

ABERDEEN CITY COUNCIL

COMMITTEE	Council
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CONFIDENTIAL	No
REPORT TITLE	Libraries and Bucksburn Swimming Pool Consultation results
REPORT NUMBER	CUS/23/386
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TERMS OF REFERENCE	2

1. PURPOSE OF REPORT

- 1.1 This report is to provide elected members with the outcome of consultations and engagement on six libraries; Cornhill, Cults, Ferryhill, Kaimhill, Northfield and Woodside, and Bucksburn Swimming Pool and enable members to give due regard to the needs of the Public Sector Equality Duty and consider any potential impacts identified on those with protected characteristics prior to considering the recommendations.

2. RECOMMENDATIONS

That Council: -

- 2.1 Thank the communities, campaign groups and individuals for their welcome participation and input to the online consultations and focus group sessions.
- 2.2 Give due regard to the needs of the Public Sector Equality Duty and consider any potential impacts on those with protected characteristics along with any mitigations to address any impact identified in the updated Integrated Impact Assessments (IIAs).
- 2.3 Agree that feedback, ideas and suggestions from the library consultations are used to inform the Future Library Service Report
- 2.4 Consider the overall findings of the report and agree one of the following options:

- Option 1 – Reaffirm the original budget decision to close the 6 libraries
 - Option 2 – Overturn the original budget decision to close the 6 libraries and to recommission all 6 and to instruct the Chief Officer – Early Intervention and Community Empowerment to commence planning for the recommissioning of facilities, referring ongoing funding implications to the 2024/25 budget
- 2.5 Consider the overall findings of the report and agree one of the following options in regard to the Reduction in Sport Aberdeen Funding Option:
- Option 1 – Reaffirm the original budget decision regarding the reduction of funding
 - Option 2 – Request Sport Aberdeen to recommission Bucksburn Pool and instruct the Chief Officer – Corporate Landlord, following consultation with the Chief Officer – Finance, to work with Sport Aberdeen to investigate how the possible recommissioning of the Pool could be funded, referring any ongoing funding implications to the 2024/25 budget

3. BACKGROUND

- 3.1 On 1st March 2023, during consideration of the budget options, the Council made decisions to close six libraries, Cornhill, Cults, Ferryhill, Kaimhill, Northfield and Woodside. The Council also decided to reduce funding to Sport Aberdeen, which led to them determining to close facilities, including Bucksburn Swimming Pool.
- 3.2 As part of that budget process, a range of budget saving options were presented to assist with the statutory duty of setting a balanced budget. The process adopted during 2023 followed the same processes that have been in place for several years, which included the production of a Budget Pack detailing the options, further information and Integrated Impact Assessments (IIAs) where required.
- 3.3 The IIAs which supported the 2023/24 budget setting process adopted the same format and process that has been in place for several years, but they could have held more information and narrative. There had been many verbal conversations during the budget setting process, and it would have been beneficial for any such additional information to have been documented in the IIAs in order for the members to be able to give due regard to the equality implications of the budget options.
- 3.4 Having recognised opportunities for improvement, work has been undertaken, including additional training for officers with a focus on producing quality and informative IIAs. It has also been recognised that whilst engagement and consultation is not a legal requirement, evidence should be gathered and documented in an IIA which may include the results of bespoke consultations. The Budget Protocol agreed at Council on 14th June 2023 includes

consultations and will strengthen our commitment to further engagement regarding impacts of potential budget options.

- 3.5 Following the budget decision, the libraries and the pool were closed and decommissioning of the facilities commenced.
- 3.6 This report focuses on the Library and Sport Aberdeen options only and the impact that these options may have on the users of these facilities and services, specifically on those that may identify as having protected characteristics.

Judicial Reviews

- 3.7 Following the budget decision, throughout May 2023, the Council received four petitions for Judicial Reviews to be heard at the Court of Session. These Judicial Reviews were as follows:
 1. Petition for Judicial Review of the decision by ACC to close Woodside Library and the decision to reduce funding to Sport Aberdeen which led to them determining to close Bucksburn Swimming Pool.
 2. Petition for Judicial Review of the decision by ACC to close Woodside Library.
 3. Petition for Judicial Review of the decision by ACC to reduce funding to Sport Aberdeen which led to them determining to close Bucksburn Pool.
 4. Petition for Judicial Review of the decision by ACC to close Cornhill Library.
- 3.8 All four were on similar or identical grounds. The basis of the claims were that the Council had failed in exercising its Public Sector Equality Duty under the Equality Act 2010, and that the Integrated Impact Assessments that had been prepared were not adequate. It was alleged that ACC and Sport Aberdeen had failed in relation to the statutory requirement to pay due regard to the needs of the Public Sector Equality Duty and legal requirements regarding IIAs. Specifically, there was concern that there had not been meaningful consultation and engagement with communities and users with protected characteristics in order to properly inform the IIAs.
- 3.9 When the Petitions first came in, the Council gave the petitioners the following undertaking:

