

## ABERDEENSHIRE COUNCIL

### BANFF AND BUCHAN AREA COMMITTEE - 18 AUGUST 2020

#### ALL ATTENDANCE BY SKYPE

**Present:** Councillors A Kille (Chair), C C Buchan, R A Cassie, J B Cox (present for Items 1-8 inclusive), M A Findlater, D Mair, H Partridge (present from Item 5A onwards), G Reynolds, M J Roy and B A Topping (present for Items 1-9 inclusive)

**Officers:** Mrs A Keith, Interim Area Manager; Miss F M Stewart, Senior Solicitor; Ms J Weir, Senior Planner; Mrs M Geddes, Location Manager; Mrs F Stephen, Location Manager; Mr C Clelland, IT Manager; Mr M MacAulay, Team Manager, Stock Improvement; Mr G Fraser, Stock Condition Surveyor; Mr C Dalziel, Affordable Housing Officer; Mr L Findlay, Director of Education and Children's Services; Mrs E M Farquhar, Area Committee Officer

#### ANNOUNCEMENT

Councillor Cox, on behalf of the Area Committee, spoke of the recent sad passing of John Ross Balharry (Ross). He described Ross as a truly lovely person who had been a pillar of the Whitehills Community for many years. Ross, a former bank manager/regional manager, had been a member of Whitehills and District Community Council for almost 20 years, most of which as Chair, a longstanding member of the Banffshire Partnership, a Whitehills Harbour Commissioner, and a founding member of the Boyndie Windfarm Cooperative which was the first of its kind in Scotland. Ross' friendship, support and guidance had been invaluable to many individuals, groups and businesses over many years and the Committee offered its condolences to Ross' wife and family and friends at this very sad time.

#### 1. DECLARATION OF MEMBERS' INTERESTS

The Chairman asked Members if they had any interests to declare in terms of the Councillors' Code of Conduct.

No Councillors' interests were stated.

#### 2. RESOLUTIONS

##### A. STATEMENT OF 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.

## **B. EXEMPT INFORMATION**

The Committee **agreed** under Section 50A (4) and (5) of the local Government (Scotland) Act 1973, as amended, that the public and media representatives be excluded from the meeting for Items 10, 11, 12 and 13 of the business on the grounds that these items involved the likely disclosure of exempt information of the class described in Paragraphs 1 and 8 of Part 1 of Schedule 7A of the Act.

### **3. MINUTE OF MEETING OF 16 JUNE 2020**

The minute of meeting of 16 June 2020 had been circulated.

The Committee **agreed to approve** the minute as a correct record of the meeting.

### **4. LIST OF OUTSTANDING BUSINESS AT 18 AUGUST 2020**

A list of outstanding business at 18 August 2020 had been circulated.

The Committee **noted**:

- Item 1 - Fraserburgh Academy Improvements - A briefing note and photographs of work would be made available from the Service in the next few weeks to provide an interim update, and the site visit requested by Members would be arranged as soon as possible, hopefully later this year.
- Item 5 - Sale of Canal Park - As restrictions continue, an online, virtual approach is currently being developed and will be commenced within the next few months.
- Item 8 - Planning Application Reference No APP/2019/1868 - As site visits are still not an option for Members of the Committee, planning officers will arrange to supply a video showing pertinent aspects of the site which may enable the application to be determined at the next meeting of the Committee on 08 September 2020.

In terms of planning site visits generally, the Committee noted that the Planning Service was keen to maximise virtual technology which may offer sufficient comfort and information to allow the Committee to determine applications without the need for a site visit. The situation would be reviewed regularly and for applications where site visits were still deemed necessary, a restricted site visit protocol would be developed, in line with government guidelines at the particular time.

Councillor Partridge joined the meeting at this point and:

- a) confirmed that he had no interests to declare in terms of the Councillors' Code of Conduct, and
- b) agreed to the resolutions in 2A and 2B.

## 5. PLANNING APPLICATIONS FOR CONSIDERATION

The following planning applications were considered and dealt with as recorded in Appendix A to this minute.

