved at the annual Council budget meeting; (ii) approved by the City Growth and Resources Committee; or (iii) approved under Powers Delegated to Officers, or a specific delegation from Council or committee.
- 2.1.3 **City Region Deal Committee** means the Joint Committee established by Aberdeen City Council and Aberdeenshire Council under sections 56 and 57 of the Local Government (Scotland) Act 1973 with authority to approve business cases for City Region Deal projects; to approve operational expenditure within agreed Aberdeen City Region Deal Joint Committee budgets; and with responsibility for supporting and overseeing the implementation of the Aberdeen City Region Deal;
- 2.1.4 **Committee** means the Strategic Commissioning Committee of the Council with responsibility for monitoring best value, internal financial control, corporate governance relating to procurement, or any other matter to which the procedure for award of Council contracts may be relevant; or the City Growth and Resources Committee of the Council with responsibility for approving expenditure and procurement related to the Capital Programme, which may include an element of revenue spend;
- 2.1.5 **Concession Contract** means a works concession contract or a services concession contract as defined by the Concession Contracts (Scotland) Regulations 2016.
- 2.1.6 **Contract of Employment** means a contract between the Council and an individual that sets out an employee's employment conditions, rights, responsibilities and duties. This is distinct from an agreement to provide services for the Council, for example by a consultancy arrangement.

- 2.1.7 Contract Value** means the estimated aggregate total value (total estimated value), excluding VAT, over the entire term of the Contract which the Council expects to be payable under the contract. In the case of a works concession contract or a services concession contract, the value shall be calculated on the basis of the total net turnover of the concessionaire generated over the duration of the contract, as estimated by the Council, in consideration for the works and services that are the object of the concession.
- 2.1.8 Contracts Register** means a record of contract details currently in place within the Council.
- 2.1.9 Corporate Procurement Plan** means a document giving details on how the Council intends to carry out regulated procurements as required by Section 15 of the Procurement Reform (Scotland) Act 2014.
- 2.1.10 Council** means Aberdeen City Council.
- 2.1.11 Delegated Procurement Authority** or DPA means the authority that permits a Delegated Procurer to conduct a procurement, and to agree to award, amend or vary contracts for supplies, services or works on behalf of the Council.
- 2.1.12 Delegated Procurer** means any officer holding Delegated Procurement Authority and authorised to carry out procurement activities.
- 2.1.13 E-Tendering or Electronic Tendering** means a tendering process where the contract documents are published electronically and the tender response to these is also submitted electronically in the first instance. E-tender shall be construed accordingly.
- 2.1.14 EU Procurement Directive** means the European legislative framework for public procurement in force at the time a procurement process is entered into.
- 2.1.15 EU Threshold** means the Contract Value thresholds set by the EU from time to time, current thresholds are set out in the Procurement Manual.
- 2.1.16 Framework Agreement** means an agreement between one or more contracting authorities and one or more suppliers. The purpose of such agreements is to establish the terms governing public contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged.
- 2.1.17 IJB** means the Aberdeen City Integration Joint Board established by Order under section 9 of the Public Bodies (Joint Working) (Scotland) Act 2014.
- 2.1.18 Inside Information** means information which relates directly or indirectly to the Council or any of its group entities; has not been made public; is precise; and if it were made public, would be likely to have a significant effect on the prices of one or more of the Council's Bonds or could have an impact on the Council's credit rating.
- 2.1.19 Pensions Committee** means the Committee of the Council with responsibility for discharging all functions and responsibilities relating to the Council's role as administering authority for the North East Scotland Pension Fund;
- 2.1.20 Procurement Manual** means a supplement to these Procurement Regulations which gives detailed guidance on the Procurement Regulations.

- 2.1.21 Procuring Cluster** means the Cluster of the Council with responsibility for procuring any particular requirement for supplies, services, works or a concession on behalf of the Council or for the disposal of surplus materials.
- 2.1.22 Proper Officer** means any officer in the employment of the Council who is duly authorised for the purpose of signing contracts on behalf of the Council under the Council's Scheme of Delegation or any other resolution of the Council authorising officers to sign contracts.
- 2.1.23 Public Contracts Scotland** means the national portal for advertising public sector contract opportunities in Scotland, which may be found at [www.publiccontractsscotland.gov.uk](http://www.publiccontractsscotland.gov.uk).
- 2.1.24 Regulated Procurements** means a procurement where any contract formed will be a public contract the Contract Value of which is equal to or greater than the relevant contract Threshold, and which is not for the procurement of an excluded contract as defined in Section 4 of the Procurement Reform (Scotland) Act 2014 or a contract excluded from the scope of the Concession Contracts (Scotland) Regulations 2016.
- 2.1.25 Relevant Legislation** means the Scottish procurement legislation in effect at the time any procurement process is entered into, along with EU Procurement Directives and any other relevant applicable law.
- 2.1.26 Terms and Conditions** means the special and general arrangements, provisions and requirements of a contract.
- 2.1.27 Thresholds** means the financial value that determines how a procurement is to be undertaken.

### **3. Extent and Application**

- 3.1** These Procurement Regulations are made under section 81 of the Local Government (Scotland) Act 1973.
- 3.2** These Procurement Regulations must be interpreted in accordance with the principles of openness, fairness and non-discrimination.
- 3.3** All Council personnel shall comply with the terms of the Procurement Regulations. Any breach or non-compliance with these Regulations must, on discovery, be reported immediately to the Head of Commercial and Procurement. The Head of Commercial and Procurement may consult other relevant officers, including the Chief Executive, in order to determine the appropriate action. Failure by any employee to comply with the Procurement Regulations or the associated Procurement Manual may be grounds for disciplinary action. Employees of NHS Grampian appointed as officers of the Council for the purpose of delivering integrated services will be required to comply with Aberdeen City Council Procurement Regulations when undertaking a procurement pursuant to a Direction issued by the IJB to the Council. The Council's Head of Commercial and Procurement will maintain a list of such individuals. Any breach or non-compliance may result in being removed from the appointment as an officer of the Council and may result in a referral for disciplinary action in line with the policies of the NHS Grampian. The Council's Head of Commercial and Procurement will maintain a list of those officers of the Council that are required to comply with the Procurement Regulations of NHS Grampian. Any breach of those regulations will be treated as non-compliance with Council's Procurement Regulations.

- 3.4** Subject to the provisions of Paragraph 3.11, the Procurement Regulations shall apply to:
- a. Any procurements undertaken by, or on behalf of, the Council with the intention of creating a contract or contracts (including the creation of a framework agreement) for the purchase of goods and/or services, for the execution of works, or for the award of a concession;
  - b. Any procurements undertaken by, or on behalf of, the Council with the intention to enter into a call-off contract under an external framework agreement. Prior to call-off from any external framework agreement, an Adoption Report must be completed in accordance with the Procurement Manual;
  - c. Any amendment or variation of an existing contract for the purchase of goods or services, or for the execution of works, or an existing Concession Contract where:
    - I. that amendment or variation would exceed the parameters of the approval of the original procurement, or
    - II. the aggregate Contract Value of the original contract and the variation of that contract would exceed a threshold requiring approval at a higher level, or
    - III. the amendment would result in an assignation or novation to a new supplier;and
  - d. Any procurement undertaken by, or on behalf of, the Council with the intention of leading to the award of a public services concession contract or public works concession contract.
- 3.5** The Procurement Regulations are subject to the over-riding provisions of European, United Kingdom or Scots law governing public procurement. They are also subject to any statutory guidance issued from time to time by the EU Commission, UK Government or Scottish Government on public procurement.
- 3.6** When determining the Contract Value for the purchase of goods or services, or for the execution of works, the Delegated Procurer must take into account the aggregate value of the particular requirement for supplies, services or works across the whole Council and any contract extension option. When determining the Contract Value of a Concession Contract, the Delegated Procurer shall follow the Procurement Manual. Where any single requirement is divided into Lots the Contract Value will equal the aggregate value of all the Lots. If the procurement of any such requirements is split amongst a number of contracts which, taken individually, are below the threshold values, each of these contracts will be subject to the relevant EU Procurement Directive in place at the time of the procurement in the same way as if the requirements were procured through a single large contract.
- 3.7** Contracts related for “care and support services” are subject to a Light-Touch Regime as defined in the legislation. Details of the services covered under this regime, and how the Council will procure such services are covered by Procurement Regulation 15 and also included within the Procurement Manual.
- 3.8** All tendering for Supplies, Services and/or Works, or a Concession Contract by a Delegated Procurer shall be carried out following consultation with the Head of Commercial and Procurement.
- 3.9** The following types of contract are exempted from the provisions of these Procurement Regulations:-

- a. Any contract of employment;
  - b. Any contract relating to the acquisition or disposal or lease of heritable property or any other interest in land;
  - c. Any award or receipt of a Grant;
  - d. Any contract for the Sponsorship of an event;
  - e. Any contract which relates to the appointment of legal counsel or expert witnesses in any legal proceedings on behalf of the Council subject to Procurement Regulation 4.1.1.3;
  - f. Any contract which, in the opinion of the Director of the ProcuringCluster, or of the Chief Executive, is urgently required to prevent danger to life, serious risk to health or damage to property. Where practicable the Director or the Chief Executive shall consult with the Head of Commercial and Procurement before taking any action under this paragraph. In all circumstances where this exemption has been used:
    - i. the Head of Commercial and Procurement shall be notified as soon as reasonably practicable; and
    - ii. any contract with a Contract Value of greater than £10,000 (supplies/ services or works) or £4.5m (concessions) entered into, varied or terminated on behalf of the Council must be noted in the Contracts Register and be reported to the appropriate Committee by the Delegated Procurer as soon as practicable; and
  - g. Any contract that is to be performed in-house.
- 3.10** The Procurement Regulations may be suspended either in whole or in part by the Director of Commissioning and the Head of Commercial and Procurement in writing in respect of an award of any contract where the award of that contract is urgently required to meet the exigencies of theFunction/ Cluster.
- 3.11** Where the Director of Commissioning and the Head of Commercial and Procurement have decided that the criteria for suspension of Procurement Regulations are fulfilled, then a contract may be awarded to the preferred supplier or contractor as appropriate and the reason(s) must be noted in the Contracts Register if the Contract Value is greater than £10,000 (supplies/ services or works) or £4.5m (concessions). Any contract made on behalf of the Council under this paragraph shall be reported to the Strategic Commissioning Committee or the City Growth and Resources Committee, as appropriate by the Delegated Procurer as soon as practicable.
- 3.12** The Procurement Regulations must be read in conjunction with the Procurement Manual issued by the Head of Commercial and Procurement. Where there is any discrepancy between documents, the Procurement Regulations will take precedence.

