

ABERDEENSHIRE COUNCIL

KINCARDINE AND MEARN'S AREA COMMITTEE

WOODHILL HOUSE, WESTBURN ROAD, ABERDEEN 03 SEPTEMBER 2019

Present: Councillors Wendy Agnew (Chair), Ian Mollison (Vice-Chair), Alastair Bews, George Carr, Sarah Dickinson, Alison Evison, Provost William Howatson, Jeff Hutchison, Colin Pike, Dennis Robertson, Sandy Wallace, Leigh Wilson.

Officers: Bruce Stewart (Acting Area Manager, Kincardine and Mearns), Emma Storey (Area Committee Officer, Kincardine and Mearns), Peter Robertson (Senior Solicitor), Katherine Regan (Strategic Development Officer), Iain Ramsay (Partnership Manager), Elaine McCarron (Team Leader), Diane Strachan (Project Officer), Lesley Forrest via Skype (Waste Support Leader), Mary MacLeod (Environmental Planner), Clarke Dalziel (Affordable Housing Officer), Mark Mitchell (Estates Programme Manager) and Laumon Dougall (Commercial Development Manager).

In Attendance: Michael Bennett and Mairi Eddie (Item 5).

1. DECLARATION OF MEMBERS' INTERESTS

The Chair asked Members if they had any interests to declare in terms of the Councillors' Code of Conduct and the following declaration was intimated;

Provost Howatson - Item 5 explained that he had a connection by virtue of being a Board member of the Trust several years ago. Having applied the objective test he had concluded that he had no interest to declare.

2A. STATEMENT ON EQUALITIES

In making decisions on the following items of business, the Committee **agreed**, in terms of Section 149 of the Equality Act, 2010:-

- (1) to have due regard to the need to:-
 - (a) eliminate discrimination, harassment and victimisation;
 - (b) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
 - (c) foster good relations between those who share a protected characteristic and persons who do not share it.
- (2) where an Equality Impact Assessment was provided, to consider its contents and take those into account when reaching their decision.

2B. RESOLUTION

The Committee **agreed** in terms of Section 50A(4) and (5) of the Local Government (Scotland) Act 1973, to exclude the public from the meeting during consideration of the items specified below so as to avoid disclosure of exempt information of the class described in the undernoted paragraphs of Part 1 of Schedule 7A of the Act.

Item No	Paragraph No of Schedule 7A
12	9
13	8
14	9

3. MINUTE OF MEETING OF KINCARDINE AND MEARNES AREA COMMITTEE OF 2 JULY 2019.

The Committee had before them and **approved** as a correct record the Minute of Meeting of the Committee of 2 July 2019.

4. Health and Social Care Partnership Performance Reporting

A report by the Partnership Manager, Central was circulated presenting performance information for the Health and Social Care Partnership for the period January to March 2019.

Members welcomed the report and requested additional information.

The Committee **agreed** to:

1. Note the content of the IJB Performance Q4 Report;
2. Request further investigation into e-consult times, highlighting that 40 minutes was too long; and
3. Request a further update on volunteer week.
- 4.

5. Mill of Benholm Asset Transfer.

A report by the Director of Infrastructure Services and Business Services was circulated updating Members on the asset transfer request from Mill of Benholm Enterprise.

The Acting Area Manager introduced the report and outlined key aspects of the Community Asset Transfer and the conditions attached to the application. Members queried if there was any flexibility with the long stop date and the percentage of funding commitments required. The acting Area Manager advised that any amendment to the recommendation would require to be referred to the Business Services Committee.

Members heard from the Mill of Benholm Enterprise who expressed their concerns as the conditions were too restrictive to enable external funders to offer grants. They highlighted that the Business Plan was a working document and if required they would carry out more of the works themselves to reduce costs.

Members fully discussed the report and concluded that they wished to support the Mill of Benholm Enterprise, to avoid any unnecessary delay and expressed concerns that the conditions were lengthy and onerous.

The Committee **agreed** to:

1. Approve the Asset Transfer Request for Mill of Benholm and instructed Officers to issue a Decision Notice;
2. Invite submission of an offer from Mill of Benholm Enterprise to be received within 6 months of the date of the Decision Notice; and
3. Delegate authority to the Acting Area Manager to instruct Legal and Governance to transfer the Mill of Benholm to Mill of Benholm Enterprise.

The Committee recognised that this decision was contrary to officers' recommendation and would require to be referred to Business Services Committee in accordance with the Council's Scheme of Governance.

6. Local Review Body, Review Decision Notice for LRB 455 - Planning Ref: APP/2018/3037.

The Committee had before them, and **noted**, an Aberdeenshire Council Local Review Body Review Decision Notice dated 16 July 2019 informing them of their decision. The Local Review Body (LRB) agreed with the determination reviewed by it and refused Planning Permission in Principle in accordance with the Officer's decision.