A	Reference No APP/2020/0257	Full Planning Permission for Installation of Flue Pipe and Re-Rendering of Building (Retrospective) at 68 Cross Street, Fraserburgh
B	Reference No APP/2020/0315	Listed Building Consent for Removal of Chimney, Installation of Flue Pipe and Re-Rendering of Building (Retrospective) at 68 Cross Street, Fraserburgh

## 6. ABERDEENSHIRE HEALTH AND SOCIAL CARE PARTNERSHIP PERFORMANCE AND OUTCOMES FRAMEWORK - QUARTERS 3 AND 4 REPORTING OCTOBER 2019 TO MARCH 2020

A report dated 05 June 2020 from the Lead Officer, Aberdeenshire Health and Social Care Partnership had been circulated to present the Area Committee with the Health and Social Care Partnership's performance information reported against the strategic priorities for the periods October to December 2019 (Quarter 3), and January to March 2020 (Quarter 4).

The Committee **agreed**:

1. to acknowledge the content of the Integration Joint Board (IJB) Performance Q3 and Q4 report, and
2. to make the following comments/recommended actions to the IJB for its consideration:
  - a) Performance reports need to be submitted much earlier as the figures are mostly out of date by the time they are considered by Committees.
  - b) Performance reports need to be much more relevant to the local context.
  - c) In order for them to be meaningful, all performance statistics should have set targets.

## 7. BANFF AND BUCHAN AREA COMMITTEE BUDGET 2020/2021 AREA INITIATIVES FUND - SECOND TRANCHE APPLICATIONS

With reference to Branch 8 of the Minute of Meeting of 16 June 2020, a report dated 29 July 2020 from the Director of Education and Children's Services had been circulated to advise the Committee of the second tranche of applications received for funding from the Banff and Buchan Area Initiatives Fund 2020/2021 and to ask it to determine whether, and to what extent, to award the amount of £31,974 remaining in the fund.

The Committee **agreed**:

1. to make the following awards:

- a) Banff and Macduff in Bloom - Purchase of small tractor for watering hanging baskets and tubs in both towns - Amount requested £5,000.

**Award of £5,000 granted.**

- b) Banff Preservation and Heritage Society Museum - Purchase of museum cabinet and chest of drawers - Amount requested £10,000

**Award of £10,000 granted.**

- c) Broch Surf Club - Purchase of surfing equipment and PVG applications - Amount requested £4,008.

**Award of £4,008 granted.**

- d) Fraserburgh Development Trust - Purchase of Christmas lights - Amount requested £1,500.

**Award of £1,500 granted.**

- e) Fraserburgh Development Trust - Refurbishment of roadside banner poles and installation of new banners - Amount requested £4,168

**Award of £4,168 granted.**

- f) Fraserburgh Sea Cadets - Purchase of trailer to transport equipment to other locations - Amount requested £4,025

**Award of £4,025 granted.**

2. River Church, Banff - Purchase and installation of security cameras - Amount requested £4,004.

Councillor Roy, seconded by Councillor Reynolds **moved** that no award be made as the project did not support any of the wider community planning themes stated in the report.

**As an amendment**, Councillor Cox, seconded by Councillor Findlater **moved** that the £3,246 remaining in the second tranche funding be awarded to the River Church.

Members of the Committee voted:

For the motion	5	Councillors Buchan, Cassie, Reynolds, Roy and Topping
For the amendment	5	Councillors Cox, Findlater, Kille, Mair and Partridge

The Chairman **exercised his casting vote** in favour of the amendment and **declared the amendment carried** in the following terms:

That the £3,246 remaining in the second tranche funding be awarded to the River Church towards the purchase and installation of security cameras.

## **8. AUDIT COMMITTEE DECISION - DURNHYTE CARE HOME, PORTSOY**

With reference to Branch 4 of the Minute of Meeting of 16 June 2020, a report dated 14 July 2020 from the Director of Education and Children's Services had been circulated to advise the Committee of the outcome of the Stage 1 scrutiny referral to the Audit Committee on 21 May 2020.