**Any query regarding the application or interpretation of the Procurement Regulations should be made in the first instance to the Commercial and Procurement Cluster.4. Procurement Procedures**

**4.1 Authority to Incur Expenditure**

**4.1.1** No tender shall be invited or contract entered into for the purchase of goods or services, or for the execution of works unless the total estimated expenditure has been previously approved and can be met from an approved budget. No tender shall be invited for a concession or Concession Contract entered into unless it has been previously approved. The method of authorising a procurement is dependent on the Contract Value as follows:

**4.1.1.1 Contract Value below £50,000 (supplies/services), £250,000 (works) or £4.5m (concessions)** Subject to budget approval, the relevant Chief Officer may give authority to conduct any procurement where the estimated Contract Value is below these thresholds. Such procurements shall be undertaken by a Delegated Procurer in line with Section 4.3 of these Procurement Regulations.

**4.1.1.2 Contract Value above £50,000 (supplies/services) £250,000 (works), or £4.5m (concessions)** Contracts with an estimated Contract Value of above these thresholds shall be listed on the workplan to be submitted by the relevant Director or Chief Officer in accordance with Procurement Regulation 14.6. Each individual contract will also require a Business Case (conforming to a template approved by the Head of Commercial and Procurement) to be submitted by the relevant Chief Officer to the Strategic Commissioning Committee or the City Growth and Resources Committee as appropriate or where the contract relates to a capital project that is already part of the Capital Programme, to the Director of Resources.

Business cases may only be submitted to the Strategic Commissioning Committee on the approval of the Head of Commercial and Procurement. The approval of the Strategic Commissioning Committee is required prior to the procurement being undertaken.

Business cases may only be submitted to the City Growth and Resources Committee on the approval of the Chief Officer – Capital, following consultation with the Director of Resources and Chief Officer – Finance. The approval of the City Growth and Resources Committee is required prior to the procurement being undertaken.

Business Cases that relate to a capital project that is already part of the Capital Programme, may be approved by the Director of Resources following consultation with Chief Officer – Capital, Head of Commercial and Procurement and Conveners of the Capital Programme Committee and the City Growth and Resources Committee.

#### **4.1.1.3 Contracts above £5,000 for consultancy and accountancy services and services provided by Advocates and QCs**

Where the estimated Contract Value or appointment for: -

- a. Business and management consultancy and related services;
- b. Financial consultancy and accountancy related services; or
- c. Services provided by Advocates or QCs;

exceeds £5,000, the relevant Chief Officer may only give authority to engage the services following consultation with the Leader of the Council. In determining the estimated Contract Value of any contract or appointment covered by this Regulation 4.1.1.3, each individual contract or appointment shall be considered separately and there shall be no aggregation of separate contracts or appointments for the purposes of arriving at an estimated expenditure.

#### **4.1.1.4 Expenditure via Framework Agreements**

Delegated Procurers must whenever possible procure supplies, services and works under Scotland Excel or Scottish Government framework agreements provided that authority to incur expenditure for each call-off contract has been approved in accordance with these Procurement Regulations and also provided that: -

- i. An Adoption Report has been completed in accordance with the Procurement Manual,
- ii. No material change has been made to the call-off terms under the framework agreement and calling-off from the framework has been done in accordance with the procedures laid down within that framework,
- iii. All call-off contracts with a Contract Value of greater than £10,000 (supplies/ services or works) or £4.5m (concessions) must be added to the Contracts Register, and
- iv. If the aggregate Contract Value of call-off contracts under a framework agreement is likely to exceed the thresholds stated in Procurement Regulation 4.1.1.2 then the authority of the Strategic Commissioning Committee to incur the expenditure must be obtained in advance of the applicable thresholds being exceeded.

If it is not possible to procure supplies, services and works under a Scotland Excel or Scottish Government framework agreement, where the Contract Value exceeds £50,000 (services) or £250,000 (works) the Delegated Procurer must detail the reasons why in the business case to be submitted in accordance Procurement Regulation 4.1.1.2. Procurement Regulation 4.1.1.4(i) to (iv) will also apply.

#### **4.1.1.5 Expenditure Approved by the Integrated Joint Board**

Notwithstanding Procurement Regulation 4.1.1.2, the Director of Commissioning can approve (or nominate a person as having



authority to approve) any procurement or contract, as a result of a Direction from the Integrated Joint Board to the Council and/or a relevant business case, where the Contract Value of the contract is above £50,000 (supplies/services) or £250,000 (works) or £4.5m (concessions), subject to the approval of the Chief Officer – Finance and the Head of Commercial and Procurement without the need for the approval of any other Committee .

#### **4.1.1.6 Expenditure Approved by the Pensions Committee**

Notwithstanding Procurement Regulation 4.1.1.2, the Director of Resources can approve (or nominate a person as having authority to approve) any procurement or contract, as a result of a decision of the Pensions Committee and/or a relevant business case, where the Contract Value of the contract is of or above £50,000 (supplies/services) or £250,000 (works) or £4.5m (concessions), following consultation with the Chief Officer – Finance and the Head of Commercial and Procurement.

#### **4.1.1.7 Expenditure Approved by the City Region Deal Joint Committee**

Notwithstanding Procurement Regulation 4.1.1.2, the Director of Resources can approve (or nominate a person as having authority to approve) any procurement, contract and/or business case for the inclusion of a project onto the Council's Capital Programme, as a result of a decision of the Aberdeen City Region Deal Joint Committee and/or a relevant business case, where the estimated Contract Value is of or above £50,000 (supplies/services) or £250,000 (works) or £4.5m (concessions), following consultation with the Chief Officer – Finance, Chief Officer - Capital and the Head of Commercial and Procurement.

### **4.1.2 Exceeding approved Contract Value**

**4.1.2.1** Where a Contract Value has been previously approved by the relevant Chief Officer, or Committee and it becomes apparent to the Chief Officer of the Procuring Cluster that the indicative total Contract Value as previously reported is likely to be exceeded, the relevant Chief Officer shall consult with the Head of Commercial and Procurement on what action requires to be taken and no further orders shall be made under the contract until such advice has been obtained.

**4.1.2.2** Subject to 4.1.2.3 where the Contract Value is likely to exceed what has previously been approved, and the additional cost is more than either the lesser of £100,000; or 50% of the approved Contract Value, in the case of supplies/ services or works, or the additional turnover from the contract is more than the lesser of £4.5m and 10% of the original Contract Value in the case of a Concession Contract; the relevant Chief Officer shall ensure that a report on the matter is submitted to the next meeting of the Strategic Commissioning Committee or the City Growth and Resources Committee, as appropriate, for consideration. This Regulation applies to contracts equal to or greater than £50,000 for Goods and/or Services and to contracts equal to or greater than £250,000 for Works or a Contract Value of equal or greater than £4.5m for concessions. In such

circumstances the indicative previously agreed total Contract Value cannot be exceeded without the relevant approval being received.

#### **4.1.3 Competition absent for Technical Reasons**

**4.1.3.1** Where the works, supplies or services can only be provided by a particular economic operator because competition is absent for technical reasons or because that operator has an exclusive right (including intellectual property rights), and no reasonable alternative or substitute exists, following consultation with the Convener of the Strategic Commissioning Committee or the Convener of the City Growth and Resources Committee (as appropriate) the Head of Commercial and Procurement may approve a direct award to that economic operator and the estimated expenditure associated with that without the need for a business case to be presented to the relevant Committee. In all other respects, Regulation 4.1.1 will continue to apply, including the requirement that expenditure can be met from an approved budget.

4.1.4 There shall be no artificial splitting of a contract to avoid the application of the provisions of Scottish, UK or EU procurement law and/or these Procurement Regulations

#### **4.2 Authority to Carry Out Procurements**

**4.2.1** All contracts let by or on behalf of the Council shall be subject to an obligation on the Head of Commercial and Procurement to seek best value for the Council. The Head of Commercial and Procurement and the Delegated Procurer will be responsible for demonstrating fairness, non-discrimination, equal treatment and transparency in the contract procedures chosen to all parties having an interest in those procedures.

**4.2.2** Procurements shall only be carried out by Delegated Procurers who have been designated as such by the Head of Commercial and Procurement and who hold relevant Delegated Procurement Authority (Procurement Manual).

**4.2.3** Delegated Procurement Authority will be reviewed on an annual basis, or as required, and may be increased, reduced or withdrawn by the Head of Commercial and Procurement as necessary.

#### **4.3 Quotations - Contracts below £50,000 (Supplies/Services) or £250,000 (Works)**

**4.3.1** The procedure to be followed for the award of any contract by the Council depends on the estimated Contract Value. Values or amounts referred to in these Procurement Regulations shall be based on the best available estimate at the time of tendering.

