

## REPORT TO KINCARDINE AND MEARN'S AREA COMMITTEE – 29 JUNE 2021

### ANNUAL SCRUTINY REPORT – 2020/21

#### 1 Reason for Report / Summary

- 1.1 In adopting the Scheme of Governance in 2017, it was agreed that each Committee be provided with an annual report, outlining its scrutiny activity. This report contains the activity for 2020/21 for the Kincardine and Mearns Area Committee.

#### 2 Recommendations

- 2.1 **The Committee is recommended to consider and comment on the activities detailed in the report; and**
- 2.2 **Identify any future scrutiny requirements as part of an annual programme of activity.**

#### 3 Purpose and Decision-Making Route

- 3.1 This report sets out the various types of scrutiny undertaken by the Kincardine and Mearns Area Committee for the period 1 April 2020 to 31 March 2021. It provides detailed information regarding formal and informal activities that demonstrate how the Committee undertakes its scrutiny role.
- 3.2 The report asks the Committee to consider the scrutiny activity and make comment on the scope of current activity and potential for further development of scrutiny activity in the coming year.

#### 4 Discussion

##### Formal Scrutiny

- 4.1 During the period 2020/21, the Kincardine and Mearns Area Committee held 14 meetings with reports covering a variety of subject matter. A list of these reports is detailed in **Appendix 1**. The appendix shows the type of scrutiny undertaken and any additions to the officer recommendation put on by the Committee.

For 2020/21, there were no Member Promoted Issues reported to the Committee, or was there any referral from another committee.

##### Informal Scrutiny

- 4.2 In addition to formal meetings, Councillors in Kincardine and Mearns undertake a number of other informal meetings which are not open to the public. These include informal seminars/briefing sessions and individual Ward Meetings. The fact that these meetings are not subject to the same

time constraints as formal meetings means that Councillors are able to consider issues in more depth. The private nature of these sessions also means that Councillors are able to have open and detailed dialogue with Officers about activity and potential solutions to issues that have arisen.

- 4.3 **Seminars and Briefing Sessions** – In the past year 17 sessions have been held for Kincardine and Mearns Councillors. The subject matter from these were as follows: -

Informal Sessions with Police, Fire and Health & Social Care Partnership (5 sessions)
Early Years Provision
Primary School Management – Approach to Head Teacher Vacancies Briefing
Local Community Planning
Local Development Plan Virtual Room Session
Engagement and Participation Policy
Meeting with Senior Management Team for Education & Children’s Services, Infrastructure Services and Business Services (3 sessions)
Mental Health Service Provision
Suicide Prevention Session
Community Justice Briefing
Area Plans

- 4.3.1 Informal seminars allow for more in depth discussions and time to scrutinise topics in more depth. Councillors are able seek more information and provide Officers with an indication of their concerns or issues that they may be aware of.

- 4.4 **Ward Meetings** – In Kincardine and Mearns, we have 3 electoral Wards: -

Ward 17 – North Kincardine Ward (4 Councillors)

Ward 18 – Stonehaven and Lower Deeside Ward (4 Councillors)

Ward 19 – Mearns Ward (4 Councillors)

Ward Meetings for each of these wards are held approximately every 6 weeks, however from April until October 2020, in the midst of the pandemic, Ward Meetings were held weekly and then fortnightly. This was to ensure that Councillors were kept fully briefed about service delivery and activity during this time.

- 4.4.1 Ward Meetings are arranged by the Area Manager and they are used both to brief Councillors on activity and issues within the Ward and for Councillors raise issues or to seek updates on ongoing activity. Council Officers will attend these meetings as appropriate to provide information and to respond to the issues raised by Councillors. The structure of these meetings allow

Councillors to scrutinise more carefully the work of the Council in their electoral ward.

