

## ABERDEENSHIRE COUNCIL

### VIRTUAL MEETING, 18 NOVEMBER, 2021

**Present:** Councillors W Agnew, D Aitchison, A Allan, P Argyle, N Baillie, D Beagrie, L Berry, A Bews, G Blackett, R Bruce, C Buchan, M Buchan, S Calder, G Carr, R Cassie, J Cox, I Davidson, S Dickinson, A Duncan, E Durno, A Evison, M Ewenson, A Fakley, M Findlater, M Ford, A Forsyth, P Gibb, J Gifford, V Harper, A Hassan, W Howatson, J Hutchison, M Ingleby, P Johnston, A Kille, D Keating, A Kloppert, J Latham, L McAllister, R McKail, A McKelvie, D Mair, I Mollison, G Owen, G Petrie, C Pike, S Powell, G Reid, G Reynolds, A Ross, M Roy, A Simpson, H Smith, N Smith, S Smith, A Stirling, I Sutherland, I Taylor, B Topping, A Wallace (Items 1 to 4), L Wilson, R Withey and J Whyte.

**Apologies:** Councillors A Buchan, J Ingram, S Leslie, D Lonchay, H Partridge, D Robertson and I Walker.

**Officers:** Director of Business Services, Director of Education and Children's Services, Director of Environment and Infrastructure Services, Chief Officer, Health and Social Care Partnership, Head of Service, Legal and People, Head of Service, Customer & Digital Services, Head of Service, Finance, Head of Service, Planning and Environment and Principal Committee Services Officer.

### CHAIR

Councillor W Howatson, Provost of the Council, presided.

#### 1. DECLARATION OF MEMBERS' INTERESTS

The Provost asked Members if they had any interests to declare in terms of the Councillors' Code of Conduct. The following declaration was intimated –

Councillor Hassan declared an interest in Item 11 as the Council's representative on the Management Committee of Balmedie Leisure Centre and having applied the objective test concluded that it was not clear and substantial and would remain and participate.

#### 2. RESOLUTIONS

##### 2(A). PUBLIC SECTOR EQUALITY DUTY

In making decisions on the following items of business, the Council **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 Integrated Impact Assessment was provided, to consider its contents and take those into account when reaching their decision.

## **2(B). EXEMPT INFORMATION**

The Council **agreed**, that under Sections 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for Item 15 of the business on account of the likely disclosure of exempt information of the class described in paragraph 8 of Part 1 of Schedule 7A of the Act.

## **3. MINUTES**

### **(1) MINUTE OF MEETING OF ABERDEENSHIRE COUNCIL OF 23 SEPTEMBER, 2021**

There had been circulated and was **approved** as a correct record the Minute of Meeting of Aberdeenshire Council of 23 September, 2021.

### **(2) MINUTE OF SPECIAL MEETING OF ABERDEENSHIRE COUNCIL OF 23 SEPTEMBER, 2021**

There had been circulated and was **approved** as a correct record the Minute of Special Meeting of Aberdeenshire Council of 23 September, 2021.

### **(3) MINUTE OF SPECIAL MEETING OF ABERDEENSHIRE COUNCIL OF 6 OCTOBER, 2021**

There had been circulated and was **approved** as a correct record the Minute of Special Meeting of Aberdeenshire Council of 6 October, 2021 subject to Item 3, decision paragraph (1) being amended to replace the word “approve” with “acknowledge”.

## **4. APP/2020/2579 - CHANGE OF USE FROM AGRICULTURAL LAND TO TRAVELLERS SITE SUITABLE FOR 3 PITCHES WITH ASSOCIATED WORKS (PART RETROSPECTIVE) AT LAND ADJACENT TO SMALLBURN, CLOLA, MINTLAW**

There had been circulated a report dated 11 October, 2021 by the Director of Environment and Infrastructure Services on an application for change of use from agricultural land to travellers site suitable for 3 pitches with associated works (part retrospective) at land adjacent to Smallburn, Clola, Mintlaw, which in the professional opinion of the Director of Environment and Infrastructure Services, was of regional significance and required to be determined by Full Council following consultation with Buchan Area Committee at its meeting on 24 August, 2021. The application was recommended for approval subject to a number of conditions.

The Head of Service (Planning and Environment) introduced the report and the Council **agreed**:

(1) to GRANT Full Planning Permission subject to the following conditions:

01. The development hereby granted shall not be brought into use unless the proposed private water treatment system has been installed in accordance with the approved details. Once installed the private water treatment system shall thereafter be permanently retained.