On behalf of and as instructed by Aberdeen City Council, we hereby undertake that Aberdeen City Council will not dispose, demolish or transfer ownership of Bucksburn Swimming Pool, Woodside Library, Ferryhill Library, Cults Library, Cornhill Library, Kaimhill Library or Northfield Library prior to the determination of the petitioners' judicial reviews (otherwise than as required by law) without first giving the petitioners at least 14 days' notice of any such disposal, demolition or transfer of ownership.
- 3.10 The libraries had been largely decommissioned prior to the Petitions being received. After receiving the Petitions, the Council halted any further

decommissioning. The buildings have not been disposed of, books and materials remain in storage, and any further ACC Voluntary Severance and Early Retirement requests have been put on hold. In terms of the swimming pool, the facility had been partially decommissioned by Sport Aberdeen before being returned to the council, prior to Petitions being received. The Pool remains mothballed following the removal of any loose furniture and equipment.

- 3.11 Following a review of the four cases, negotiations took place with the four petitioners to agree a mutually agreeable and pragmatic solution to the petitions without the need for further court proceedings.
- 3.12 Agreement was reached that the Judicial Reviews would be sisted and without admission of any liability, ACC supported by Sport Aberdeen would carry out specific consultation on the two budget options, prepare updated IIAs and the outcome of the budget decision would be re-considered in December 2023, taking account of any impacts identified in the IIAs. The four Judicial Reviews against ACC are due to call again at the Court of Session in January 2024.

4. LIBRARIES

Current Library Provision

- 4.1 Aberdeen City Council's Library and Information Service continues to be an essential service for people who live, work, study in Aberdeen. Customers can access; information, reading development for adults, children and young people, health and wellbeing, business and employability and local history support and resources. These are available; physically through 10 Community Libraries, a self-service library at Old Aberdeen and the Central Library's 4 departments, digitally 24/7 through the Library catalogue, webpages and databases or at home through the Home Service.
- 4.2 Children and young people continue to benefit from term-time library access at school. All secondary school pupils have access to school libraries, staffed by Library Resource Centre Co-ordinators (LRCCs) who are qualified librarians. There are library spaces in every primary class and Early Learning and Childcare setting which contributes to raising attainment through supporting literacy and numeracy for all learners.
- 4.3 Despite library closures the city's libraries have experienced an increase of 6,419 (15%) in the number of in person library visits from April -September 2023 based on the same period in 2022, with 848 more active library members accessing libraries to borrow items within this period. While the mainstay of libraries has and continues to be books and reading, libraries are far more than books alone, they are spaces for learning and connection for people, places and partnership. Libraries have always been and continue to be Warm Spaces and are part of the wider network of spaces across communities in the city. They are the physical interface to a digital world when there is a need for support and access to online application forms. Libraries

are available for all life stages from birth and beyond with services that adapt to our changing ages and stages.

Library Consultation

- 4.4 The Consultation on Cornhill, Cults, Ferryhill, Kaimhill, Northfield and Woodside Libraries was launched on 11 September 2023 and closed on 6 November 2023. A total of 710 responses were received, from which 664 people who have used one of the closed libraries in the last 5 years shared their experiences and personal impacts due to library closures. To complement the online and paper survey, 18 focus groups were offered to provide a further opportunity to gather information on the impact of library closures, 38 people attended focus groups.
- 4.5 It is recognised that the closure of the libraries is highly emotive for many of the participants. This has been evident in both the survey and focus groups responses and is reflected in Appendix A where examples of the impacts shared by library users can be found.

Aberdeen's Future Library and Information Consultation

- 4.6 The period of consultation for Aberdeen's Future Library and Information Service overlapped with the Consultation on Cornhill, Cults, Ferryhill, Kaimhill, Northfield and Woodside Libraries. Having carried out initial analysis of the Future Library and Information Service consultation similar themes have been noted from both consultations as:
- the importance and value of libraries for all ages
 - addressing barriers to access
 - promotion and demonstration of current physical and online library services
 - children and young people's access to reading and learning activities.

These comments, impacts and ideas will provide further valuable insight as we shape our future library provision.

Results from the consultations

- 4.7 Officers have used the evidence from the consultations to inform the impact on individuals and groups with protected characteristics and six comprehensive IIAs have been prepared which are attached at Appendix B. Although the additional information and engagement has not substantively changed the outcome of the initial Stage One IIA, it has allowed the comprehensive production of an IIA for each library and has also provided the service with invaluable feedback that will be included and help shape the Future Library Service Review.
- 4.8 In response to the closure of the six libraries, similar impact themes have been identified from the responses of library users. The main impact themes

are; getting to libraries, importance and value of physical library services, in library experience and digital inclusion. Using the information provided through the consultation and other data (detailed in the IIAs), the impact on library users following the closure of these six libraries has been assessed in relation to Human Rights, Child Rights, Protected Characteristics and Socio-Economic impact. Impacts on Human Rights and Child Rights have been assessed as low, recognising that access to information and opportunities that enable freedom of thought and expression and additionally for children access to information in the media, respect for the rights of the child and the right to education, which can be mitigated by other city provision.