- 4.5 **Partner Organisations** – Since changes were made to the structures of Scottish Fire and Rescue, Police Scotland and the Health and Social Care Partnership, the Area Committee has had a role in scrutinising their work at a local level. In order to do this effectively, these partner organisations have been reporting to Area Committee on a quarterly basis, 2 formal reports to Committee and 2 informal seminars with the Committee.
- 4.5.1 In the past year, Scottish Fire and Rescue has been able to continue with this practice.
- 4.5.2 The Health & Social Care Partnership (HSCP) undertook 1 informal session and 2 formal reports in September 2020 and January 2021. The HSCP is undertaking a review of its performance framework, with key areas for improvement being how it can better demonstrate outcomes for people and communities and the difference that integration has made. It has since been agreed that future reports to the IJB will be focused on the key transformational initiatives to be taken forward under the HSCP's new strategic delivery plan developed in response to Covid-19. Work is underway to develop the detail of the performance measures through which progress will be monitored, the aim being that this will provide greater assurance as to delivery of the strategic plan and providing evidence of the outcomes that it has agreed to work towards. As the new strategic performance framework is established, it will work to align its reporting timetables with Area Committee meeting dates.
- 4.5.3 Underpinning this, a significant amount of work has been undertaken with NHS Grampian Health Intelligence and Council information teams on the development of operational performance dashboards through which we aim to improve the accessibility of health and social care datasets and ensure continuing senior management oversight of performance. This has been particularly focused on identifying and understanding demands on the health and social care system throughout the Covid pandemic.
- 4.5.4 Police Scotland has only reported informally to Kincardine and Mearns Area Committee in the past year, this has been due to the Service not being able to provide statistical information on a Ward basis. Police Scotland has indicated that an ICT solution is currently being explored, testing a new methodology which will provide more reliable and robust data below council level. There is no timescale for the completion of this work and when Ward statistics will be available again.
- 4.6 The Local Community Planning Group (includes Police, Fire, Health, Voluntary Sector etc) joins together with the Area Management Team (Council Officers) to meet with the Area Committee twice a year. In 2020/21, due to the pandemic, the meeting that would normally take place in May/June was cancelled. However, a meeting took place on 4 November 2020. The focus for this meeting was feedback that was received from the Community

Impact Assessment consultation which asked residents how the pandemic had affected their communities. The meeting considered what support was required to assist communities through the crisis and how the community spirit that had been established through the pandemic could be continued in the future.

- 4.7 **Statement of Outstanding Business (SOB)** – The Kincardine and Mearns Area Committee now operates a Statement of Outstanding Business, it was put in place to allow the Committee to monitor progress with specific action required by the Committee that were in addition to Officer recommendations in reports. Outstanding actions are given timescales and routinely reported to each meeting of the Committee. The Committee determines whether items have been completed to its satisfaction and can be removed from the SOB or whether further/different action is required. This allows the Committee total control and an excellent opportunity to monitor and hold officers to account.

## 5 Council Priorities, Implications and Risk

- 5.1 The issues and topics considered as scrutiny relate to all the Council's priorities and key principles.

<b><i>Pillar</i></b>	<b><i>Priority</i></b>
Our People	Education Health & Wellbeing
Our Environment	Infrastructure Resilient Communities
Our Economy	Economy & Enterprise Estate Modernisation

Underpinning the Priorities are a number of key principles: right people, right places, right time; responsible finances; climate and sustainability; Community Planning Partnership Local Outcome Improvement Plans; human rights and public protection; tackling poverty and inequalities; digital infrastructure and economy.

This report helps deliver the Strategic Priority “Economy and Enterprise” within the Pillar “Our Economy”, having the right people, in the right place, at the right time.

- 5.2 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed.

<b>Subject</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
Financial		<b>X</b>	
Staffing		<b>X</b>	
Equalities		<b>X</b>	
Fairer Scotland Duty		<b>X</b>	
Town Centre First		<b>X</b>	
Sustainability		<b>X</b>	

Children and Young People's Rights and Wellbeing		<b>X</b>	
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- 5.3 An equality impact assessment is not required because the report is to inform the Committee of scrutiny activity and the recommendations will not have a differential impact on any of the protected characteristics.
- 5.4 Similarly, there are no specific implications for staffing, finances, wellbeing or children and young people's rights.
- 5.5 Various Risks will have been identified as relevant to the areas of business covered in the content reports for this annual report and were identified when the individual matters were considered. There are no risks, either at a Corporate or Directorate level, relevant to this annual report on scrutiny.

