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To: Councillor Laing, Convener; Councillor Lumsden, Vice Convener; and Councillors Boulton, Jackie Dunbar, Grant, Houghton, McRae, Alex Nicoll and Yuill.

Town House,
ABERDEEN, 7 April 2021

URGENT BUSINESS COMMITTEE

The Members of the **URGENT BUSINESS COMMITTEE** are requested to meet remotely on **MONDAY, 12 APRIL 2021 at 9.00am.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

In accordance with UK and Scottish Government guidance, meetings of this Committee will be held remotely as required. In these circumstances the meetings will be recorded and available on the Committee page on the website.

B U S I N E S S

DETERMINATION OF URGENT BUSINESS

- 1 Determination of urgent business

DETERMINATION OF EXEMPT BUSINESS

- 2 Determination of exempt business

DECLARATIONS OF INTEREST

- 3 Members are requested to intimate any declarations of interest (Pages 3 - 4)

BUSINESS

- 4 Support to Businesses for Outdoor Trading - COM/21/097 (Pages 5 - 10)

- 5 Aberdeen City Centre Business Improvement District (BID) Proposal 2021-2026 - COM/21/095 (Pages 11 - 16)

EXEMPT/CONFIDENTIAL BUSINESS

- 6 Aberdeen City Centre BID Proposal 2021-2026 - BID Proposal and Business Plan (Pages 17 - 76)

Should you require any further information about this agenda, please contact Martyn Orchard 01224 523097 or email morchard@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

COMMITTEE	Urgent Business Committee
DATE	12 April 2021
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Support to Businesses for Outdoor Trading
REPORT NUMBER	COM/21/097
DIRECTOR	Steven Whyte
CHIEF OFFICER	John Wilson
REPORT AUTHOR	Gale Beattie / John Wilson / Mark Reilly
TERMS OF REFERENCE	UBC 1

1. PURPOSE OF REPORT

- 1.1 To provide an update on arrangements to support businesses reopening, particularly in relation to trading on outdoor spaces.

2. RECOMMENDATIONS

That the Committee:-

- 2.1 Note the support provided to hospitality businesses by the Council over the last year in line with guidance from Scottish Government related to temporary outdoor trading and structures.
- 2.2 Note the Scottish Government's advice for the easing of restrictions as contained within its Covid-19 Timetable for Easing Restrictions (March 2021);
- 2.3 Note that the supports for business in terms of Building Standards exemptions remain in place until 30 September 2021 and that the relaxation in Planning controls are in place until such time as these are changed by the Minister and Chief Planner;
- 2.4 In recognition of the ongoing difficulties for businesses caused by Covid-19, instruct the Chief Officer of Capital, following consultation with the Chief Officer of Strategic Place Planning and the Chief Officer of Operations and Protective Services, to determine requests from businesses for outdoor trading, provided that any approvals so granted will be on a temporary basis and subject to any such conditions as the authorising Chief Officer considers appropriate.
- 2.5 Instruct the Chief Officers of Capital, Strategic Place Planning and Operations and Protective Services to continue to update the business guidance document provided on the Council's website and in line with any changes from the Scottish Government.
- 2.6 Instruct the Chief Officers of Capital, Strategic Place Planning and Operations and Protective Services to report back to the City Growth and Resources

Committee in due course with an update of the requirement or otherwise for the measures to assist businesses to remain in place.