7. Scottish Government Appeal Decision, PPA-110-2372, Planning Ref: APP/2018/1213.

The Committee had before them, and **noted**, a Scottish Government Planning and Environmental Appeals Decision, dated 13 August 2019, informing them of the decision of the Scottish Government Reporter to allow the appeal and grant planning permission for Site OP1, Park Place, Newtonhill, subject to conditions, the signing and registering or recording of a planning obligation, under section 75 of the Town and Country Planning (Scotland) Act 1997, or some suitable alternative arrangement, covering the matters contained in the notice.

Members noted the decision and expressed disappointment in the outcome.

8. Risk Management Policy and Procedures.

A report by the Director of Business Services was circulated presenting the Risk Management Policy and Procedures and seeking comments to Business Services Committee.

The Committee **agreed** to note the Risk Management Policy and Procedures.

9. Area Committee Budget 2019.

A report by the Director of Infrastructure Services was circulated advising Members of applications to the Area Committee Budget for the financial year 2019/2020.

Members were advised, by the Acting Area Manager, that there were two applications to consider. The third application from Auchenblae Heritage Society would be deferred to a future committee to allow speakers to attend and further information to be gathered on the project. Members were also advised that should both applications be approved that would equate to a total of ten approved applications, leaving a balance of £49,418.09 for this financial year.

The first application for consideration was an application received from Burgh Hall Management Committee to upgrade the facilities within Inverbervie Burgh Hall. These included fixtures and fitting to accommodate an accessible toilet. The project had been matched funded through hall funds.

Marykirk Village Hall had requested £2250, towards the cost of repairing the roof covering and guttering. Members were advised that the hall is well used throughout the Community by various different groups including the local primary school.

The Committee **agreed** to disburse the following grants from the Area Committee Budget 2019/2020:

- | | |
|------------------------------------|----------|
| 1. Burgh Hall Management Committee | £1250.00 |
| 2. Marykirk Village Hall | £2250.00 |

10. Waste Management – Litter Prevention Action Plan and Associated Street Cleansing Policy and Procedures.

A report by the Director of Infrastructure Services was circulated outlining the proposed Litter Prevention Action Plan and associated Street Cleansing Policy and Procedures.

Members welcomed the draft plan and commended street cleansing officers. Members fully discussed the proposals and provided a number of comments to the Infrastructure Services Committee.

The Committee **agreed** to:-

1. Consider the proposed Litter Prevention Action Plan and associated Street Cleansing Policy and Procedures; and
2. Provide the following comments to Infrastructure Services Committee:-
 - a) Clarity regarding statement “Litter addressed without delay” to ensure no misconceptions regarding the time required to deal with an issue.
 - b) A focus and need for both education and enforcement are required to ensure prevention.
 - c) Consistency when using the term fly-tipping or refuse, provide a definition of fly-tipping and monitor any fly-tipping for a potential increase due to policy decision.

- d) Suggest re wording due to sensitive language with reference to “very small animals”.
- e) To consider less bureaucracy with working with volunteers regarding litter picks.

**11. Aberdeenshire Council Tree Preservation Order No 93 (2019)
Brighead, Inverbervie.**

A report by the Head of Planning and Building Standards was circulated asking the Committee to authorise confirmation of the Tree Preservation Order on the tree belt to the southern edge of Brighead, Inverbervie.

The Committee **agreed** to authorise confirmation of the Tree Preservation Order on the tree belt to the southern edge of Brighead, Inverbervie.

12. New Build Affordable Housing Project at The Grange, Laurencekirk.

An exempt report by the Director of Infrastructure Services was circulated seeking approval for acquisition of land and the supplementary work plan.

The Committee agreed to:

1. Approve the acquisition of the land in Appendix 3;
2. Note that the Head of Legal & Governance has the delegated authority to conclude missives and proceed to completion of the acquisition of the land;
3. Approve the Supplementary Housing Service Work Plan in Appendix 1;
4. Approve the Business Case in Appendix 2; and
5. Approve the direct award of the contract.

**13. Supplementary Annual Work Plan for Education and Children’s Services
Directorate – Procurement Approval.**

An exempt report by the Director of Education and Children’s Services was circulated requesting Committee approval of an item on the Work Plan identified as falling within the remit of the Area Committee.

The Committee **agreed** to:

1. Consider the Directorate Work Plan as detailed in Appendix 1;
2. Approve the item on the Work Plan identified as falling within the remit of the Committee and noted that this item will be added to the Directorate Work Plan that was approved by this Committee on 30th April 2019; and

3. Not reserve approval of the Business Case for any item on the Supplementary Work Plan which fall within the Committee's remit where the value of the matter is between £50,000 and £1,000,000.

14. Estates Non-Operational Portfolio Development Update.

An exempt report by the Director of Business Services was circulated advising Members of the current Estates Non-Operational Property Portfolio and the proposed investment across Aberdeenshire.

The Committee **agreed** to:

1. Provide comment on the Estates Non-Operational Portfolio Development report,
2. Approve the Kincardine and Mearns Area project within the Supplementary Work Plan, as noted in Appendix 1, and note that these items will be added to the Directorate Work Plan; and
3. Not reserve approval of the Business Case for the Kincardine and Mearns project as noted in Appendix 2.

Councillor Presiding over meeting

Print Name

Signature

Date