## **6 Scheme of Governance**

- 6.1 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments are incorporated within the report. They are satisfied that the report complies with the [Scheme of Governance](#) and relevant legislation.
- 6.2 The Committee is able to consider this item in terms of Section B.11.3 of the [List of Committee Powers in Part 2A](#) of the Scheme of Governance as it refers to scrutiny activity undertaken by this Committee.

**Alan Wood**  
**Director of Infrastructure Services**

Report prepared by Emma Storey, Area Committee Officer  
Date – 21 June 2021

### **List of Appendices**

**Appendix 1 - 2020-21 Formal Scrutiny by Kincardine and Mearns Area Committee**

**Appendix 1**

<b>Date of Committee</b>	<b>Item No</b>	<b>Report Title</b>	<b>Categories</b>	<b>Decision</b>
<b>28.04.2020</b>	4	Area Committee Budget 2020 - 2021	Management Monitoring	Approved
	5	Community Council Grants 2020 - 2021	Management Monitoring	Approved
	6.	Live Life Aberdeenshire Pitch and Open Space Strategy	Policy Development/Review	Approved. Comments provided to Policy Committee.
<b>09.06.2020</b>	5.	Proposed Prohibition of Driving Order – Park Bridge, Drumoak	Monitoring Local implementation of Council Policy	Approved
	6.	Historic Asset Management Project Annual Update	Monitoring	Approved Committee welcomed the report and acknowledged the great work done by Officers and suggested that consideration be given to increasing the budget allocated to the Service and that priorities be given to projects based on Health and Safety requirements.
	7.	Aberdeenshire Charitable Trust Application (Act2)	Management Monitoring	Approved
<b>30.06.2020</b>	5.	Abbeyton Bridge	Monitoring	The Committee voted:

				<p>The amendment was carried and the Committee <b>agreed</b> to:</p> <ol style="list-style-type: none"><li>1. Note the work undertaken to date in relation to assessing the future viability of a crossing of the railway at Abbeyton, including the exploration of external capital funding,</li><li>2. Consider the issues arising from the loss of the road link from the A90 at Abbeyton in the context of the Council's overall Bridges repair and replacement programme and the available resource,</li><li>3. Discuss the issues set out in the report and comment on the future of the Abbeyton Bridge crossing,</li><li>4. Agree that, given the exhaustion of the current available funding options, to defer any work on the project until such time as a viable funding approach is identified, including coming forward as part of the Bridges capital project prioritisation process, and</li><li>5. Provided comment to Infrastructure Services Committee .</li></ol>
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21.07.2020	4	Proposed Aberdeen Local Development Plan 2020 – Site OP46 Royal Devenick Park	Monitoring	<p>The committee agreed the recommendations and provided the following comment:</p> <p>Suggest additional wording be added to clarify point 8 as follows; “The only road access into site OP46 <b>that has been demonstrated by the proposer</b> is from the C34k ‘Causey Mounth’</p>
01.09.2020	4.	Information Security Policy & Associated Procedures	Policy Development/Review	Approved and provided comments to ISC.
	5	Coastal Community Fund	Management Monitoring	Approved
	6	Area Community Budget	Management Monitoring	Approved
	8.	Licensing Sexual Entertainment Venues	Policy Development/Review	<p>Committee provided the following <b>comments</b> for consideration by the Licensing Sub-Committee on 2 October 2020:-</p> <p>(i) What number of SEVs should the limit be set at for Aberdeenshire in total and per locality?</p> <p>A. Subject to outcome of public consultation agreed nil limit.</p> <p>(ii) Should “relevant localities” be the 6 administrative areas of Aberdeenshire?</p> <p>A. Agreed.</p>



				<p>(iii) Should there be a sensitive premises presumption? What should the distance between these places (and reported incidents) and SEVs be?</p> <p>A. Agreed, there should be a distance but should await public consultation feedback before setting a distance.</p> <p>(iv) Should the duration of a SEV Licence be no longer than 1 year?</p> <p>A. Agreed.</p> <p>(v) Should the duration of a waiver be no longer than 1 year?</p> <p>A. Agreed.</p> <p>(vi) Should there be any others added to the list of application consultees?</p> <p>A. Members suggested adding The Inter Faith Group, a Sikh group, Licensing Forum and Scottish Licensed Trade Association.</p> <p>Members also suggested to publicise the consultation more via social media to increase public awareness.</p>
	10	Hillside Community Project	Management Monitoring	Approved and Committee did not reserve approval of the Procurement Approval Form.