3. BACKGROUND

- 3.1 In 2020 Aberdeen City Council publicly set out its intention to support the reopening of all shops and businesses when it is appropriate to do so.
- 3.2 In February 2021 a report was brought to the City Growth and Resources Committee to update members on Spaces for People interventions (COM/21/031). This report included an update on the cross service officer group set up at the start of the Covid-19 public health emergency to support business with proposals for outdoor trading given the internal capacities of premises being reduced due to the need for physical distancing. Officers have aimed to accommodate all requests for outdoor trading where this can be achieved safely. To date this group has dealt with over 100 proposals from businesses for outdoor trading, the majority being independent traders, cafes, restaurants and bars. This group has also prepared and kept updated an online Guide for Businesses interested in outdoor trading which, as well as signposting businesses to relevant legislation, sets out the principles where outdoor trading can be supported.
- 3.3 On 16 March 2021 the Scottish Government published its timetable for easing restrictions. The target date for the reopening of shops and hospitality venues is 26 April 2021, with alcohol only permitted in outdoor areas until the next expected relaxation date on 17 May 2021. Given the continued need for physical distancing, officers are aware of a significant number of businesses across the city who wish to continue utilising opportunities for temporary outdoor space when they reopen. We also expect that these businesses will be grateful for ongoing support for a further period to assist with recovery once physical distancing restrictions are removed. Since March 2021 the Council has received in excess of 100 queries from the business sector seeking approval to utilise outdoor spaces for trading purposes.
- 3.4 Advice from the Minister for Local Government, Housing and Planning and Scotland's Chief Planning Officer is that local authorities take a supportive, pragmatic and flexible approach to assisting businesses to diversify and continue to operate during the pandemic, with a key example being in respect of outdoor areas. This has been expressed both by encouraging local authorities to temporarily relax planning controls, but also by extending the period for exemptions from building warrants (currently to 30 September 2021). On this basis no formal applications or fees would be requested for outdoor trading proposals, with the only exception being fees for Occasional Licenses where alcohol is to be sold within an outdoor area. The fee for this is currently £10 per application.
- 3.5 As we approach 26 April 2021, recommendation 2.4 of this report requests that the Committee agree to instruct the Chief Officer of Capital, following consultation with the Chief Officer of Strategic Place Planning and the Chief Officer of Operations and Protective Services to determine requests from businesses for outdoor trading in order to support re-opening.

3.6 This is a pragmatic way to manage a fluid changing environment where applications will need to be responded to in a relatively short time period thereby providing confidence for business investment. Adopting this methodology will give confidence that the Council wishes to continue its support for businesses in this way over the summer months, in line with advice from the Scottish Government. This would also be in line with the Council's Socio-Economic Rescue Plan 2020/2021 which specifically refers to supporting space for outdoor trading.

3.7 The process for determining requests from businesses for outside trading, is via a dedicated group set up to offer advice to the Chief Officer of Capital. This advice is based on the Guidance for Business document available on the Council's website, along with the advice of officers from Environmental Health, Trading Standards, Planning, Building Standards and Road Safety. The process for applying for an Occasional Licence is managed separately through the pre-existing process but in consultation with this group.

4. FINANCIAL IMPLICATIONS

4.1 Financial implications associated with this report relate to a possible loss of income from licence applications and parking revenues. These losses will, in the first instance, be off set against the allocation of COVID 19 grant funding received by the Council for 2021/22. The 2021/22 Quarter 1 financial performance report will provide the initial variances against budgeted income, including from these measures.

5. LEGAL IMPLICATIONS

5.1 There are no direct legal implications arising from the recommendations of this report.

6. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
Strategic Risk	Public harm, allowing the COVID-19 virus to spread with the associated high risk of death through contacting the virus.	M	Allowing use of outdoor space for trade would allow additional capacity for businesses to ensure safe physical distancing.
	Failure to deliver the Socio-Economic Rescue Plan 2020/21.	L	Close collaboration across other Clusters.

Compliance	Failure to comply with national Covid-19 legislation and guidance	L	Comply with legislation first and second Scottish Coronavirus Acts and relevant guidance from Scottish Government on Planning and Building Standards relaxations and ongoing guidance to Environmental Health officers.
Operational	Insufficient staff resource to assist with business proposals.	M	Progress will be monitored frequently to address any issues.
Financial	Impact on Council funds due to temporary waiving of fees.	L	The need to support businesses to diversity and recover is significant.
Reputational	Criticism for not providing support to business in this difficult economic period.	M	This work is high priority.
Environment / Climate	Utilising land for outdoor trading may have an impact on air quality.	L	Performance of the road network will be closely monitored, including reviewing air quality data that is collected locally.