- 4.9 The impacts on library users with the protected characteristics of age, disability, sex were assessed initially as medium, reducing to low following the application of mitigations. Impacts on library users with the protected characteristics of pregnancy and maternity and race were considered low and again mitigations have been applied to lessen the level of impact. These assessments reflect barriers to access due to travel costs, distance, time and other logistics that detrimentally affect these groups impacting on their access or frequency of access to libraries for services including but not limited to visiting for book borrowing, digital access, children's activities, warm spaces and social interaction. It is acknowledged that there may be individual instances where the personal impact will be high, however based on the proportionality of library usage and the data, the number of individuals experiencing a higher impact is low, therefore impact levels recorded as medium or lower impact. Based on the information gathered, the impact on the remaining protected characteristics (sexual orientation, gender reassignment, religion and belief, marriage and civil partnership) has been assessed as neutral.
- 4.10 Having considered the levels of impact, understanding personal experiences and local context, there are a number of mitigations in place as well as identified intentions to further improve access to and experience of libraries, learning and community facilities. There continues to be 10 community libraries, a self-serve library at Old Aberdeen and the 4 departments within the Central Library that are available for people to access regardless of where in the city they live. 81% of respondents shared that they have accessed other city libraries, beyond where libraries have closed. Our library service has city wide librarian expertise across the areas of: reader development for all ages, early years, children and young people, health and wellbeing, business and employability, local heritage, digital inclusion as well as locality librarians who develop initiatives across our communities. Further detail of the impacts and mitigations can be found in Appendix B.
- 4.11 Having assessed the impact of Option 1, due regard to the three needs of the Public Sector Equality Duty has to be considered. The first need is to give due regard to the impact of agreeing Option 1 on those with protected characteristics in eliminating discrimination, harassment and victimisation. There is no evidence to suggest that implementing Option 1 will lead to harassment or victimisation. Turning to the impact on discrimination, it is noted that there may be an impact on certain protected characteristics particularly those with inter-sectional protected characteristics i.e. a

combination of more than one protected characteristic which can lead to or perpetuate distinct forms of discrimination or disadvantage, for example disability and sex. There is no evidence of direct discrimination on grounds of a protected characteristic if this Option is chosen. It is also not clear that indirect discrimination would result in relation to certain protected characteristics. However, even if those with protected characteristics were disproportionately impacted by the policy, this Option could be justified as a proportionate means of achieving a legitimate aim. The Council has a legal obligation to balance its budget and this Option is a reasonably necessary means of achieving that aim in comparison with Option 2, when taking into account the costs of recommissioning, running and maintaining the facilities as well as capital costs. This Option is proportionate when balanced against the Council's legitimate aim on the basis that any potential impact on those with protected characteristics is reduced by the various mitigations set out in the IIAs.

- 4.12 The second need is to give due regard to the impact of agreeing Option 1 on the advancement of equality of opportunity between persons who share a relevant protected characteristic and persons who do not. It is acknowledged that the closure of the six libraries may have an impact on equality of opportunity for those with certain protected characteristics, namely Age, Disability, Sex, Pregnancy and Maternity, and Children and Young People. However, mitigations have been identified, as listed in the six individual Integrated Impact Assessments, to minimise any such potential impacts.
- 4.13 The third need is to give due regard to the impact of agreeing Option 1 on fostering good relations with those who share a relevant protected characteristic and persons who do not. There is no evidence to suggest that the closure of the six libraries would have any impact on the fostering of good relations between those groups.
- 4.14 Having assessed the impact of Option 2, due regard to the three needs of the Public Sector Equality Duty also needs to be considered. Option 2 simply reverses any impacts identified by Option 1. As such, the risk of discrimination or the impact on equality of opportunity in relation to those with certain protected characteristics would be reduced. However, budget savings would require to be found in other areas, which would be likely to lead to other cuts in services which would have implications for those with protected characteristics. The amount of savings to be found in other areas would also be greater as extra resources to fund the recommissioning of the library facilities would need to be identified.

Relevant Information for consideration

- 4.15 Below are summaries of other information about each library that is relevant to the decisions.