**4.3.2** For any contract with a total estimated Contract Value below £50,000 (for supplies and services) £250,000 (for works), or £4.5m (for concessions) the Delegated Procurer shall follow the Procurement Manual and obtain written quotations to ensure the demonstration of best value to the Council in the sourcing decision. If quotations cannot be obtained the Delegated Procurer shall complete a Non-Competitive Action Form (included in the Procurement Manual) explaining why this is the case and submit it to the relevant Chief Officer for approval.

4.3.3 All requests for quotations shall be advertised, and submissions received, via the Quick Quote online procurement tool available via Public Contracts Scotland, unless authorisation has been given by the Head of Commercial and Procurement to the contrary.

#### **4.4 Competitive Tendering (Where the Contract Value is below the EU Threshold)**

4.4.1 Where any contract has an estimated Contract Value of between £50,000 and the EU Threshold (for supplies/services) or between £250,000 and the EU Threshold (works), or is otherwise exempt from the full application of EU Procurement Rules, competitive tendering shall be undertaken.

4.4.2 To ascertain how the procurement shall be undertaken in relation to the requirement, the Delegated Procurer shall follow the Procurement Manual.

4.4.3 All tenders shall be appropriately advertised, and submissions received, via Public Contracts Scotland or such other platform as may be authorised by the Head of Commercial and Procurement.

#### **4.5 EU Procurement**

4.5.1 An EU Procurement means a procurement undertaken in accordance with the Public Contracts (Scotland) Regulations 2015 or the Concession Contracts (Scotland) Regulations 2016 and requires advertising in the Official Journal of the European Union (OJEU). An EU Procurement must be undertaken where the Council proposes to tender for any contract with an estimated value equal to or exceeding the applicable EU Threshold (Supplies, Services or Works).

4.5.2 To ascertain how the procurement shall be undertaken in relation to the requirement, the Delegated Procurer shall follow the Procurement Manual.

4.5.3 All tenders shall be appropriately advertised, and submissions received, via Public Contracts Scotland or such other platform as may be authorised by the Head of Commercial and Procurement.

## **5. Roles and Responsibilities**

### **5.1 General Responsibilities**

5.1.1 It is the duty of all employees within the Council to ensure that these Procurement Regulations, and the Procurement Manual, are adhered to in order to ensure best value is achieved in relation to expenditure relating to supplies, services or works and the granting of Concession Contracts. The allocation of a budget as part of the Council's budget setting process is not sufficient to comply with these Procurement Regulations.

### **5.2 Head of Commercial and Procurement**

5.2.1 The Head of Commercial and Procurement is responsible for all procurement and tendering arrangements for the purchase of supplies, services, works and the granting of concessions.

5.2.2 The Head of Commercial and Procurement shall authorise, by means of Delegated Procurement Authority, adequately trained staff to undertake procurement activity (Delegated Procurers).

5.2.3 The Head of Commercial and Procurement shall ensure that the Procurement Manual is in place and that necessary revisions are made to it on a regular basis to reflect changes in legislation, Council policy or good practice.

5.2.4 The Head of Commercial and Procurement shall maintain a consolidated workplan for the Strategic Commissioning Committee and for the City Growth and Resources Committee. The workplans will contain a list of proposed procurement activity for the next financial year where the estimated expenditure per contract is £50,000 or more (supplies/services) or £250,000 (works) or £4.5m (concession) and will be compiled with the information provided by Directors/Chief Officers in accordance with Procurement Regulation 14.6.

### **5.3 Directors (including Chief Officer of Integrated Health & Social Care Partnership)**

5.3.1 Each Director has responsibility to ensure that staff in their Function follow the Procurement Regulations for all contracts let by their Function and is accountable to the Council for the performance of their duties in relation to contract management. Each Director shall be able to evidence that the procurements are compliant with these Procurement Regulations and the Procurement Manual.

5.3.2 Each Director shall ensure that all contracts in place within their Function with a Contract Value of greater than £10,000 (supplies/ services or works) or £4.5m (concessions) are entered into the corporate Contracts Register. The details required to be provided are detailed within the Procurement Manual.

### **5.4 Delegated Procurers**

5.4.1 All Delegated Procurers will ensure compliance with relevant procurement legislation, these Procurement Regulations and the Procurement Manual.

5.4.2 Delegated Procurers are authorised to undertake procurements to the levels stated within their individual Delegated Procurement Authority. They must ensure that these are not exceeded without the authority of the Head of Commercial and Procurement.

5.4.3 Delegated Procurers will undertake regular training in order to maintain their Delegated Procurement Authority.

## **6. Sustainable Procurement**

6.1 The Council is committed to working towards sustainable development, and in particular sustainable procurement and will work to embed the principles of sustainability at all stages of procurement activities to ensure that social, environmental and economic impacts are considered throughout the procurement and contract management process, consistent with relevant legislation.

6.2 In the context of these Procurement Regulations “sustainable development” shall be taken to mean development which secures a balance of social, economic, health and environmental well-being in the impact of activities and decisions. Sustainable development seeks to meet the needs of the present without compromising the ability of future generations to meet their own needs.

6.3 Before carrying out a Regulated Procurement (other than the procurement of a concessionaire), the Council must consider how in conducting the procurement process it can:

- i. improve the economic, social and environmental wellbeing of the Council's area.
- ii. facilitate the involvement of small and medium enterprises, third sector bodies and
- iii. supported businesses in the process.

6.4 In carrying out the procurement the Council must act with a view to securing such improvements as identified within paragraph 6.3. However the Council must only consider matters that are relevant to what is proposed to be procured and, in doing so, consider the extent to which it is proportionate in all the circumstances to take those matters in to account.

6.5 Detailed information is available within the Procurement Manual.

## **7. Purchase Orders**

7.1 No supplies, services or works shall be ordered or instructed except on an official order form, which shall be in an approved format unless one of the alternative control processes listed in Appendix A to the Council's Financial Regulations is in place. Where, by reason of urgency or necessity, a verbal order is issued, it must be confirmed within 3 working days with the issue of an official order form from the ordering system. The supplier shall be requested to quote order numbers on all invoices. The budget holder risks disciplinary action for noncompliance.

7.2 The order, with the contract references/schedule numbers added, shall be approved by the Director or other authorised signatory. All Directors must furnish the Chief Officer - Finance with a list of signatories approved for this purpose, and shall advise him or her of additions to or deletions from the list as they occur as per the Council's Scheme of Delegation. The officer approving the purchase order must be satisfied that there is appropriate budgetary provision covering the estimated cost and that Council procurement procedures have been followed prior to authorisation.

## **8. Special Matters**

### **8.1 Internal Services**

- 8.1.1 Where supplies, services or works can be provided by another Cluster of the Council, this may be delivered by that Council Cluster following consultation between the Chief Officers of the relevant Cluster(s) and the Head of Commercial and Procurement. It is the responsibility of the Chief Officer of the in-house provider to ensure that best value for the Council is achieved by either:
- a. carrying out such supplies, services or works at cost; or
  - b. providing requested advice and support in relation to contracting with an external provider.

### **8.2 Second Hand Goods**

- 8.2.1 Second hand goods up to a Contract Value of £50,000 may be acquired by the Council without a competitive quotation being obtained provided that:
- a. The Director of the relevant Function can demonstrate that the purchase is necessary to facilitate service delivery;
  - b. The Director of the relevant Function can demonstrate that the purchase represents best value, having given due consideration to the cost of an

equivalent new purchase and estimated life of the asset both from new and current age;

- c. The goods have been subject to inspection to ascertain their physical condition, with a record kept of the outcome of the inspection
- d. The Council has clear title to the goods; and
- e. The Director obtains in writing (which may be by e-mail) the prior agreement of the Head of Commercial and Procurement before effecting the purchase.

### **8.3 Grants**

**8.3.1** The award of grants is a means by which the Council provides subsidies or funding to external bodies (including individuals, businesses and third sector organisations) to further the aims of those external bodies. Grants must not be used to procure supplies, services or works which the Council would otherwise have to procure in accordance with these Procurement Regulations.

**8.3.2** Whilst an award of a grant by the Council may not be subject to these Procurement Regulations, it is essential that the Council's procedures on Following the Public Pound are considered.

**8.3.3** Where it is envisaged that there may be any procurement or state aid implications in the award of grants, then the Head of Commercial and Procurement must be consulted prior to entering into any such arrangement.

**8.3.4** Purchase of supplies, services or works in relation to grant funding awarded to the Council will be carried out in accordance with the provisions within these Procurement Regulations, as per the values within Regulation 4.1.

### **8.4 Shared Services**

**8.4.1** Shared Services are arrangements where the Council collaborates with other public authorities to obtain supplies, services or works from them. Advice on the operation of procurement rules in respect of any proposed shared service arrangement should be sought from the Head of Commercial and Procurement.

**8.4.2** Identification of a proposed shared service arrangement should be undertaken only following consultation with the Head of Commercial and Procurement and can only be entered into where the Director of the relevant Function can demonstrate that such an arrangement represents best value to the Council.

**8.4.3** Approval to enter into a shared service arrangement may also require the approval of the Strategic Commissioning Committee or City Growth and Resources Committee, as appropriate, as per Regulation 4.1.

### **8.5 Income Generation**

**8.5.1** Where a contract is to be entered into by the Council for income generation purposes and there will be no expenditure by the Council outwith approved budgets, the Head of Commercial and Procurement, following consultation with the Convener of the Strategic Commissioning Committee or City Growth and Resources Committee, as appropriate, shall approve the decision to enter into the contract and the Terms and Conditions of Contract to be utilised and there shall be no requirement for Committee approval.