The Committee **noted** the terms of the report.

## **9. INFORMATION SECURITY POLICY AND ASSOCIATED PROCEDURES**

A report dated 03 August 2020 from the Director of Business Services had been circulated seeking the Committee's comments and feedback on a new Information Security Policy, a new Mandatory Operating Procedure covering the acceptable use of IT and a new Mandatory Operating Procedure covering Information Asset Management.

The Committee **noted** the terms of the report, and **agreed** the following responses to be submitted to the Business Services Committee:

1. The Area Committee **agreed** with the proposal that delegated powers be granted to the Head of Service (Customer and Digital) to make changes and revisions to the Information Security Policy to ensure it remains accurate, relevant and fit for purpose for as long as such changes and revisions do not significantly alter the meaning or essence of the Policy,
2. The Area Committee **agreed** with the proposal that the following policies currently in force be revoked:
  - a) Information Security Policy
  - b) Acceptable ICT Use Policy
  - c) ICT Asset Management Policy

3. The Area Committee **agreed** with the proposal that the following Policy and Mandatory Operating Procedures be approved:
  - a) Information Security Policy
  - b) Mandatory Code of Practice: Acceptable Use (ICT)
  - c) Mandatory Code of Practice: Asset Management

#### **10. PROPOSED UPGRADE TO 14 TIMBER CLAD HOUSES AT CHAPELHILLOCK AND LAW OF DOUNE ROAD, MACDUFF SUPPLEMENTARY PROCUREMENT PLAN**

A report dated 08 June 2020 from the Director of Infrastructure Services had been circulated to advise the Committee about the responsibility of Housing Asset Management for the repairs, maintenance and upgrade of Council Housing Assets and the properties which required works to protect their structural integrity and upgraded insulation.

The Committee:

1. **noted** the legislative requirement to upgrade the properties at the above locations,
2. **noted** the Housing Supplementary Procurement Plan as detailed in the report,
3. **agreed to approve** the item on the Supplementary Procurement Plan and noted that this item would be added to the Housing Procurement Plan that was approved by Communities Committee on 20 February 2020, and
4. **noted** that the Head of Housing had the delegation to award the final contract.

#### **11. SUPPLEMENTARY HOUSING PROCUREMENT PLAN NEW AFFORDABLE HOUSING PROJECT AT GOLDEN KNOWES, BANFF, PROCUREMENT APPROVAL**

A report dated 28 July 2020 from the Director of Infrastructure Services had been circulated to seek the Committee's approval to procure works for a new project in Phase 8 of Aberdeenshire Council's new build affordable housing programme to deliver 38 social rented properties in Banff.

The Committee **agreed** to:

1. the land purchase cost as part of the project cost and that the Head of Legal and Governance, following consultation with the Head of Housing, conclude missives,
2. approve the item on the Supplementary Housing and Building Standards Service Procurement Plan and note that the item will be added to the Housing and Building Standards Procurement Plan approved by Communities Committee on 20 February 2020,

3. approve the Procurement Approval Form,
4. authorise the direct award of the contract to Springfield Properties plc to develop the site at Golden Knowes, Banff as part of its S75 affordable homes obligations, providing 38 units for social rent through Aberdeenshire Council's new build affordable housing programme, and
5. delegate authority to the Head of Housing to award the final contract to Springfield Properties plc.

## **12. SUPPLEMENTARY HOUSING PROCUREMENT PLAN NEW AFFORDABLE HOUSING PROJECT AT GREENBANK VILLAGE, MERRYHILLOCK, FRASERBURGH - PROCUREMENT APPROVAL**

A report dated 23 June 2020 from the Director of Infrastructure Services had been circulated to seek the Committee's approval to procure works for a new project in Phase 8 of Aberdeenshire Council's new build affordable housing programme to deliver 26 social rented properties in Fraserburgh.