Library	Cornhill Library 74 survey responses 3 focus groups attendees
Opening Hours 22/23	10 am – 1 pm & 2 pm – 5 pm (Mon, Wed, Thur) 10 am – 1 pm (Sat) total 21 hrs
Visits 22/23	7294

Distance to nearest Library	0.9 miles to Mastrick 2.1 miles to Central
Infrastructure Summary including accessibility	Condition Grade: B, Satisfactory - performing adequately but showing minor deterioration (2019) Suitability Grade: C, Poor - showing major problems and/or not operating adequately (2023) Accessibility Grade: B, Satisfactory - performing adequately but showing minor deterioration (2019)

Library	Cults Library 178 survey responses 12 focus groups attendees
Opening Hours 22/23	10 am – 1 pm & 2 pm – 5 pm (Mon, Tues) total 12 hrs
Visits 22/23	7880
Distance to nearest Library	2 miles to Airyhall 3.8 miles to Culter and Central
Infrastructure Summary including accessibility	Condition Grade: B, Satisfactory - performing adequately but showing minor deterioration (2019) Suitability Grade: B Satisfactory - performing adequately but showing minor deterioration (2022) Accessibility Grade: C, Poor - showing major problems and/or not operating adequately (2019)

Library	Ferryhill Library 190 survey responses 8 focus groups attendees
Opening Hours 22/23	10 am – 5pm (Tues, Wed, Thurs, Fri) total 28 hrs
Visits 22/23	20005
Distance to nearest Library	1.1 miles to Central 1.5 miles to Kincorth 1.6 Miles to Torry (Greyhope School and Community Hub)
Infrastructure Summary including accessibility	Condition Grade: B, Satisfactory - performing adequately but showing minor deterioration (2018) Suitability Grade: B Satisfactory - performing adequately but showing minor deterioration (2022) Accessibility Grade: B Satisfactory - performing adequately but showing minor deterioration (2018)

Library	Kaimhill Library 63 survey responses 0 focus groups attendees
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Opening Hours 22/23	10 am – 1 pm & 2 pm – 5 pm (Tues, Wed) total 12 hrs
Visits 22/23	3099
Distance to nearest Library	1.4 miles to Airyhall 1.5 miles to Kincorth 2.1 miles to Central
Infrastructure Summary including accessibility	Condition Grade: A: Good - performing well and operating efficiently (2023) Suitability Grade: A: Good - performing well and operating efficiently (2017) Accessibility Grade: A: Good - performing well and operating efficiently (2018)

Library	Northfield Library 66 survey responses 4 focus groups attendees
Opening Hours 22/23	10 am – 1 pm & 2 pm – 5 pm (Thurs, Fri) total 12 hrs
Visits 22/23	4305
Distance to nearest Library	0.8 miles to Mastrick 1.8 miles to Bucksburn 3.4 miles to Central
Infrastructure Summary including accessibility	Condition Grade: B, Satisfactory - performing adequately but showing minor deterioration (2019) Suitability Grade: C, Poor - showing major problems and/or not operating adequately (2017) Accessibility Grade: C, Poor - showing major problems and/or not operating adequately (2019)

Library	Woodside Library 132 survey responses 11 focus groups attendees
Opening Hours 22/23	10 am – 1 pm & 2 pm – 5 pm (Mon, Thurs) 1 pm – 7 pm (Wed) total 18 hrs
Visits 22/23	6310
Distance to nearest Library	0.7 miles to Tillydrone 2.1 miles to Central
Infrastructure Summary including accessibility	Condition Grade: B, Satisfactory - performing adequately but showing minor deterioration (2023) Suitability Grade: C, Poor - showing major problems and/or not operating adequately (2017) Accessibility Grade: C, Poor - showing major problems and/or not operating adequately (2023)

Recommissioning process libraries

- 4.16 The recommissioning process for libraries will take approximately 6 months and will include: recruitment of library staff, the need to address any building works and health and safety requirements, reinstatement of digital infrastructure, reallocation of fixtures, fittings and library stock, ordering equipment and furniture as required, transportation of library items, restocking libraries ready for opening. Some items will need to be purchased due to instances of furniture and fittings from closed libraries being used to upgrade other library sites.

Additional considerations

- 4.17 Legal Officers have reviewed various historic deeds, minutes and ancillary Council records in relation to conditions on title relating to purported use of Ferryhill and Woodside Libraries. Following consideration, Officers are satisfied that any such purported use restrictions can be interpreted as being no longer valid or enforceable for the purposes of this report.

5 BUCKSBURN SWIMMING POOL

Current swimming pool provision

- 5.1 Aberdeen City has five public swimming pools operated by Sport Aberdeen, all with accessible facilities. Aberdeen Sports Village which the Council jointly funds with Aberdeen University is also accessible. Since the closure of Bucksburn swimming Pool, the aquatics programme has been relocated to other Sport Aberdeen venues.

Bucksburn Pool Consultation

- 5.2 An online consultation was launched on 19 September 2023 and closed on 6 November 2023. A total of 987 responses were received with 29 indicating they had not used the pool in the last 5 years. To complement the online survey, 3 focus groups and a meeting with the Save Bucksburn Pool Campaign Group were held to allow a greater focus on any common themes coming through the online consultation.
- 5.3 It is recognised that the closure of the swimming pool was highly emotive for many of the participants. This was evident in both the survey and focus groups responses and is reflected in Appendix C where examples of the impacts shared by swimming pool users can be found.