## **8.6 Inside Information**

**8.6.1** The Council has issued Bonds on the London Stock Exchange and must comply with the Market Abuse Regulations which control how Inside Information must be dealt with by the Council. The Council may from time to time be required to make Inside Information public as part of the procurement process and must do so through the London Stock Exchange. All Delegated Procurers must ensure that they comply with the requirements of the Market Abuse Regulations in this regard and that they take advice as necessary from the Chief Office – Finance, Chief Officer - Governance or the Head of Commercial and Procurement. Further information may be sought in the Council's Bond Governance Protocol.

## **8.7 Procurement of Consultants**

**8.7.1** The appointment of consultants or sub-contractors shall be done in accordance with Procurement Regulation 4.1.1.3. Such appointments may fall within the IR35 rules which may result in the Council being liable to pay income tax and national insurance contributions in respect of the engagement. The Council must not enter into contracts with any individual or company direct without the prior approval of the Head of Commercial and Procurement. Officers must follow these Procurement Regulations and must engage with the Commercial and Procurement Cluster prior to agreeing to contract with an individual or organisation.

**8.7.2** In appointing consultants Directors / Chief Officers must ensure that the terms of agreement are controlled and knowledge transfer to Council officers should be effected where beneficial.

**8.7.3** Any contract for consultancy services shall be subject to the approval of the Head of Commercial and Procurement. IR35 implications must be established prior to commencing the procurement process. Amongst other things the contract shall specify:

- the precise scope of the commission;
- cost limits and controls;
- lines and levels of reporting, responsibility and authority;
- insurance cover (which must be verified by Council officers);
- the method of determining completion of work and payment thereof;
- standard Aberdeen City Council terms of payment; and
- the ownership of intellectual property rights relating to any material or computer software developed during the consultancy.

It shall be the responsibility of the relevant Director to ensure that any consultancy contract complies with the Procurement Regulations and the Financial Regulations.

## **8.8 ALEOs**

**8.8.1** Notwithstanding the regulations relating to Concession Contracts contained within these Procurement Regulations, no agreements setting out the terms



and conditions of annual funding shall be entered into with an ALEO unless previously approved by the Strategic Commissioning Committee.

## **9. Tender Issue and Receipt**

**9.1** The Delegated Procurer shall issue invitations to quote/tender and contract documents for all contracts in compliance with these Procurement Regulations and the Procurement Manual.

### **9.2 Terms and Conditions of Contract**

**9.2.1** Except where specialist Terms and Conditions are required, the Delegated Procurer shall use the standard Terms and Conditions of Contract in use by the Council, or those within a relevant framework agreement. Any specialist Terms and Conditions must be approved in writing by the Head of Commercial and Procurement. Terms and Conditions of Contract are detailed within the Procurement Manual.

**9.2.1** On no occasion will the Council contract under Terms and Conditions supplied by any tenderer/contractor unless these have been reviewed and agreed by the Head of Commercial and Procurement.

### **9.3 Advertisement**

**9.3.1** Unless agreed otherwise in writing by the Head of Commercial and Procurement, any tender which requires to be advertised in accordance with these Procurement Regulations shall be advertised via the Public Contracts Scotland website ([www.publiccontractsscotland.gov.uk](http://www.publiccontractsscotland.gov.uk)), notwithstanding any other form of advertisement or notice required by law or otherwise.

### **9.4 Issue of Tenders**

**9.4.1** Electronic Tendering (e-tendering) processes will be utilised for all tender exercises where this is practically possible. Contracts shall be advertised, contract documents issued, information exchanged, tenders submitted, received and opened via electronic means. Detailed information is available within the Procurement Manual.

**9.4.2** Where in exceptional circumstances, Electronic Tendering is not utilised all procedures shall reflect as closely as possible those where Electronic Tendering is utilised. Tender issue, submission and opening shall, in these circumstances, be undertaken as per the Procurement Manual.

### **9.5 Receipts of Tenders**

**9.5.1** Tenders will be received and opened electronically via the electronic tendering system utilised by the Council. Where, in exceptional circumstances, Electronic Tendering is not utilised, tender receipt and submission shall be undertaken as per the Procurement Manual.

## **10. Tender Evaluation**

**10.1** Tenders shall be evaluated by a group of nominated individuals in accordance with the Procurement Manual.



- 10.2** Tenders shall be evaluated in accordance with the quotation or tender award criteria, and on the basis of establishing which offer is the most economically advantageous and provides best value to the Council.
- 10.3** Tenders shall be evaluated strictly in accordance with the evaluation criteria set out in the tender documents. No tender shall be accepted based on evaluation of criteria not set out in the tender documents
- 10.4** A written record shall be maintained outlining the evaluation process, recording the process followed, the criteria applied, and detailing the reasons for the decision. This record shall be retained as per the Council's Corporate Retention & Disposal Schedule and is further detailed within the Procurement Manual.

## **11. Supplier Selection and Tender Acceptance**

- 11.1** As soon as reasonably practicable after a decision has been made to eliminate a supplier or tender at any stage of a procurement procedure the Council must notify those tenderers and candidates concerned of their elimination by notice in writing.
- 11.2** As soon as possible after a decision has been made to award any contract following a procurement process where Contract Value is above the relevant EU Threshold the Council shall, by notice in writing, inform all candidates and economic operators concerned of the Council's decision to award the contract.
- 11.3** Tender acceptance letters and debrief letters shall be prepared by the Delegated Procurer and approved by the relevant Category Manager within Commercial and Procurement. Debriefs shall be undertaken in accordance with relevant legislation.
- 11.4** An award report must be completed in accordance with the Procurement Manual.

## **12. Award of Contract**

- 12.1** At the conclusion of the tender procedure and (if applicable) after the expiry of any Standstill Period the final contract shall be entered into between the Council and the successful tenderer. Officers awarding contracts on behalf of the Council must be aware of the requirements in relation to disclosure of Inside Information as detailed in Procurement Regulation 8.6.
- 12.2** Contracts shall be entered into and executed as follows:
- 12.2.1 Contracts with a Contract Value equal to or exceeding the relevant EU Threshold**, through the execution of a written contract executed in accordance with Scots law, unless otherwise agreed in accordance with Paragraph 9.2.1, signed on behalf of the Council by a Proper Officer and signed by the contractor by a duly authorised person.
- 12.2.2 Contract Values of less than the relevant EU Threshold**, unless the Head of Commercial and Procurement has directed a particular option in the case of a procurement, the Delegated Procurer shall determine whether the contract should be executed either:
- i. through the execution of a written contract executed in accordance with Scots law (unless otherwise agreed in accordance with Paragraph 9.2.1) and signed on behalf of the Council by a Proper Officer and signed by the contractor by a duly authorised person; or

- ii. by the issuing of an Award Letter by the Chief Officer of the ProcuringCluster, and the return of such letter signed by a duly authorised person on behalf of the tenderer signifying their acceptance of the appointment on the terms and conditions stated therein.

## **13. Contract Management**

- 13.1** It is the responsibility of the Delegated Procurer to ensure that details of all contracts with a Contract Value of greater than £10,000 (supplies/ services or works) or £4.5m (concessions) are included within the Contracts Register and that copies of all concluded contracts are available to Commercial and Procurement as required.
- 13.2** The Delegated Procurer shall ensure that the performance of the contract is monitored and reviewed in a way which is proportionate to the value, duration, subject matter and complexity of the contract, and in accordance with the Manual and any other guidelines on contract management issued by the Council from time to time.
- 13.3** Officers managing contracts on behalf of the Council must be aware of the requirements in relation to disclosure of Inside Information as detailed in Procurement Regulation 8.6.

## **14. Records and Reporting**

- 14.1** The Head of Commercial and Procurement shall maintain and publish a Contracts Register for the monitoring of all contracts and framework agreements developed or in use across the Council, which shall include, as a minimum, all information as required by relevant legislation. This information is detailed within the Procurement Manual.
- 14.2** Each Procuring Cluster shall ensure that the required information as detailed within the Procurement Manual is communicated to Commercial and Procurement in order to maintain the Contracts Register.
- 14.3** The Head of Commercial and Procurement shall produce and publish a Corporate Procurement Plan, which shall be reviewed on an annual basis. The Corporate Procurement Plan shall include, as a minimum, all information as required by relevant legislation.
- 14.4** The Head of Commercial and Procurement shall produce and publish an Annual Procurement Report as soon as practicable after the end of each financial year. The Annual Procurement Report shall include, as a minimum, all information as required by relevant legislation.
- 14.5** Delegated Procurers shall comply with all reporting procedures put in place by the Head of Commercial and Procurement.
- 14.6** The Chief Operating Officer, the Directors of Resources, Commissioning and Customer Services, the Chief Officer – Governance, the Chief Officer – Strategic Place Planning, the Chief Officer – City Growth and the Chief Officer of the IJB shall: -
  - 14.6.1** submit to the Head of Commercial and Procurement, a workplan for their Function/Cluster prior to the commencement of each financial year (conforming to a template approved by the Head of Commercial and Procurement) detailing all contracts to be procured in the coming year with a Contract Value of £50,000 or more (supplies/services) or £250,000 or more (works) or £4.5m or more (concession); and

**14.6.2** update the Head of Commercial and Procurement from time to time in the event of any new procurements being added to the workplan; and

**14.6.3** submit business cases for their Function/Cluster as and when required to the Head of Commercial and Procurement, (conforming to a template approved by the Head of Commercial and Procurement) for each contract to be procured with a Contract Value of £50,000 or more (supplies/services), £250,000 or more (works) or £4.5m or more (concessions). The Head of Commercial and Procurement shall ensure that required business cases are brought to the appropriate Committee prior to any tender process commencing.