	11	Sale of Amenity Ground, Kirkton Road, Stonehaven	Management Monitoring	Approved
	12	ACT2 Fund	Management Monitoring	Approved
<b>22.09.2020</b>	4.	Petition – Spaces For People	Local scrutiny Monitoring	<p>The Committee <b>agreed</b> to:</p> <ol style="list-style-type: none"> <li>1. Note the petition received by the Director of Business Services as described in this report; and</li> <li>2. Instruct that a report from the Head of Transportation be brought to Kincardine and Mearns Area Committee to address the following questions raised during discussion; <ol style="list-style-type: none"> <li>a) Can evidence be provided to support the need for social distancing measures and its continuation to support public health,</li> <li>b) Why cones and barriers have been chosen in the first place, as opposed to other alternatives,</li> <li>c) Can an explanation be provided to explain the decision making process for the introduction of these measures?</li> <li>d) What monitoring regime is in place to measure the ongoing need for the barriers, traffic counts, footfall numbers,</li> </ol> </li> </ol>

				<ul style="list-style-type: none"><li>e) Can the governance arrangements for the implementation of the social distancing measures be provided?</li><li>f) Whilst the petition addresses the removal of all cones, in particular can we look to establish if cones can be removed on Allardice Street,</li><li>g) Can information be provided that discusses the situation with the new parking provision at Baird Park and the Councils current lease arrangements,</li><li>h) How will the darker nights affect the safety issues associated with the barriers and cones,</li><li>i) Can the report highlight the areas that are working well and have a need for barriers?</li><li>j) Can the report address the issues surrounding the complete removal of all cones and barriers, and</li><li>k) Can comment be provided in the report that addresses that Stonehaven town centre is very much open for business.</li></ul>
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	5.	Petition – Park Bridge, Drumoak	Local scrutiny Monitoring	<p>The Committee <b>agreed</b> to:</p> <ol style="list-style-type: none"><li>1. Note the petition received by the Director of Business Services as described in this report; and</li><li>2. Instruct that a report from the Head of Roads, Landscape and Waste Services be brought to Kincardine and Mearns Area Committee to address the following questions stated in the petition and raised during discussion;<ol style="list-style-type: none"><li>a) The specific reason for the closure of the bridge,</li><li>b) The structural analysis of the state of the bridge and its components is shared,</li><li>c) The issue of drainage of the deck is addressed as a priority to prevent further deterioration,</li><li>d) The build-up of the estimated cost for the restoration of the bridge is provided with evidence supporting the numbers being quoted,</li><li>e) The timeline for restoration with key milestones is communicated,</li></ol></li></ol>
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				<p>f) Further information on the Council's obligation as the bridge is a listed structure, and</p> <p>g) Further structural analysis to show the capabilities of different components and costings to enable the bridge to open to a maximum weight of 3 tonnes to take cars as opposed to 7.5 tonnes.</p>
6.	Proposed Prohibition Of Driving Order – Park Bridge, Drumoak	Local decision and monitoring of implementation of Council Policy		<p>The Committee <b>agreed</b> to:</p> <ol style="list-style-type: none"> <li>1. Note the objections received during the objection period;</li> <li>2. Approve the making of “The Aberdeenshire Council (Park Bridge, Drumoak) (Prohibition of Driving) Order, 2020” as detailed within the report, and</li> <li>3. Request that in future further clarity be communicated to the public on the different types of orders and suggested that the consultation webpage be updated to explain the difference between permanent and temporary road traffic orders.</li> </ol>
7.	Housing Allocation Policy Review Consultation	Strategic Plan Development and Review Monitoring		Noted. Comments to the Communities Committee