Results from the consultation

- 5.4 Officers have used the evidence from the consultations to inform the impact on individuals and groups with protected characteristics and a comprehensive IIA has been prepared and is attached at Appendix D.
- 5.5 In response to the closure of the pool, 450 respondents said they used the pool on a weekly basis, 141 fortnightly and 126 on a monthly basis. 365

respondents said they were using other pools and 592 said they were not. Of that 592, there were 146 that indicated they were accessing alternatives in subsequent questions. A number of impact themes were identified from the analysis including travel issues; time and distance (476), access (290) and costs (87). The scheduling/ opening times of other facilities was highlighted (222) with non-school swimming lessons (108) also noted. 168 respondents highlighted issues with alternative provision with 108 highlighting issues with loss of gradual stair entry as a barrier.

- 5.6 Using the information provided through the consultation and other data (detailed in the IIAs), the impact on users following closure has been assessed in relation to Human Rights, Child Rights, Protected Characteristics and Socio-Economic impact. Impacts on Human Rights and Child Rights have been assessed as low as pool provision is available which can be mitigated by other city provision.
- 5.7 The impacts on pool users with the protected characteristics of age, disability and children and young people was identified as medium with lower impact on pregnancy and maternity. These assessments reflect barriers to access with alternative facilities which included travel costs, distance, time and other barriers with alternative facilities which included design, access availability, condition of alternative facilities, programme and scheduling, that detrimentally affect these groups impacting on their access or frequency of access to a swimming pool.
- 5.8 Focus groups emphasised the loss of independence children gained from being able to use a local pool without their parents, social connections with young and older people and potential impacts for children with ASN needs without alternative facilities being available. Similarly loss of swimming lessons and P4 swimming was also noted as concerns.
- 5.9 It is acknowledged that there may be individual instances where the personal impact will be high, particularly around some use by people with specific disabilities the impacts to those swimming pool users the number of individuals experiencing a higher impact is low, therefore impact levels recorded as medium or low impact. Based on the information gathered, the impact on the remaining protected characteristics (sexual orientation, gender reassignment, religion and belief, marriage and civil partnership) has been assessed as neutral.
- 5.10 Having considered the levels of impact, understanding personal experiences and local context, there are a number of mitigations in place. Swimming lessons have been rescheduled to other facilities. A P4 swimming programme is also now in place. ASN provision has been re-aligned to Northfield pool. It should be noted that free travel is available for parts of the community to alternative provision but this is not straightforward from say Bucksburn to Northfield. Revised aquatic programmes are in place across other venues including swimming clubs being allocated hours in other venues. All Sport Aberdeen pools have varying degrees of accessibility. Gradual entry stairs have been highlighted as an issue for users and are now being made available at Northfield. Further details are contained within the IIA.

- 5.11 Having assessed the impact of Option 1, due regard to the three needs of the Public Sector Equality Duty has to be considered. The first need is to give due regard to the impact of agreeing Option 1 on those with protected characteristics in eliminating discrimination, harassment and victimisation. There is no evidence to suggest that implementing Option 1 will lead to harassment or victimisation. Turning to the impact on discrimination, it is noted that there may be an impact on certain protected characteristics particularly those with inter-sectional protected characteristics. There is no evidence of direct discrimination on grounds of a protected characteristic if this Option is chosen. It is also not clear that indirect discrimination would result in relation to certain protected characteristics. However, even if those with protected characteristics were disproportionately impacted by the policy, this Option could be justified as a proportionate means of achieving a legitimate aim. The Council has a legal obligation to balance its budget and this Option is a reasonably necessary means of achieving that aim in comparison with Option 2, when taking into account the costs of recommissioning, running and maintaining the swimming pool as well as capital costs. This Option is proportionate when balanced against the Council's legitimate aim on the basis that any potential impact on those with protected characteristics is reduced by the various mitigations set out in the IIAs.
- 5.12 The second need is to give due regard to the impact of agreeing Option 1 on the advancement equality of opportunity between persons who share a relevant protected characteristic and persons who do not. It is acknowledged that the closure of the pool may have an impact on equality of opportunity for those with certain protected characteristics, namely Age, Disability, Children and Young People, Pregnancy and Maternity, Race and Sex. However, mitigations have been identified, as listed in the Integrated Impact Assessments, to minimise any such potential impacts.
- 5.13 The third need is to give due regard to the impact of agreeing Option 1 on fostering good relations with those who share a relevant protected characteristic and persons who do not. There is no evidence to suggest that the closure of the pool would have any impact on the fostering of good relations between those groups.
- 5.14 Having assessed the impact of Option 2, due regard to the three needs of the Public Sector Equality Duty also needs to be considered. Option 2 simply reverses any impacts identified by Option 1. As such, the risk of discrimination or the impact on equality of opportunity in relation to those with certain protected characteristics would be reduced. However, budget savings would require to be found in other areas, which would be likely to lead to other cuts in services which would have implications for those with protected characteristics. The amount of savings to be found in other areas would also be greater as extra resources to fund the recommissioning of the swimming pool would need to be identified.