**14.7** The Head of Commercial and Procurement shall ensure that reports on matters specified in the Corporate Procurement Plan, and otherwise as required by the Procurement Regulations, are brought to the Strategic Commissioning Committee. or City Growth and Resources Committee, as appropriate.

## **15. Contracts for Care and Support Services**

**15.1** Except as otherwise stated in this section, these Procurement Regulations shall apply to Care and Support Services. For the purposes of this section of the Procurement Regulations, Contracts for Care and Support Services shall mean contracts for the provision of services under the Social Work (Scotland) Act 1968; the Children (Scotland) Act 1995; the Mental Health (Care and Treatment) (Scotland) Act 2003 or any other function of the Council covered by the definition of a care service in the Regulation of Care (Scotland) Act 2001, including housing support services and any other relevant legislation, and included in Schedule 3 of the Public Contracts (Scotland) Regulations 2015.

**15.2** The degree and method of competition required approving expenditure will depend on the total estimated expenditure for the contract as follows: -

<b>Estimated Contract Value / Threshold</b>	<b>Degree of Competition Required</b>
<b>i.</b> Up to £50,000	Written quotations must be obtained to demonstrate best value to the Council in accordance with the Procurement Manual.
<b>ii.</b> £50,000 up to the EU Light Touch Regime (“LTR”) Threshold (from 1st January 2018 set at £615,278 but subject to change every second 1st of January)	Direct awards may be made subject to appropriate approval in accordance with Procurement Regulation 15.3, otherwise a competitive tendering process shall be undertaken in accordance with procurement legislation.
<b>iii.</b> LTR Threshold and above	Must be advertised in OJEU and the light touch provisions in The Public Contracts (Scotland) Regulations 2015 apply.
<b>iv.</b> Contract Value over £4.5m (concessions only)	Prior Information Notice must be published in OJEU. A contract Notice is not required. Concession contract award notices must be published in OJEU, but may be grouped and published quarterly. containing the information set out in s49 of the

	Concession Contracts (Scotland) Regulations 2016.
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### 15.3 Justification of Direct Awards

Justification for making a direct award in relation to Threshold (ii), including call off contracts directly awarded from Framework Agreements, may include the following: -

- a. Where the relevant Chief Officer is satisfied that the requirement of the contract is unique or, after research, only one suitable source of supply can be identified;
- b. When, for reasons of extreme urgency or risk to life or health and wellbeing, the other procurement procedures cannot be complied with;
- c. Where, for example, in the case of certain residential or supported living services, there are only limited places available for a specific type of care and/or support and those places only become available occasionally and/or at short notice;
- d. Where the Council is instructed by a Children’s Hearing or Educational Tribunal to place a child in a particular setting;
- e. Where the individual has a right to choose and direct their own accommodation and/or support;
- f. Where the Relevant Chief Officer is satisfied that the risk to service user(s) outweighs the benefits of advertising the requirement and awarding the contract or framework following competition; or
- g. In exceptional circumstances, a direct award may be made in relation to Threshold (iii), for example in relation to residential care homes, where the provider owns the property and delivers the service and we have no ability to re-tender to change the provider. In accordance with the Scottish Government’s Best Practice Guidance: A public body should decide, on a case-by-case basis, whether or not to advertise the requirement and award a contract or framework agreement by competition. A number of factors should be taken into account, including application of the procurement legislation, procurement policy and risk of legal challenge; application of local financial regulations and standing orders; and benefits and risks to people who use services and service delivery.

### 15.4 Authority to Incur Expenditure in relation to Direct Awards

**15.4.1** Where the contract is for a service that does not facilitate individual placements:

**15.4.1.1** In relation to Threshold (i) – Approval by the relevant Chief Officer;

**15.4.1.2** In relation to Threshold (ii) - £50,000 up to the LTR Threshold and Threshold (iii): - The submission of a business case by the relevant Chief Officer to the IJB or, if applicable, the Strategic Commissioning Committee in advance of the contract being awarded: -

Where the direct award of a contract is being made for a service that does not facilitate individual placements, the business case must be approved by the Chief Officer in advance of the contract being issued. Where the direct award of a contract is being made as a call off from a framework agreement, i.e. relating to care and support for an individual, authorisation to incur

expenditure will be obtained in accordance with Care Management processes.

**15.4.2** Where the contract is for an individual placement, for any value, including call-off contracts from framework agreements, authorisation will be obtained in accordance with social work / care management procedures, for example, resource allocation or placing panel. Prior to call-off from any external framework agreement, an Adoption Report must be completed in accordance with the Procurement Manual.

#### **15.5 Authority to Carry Out Procurements**

The Social Care Commissioning, Procurement and Contracts team are Delegated Procurers for Health and Social Care Services, designated as such by the Head of Commercial and Procurement.



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# Member - Officer Relations

## Protocol

Sharing Values and a Common  
Purpose Approved by Council





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**Commented [AS1]:** Please note numbering of contents will be updated

**Version** 2.0  
**Effective From** 6 March 2019  
**To be Reviewed** March 2020  
**Application of Policy** Council-wide  
**Policy Author** , Stephanie Dunsmuir, Committee Services Officer

## 1. Good governance and a common purpose

1.1 The Council's Target Operating Model requires a significant programme of change which is transforming the way in which services are designed and accessed by our customers. The delivery of this ambitious programme is the shared responsibility of elected members and council officers at all levels of the organisation.

1.2 In achieving our ambitions for the City of Aberdeen and its residents, it is important to be clear about:

- the respective roles and responsibilities of elected members and council officers, and
- how the relationship between them can operate effectively to accomplish shared goals, in the public interest

The Target Operating Model also needs to be supported by the right structure and a leadership, cultural and behavioural framework has been developed to provide this.

1.3 This protocol results from an aspiration to adopt a proactive and positive approach to member-officer relations. This will have clear benefits for the organisation as well as the individuals within it. It responds to the Audit Scotland recommendation in their 2010 report, "Roles and Working Relationships: Are You Getting it Right?", so that Aberdeen City Council has a protocol which complements the Councillors' Code of Conduct. It also responds to Audit Scotland's 2015 audit of Best Value and Community Planning which stated that the Council should sustain improved working relationships and consider introducing further protocols and guidance for member-to-member and member-to-officer working. The Accounts Commission follow-up report "How Councils Work – Are You Still Getting it Right?" (Nov 2016) again reinforces the benefits for all Councils, particularly in light of increasing coalition arrangements, of protocols to clarify roles and responsibilities, including member officer engagement.

1.4 The CIPFA\* Framework of good governance underpins the Council's own governance structure, and all the key documents within that, including this protocol on member-officer relations. A theme which will be returned to throughout this document, as the requirements on both members and officers are explained, will be that of a common purpose. This is set out by CIPFA in the Delivering Good Governance in Local Government Framework 2016:

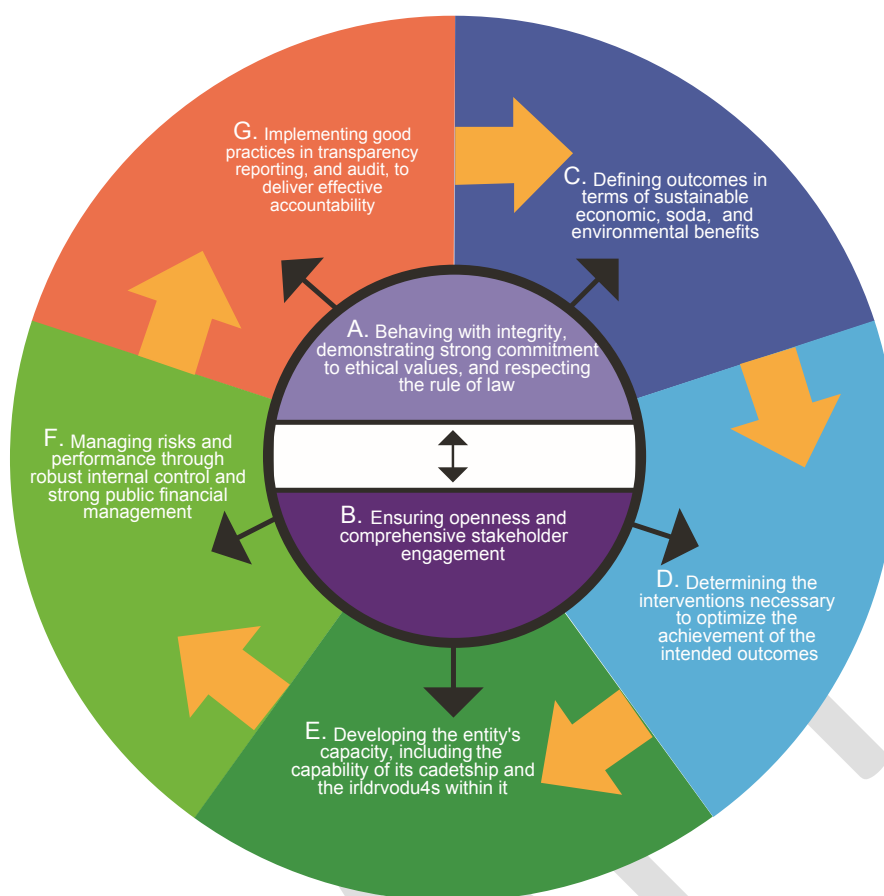
"It is crucial that the Framework is applied in a way that demonstrates the spirit and ethos of good governance which cannot be achieved by rules and procedures alone. Shared values that are integrated into the culture of an organisation, and are reflected in behaviour and policy, are hallmarks of good governance."