7. OUTCOMES

<u>COUNCIL DELIVERY PLAN</u>	
Impact of Report	
Aberdeen City Council Policy Statement	In addition to responding to the current public health emergency and imminent easing of lockdown requirements, this report supports the delivery of Economy Policy Statement 4: Increase city centre footfall through delivery of the City Centre Masterplan, including the redesigned Union Terrace Gardens.
Aberdeen City Local Outcome Improvement Plan	
Prosperous Economy Stretch Outcomes	The report supports the delivery of Stretch Outcome 1 – 10% increase in employment across priority and volume growth sectors by 2026, and Stretch Outcome 2 – 90% of working people in living wage employment by 2026 by supporting the lockdown easing measures which will enable the economy to recover and people to get back to work where they

	cannot work from home. The report will also support businesses re-opening by providing additional space for customers, where possible, for outdoor trading and leisure activities.
Prosperous People Stretch Outcomes	The report will support the delivery of Stretch Outcome 11 – Healthy life expectancy is five years longer by 2026. The temporary Covid-19 public health measures are designed to enable physical distancing while moving around, thereby minimising the risk of Covid-19 transmission and the likelihood of future waves of the disease.
Prosperous Place Stretch Outcomes	The temporary Covid-19 public health measures support the delivery of Stretch Outcome 14 – Addressing climate change by reducing Aberdeen's carbon emissions by 42.5% by 2026 and adapting to the impacts of our changing climate, and Stretch Outcome 15 - 38% of people walking and 5% of people cycling as main mode of travel by 2026. The temporary Covid-19 public health measures improve and/ or create active and sustainable travel infrastructure
Regional and City Strategies	The report supports the delivery of the ACC Socio-Economic Recue Plan 2020/2021 by supporting businesses re-opening by providing additional space for customers, where possible, for outdoor trading and leisure activities.
UK and Scottish Legislative and Policy Programmes	The measures directly contribute to Public Health and Scottish Government requirements and legislation relating to the Covid-19 Pandemic, and in particular support physical distancing in public spaces. They will also support businesses as they start to re-open in accordance with the lockdown easing phases.

8. IMPACT ASSESSMENTS

Assessment	Outcome
Impact Assessment	Not required
Data Protection Impact Assessment	Not required

9. BACKGROUND PAPERS

None

10. APPENDICES

None

11. REPORT AUTHOR CONTACT DETAILS

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ABERDEEN CITY COUNCIL

COMMITTEE	Urgent Business Committee
DATE	12 April 2021
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Aberdeen City Centre Business Improvement District (BID) Proposals 2021-2026
REPORT NUMBER	COM/21/095
CHIEF OFFICER	Richard Sweetnam
REPORT AUTHOR	Richard Sweetnam
TERMS OF REFERENCE	1

1. PURPOSE OF REPORT

- 1.1 To consider the Council's option to veto the Business Improvement District (BID) Proposals 2021-2026; and, if the BID ballot is to proceed, the date on which it will be held.

2. RECOMMENDATIONS

That the Committee:-

- 2.1 resolves ***not*** to veto the BID Proposals 2021-2026 drawn up by Aberdeen Inspired in respect of the Aberdeen City Centre Business Improvement District and instructs the Chief Officer – City Growth to arrange for the issuing of the requisite notices under section 42 of the Planning etc. (Scotland) Act 2006; and
- 2.2 in the event of recommendation 2.1 being approved, instructs the Chief Officer - Governance as Returning Officer to arrange for the holding of a BID ballot on 24 June 2021 in relation to the BID Proposals and to take any other actions which may be necessary in connection with this process.

3. BACKGROUND

- 3.1 BID procedures are governed by the Planning etc. (Scotland) Act 2006 and the Business Improvement Districts (Scotland) Regulations 2007.
- 3.2 The previous Aberdeen City Centre BID arrangements, as renewed in 2016 for a period of five years, ended on 31 March 2021. The arrangements were to enable specified projects to be carried out for the benefit of Aberdeen City Centre and those who live, work or carry out activity there.
- 3.3 It was previously anticipated that, following a request from the Aberdeen BID Company Ltd (known as Aberdeen Inspired), there would be a BID renewal

ballot on 25 March 2021 concerning the proposed renewal of the BID for a further five year period to 31 March 2026. Reference is made to the Urgent Business Committee decision of 12 January 2021 in that regard. However, Aberdeen Inspired subsequently requested instead that a ballot be held on 24 June 2021 and so no ballot took place in March and the BID ended on 31 March. The Council is now required to give notice to Aberdeen Inspired and the Scottish Ministers on or before 14 April 2021 as to whether or not the Council is vetoing the BID Proposals. Such notice must set out the reasons for the exercise (or non-exercise) of the veto and a ballot cannot be held if the proposals are vetoed.