The private water treatment system must include:

- a. A three-phase electrical supply to power the treatment
- b. UV treatment unit with appropriate pre-filters providing a continuous UV dose of 40 mJ cm<sup>-2</sup>
- c. Suitable treatment to bring the Iron level within acceptable limits
- d. Suitable pH filtration to ensure the pH is within acceptable limits
- e. Suitable treatment to keep the Manganese level within acceptable limits
- f. Suitable treatment to bring the Aluminium level within acceptable limits

Once installed the private water treatment system and infrastructure shall thereafter be permanently retained in good working order as per the requirements of The Private Water (Scotland) Regulations 2006.

Reason: To ensure the long-term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

02. Prior to the first occupation of the development hereby granted following the full installation of the mitigation required as per Condition 1, water samples shall be taken by a suitably qualified person, transported securely and analysed by an approved laboratory, with the results submitted to the Planning Authority. The site shall not be occupied until written confirmation has been given by the Planning Authority that the water supply is wholesome to supply the development.

Reason: To ensure the long-term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

03. The development shall be served in accordance with the approved drawings and the following details:

- (a) That no other works in connection with the development hereby granted shall take place unless a lay-by measuring 8.0m x 2.5m with 45 splays has been formed on the frontage of the site and the proposed vehicular access to be taken via this. Construction shall be to a standard appropriate to the location and must be agreed in advance with Roads Development.

- (b) Prior to commencement of development, Visibility Splays, measuring 2.4m by 120m to be formed on either side of the junction of the vehicular access with the public road. The visibility splays so formed shall thereafter be kept free of all permanent obstructions above adjacent carriageway level.
- (c) Prior to occupancy of development, first 5m of access (measured from edge of road or back of footway) to be fully paved.
- (d) Prior to occupancy of development, Off-Street parking for 6 cars, surfaced in hard standing materials must be provided within the site. Once provided the parking spaces shall be retained in perpetuity.
- (e) Prior to occupancy of development a refuse bin uplift store area shall be constructed (behind any visibility splay) so as to be accessible for bin uplift & shall be secure enough to prevent empty bins from being windblown. Details must be submitted to Roads Development for approval.
- (f) Prior to occupancy of development a suitable vehicle turning area, measuring not less than 7.6m x 7.6m, must be formed within the site to enable all vehicle movements onto or from the public road to be carried out in a forward gear. Once provided the turning area shall be retained for such use and shall be retained in perpetuity.

Reason: In order to ensure that the development is served by an appropriate standard of access and associated servicing in the interests of road safety.

04. No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority.

Details of the scheme shall include:

- a) Existing and proposed finished levels;
- b) The location of new trees, shrubs, hedges, grassed areas;
- c) A schedule of planting to comprise species, plant sizes and proposed numbers and density.

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

05. The development hereby approved shall not be occupied unless the proposed foul and surface water drainage systems have been fully provided in accordance with the approved plans (Surface water in accordance with drawing number 02 Rev 01 by ITPENERGISED - Foul drainage in accordance with drawing number 004 Rev 01 by ITPENERGISED ) and the Hydrological Assessment dated 02 September 2020 by ITPENERGISED. The foul and surface water drainage systems shall be permanently retained thereafter in accordance with the approved maintenance scheme.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

06. The development hereby granted shall ensure solely for the benefit of members of the Gypsy/Traveller community providing it is for their own private use.

Reason: Permission has been granted on the basis that the proposal would accommodate members of this community for private use only, for which there is specific provision in planning policy (Policy H5 refers).

(2) the reason for the decision as follows -

01. The Planning Authority considers that the application is for a development that is in accordance with the Aberdeenshire Local Development Plan 2017.

As the site is for the private use of a traveller family, the principle of development is acceptable under Policy H5 Gypsies and travellers. The proposal will also be serviced by appropriate infrastructure and is therefore, subject to conditions, in compliance with Policy RD1 Providing suitable services relating to roads, water supply and drainage.

## **5. FINANCIAL PERFORMANCE FOR REVENUE BUDGET AS AT 30 SEPTEMBER, 2021**

There had been circulated a report by the Director of Business Services providing financial information on expenditure and income relating to the General Fund Revenue Account for the period ended 30 September, 2021 including a forecast of the expected levels of expenditure and income for the financial year 2021/22. The report provided (1) an update on expenditure in the period to 30 September 2021 of £326.597 million out of a budget of £639.519 million or 51.07% after six months, (2) a forecast overbudget position to the end of the financial year of £6.846 million, (3) Service and Strategic Leadership Team commentary on the out of budget position including risks, mitigation measures being taken and impact on future years, (4) an

update on corporate and cross service savings of £11,238,000 included in the revenue budget, (5) details of reserves of £84,753,000 held by the Council, and (6) details of budget movements and virements for approval.

