

ABERDEEN CITY COUNCIL

COMMITTEE	Finance & Resources
DATE	29 th September 2011
DIRECTOR	Stewart Carruth
BULLETIN REPORT	Accord Card: Citizen Roll Out Update
REPORT NUMBER:	CG/11/109

1. PURPOSE OF REPORT

To update committee on the progress made to date on allowing Accord card holders to obtain services offered by Aberdeen City Council and its partner organisations at a preferential rate via a residents discount scheme.

2. RECOMMENDATION(S)

It is recommended that elected members:

- i) Consider the content of the report and select one of the options stated in 5.3 on how this issue should be progressed.

3. FINANCIAL IMPLICATIONS

No change to those detailed in report CG/10/205 approved by Finance & Resources Committee on 1st February 2011.

4. OTHER IMPLICATIONS

Legal

European Court of Justice Case Law has been highlighted regarding differential charging for residents and non-residents which is relevant to the policy of offering a discount on Council services to Aberdeen City residents.

The Policy & Advice team within Legal & Democratic Services have reviewed this case law (EC Court Judgement * 62001J0388 Judgement of the Court (Sixth Chamber) of 16th January 2003; Commission of the European Communities v Italian Republic) which relates to the Italian Republic wishing to offer a discount for Italian nationals only to local museums, galleries and cultural sites. In this

case the Italian republic was found to be in breach of Articles 12 (*discrimination on the basis of nationality*) and 49 (*provision of services*) of the EC Treaty.

The Policy Advice team has advised that the effect of the Aberdeen City residents discount policy is essentially the same and that this policy would not comply with the requirement to fulfill the obligations contained in Articles 12 and 49 of the EC Treaty. Therefore, should the Aberdeen City residents discount policy be implemented, the Council would be open to challenge.

Resource

No change to those detailed in report CG/10/205 approved by Finance & Resources Committee of 1st February 2011.

5.0 MAIN UPDATE

- 5.1 There are a number of other local authorities who offer Council services at a discounted rate for its residents. These local authorities have been contacted to discuss how these schemes are operated to determine how such a scheme can be implemented in light of the legal advice.
- 5.2 Regarding the specific issue noted in section 4, some local authorities were aware of the case law, have chosen to implement a resident's discount scheme and have not been challenged on this. Most local authorities contacted were not aware of the case law and will continue to operate a resident's discount scheme.
- 5.3 Residents discount scheme's in operation across the UK vary in nature and fall into one of three categories noted below.

Committee is requested to select one of the options noted below as a framework within which an Aberdeen City residents discount scheme should operate.

5.3.1 Residents Only Discount

This option is what was envisaged and approved by Finance & Resources Committee, i.e. residents of Aberdeen City receive a discount on Council services based solely on the basis that they reside in Aberdeen City.

5.3.2 Residents and Visitors Discount Scheme

This option has a 'city/ leisure' discount pass that is available to both residents and visitors with a 'membership' fee payable to have access to the scheme. The fee is the same for both residents and non-residents and both receive the same discount on Council services. In

Aberdeen, residents could have this pass on their Accord/ National Entitlement Card and non residents could be issued with a 'visitors' smartcard that carries the pass.

5.3.3 Residents Discount Scheme with Visitors 'buy-in'

This option has a 'city/ leisure' discount pass that is available to residents free of charge with visitors charged a fee payable to have access to the scheme. In Aberdeen, residents could have this pass on their Accord/ National Entitlement Card and non resident could be issued with a 'visitors' smartcard that carries the pass.

5.3.4 Alternatively, given the advice from the Policy & Advice team, another option is not to progress with the resident's discount scheme.

6. IMPACT

The introduction of a residents discount promotes the vision in the Community Plan that we value our people by giving them access to Council facilities at a preferential rate via a Residents pass.

The aim of the residents discount policy is to increase revenue for the Council and help ensure a sustainable economic future for the City.

This report may be of interest to the public as it deals with the pricing policy for the provision of Council services.

7. BACKGROUND PAPERS

Report CG/10/205 approved by Finance & Resources Committee on 1st February 2011.

8. REPORT AUTHOR DETAILS

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