3.4 Appendix 1 to this report comprises the BID Proposals (for the period 1 July 2021 – 30 June 2026) which Aberdeen Inspired wishes to be put to a ballot on 24 June 2021. This outlines the key themes and main objectives, the BID levy and how the funding will be used against the key themes.

3.5 The Council may veto proposals only if it considers that the proposals are likely to:

- a) conflict with any structure plan, local plan, strategic development plan or local development plan which has been approved or adopted under the Town and Country Planning (Scotland) Act 1997 and which applies to the proposed BID or any part of it,
- b) conflict to a material extent with any policy formally adopted by and contained in a document published by the Council (whether or not the Council are under a statutory duty to prepare such a document), or
- c) lead to a significantly disproportionate financial burden being imposed on —
 - (i) any person entitled to vote in the ballot on the proposals, or
 - (ii) any class of such persons,as compared to other such persons or classes.

3.6 In deciding whether to veto proposals, the Council must have regard to the following matters:

- a) the level of support (as evidenced by the result of the BID ballot) for the BID proposals, where this information is available;
- b) the nature and extent of the conflicts mentioned above;
- c) the structure of the proposed BID levy and how the financial burden of the BID is to be distributed amongst ratepayers and the other eligible persons in the geographical area of the BID;
- d) how the financial burden of the BID may have been disproportionately distributed among ratepayers and the other eligible persons as a result of the selection of the geographic area or areas of the BID;
- e) the extent to which the BID proposer discussed the BID proposals with the Council before submitting the BID proposals to the Council; and
- f) the cost incurred by any person in developing the BID proposals and canvassing in relation to the BID proposals.

3.7 Council officers have considered the matters at 3.6 above and would comment as follows:

- a) When the renewal ballot took place in 2016, 293 votes were cast with 184 (63%) in favour and 109 (37%) against.
- b) Due consultation with Council Services has been undertaken as to the key themes and objectives of the BID Proposals 2021-2026 and officers are of the view that there are no conflicts with the relevant plans or Council policies. Council officers would encourage Aberdeen Inspired to continue to work closely with the Council to ensure appropriate alignment with our plans and policies in the event that the BID Proposals are approved by a ballot in June.
- c) Officers are satisfied with the level of detail within the BID Proposals as to the BID levy, how it will be paid and exemptions.
- d) As with c), this is addressed within the BID Proposals and officers do not consider that the proposed geographic area of the BID would result in a disproportionate distribution of the financial burden of the BID. The Business Proposal includes a map of the BID area.
- e) The Council's Director of Resources attends Aberdeen Inspired Board Meetings. The Board undertook research to determine whether businesses would like to see a BID continue and, if so, the key aspects required for a successful ballot. The key findings of this research, which informed the BID Proposals, have been shared with the Council.
- f) Aberdeen Inspired has confirmed to the Council that Aberdeen Inspired will meet the cost of developing the proposals and any canvassing work from its own budget. The cost of the ballot campaign, including developing the proposals, engagement with businesses, administration and canvassing work is approximately £40,000.

3.8 The outcome of the requested ballot would determine whether or not a new BID comes into force. If the BID Proposals are approved by ballot, the BID would commence on 1 July 2021. The outcome of the ballot would depend on the individual decisions of each eligible voter based on their review of the proposals supplied by Aberdeen Inspired. The proposals for the next five year period are mainly building on activities previously undertaken by Aberdeen Inspired, such as day-to-day support for businesses, continuing to attract people to the city centre, agile city centre management and positively promoting the achievements and products of levy payers. Additional investment into the city will continue to be sought. New objectives include a focus on business recovery as a result of the Covid-19 pandemic, a renewed focus on cleanliness (going beyond the baseline services provided by the Council) as well as building on footfall data through enhanced analysis.