Pool	Bucksburn Swimming Pool
Opening Hours	Monday - 6am-9:15pm Tuesday - 6am-9:00pm Wednesday - 6am-8:15pm Thursday - 9:30am-9:15pm Friday - 9:30am-9pm Saturday - 7am-4:00pm Sunday - 9am-6:30pm
Visits 2022/23	69,089
Distance to nearest Pool	2.8 Miles – Get Active @ Northfield 2.9 Miles – Dyce Academy Pool (lessons / club only) 4.2 Miles – Aberdeen Sports Village 4.3 Miles – Bridge of Don Swimming Pool 6.7 Miles – Tullos Swimming Pool 6.9 Miles – Get Active @ Cults 8.5 Miles – Get Active @ Lochside
Infrastructure Summary including accessibility	Suitability Grade – A: performing well and operating efficiently. The buildings support the delivery of the service and are considered suitable for use now and in the future. Condition Grade – B: Satisfactory. Performing adequately but showing minor deterioration. Accessibility Grade – B: Accessible with only minor works required.

Recommissioning process Bucksburn Pool

- 5.15 Any recommissioning process could take up to 9 months. A complete review of all Mechanical & Electrical systems will be required. There is a known requirement to replace the ventilation plant and the automatic controls, along with the associated control panels. The filter media may need replaced which is common during extended periods of inactivity. It may also be prudent to replace the obsolete fire alarm. Re-installation of CO2 for pool chemical dosing would be required (it was removed as it belongs to the supplier). Various statutory testing and servicing would be required. New furniture, pool equipment and signage would have to be procured. A re-organisation of Sport Aberdeen's operational structure at venue level would need to be implemented. Staff recruitment would be required if Dyce Academy Pool was to remain in use for lessons and clubs.
- 5.16 Sport Aberdeen would need to review its existing operational structure and recruit and train appropriate staff as the organisation downsized following the closure. This will be influenced by the decision of the council on the future operation of Dyce Academy swimming pool and if it is to remain operational with its existing programme for lessons and clubs.

6. FINANCIAL IMPLICATIONS

6.1 There will be costs associated with the recommissioning of the libraries and/or Bucksburn Swimming Pool. Indicative costs are provided in the table below, that will be confirmed during any potential recommissioning stage.

Facility/Service	Estimated Recommissioning Cost	Annual running cost (excluding ongoing building maintenance)
Cornhill Library	£20k	£42K
Cults Library	£20K	£105K
Ferryhill Library	£25K	£96K
Kaimhill Library	£13K	£23K
Northfield Library	£25K	£46K
Woodside Library	£25K	£34K
Library totals	£128K	£346K
Bucksburn Swimming Pool	£750,00 to £1,000,000	£160k*

*Sport Aberdeen forecasted operating deficit (estimated).

6.2 Several of the buildings had previously been identified as having capital works required within the Condition and Suitability budget. Any decision to reopen any of the buildings will also require the reinstatement of projects previously included in the Condition & Suitability (C&S) Programme. This would be accommodated through a wider reprioritisation of other approved building improvements. Only the works at Bucksburn Pool would require to be completed as part of the recommissioning process. The other works would be scheduled to be completed within 3 years. The previous allocations were:

- Cults Library - £70k. Roof replacement.
- Ferryhill Library - £55k. Windows and blinds replacement.
- Northfield Library - £195k. Pitched roof replacement.
- Bucksburn Pool - £450k. Replacement of the existing ventilation plant and automatic controls.

These costs are in addition to the re-commissioning costs highlighted with the exception of the Pool where the £450k is included. Due to construction cost inflation these figures will have to be reviewed and updated as they will have risen since the original estimates. Any further work identified from detailed survey and assessment of Bucksburn swimming pool could also be funded by the C&S Programme subject to prioritisation of works within the programme.