	8.	Strategic Housing Investment Plan 2021-2026	Strategic Plan Development and Review	Noted and comments provided to Communities Committee.
	11.	Potential to Increase Biodiversity Through Changes to Existing Maintenance Regimes	Policy Development/Review Monitoring	Approved. Committee <b>agreed</b> :  <ol style="list-style-type: none"> <li>1. To note the proposals for potential biodiversity improvements at sites identified in appendices 1 to 3,</li> <li>2. That Landscape Services continue to discuss proposals with all stakeholders during the remainder of 2020 and into 2021, and</li> <li>3. That a further report would come back to Kincardine and Mearns Area Committee following consultation with all stakeholders.</li> </ol>
	12.	Nestrans Regional Transport Strategy Consultation and City Region Deal Strategic Transport Assessment	Regional Strategic Development/Review	Approved and provided comments to NESTRANS.
	13	Sale of Ground for Access, Goldenacre, Johnshaven	Management Monitoring	Approved
	14	ACT2 Applications	Management Monitoring	Approved
<b>27.10.2020</b>	5	The Future Use of C35K Park Bridge	Local scrutiny Monitoring	The Committee agreed to;

				<ol style="list-style-type: none"> <li>1. Note that Park Bridge is currently closed to vehicles by virtue of a traffic order made by the committee on 22 September 2020,</li> <li>2. Note that there are no proposals to re-open the bridge to any form of vehicular traffic at the present time but that it remains open to cyclists and pedestrians, and</li> <li>3. Note <b><i>the Area Committee's preference for Option One (Appendix A, Page 25)</i></b> but that any proposals to reopen the Bridge to any form of vehicular traffic must be taken as part of the Council's overall bridges strategy which would have to be approved by Infrastructure Services Committee.</li> </ol>
6	Spaces for People	Local scrutiny Monitoring	Noted	
7	Area Committee Budget	Management Monitoring	Approved	
9	Climate Change Declaration Consultation	Policy Development and Review	Comments to Full Council.	
11	ACT2 Applications	Management Monitoring	Approved	

	12	Future Use of Land Adjacent to Stonehaven Harbour		The Committee agreed to instruct officers to approach the occupiers to ascertain their continued intention regarding occupation of the sheds and thereafter to report back to the Committee.
<b>17.11.2020</b>	4	Community Safety Governance and Strategic Arrangements in Aberdeenshire	Strategic Plan Development and Review	Approved and provided comments to Communities Committee.
	5	Corporate Parenting Annual Report	Management Monitoring	Approved
	6	Aberdeenshire Council Archaeology Service Strategy Review 2017-20 & Archaeology Service Strategy 2020-23	Policy Development/Review	Approved
	7	Aberdeenshire Council NESBReC Strategy Review 2017-20 & NESBReC Strategy 2020-23	Policy Development/Review	Approved
	8	Aberdeenshire Council Ranger Service Strategy Review 2017-20 & Service Strategy 2020-23	Policy Development/Review	Approved



	9	Coastal Communities Fund 2020/21	Management Monitoring	Approved
	10	Area Committee Budget 2020/21	Management Monitoring	Approved
	11	Aberdeenshire Digital Strategy	Policy Development/Review	<p>The Committee provided the following comments;</p> <ul style="list-style-type: none"> <li>• Requested a briefing note to update on investment, connectivity, and accessibility across Aberdeenshire,</li> <li>• Suggested the importance of working with third sector partners,</li> <li>• Suggested a dedicated platform for BSL,</li> <li>• Suggested consideration for not only accessible platforms but the importance of useable platforms with capabilities of working with accessibility software,</li> <li>• Consideration be given to the impact on staff of potential injury and ill health from using digital technology, e.g., eyesight, sedentary, repetitive strain injury etc</li> <li>• Suggested rewording “unproductive time”, pg... 404, and</li> <li>• Progress further Government funding</li> </ul>
	13	Stonehaven Flood Protection Scheme	Management Monitoring	Agreed and provided comments to Full Council.