The Council heard from the Head of Service (Finance) and **agreed**:

- (1) the financial performance position for the revenue budget to 30 September 2021;
- (2) to note the forecast overbudget position of £6.846 million;
- (3) to note progress with agreed savings;
- (4) to approve the budget movement regarding Building Cleaning budgets as detailed in Appendix 3 of the report; and
- (5) to note the reserves position as of 30 September 2021.

## **6. FINANCIAL PERFORMANCE FOR GENERAL SERVICES CAPITAL EXPENDITURE AS AT 30 SEPTEMBER, 2021**

A report dated 2 November, 2021 by the Director of Business Services had been circulated seeking consideration and approval of the Council's financial performance information for capital expenditure for the period to 30 September, 2021. The report explained that (1) the Capital Plan formed part of the Medium Term Financial Strategy (MTFS) and reflected the Council's capital priorities for the current year and future years, (2) the Capital budget had been set in March 2021 at £121.316m and a revised budget approved in September 2021 set at £145.5m, (3) the Council had spent £37.986m or 26% of the revised budget in the first 6 months to 30 September, 2021, (4) it was estimated that expenditure would be £21.385m lower than budget for the year with details of the breakdown of the position for each project provided in Appendices 1 and 2, (5) the revenue borrowing costs associated with capital expenditure incurred in the current financial year would be reflected in the year following the actual expenditure and therefore an under budget capital position in 2021/22 would reduce the revenue costs charged to the 2022/23 revenue budget, (5) there were a number of projected variances in expenditure and set out the main variances totalling £21.385m, and (6) the Banff and Buchan Area Committee, at its meeting on 17 August, 2021, agreed to recommend that the Former Academy Annexe, Fraserburgh be transferred at nil value to the Housing Revenue Account to provide 16 units for social rent through the Council's new build affordable housing programme and, if approved, this may require further borrowing to the value of £150,000, being the estimated capital receipt forgone in respect of the building.

The Head of Service (Finance) introduced the report and the Council **agreed** to:

- (1) acknowledge the Capital expenditure financial performance position for the period 1 April to 30 September 2021 and the estimated £21.385m under budget position at the year end;
- (2) note the projected variances as set out in the report;

- (3) the transfer of the Former Academy Annexe, Fraserburgh to the Housing Revenue Account at nil value and acknowledged the associated risks and associated potential pressure as outlined in the report; and
- (4) note that further information on savings achieved in respect of the upgrade to the Viewmount building in Stonehaven would be provided to Members in due course.

## **7. FINANCIAL PERFORMANCE FOR HOUSING REVENUE ACCOUNT AS AT 30 SEPTEMBER, 2021**

There was circulated a report dated 26 October, 2021 by the Director of Environment and Infrastructure Services on the financial monitoring position of the Housing Revenue Account (HRA) and capital budget as at 30 September, 2021. The report explained that (1) the HRA budget of £66,529 million approved by Council at its meetings on 11 February, 2021 and 17 March, 2021 respectively was currently forecast to remain within budget, (2) the approved Housing Capital Budget for 2021/22 was now proposed to be revised from £93.416 million to £94.005 million to reflect a carry forward for Housing Fire and Smoke Detector Upgrades from 2020/21, and (3) there were no immediate plans for expenditure from the approved HRA reserve of £2 million.

The Director of Environment and Infrastructure Services introduced the report and the Council **agreed** to:

- (1) acknowledge the financial information and forecast position as at 30 September 2021; and
- (2) approve the revised HRA Capital Budget of £94.005 million to reflect the carry forward for Housing Fire & Smoke Detector Upgrades from 2020/21.

## **8. MEDIUM TERM FINANCIAL STRATEGY**

There had been circulated a report dated 8 November, 2021 by the Director of Business Services providing an update on progress with the Medium Term Financial Strategy (MTFS) 2022/23 to 2026/27 and Budget setting process for 2022/23. The report explained that (1) the MTFS approved by Council on 26th June 2021, reflected a balanced position for 21/22 with an out of balance position for the years 22/23 to 25/26 amounting to £45.928m, (2) the MTFS now required to be refreshed and the 22/23 budget updated to reflect additional spending need and the resource forecasting requirements by Directorates based on the latest information available and taking cognisance of the budgetary pressures that had been identified in the current financial year, (3) the previously reported out of balance position for 22/23 of £4.860m had included an assumption that £1.931m of additional funding received from the Scottish Government in 2021/22 would be baselined in 2022/23 which had subsequently been confirmed would not be the case and consequently this had increased the out of balance starting position to £6.791m, (4) other MTFS revisions to be considered included pay increases, inflation, recurring pressures, local impact of National policies, 2022 local government election costs and savings options, (5) an ambitious engagement programme had been launched amongst staff to assist with identifying savings, (6) the Scottish Government budget announcements were expected on the 9 December 2021 and a draft settlement letter was currently