7. LEGAL IMPLICATIONS

- 7.1 Under section 163(2) of the Local Government (Scotland) Act 1973, the Council has a duty to secure the provision of adequate library facilities for all persons resident in the Council area.
- 7.2 Under section 14 of the Local Government and Planning (Scotland) Act 1982, the Council has a duty to “ensure that there is adequate provision of facilities for the inhabitants of their area for recreational, sporting, cultural and social activities”. The Council also has a duty under section 1(3) of the Education (Scotland) Act 1980 to secure for pupils in attendance at schools in their area “the provision of adequate facilities for social, cultural and recreative activities and for physical education and training”. These duties require adequate provision and do not stipulate precisely what facilities must be provided.
- 7.3 Aberdeen City Council has to comply with the [section 149](#) of the Equality Act 2010 which requires that:

“A public authority must, in the exercise of its functions, have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”

- 7.4 Aberdeen City Council has to comply with [Regulation 5](#) of The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 which requires that

(1) A listed authority must, where and to the extent necessary to fulfil the equality duty, assess the impact of applying a proposed new or revised policy or practice against the needs mentioned in section 149(1) of the Act.

(2) In making the assessment, a listed authority must consider relevant evidence relating to persons who share a relevant protected characteristic (including any received from those persons).

(3) A listed authority must, in developing a policy or practice, take account of the results of any assessment made by it under paragraph (1) in respect of that policy or practice.

(4) A listed authority must publish, within a reasonable period, the results of any assessment made by it under paragraph (1) in respect of a policy or practice that it decides to apply.

(5) A listed authority must make such arrangements as it considers appropriate to review and, where necessary, revise any policy or practice that it applies in the exercise of its functions to ensure that, in exercising those functions, it complies with the equality duty.

(6) For the purposes of this regulation, any consideration by a listed authority as to whether or not it is necessary to assess the impact of applying a proposed new or revised policy or practice under paragraph (1) is not to be treated as an assessment of its impact.

7.5 While the Regulations specifically reference “policy or practice” the Equalities and Human Rights Commission advise that

“the term ‘policy’ as shorthand for any activity of your organisation. Therefore ‘policy’ should be understood broadly to embrace the full range of your policies, provisions, criteria, functions, practices and activities including the delivery of services – essentially everything you do.”

7.6 All bodies exercising functions of a public nature are susceptible to potential Judicial Review challenges. Judicial review is a type of court proceeding in which a judge reviews the lawfulness of a decision or action made by a public body. A Judicial Review is a challenge to the way in which a decision has been made. It is not a challenge about the rights and wrongs of the conclusion reached. The role of the court is not to re-make the decision being challenged, or to inquire into the merits of that decision, but to conduct a review of the process by which the decision was reached to assess whether that decision was flawed and should be re-made.

This may mean that the public body will be able to make the same decision again, so long as it does so in a lawful way. Judicial review can be sought on the grounds that a decision is:

- illegal - arises when a decision-maker breaches a legal requirement, misdirects itself in law, exercises a power wrongly, or purports to exercise a power that it does not have, which is known as acting 'ultra vires';
- irrational - a decision may be challenged as unreasonable if it "is so unreasonable that no reasonable authority could ever have come to it";
- procedurally improper – a failure to observe statutory procedures or natural justice; or
- in breach of legitimate expectation – when a public body has failed to act in line with an expectation that it has created by its own statements or acts.

Only interested parties with sufficient interest in relation to the matter can bring a Judicial Review against a decision

8. ENVIRONMENTAL IMPLICATIONS

8.1 If any of the buildings were to be reopened then this would result in an increase in energy use and a subsequent increase in carbon emissions. There would be some level of city wide offset by users no longer taking vehicular transport to alternative venues when in the past they may have walked. As with other assets, there would be a requirement to invest in the buildings to improve their environmental performance so that they positively contribute to

Net Zero targets. Climate change mitigation improvements may also be required

9. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Compliance	Equalities and Human Rights Commission can take enforcement action against the Council.	Robust IIAs have now been completed and Officers have been working on a comprehensive improvement plan to improve internal compliance.	L	Yes
Operational	Recommissioning work will impact on operations and other improvement works to be undertaken by services.		L	Yes
Financial	Risk that Judicial Review will continue and incur additional costs.	Comprehensive consultation has taken place which has informed robust IIAs.	L	Yes
Reputational	There is a risk that the Council are unsuccessful in settling the Judicial Review and the Petitioners continue proceedings.	ACC have now consulted and engaged with the community and have produced comprehensive IIAs in order to support the final decisions.	M	Yes
Environment / Climate	Increased carbon emissions through energy use.	Invest in environmental and climate change mitigation improvements. Continue to encourage good practice energy use.	M	Yes