1.5 This emphasises that the achievement of the Council's intended outcomes can only be truly accomplished when members and officers operate from a shared set of values and consistently demonstrate these through a shared set of principles.

\* The Chartered Institute of Public Finance and Accountancy

Achieving the Intended Outcomes  
While Acting In the Public Interest at all Times

**Commented [AS2]:** Reference to Core Behaviours throughout document amended to reflect the new Guiding Principles (Purpose, Pride, Team, Trust and Value) approved by the Staff Governance Committee on 18 March 2019.



- 1.6 Local government can be a challenging environment. Financial and political pressures, albeit short-term and cyclical, can take their toll on member-officer relationships. CIPFA acknowledge the potential for this to interfere with the achievement of the Council's intended outcomes and urge authorities to act transparently and without conflict when this is the case. This can be achieved by agreeing a clear vision, which is performance measured, risk managed and based on a longer term view.
- 1.7 Good governance is also key to the Council's "triple aim" which consists of delivering a clear vision, modernising and transforming how we do business and clarity around the standards of behaviour expected of officers. These Guiding Principles form the basis against which employees' annual performance is measured and stress the requirement for open, honest communication, a focus on customers, high standards of professionalism and respect for people, property and processes.
- 1.8 Both members and officers work together to improve the experience for the customer, our use of resources, and the experience of all staff, and this is consistent with CIPFA's Framework for good governance.
- 1.9 This protocol is a tool for members and officers to achieve positive and constructive relations with each other in working towards our common purpose - our shared objectives for the people and place of Aberdeen.

## 2. Implementing the protocol

- 2.1 The protocol is underpinned at all times by the standards of good governance against which the Council measures itself annually. The protocol complements existing requirements under the Councillors' Code of Conduct for elected members, and the Employee Code of Conduct, the organisational Guiding Principles and Council policies and

guidance for employees. It includes some current unwritten practices and provides additional clarity on roles and how they interact.

- 2.2 Observing the protocol is an individual responsibility for each officer and member. Group Leaders will support their members in observing the protocol. Similarly, Chief Officers will support staff to do likewise. The protocol does not cover every eventuality and members and officers who are unsure about its application should seek advice from Chief Officers.
- 2.3 Where a member or officer has a concern relating to observation of the protocol, they may raise this with the relevant Group Leader, if they are a member of a group, or a Chief Officer in their service, if they are an employee in the first instance. He or she will determine any next steps to be taken. These should be in the interests of resolving the matter raised at the earliest opportunity, and could include an informal discussion, identifying training requirements for an officer or member, or mediation between the individuals concerned. Any remedy would primarily seek to restore and maintain positive working relationships between members and officers.
- 2.4 Members will be made aware of the protocol through Member induction and employees through their own employee induction. Copies of the protocol will also be available on the Zone and the Council's website.
- 2.5 Once approved, the protocol will be reviewed annually by the Chief Officer - Governance. This will ensure that the protocol remains effective. Any proposal to amend the protocol will be subject to consultation with members.

### 3. Member and officer roles and responsibilities

- 3.1 Members set and approve policy on behalf of the city and officers draft and implement policy. The Chief Executive leads in implementing strategy and managing the delivery of services set by members.
- 3.2 Members monitor the implementation of policy and scrutinise service delivery through robust performance management systems which allow them to hold officers to account. The importance of the role of members is emphasised by CIPFA, whose Delivering Good Governance in Local Government Framework 2016, reinforces the need for a culture and structure for scrutiny and a positive working culture which accepts, promotes and encourages constructive challenge.
- 3.3 The Council's approved Guiding Principles are:
  - We care about our purpose, our city and our people
  - We take pride in what we do and work to make things better
  - One team, one Council, one city
  - We trust each other and take responsibility
  - We value each other and recognise a job well done

These principles provide a guide to maintaining positive and constructive relations between officers and equally can be applied to relations between members and officers. Members and Chief Officers will lead by example by demonstrating these principles in how they relate to one another.

**Commented [AS3]:** Reference to Core Behaviours throughout document amended to reflect the new Guiding Principles (Purpose, Pride, Team, Trust and Value) approved by the Staff Governance Committee on 18 March 2019.

**Commented [AS4]:** Reference to Core Behaviours throughout document amended to reflect the new Guiding Principles (Purpose, Pride, Team, Trust and Value) approved by the Staff Governance Committee on 18 March 2019.

### 4. Respect

As members and officers we will behave in a way that demonstrates respect for people, property and processes, and which demonstrates due regard for our respective roles.

## 4.1 Respect for one another

### 4.1.1 As members and officers:

- A. We will always behave in a way which is consistent with our Guiding Principles and will treat each other, our colleagues, members of the public, constituents and representatives of partner organisations with respect whether by words, actions or inference and treat them with courtesy at all times. As members, we acknowledge that it is unacceptable to comment on the conduct or capabilities of officers in public. We will avoid personal attacks, refrain from using disrespectful or offensive language and avoid undermining respect for officers. As officers, we acknowledge that the same approach is required in our interactions with members and that members can advocate on behalf of their constituents.
- B. We will ensure that any feedback given is in the spirit of continuous improvement and based on fact.
- C. We will be conscious that the Council is an equal opportunity employer and that members and officers are each bound collectively by a legislative framework.

**Commented [AS5]:** Reference to Core Behaviours throughout document amended to reflect the new Guiding Principles (Purpose, Pride, Team, Trust and Value) approved by the Staff Governance Committee on 18 March 2019.

### 4.1.2 As members:

- A. We will acknowledge the impartiality of officers and will not exert any pressure on them in respect of report recommendations or in respect of their decision-making under delegated authority. We accept that if we wish to see officers' recommendations in a final report changed we will do so through motions or amendments at the appropriate meeting and will not approach senior officers or authors directly.
- B. We recognise our role in holding officers to account and will adopt appropriate questioning techniques which allow for impartial and professional responses, avoiding leading and politically loaded questions.
- C. We note that any suggestion by members of a lack of officer impartiality or capability will be responded to under the terms of paragraphs 2.2 and 2.3 above.
- D. Where we require information from a service for case work, we will request that information through the members' enquiries online portal, to allow performance tracking. . This will also ensure that a consistent service is delivered for all members in line with the agreed corporate procedures and that data protection requirements are always met. If individual members consistently bypass the corporate approach, this will be raised with the appropriate Group Leader.
- E. Where we require to request a service on behalf of a constituent, then we will do so through the appropriate channel e.g. online (<https://www.aberdeencity.gov.uk/services/have-your-say/online-services>) where possible, or telephone.

**Commented [AS6]:** The amended wording does not prevent Elected Members from accessing Senior Managers directly, but emphasises that the service standard is directly associated with the use of the online portal. This is to ensure that a consistent service is delivered for all members, in line with agreed corporate procedures and that data protection requirements are met

### 4.1.3 As officers:

- A. We will not let our personal views which we hold as citizens or officers affect our judgement.
- B. We will ensure that our relationships with members are not overly familiar in order to protect our impartiality.

- C. We will ensure that all groups and members are treated equally and have equal access to advice and assistance, taking into account exceptions as outlined in 5.4.2.
- D. We will ensure that representatives of all political groups and independent members are invited to attend when we organise civic or official events.

## **4.2 Respect for property**

- 4.2.1 As members, we will not use Council facilities or equipment for political or campaigning purposes and will comply with the guidance issued on behalf of the Returning Officer during pre-election periods.

## **4.3 Respect at meetings**

- 4.3.1 As members and officers:

- A. We will treat everyone present with respect and courtesy at all meetings.
- B. We will respect and comply with the authority of the chairperson.
- C. We will keep our mobile phones on silent during meetings to avoid unnecessary disruption.
- D. We will ensure all members are addressed as “Councillor” and all officers by their title or surname eg Mr/Ms Smith.

- 4.3.2 As officers we will ensure we are inclusive in our approach inviting all local members to attend when we arrange meetings in a ward, or meetings about a ward issue, and informing all members of any ministerial or Royal visit or visit by other dignitaries and VIPs. We will endeavour to avoid clashes with committee meetings and to ensure that, as far as is reasonable, all those to be invited are available. This does not apply to specific meetings we arrange with members at their or our request.

# **5. Professionalism**

As members and officers we will undertake to maintain the standards expected by the organisation at all times, remembering that we are representing the Council and the city.

## **5.1 Maintaining standards**

- 5.1.1 As members and officers we will uphold the principles of our respective Codes of Conduct and the behaviours outlined in this protocol in all our dealings on behalf of the Council and the city.
- 5.1.2 As members:
  - A. We will ensure that we are aware of the different duties, obligations, potential conflicts of interest and liabilities arising (which may include personal financial liability) when appointed to the board of an Arm’s Length External Organisation (ALEO), a trust or an outside body and will seek advice from officers of that body or the Monitoring Officer, as appropriate, if we are in any doubt.
  - B. We will not ask officers to undertake work designed to affect support for a political party or campaign.

### 5.1.3 As officers:

- A. We will ensure we are aware of and understand our responsibilities if we hold a politically restricted post.
- B. We will not undertake work on behalf of a member which may be designed to affect support for a political party or campaign. Where there is any doubt, we will seek advice from a senior officer in our service.