	14	Proposed Sale of Former Drumoak Primary School Site	Management Monitoring	Approved
	15	Hillside School Classroom Extension	Management Monitoring	Approved
<b>08.12.2020</b>	6	Crown Estate Scotland Funding	Consultation response	Approved and provided comments to ISC
	7	Area Committee Budget	Management Monitoring	Approved
	9	Rezone of Hillside School	Management Monitoring	Approved
	10	Mackie Academy Refurbishment Update and Supplementary Procurement Approval	Management Monitoring	Deferral to allow the Headteacher of Mackie Academy and an Officer from Live Life to attend the January K&M Area Committee to answer further questions.
<b>19.01.2021</b>	4	Area Committee Budget 2020/21	Management Monitoring	Approved and agreed that any unclaimed monies from the Area Committee Budget 2020/21 be delegated to the Area Manager to distribute to known and operational food ladders in K&M up to a maximum of £3,000.00 per larder following consultation with the Chair and Vice Chair of K&M Area Committee.

	5	Steel Sheet Pile Repair at Stonehaven Harbour	Management Monitoring	Approved
	6	Stonehaven Library Lift Upgrade	Management Monitoring	Approved
	7	Mackie Academy Refurbishment Update & Supplementary Procurement Approval	Management Monitoring	Approved
<b>09.02.2021</b>	5	Arduthie School – Upgrade and Procurement Approval	Management Monitoring	Approved.
<b>02.03.2021</b>	4	Scheme of Establishment Review	Management Monitoring Local decision making	Approved and comments provided.
	5	South Harbours Improvement Plan	Management Monitoring	Approved
	6	Kincardine and Mearns Community Plan 2019-2022	Community Planning – monitoring role	Approved and comments provided.
	7	Mill of Benholm	Management Monitoring	Approved and amended recommendations as follows;  <b>2.1</b> That the Committee instructs the Area Manager to write to the Chair of the Mill of Benholm Enterprises noting their wishes to withdraw their application and

				<p>further to thank them for their rich source of energy, creativity, talent and determination in attempting to preserve and revitalise the Mill in view of the fact that the relevant legislation does not make provision for an application to be withdrawn give effect to Mill of Benholm Enterprises' intention to withdraw the application and so formalise and complete the process by refusing the Community Asset Transfer application;</p> <p><b>2.2</b> Delegate authority to the Area Manager to issue the Decision Notice of Refusal.</p> <p><b>2.3</b> Request that the Area Manager is involved along with Property to open urgent discussions with the North of Scotland Preservation Trust to reach a swift and satisfactory solution to ensure the preservation and long term future of Grade A listed Mill of Benholm.</p> <p>Members also requested that the Area Manager feedback to the Scottish Government on the process surrounding the CAT and the requirement to refuse an application when a withdrawal is submitted in order to issue a Decision Notice of Refusal.</p>
	8	Tackling Poverty and Inequalities Progress Report 2021	Monitoring (Council service delivery)	Approved and comments provided to Communities Committee
	9	Below Tolerable Standard Policy Review	Policy Development/Review	Approved and comments provided to Communities Committee

	10	Housing Renewal Area Policy Review	Policy Development/Review	Approved and comments provided to Communities Committee
	14	Marykirk School – Window Replacement	Management Monitoring	Approved
<b>23.03.2021</b>	4	Public Road Network - Bridges Work Bank Prioritisation - Draft Policy and Procedure	Policy Development/Review	<p>The Committee agreed and provided the following comments;</p> <ul style="list-style-type: none"> <li>• The Committee welcomed and supported the Bridges Work Bank Prioritisation report, draft policy and draft procedure.</li> <li>• The Committee welcomed the inclusion of the black bridge alert status being critical and therefore given the highest score.</li> <li>• The Committee stressed the importance of detailed inspections and assessment being carried out to ensure the condition of the bridge is known, to assist with future decisions regarding weight restrictions..</li> <li>• The Committee agreed with one Prioritisation List for the six Areas.</li> <li>• The Committee suggested that further consideration is given to all diversions being put in place due to any temporary bridge closures.</li> <li>• The Committee requested to be updated on the consultation exercise being carried out using the new engagement tool.</li> </ul>
	5	ACT 2	Management Monitoring	Approved.
	7	Infrastructure Services Directorate Procurement Plan – 2021/2022	Management Monitoring	The Committee agreed to reserve approval of the Procurement Approval Form for Park Bridge and commented that whilst approving the item on the procurement list, this should not be implied as meaning

				that the Committee had given a view that the Bridge should in future only be used by pedestrians and cyclists
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