10. OUTCOMES

<u>COUNCIL DELIVERY PLAN 2023-2024</u>	
Impact of Report	
<p>Aberdeen City Council Policy Statement</p> <p><u>Working in Partnership for Aberdeen</u></p>	<p>In relation to the options for libraries, the paper confirms that ACC will continue to operate a comprehensive Library and Information Service across the City and within schools through physical and digital provision. This provision supports delivery of the following aspects of the policy statement:</p> <ul style="list-style-type: none"> • Maintain a strong network of libraries across Aberdeen which provide services relevant to the 21st century. <p>In relation to the options for the reduction in Sport Aberdeen funding, this provision may have a negative impact on delivery of the following aspects of the policy statement:</p> <ul style="list-style-type: none"> • Back Sport Aberdeen in their efforts to invest in and improve sporting facilities.
<u>Aberdeen City Local Outcome Improvement Plan 2016-26</u>	
<p>Prosperous Economy Stretch Outcomes</p>	<p>In relation to the options for libraries, the paper confirms that ACC will continue to operate a comprehensive Library and Information Service across the City and within schools through physical and digital provision. This provision supports delivery of the following improvement aims within the Local Outcome Improvement Plan.</p> <p>Stretch Outcome 3: 500 Aberdeen City residents upskilled/ reskilled to enable them to move into, within and between economic opportunities as they arise by 2026. In particular it contributes to improvement aims to increase the number of people that feel comfortable using digital tools; and increase the number of people with Aberdeen City gaining qualifications in CT and Digital Skills.</p> <p>In relation to the options for the reduction in Sport Aberdeen funding, there is no significant impact.</p>

Prosperous People Stretch Outcomes

In relation to the options for libraries, the paper confirms that ACC will continue to operate a comprehensive Library and Information Service across the City and within schools through physical and digital provision. This provision supports delivery of the following improvement aims within the Local Outcome Improvement Plan.

Stretch Outcome 7: 95% of all our children, including those living in our priority neighbourhoods (Quintiles 1 & 2), will sustain a positive destination upon leaving school by 2026. In particular, access to library and information services contributes to the learning offer and improvement aims to increase the percentage of learners entering a positive and sustained destination; and increase the percentage of young people completing courses aligned to support the digital and tech sector.

Stretch Outcome 9: 100% of our children with Additional Support Needs/ Disabilities will experience a positive destination by 2026. In particular, access to library and information services contributes to the learning offer and improvement aims to increase the percentage of young people with additional support needs/ disability entering a positive destination; and percentage of families with children with an additional support need or disability having access to peer and community support that meet their needs.

Stretch Outcome 11: Healthy life expectancy (time lived in good health) is five years longer by 2026. In particular, access to library and information services contributes to the learning offer and improvement aims to support people to promote wellbeing and good health choices, encourage people to adopt healthier and more positive lifestyle choices.

In relation to the options for the reduction in Sport Aberdeen funding, the options in the paper may have a negative impact on Stretch Outcome 11: Healthy life expectancy (time lived in good health) is five years longer by 2026. In particular, Sport Aberdeen is contributing to improvement aims to support people to promote wellbeing and good health choices; encourage people to adopt healthier and more positive lifestyle choices; and refer people with COPD or other respiratory conditions into specific PR physical activity and other support programmes delivered in community settings.

	<p>However, changes being tested as part of these improvement projects do not relate specifically to swimming pools.</p>
<p>Prosperous Place Stretch Outcomes</p>	<p>In relation to the options for libraries, the paper confirms that ACC will continue to operate a comprehensive Library and Information Service across the City and within schools through physical and digital provision. This provision supports delivery of the following improvement aims within the Local Outcome Improvement Plan.</p> <p>Stretch Outcome 15: Addressing the nature crisis by protecting/ managing 26% of Aberdeen’s area for nature by 2026. In particular, access to library and information services contributes to the learning offer and improvement aims to encourage and increase community food growing in schools, communities and workplaces.</p> <p>The library options may have a negative impact on Stretch Outcome 14: Increase Sustainable Travel, people walking and cycling as main mode of travel by 2026. The paper highlights the feedback from the consultation that it would be harder to access libraries by walking and cycling if they are not located within the community and may require travel by car. However, public transport and online library provision could be an alternative option for people.</p> <p>In relation to the options for the reduction in Sport Aberdeen funding, there is no significant impact.</p>
<p>Regional and City Strategies</p>	<p>Impact on the Children’s Services Plan is as described above in relation to Stretch Outcomes 7 and 9.</p>

11. IMPACT ASSESSMENTS

Assessment	Outcome
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Integrated Impact Assessment	Stage 1 and 2 Assessments have been completed.
Data Protection Impact Assessment	Not required
Other	Not required

12. BACKGROUND PAPERS

- 12.1 [Public Sector Equality Duty: specific duties in Scotland | EHRC \(equalityhumanrights.com\)](https://equalityhumanrights.com)
- 12.2 [Using intersectionality to understand structural inequality in Scotland.](#)

13. APPENDICES

- 13.1 Appendix A: Consultation on Cornhill, Cults, Ferryhill, Kaimhill, Northfield and Woodside Libraries
- 13.2 Appendix B: Integrated Impact Assessments for Cornhill, Cults, Ferryhill, Kaimhill, Northfield and Woodside Libraries
- 13.3 Appendix C: Consultation on Bucksburn Swimming Pool
- 13.4 Appendix D: Integrated Impact Assessment for Bucksburn Swimming Pool

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