## 5.2 Maintaining skills and knowledge

5.2.1 As members and officers we recognise the importance of continuous professional development to members and officers understanding each other's priorities and therefore to maintaining constructive relationships; as such:

- A. We will attend induction training to ensure we understand what is expected of us and what we can expect. This is supported by CIPFA which encourages local authorities to develop officer and member capability, by ensuring appropriate induction, continuing development both personal and professional, and support and shared learning. CIPFA also highlights the merits of constructive feedback and peer review for members and officers, ensuring that training and development needs are targeted at gaps and weaknesses.
- B. We will be aware of, and complete appropriate training on, the terms of the Council's governance documents, certain Council policies which embed legislative requirements (including on matters such as corporate parenting, data protection and Protection of Vulnerable Groups (PVG) checks) and of our responsibilities under relevant legislation covering areas such as data protection, freedom of information and bribery.

5.2.2 As members we accept that we have an obligation to our citizens to keep our skills and knowledge up to date and will participate in training arranged for us and keep our personal development plans updated, as provided for in the Member Development Framework.

5.2.3 As Group Leaders we will encourage our members to undertake appropriate training and development in line with the Member Development Framework.

5.2.4 As officers we will undertake to keep our skills and knowledge up to date whether for professional regulation purposes or in keeping with the requirements of the Council as our employer.

## 5.3 Elections

5.3.1 As members and officers:

- A. We will respect that additional restrictions apply on political activity during any pre-election period.
- B. We will comply with any advice issued on behalf of the Returning Officer.

## 5.4 Maintaining fairness and transparency

5.4.1 As officers:

- A. We will remember that our duty is to the Council as a whole and, as such, will provide support to all members and groups equally, respecting the confidentiality of any information which we are party to, and providing all advice impartially and professionally.
- B. When invited to address group meetings we will recognise that some present may not be Council members, so we cannot provide any information on confidential matters, and will seek advice from Chief Officers if we have any doubts about meetings which we are asked to attend.
- C. In seeking to assist members, we will always be aware of the limitations of any delegated authority we may be able to exercise and of any advice we may be able to provide.

#### 5.4.2 As members:

- A. We recognise that there are times when we will want to invite officers to attend our group meetings to increase our awareness of issues relating to matters of Council business and we will not use any confidential information received for personal or party political advantage or in such a way as to discredit the Council
- B. We recognise that group meetings, group pre-meetings, coalition meetings, formal and informal briefings, development sessions and similar meetings are not part of the Council decision making process and any conclusions or determinations are not binding on the Council. We recognise that consideration of any matter at these meetings does not replace the obligation on each individual member to come to a decision at the appropriate Council, committee or sub-committee meeting when we will have all information before us.
- C. We recognise that there are times when Administration leaders, Group Leaders or senior councillors may be given advance information which is necessary so that they can give officers guidance on strategic direction or so that they can understand the background to particular recommendations or proposals.
- D. We acknowledge that Chief Officers have the right to submit and withdraw certain reports as dictated by their professional judgement and that officers retain final responsibility for the content of reports.

## 5.5 Employment matters

### 5.5.1 As members:

- A. We recognise that we must not solicit a job within the Council for anyone or canvas support for any applicant for a job.
- B. We understand that we must not become involved in the pay and conditions of individual officers except when we sit on a committee dealing with such issues.

5.5.2 As officers we will not approach any member about our individual employment or terms and conditions or about the recruitment of anyone else.

## 6. Communication

As members and officers we will communicate in a way which is timely, clear, open, honest and constructive, respecting the confidentiality of information we are party to.



## 6.1 Handling information responsibly

- 6.1.1** As members and officers we recognise that information is one of our most valuable resources and as such it is incumbent on us to treat it responsibly. In all our dealings with information we will act in accordance with data protection legislation, Council policies, the Councillors' Code of Conduct and in the knowledge that requests for information can be made by anyone under data protection and freedom of information legislation.
- 6.1.2** As members we will ensure that, when we are provided with information by officers which is private or confidential, or of a personal nature, we treat it as confidential, only using it for the purpose for which it was provided and undertaking not to share it externally to the Council nor to use it for personal or party political advantage or in such a way as to discredit the Council.
- 6.1.3** As officers:
- A.** We will ensure that, when we provide information to members which is private, confidential, or of a personal nature, they are advised that it is confidential.
  - B.** We will not share correspondence with one member with any other without the former's express consent nor will we share information about a constituent with any member without the constituent's express consent.
  - C.** We will take steps to ensure that as many committee reports as possible can be considered in the public domain – and that, where possible, exempt or confidential information is included in an exempt or confidential appendix.
  - D.** We will endeavour to include any member who may not belong to any group or alliance when corresponding with political groups.
  - E.** We will remember that members have both statutory and common law rights to access documents relating to local authority proceedings, whether or not they are members of the committee or sub-committee in question. In this respect statutory rights include reports submitted to committees and subcommittees and background papers, with the exception of documents which disclose exempt information falling within paragraphs 1 to 5, 7, 9, 11, 12 and 14 of Part I of Schedule 7A of the Local Government Act (Scotland) 1973. In the main, this is information relating to:-
    - i.** members
    - ii.** officers or former officers
    - iii.** potential occupiers, occupiers or former occupiers of Council property
    - iv.** applicants for or recipients, or former recipients, of financial assistance and Council services
    - v.** the care of children
    - vi.** the supervision and care of certain individuals
    - vii.** terms to be negotiated for contracts
    - viii.** information relating to consultations or negotiations in connect with labour relations

- ix. instructions and advice from Counsel or certain advice in respect of legal proceedings or the resolution of a legal matter
  - x. any action taken or to be taken in connection with prevention, investigation or prosecution of crime.
- 6.1.4 Common law rights are wider than those provided for by statute and give members access to some reports or background material including exempt reports. This right is based on a need to know, or information which is necessary to enable the Councillor to perform his or her duties. The principle is commonly referred to as the “need to know” principle. It does not include information which cannot be disclosed by virtue of the Data Protection Act or information relating to the internal operations of a political party to which the member requesting the information does not belong. In the event of any disagreement on whether or not a member should have access to a report, the matter should be referred to the Monitoring Officer.
- 6.1.5 As Directors we acknowledge and understand the importance of our relationships with conveners and will ensure that conveners are kept fully informed, as appropriate, of all developments relating to their committees.

## **7. Customer Focus**

As members and officers we understand that customer focus is part of the duties of every member and officer and we will work together to improve the services which the Council delivers.

### **7.1 Members as private individuals**

- 7.1.1 Officers will occasionally need to contact members as private individuals. Where such contact is other than routine, officers should (i) advise the appropriate Chief Officer, who should seek the advice of the Monitoring Officer, and (ii) advise members clearly if they are being contacted as a private individual. Members so contacted should seek the advice of the Monitoring Officer.
- 7.1.2 The Monitoring Officer will then consider if any further steps require to be taken to ensure the integrity of the Council’s decision making processes.
- 7.1.3 Officers should mark any non routine correspondence to members as private individuals as private and confidential.
- 7.1.4 Where a member does not respond to correspondence within such a timescale as may have been specified, the matter shall be escalated to the appropriate Chief Officer.
- 7.1.5 Where an officer is required to meet a member in a private capacity, the location of any meeting shall be agreed by the appropriate Chief Officer. This can be in the member’s office in the Town House.

## **8. Further Reference**

The following documents provide additional guidance on this protocol:-

- Councillors’ Code of Conduct

- Guidance on Councillors' Code of Conduct
- All Standards Commission Advice Notes for Councillors
- Employee Code of Conduct (nb Zone link only – not available on website)
- Communications Policy
- Standing Orders for Council, Committees and Sub Committees
- Scheme of Delegation
- Financial Regulations
- Procurement Regulations
- Terms of Reference
- Follow Me - A Guide To Social Media For Elected Members In Scotland
- Social Media Guidance for Employees (nb Zone link only - not available on website)
- Guiding Principles (nb Zone link only – not available on website)
- CIPFA/IFAC Framework
- CIPFA/SOLACE Guidance

**Commented [AS7]:** Reference to Core Behaviours throughout document amended to reflect the new Guiding Principles (Purpose, Pride, Team, Trust and Value) approved by the Staff Governance Committee on 18 March 2019.

DRAFT



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6 January 2020

Hello Fraser.

May I take this opportunity to Resign from Aberdeen City Councils Licensing Board.

Kind Regards.

Alan Donnelly Councillor ACC .