- 3.9 The BID Proposals have been submitted to Scottish Towns Partnership and the Scottish Government in terms of the relevant legislative requirements and the BIDs good practice guidance. The Scottish Government have provided some comments, informed by the Scottish Towns Partnership, which have been addressed by Aberdeen Inspired.
- 3.10 Given the details in 3.7, it is therefore considered that the Council should not veto the proposals and should give notice to Aberdeen Inspired and the Scottish Ministers that it is not vetoing the proposals, and that the holding of the ballot on 24 June 2021 should be formally instructed.
- 3.11 If the ballot is to proceed, the Chief Officer – City Growth will report to Full Council on 21 June 2021 seeking the Council’s decision on whether it will vote ‘for’ or ‘against’ the BID Proposals.
- 3.12 Should the ballot proceed on 24 June 2021, guidance will continue to be sought to ensure it is conducted safely and in keeping with Covid-19 restrictions.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications for the Council arising from the recommendations of this report. Aberdeen Inspired has confirmed that it will meet the costs of the BID ballot and has sufficient funds to do so.
- 4.2 Aberdeen Inspired approached officers to establish whether there could be support from the Council’s Election Team for the ballot. Officers have responded that, due to the work this year in connection with the Scottish Parliament election, it would not be feasible for the Council to support the management and delivery of the ballot.
- 4.3 The Returning Officer would therefore outsource the ballot arrangements in order that the ballot does not impact on the Council’s staff resource and this cost would be funded from within the Aberdeen Inspired budget.
- 4.4 As Aberdeen Inspired would be funding the administration of this ballot, there would be no direct financial consequences in relation to the running of the ballot for any other parties, including the Council.

5. LEGAL IMPLICATIONS

- 5.1 In terms of the Planning etc. (Scotland) Act 2006 and the Business Improvement Districts (Scotland) Regulations 2007, the Council is required to give notice that it is or is not vetoing the proposals. It must exercise this power of veto in compliance with the statutory requirements, as summarised in section 3 above. If the Council vetoes the proposals, any person who would have been entitled to vote in the ballot may appeal to the Scottish Ministers.

6. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
Strategic Risk	The report has an adverse effect on the Council's priorities	L	The development of the city centre and support to its businesses are embedded across economic strategies and plans, and the CCMP
Compliance	Non-compliance with legislation concerning power of veto.	L	Exercise power in compliance with the statutory requirements, as summarised in this report.
Operational	Officers cannot support the ballot process	L	Outsourcing administration of the ballot
Financial	The resources are not in place to deliver the ballot	L	Officers confirmed the budgeted costs for ballot and this funding is within Aberdeen Inspired's overall budget
Reputational	Vetoing the proposals would deny businesses the opportunity to decide for themselves whether there should be another BID.	M	Approving the recommendations.
Environment / Climate	The report and BID has a negative environmental effect	L	Aberdeen Inspired is a consultee in all of the Council's interventions in the city centre to address climate impacts

7. OUTCOMES

<u>COUNCIL DELIVERY PLAN</u>	
	Impact of Report
Aberdeen City Council Policy Statement	The BID directly supports the Policy Statement's aim to increase city centre footfall through delivery of the City Centre Masterplan.
Aberdeen City Local Outcome Improvement Plan	
Prosperous Economy Stretch Outcomes	The BID focuses on the city centre business sector and therefore the proposals support the overall stretch outcome target to increase tourism, leisure and hospitality employment.

Prosperous Place Stretch Outcomes	The BID is a key partner in delivery of some of the activities within Aberdeen 365 Events Plan and indirectly supports place based activity in the city centre
Regional and City Strategies	Engagement with business is a key element of the Council's work to support the Regional Economic Strategy, the CCMP, and, more recently, its Socio-Economic Rescue Plan. The BID is an important element of engagement with city centre businesses, and the Tourism, Leisure, Retail and Hospitality sectors in particular.

8. IMPACT ASSESSMENTS

Assessment	Outcome
Impact Assessment	Not required
Data Protection Impact Assessment	Not required

9. BACKGROUND PAPERS

9.1 None

10. APPENDICES

10.1 Aberdeen City Centre Business Improvement District Business Proposal (Term: 1st July 2021– 30th June 2026) - exempt.

The above Business Proposal refers to supporting appendices which will be circulated to members of the committee separately in confidence as several of the documents contain personal data, as well as information relating to financial and business affairs of other parties.

10.2 BID Business Plan 2021-2026 - exempt.

11. REPORT AUTHOR CONTACT DETAILS

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Exempt information as described in paragraph(s) 6 of Schedule 7A of the Local Government (Scotland) Act 1973.

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