The Committee **agreed** to:

1. the land transfer from Claymore Homes to Aberdeenshire Council at the affordable housing cost of £0 value and instruct the Head of Legal and Governance, following consultation with the Head of Housing, to conclude missives,
2. approve the development of the site at Greenbank Village, Merryhillock, Fraserburgh, to provide 26 units for social rent through Aberdeenshire Council's new build affordable housing programme,
3. approve the item on the Supplementary Housing and Building Standards Service Procurement Plan and note that the item will be added to the Housing and Building Standards Procurement Plan approved by Communities Committee on 20 February 2020,
4. approve the Procurement Approval Form,
5. acknowledge that the Head of Housing has the delegated authority to award the final contract.

## **13. ARRANGEMENTS FOR APPOINTMENT OF AREA MANAGER (BANFF AND BUCHAN)**

A report dated 31 July 2020 from the Director of Education and Children's Services had been circulated to ask the Committee to agree the arrangements to recruit and appoint to the role of Area Manager (Banff and Buchan).

Mrs Keith left the room during the consideration and determination of this item.

The Director of Education and Children’s Services paid tribute to Mrs Keith and said that she had been a great asset to the Area, and to Education and Children’s Services during almost two years as the Interim Area Manager.

Councillors also expressed their gratitude and appreciation of the work that Mrs Keith had done.

Thereafter, the Committee **agreed** the permanent appointment of Angela Keith as Area Manager (Banff and Buchan) in accordance with agreed HFR and OD procedures.

**Councillor Presiding over meeting**

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**Print Name**

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**Signature**

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**Date**

## APPENDIX A

### PLANNING APPLICATIONS FOR CONSIDERATION

#### 5A REFERENCE NO APP/2020/0257

##### **FULL PLANNING PERMISSION FOR INSTALLATION OF FLUE PIPE AND RE-RENDERING OF BUILDING (RETROSPECTIVE) AT 68 CROSS STREET, FRASERBURGH, ABERDEENSHIRE, AB43 9EL**

**Applicant:** Mr I Findlay  
**Agent:** Baxter Design

A report dated 17 July 2020 from the Director of Infrastructure Services had been circulated seeking determination of the above planning application by the Area Committee.

The Committee heard Mr Craig Fyvie, applicant's agent and Mr Findlay, applicant, in support of the application.

Thereafter the Committee **agreed** to delegate the application to the Head of Planning and Environment to approve on appropriate conditions including a condition that the surface of the chimney be treated to complement the appearance of the roof tiles behind.

The Committee's reasons for departure from the Local Development Plan were that the development was not contrary to Policies P1, HE1 or HE2 as it did not have a negative impact on the character of the building or the wider Conservation Area. The new chimney had created a safer, cleaner and more environmentally friendly solution for a business which supported employment and regeneration, was not easily seen because of its height, and did not create a precedent as there were already businesses in the locality with similar chimneys.

#### 5B REFERENCE NO APP/2020/0315

##### **LISTED BUILDING CONSENT FOR REMOVAL OF CHIMNEY, INSTALLATION OF FLUE PIPE AND RE-RENDERING OF BUILDING (RETROSPECTIVE) AT 68 CROSS STREET, FRASERBURGH**

**Applicant:** Mr I Findlay  
**Agent:** Baxter Design

A report dated 17 July 2020 from the Director of Infrastructure Services had been circulated seeking determination of the above planning application by the Area Committee.

The Committee heard Mr Craig Fyvie, applicant's agent and Mr Findlay, applicant, in support of the application.

Thereafter the Committee **agreed** to delegate the application to the Head of Planning and Environment to approve on appropriate conditions including a condition that the surface of the chimney be treated to complement the appearance of the roof tiles behind.

The Committee's reasons for departure from the Local Development Plan were that the development was not contrary to Policies HE1 or HE2 as it did not have a negative impact on the character of the building or the wider Conservation Area. The new chimney had created a safer, cleaner and more environmentally friendly solution for a business which supported employment and regeneration, was not easily seen because of its height, and did not create a precedent as there were already businesses in the locality with similar chimneys.