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**PRINTFIELD**

**HOME OF  
DENIS LAW  
WINNER OF  
THE FIFA  
BALLON D'OR**



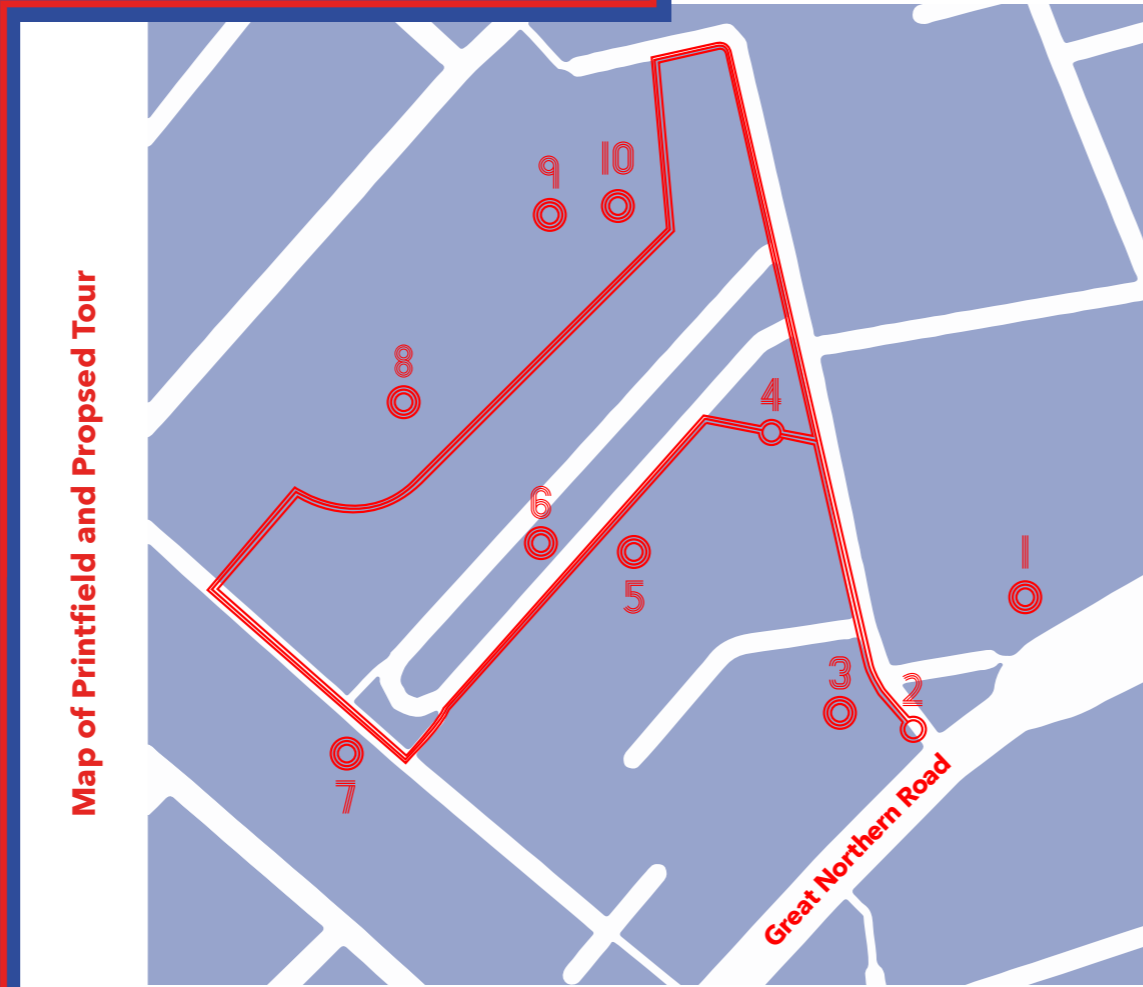


# PRINTFIELD 10

Printfield 10 is a visitor attraction and experience that will educate participants about Denis Law; the greatest Scottish football player of all time. We aim to motivate, inspire and collaborate with a vibrant local community and encourage interaction and exchanges between local businesses, creative & sports organisations, property owners, community groups, education institutions and members of the public across all ages and backgrounds.

We also aim to build on the anticipated profile and opening of the Hall of Heroes exhibition (<https://news.aberdeencity.gov.uk/hall-of-heroes-line-up-unveiled-for-new-aberdeen-visitor-attraction/>) in Provost Skene's House.

Map of Printfield and Proposed Tour



The experience will involve a short walking tour around the Printfield area and comprise 10 points of interest including Denis' childhood home and locations where he played football as a young boy growing up on the streets of Aberdeen.

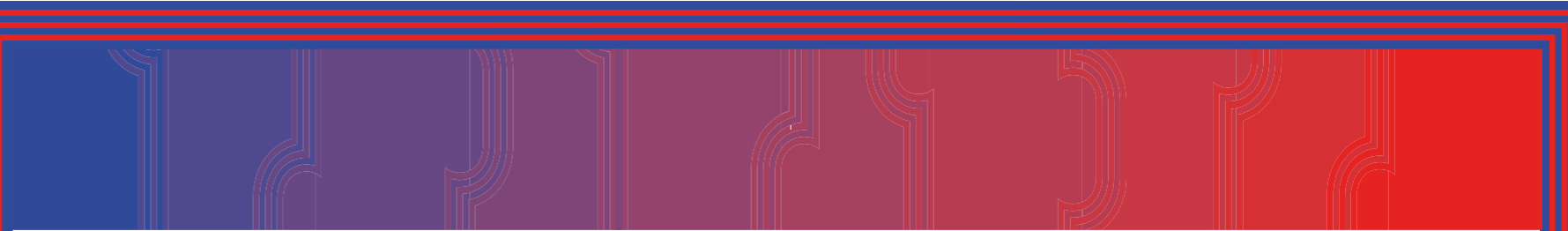
Each of the 10 points of interest will be complemented by an 'interactive experience' and information panel that explains how Denis progressed from humble beginnings to become the world's greatest footballer and Scotland's only winner of the FIFA Ballon d'Or.



In order to identify the location of the experience within Aberdeen City and put Printfield 'on the map' we propose two pieces of public art. The first is a mural along a wall on Great Northern Road which depicts a timeline of Denis and his sporting achievements. The second is a mural on the tower block that sits at the entrance to Printfield. This mural will represent Denis and his iconic goal celebration.



These 'street art' installations will help identify Printfield as a location to passing traffic and provide a visual impact which will help further enhance the surrounding area (emulating many other successful commissions by the highly popular NuArt Festival (<https://2019.nuarterdeen.co.uk/>)).



The colour palette will consist of a 10 step gradient from Red (Aberdeen city & Manchester United) through to Blue (Scotland). The images portray a narrative that highlights aspects of Denis' childhood and footballing career; culminating in an image of Denis receiving his FIFA Ballon d'Or; the highest individual honour that a football player can receive.





Another possible artwork could involve the creation of an 'optical illusion' (that has been used successfully in Japan) to calm and slow traffic. This may not be an issue on Great Northern Road (given that that a speed camera sits directly adjacent to the junction into Printfield) however this would also act as a 'high profile' visual marker to help identify Printfield as a location.

If this idea was approved then we would like to use the famous Evening Express image of 'Denis and the Printfield kids' (below) playing in the street. Using perspective the image would be seen by oncoming drivers who would naturally react and slow down.

At the turn off into Printfield we propose to erect a sign that indicates the start of the walking tour. Other promotional materials, including a map and 'treasure hunt' will be made available for children and participants.







At each point of interest along the walk there will be an interactive element and plaque which features information about Denis, his life and career.

For example the first point of interest will allow participants to re-create the famous photograph of Denis on the exact location where the 'Denis and the Printfield kids' image was taken.

# PRINTFIELD 10

The story of Denis Law is an astonishing and uplifting tale of triumph over adversity that saw a young Aberdeen boy rise from humble beginnings to become one of the greatest football players the world has ever seen.

Denis was born to George Law (a fisherman) and his wife Robina on the 24th of February at No.6 Printfield Terrace. He was the youngest of seven children.

Unfortunately, Denis was born with a severe squint in his right eye which resulted in him being bullied and having to wear thick glasses and play football with one eye closed throughout his childhood.



Denis was obsessed with football from a very young age and spent all his time playing and watching local teams. He was a keen supporter of Aberdeen Football Club and would try and gain entry into Pittodrie even when he didn't have enough money for a ticket.

His first experience of playing in a team came when he was selected to play for Hilton Primary School Under 11's at the age of 9. After finishing primary school he progressed to Powis Secondary which is now known as St. Machar Academy.



Accompanying each point of interest will be a 'discretely placed' figurine depicting another famous FIFA Ballon d'Or winner. This will form part of the 'treasure hunt' activity for children who have to locate 9 other Ballon d'Or winners (10 in total). These figurines will include modern day players such as Messi and Ronaldo and participants will be expected to identify all 10 as part of the route. This will also provide photo opportunities to promote and upload to social media (Instagram etc). This is similar in concept to Isaac Cordals work for the NuArt Festival (<http://www.nuartfestival.no/previous-years/nuart-2015/isaac-cordal--es->) and the recent Oor Wullie Bucket Trail.





Another point of interest would feature a replica Ballon d'Or (cast in bronze) in front of the large play area where Denis played football as a child. This would also provide another photo opportunity for aspiring footballers of the future.



There is also scope to explore additional & alternative 'income generation' that could be re-invested back into the community through the sale of souvenirs and memorabilia.

Future consideration could also be given to the upgrade of the existing play area and the Printfield Community Project Portakabin.

## DID YOU KNOW?

Denis Law is still the only Scottish football player to win the prestigious **FIFA Ballon d'Or**.

Denis Law holds the record for most hat-tricks in Manchester United's club history:

1. **Denis Law-18** 2. Jack Rowley-12 3. Dennis Viollet -9 4. Wayne Rooney-7 5. Bobby Charlton-7

Denis signed his first professional contract with **Huddersfield Town** in February **1957** and went on to flourish under the management of **Bill Shankly**.

"Some people believe football is a matter of life and death, I am very disappointed with that attitude. I can assure you it is much, much more important than that."

**Bill Shankly OBE**

## **OUR 10 GOALS**

### **INSPIRED BY DENIS' FAMOUS NUMBER 10 SHIRT**

**To provide community based events and activities that are free of charge and accessible to all.**

**To promote participation, social inclusion & integration.**

**To motivate and empower young people through prevention, intervention & diversionary activities.**

**To promote respect, civic values and social responsibility within communities and help reduce instances of youth crime and anti-social behaviour.**

**To promote health and well-being and discourage the misuse of substances, drugs and alcohol.**

**To promote education and creativity and the development of self-confidence, initiative and interpersonal skills.**

**To support & reconnect disaffected young people by providing alternative activities and opportunities for achievement.**

**To provide a platform for positive transformation.**

**To provide volunteers with opportunities to engage with and pursue personal development activities and qualifications.**

**To work in partnership and collaborate with all parties who share our common objectives for the benefit of communities and young people.**

**<https://www.denislawlegacytrust.org/denis-law>**

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