timetabled to be received on 20 December 2021, and (7) an alternative date to that previously approved by Council of 10 February, 2022 may be required for setting the Revenue, Capital and Carbon budgets should the Scottish Government budget process conclude after that date.

The Council heard from the Head of Service (Finance) and, following discussion, **agreed** to:

- (1) note the 2022/23 estimated out of balance position;
- (2) note the next steps in the 2022/23 budget process and revision to the Medium Term Financial Strategy;
- (3) that an alternative date for the setting of the Revenue, Capital and Carbon budgets be identified in the event of the Scottish Government concluding the 2022/23 budget process after 10 February 2022; and
- (4) note that Group Leaders would consider writing to political leaders in the Scottish Parliament seeking support and investment in Local Government.

## **9. BEST VALUE ACTION PLAN SIX MONTHLY UPDATE**

With reference to the Minute of Meeting of the Council of 29 April, 2021 (Item 7), there had been circulated and was **noted** a report dated 3 November, 2021 by the Director of Business Services providing a six monthly update on the implementation of actions previously approved in the Best Value Action Plan. The report advised that the action plan identified a total of 29 actions as detailed within Appendix 1 of the report, 27 of which had been completed with the remaining 2 in progress.

## **10. COVID 19 UPDATE**

The Council had before it a report dated 9 November, 2021 by the Chief Executive providing an update on the Council's response to the ongoing COVID-19 pandemic as a Category 1 Responder and work being done on the recovery phase. The report highlighted key areas for consideration including impact on communities, virus suppression, the delivery of the vaccination programme, community testing, impact on staff, Education provision, use of offices and recovery activity and provided a timeline of key events and milestones relating to the pandemic.

The Director of Business Services introduced the report making reference to virus transmission rates across Aberdeenshire, impact on staff including absence rates, community and home testing arrangements, Education provision, use of offices, hybrid meeting arrangements and the Council's mainstream recovery approach.

Following discussion, the Council **agreed** to note the ongoing response of the Council as a Category 1 Responder under the Civil Contingencies Act and work being done on the Recovery phase.

## **11. REVIEW OF POLLING PLACES**

With reference to the Minute of Meeting of the Council of 16 January, 2020 (Item 9), there had been circulated a report dated 2 November, 2021 by the Chief Executive

providing information regarding existing polling districts and polling places in the Aberdeenshire Council area and recommending changes to the designation of certain polling places within those polling districts. The report advised that (1) the Council had a statutory obligation under the Electoral Registration and Administration Act 2013 to undertake a review of parliamentary polling districts and polling places under the Council's control every five years, (2) the purpose of undertaking a review was to ensure that reasonable facilities were provided for voting and that polling places were accessible to all electors, including those with a disability, so far as practicable, and (3) that completion of the review commenced in 2020 had been delayed as a result of coronavirus restrictions and, following the lifting of most of the restrictions in August 2021, the Elections Team had completed its investigations and was now in a position to make recommendations on alternative polling place venues which could be used at future electoral events including options available for removing schools from the list.

The Council **agreed**:

- (1) the following changes to the designation of polling places in the Aberdeenshire Council area, noting that the existing polling place for EG1102 (Inverurie North) was Garioch Indoor Bowling Club and not Garioch Community Centre as shown in the report –

<b>Electoral Ward</b>	<b>Polling District</b>	<b>Existing Polling Place</b>	<b>New Polling Place</b>
Troup	BB0202 (Myrus/Macduff)	Macduff Town Hall	Buchan Street Hall
Fraserburgh and District	BB0301 (Fraserburgh West)	Westfield School	St Andrew's Hall
Peterhead North and Rattray	BB0502 (Lonmay)	Lonmay Public Hall	Roads Community Café, St Combs
Peterhead North and Rattray	BB0506 (Coplandhill)	The Anna Ritchie School	Territorial Army Centre
Turriff and District	EB0704 (Inverkeithney)	Easterfield School	Auchterless Community Hall
Inverurie and District	EG1101 (Inverurie West)	Garioch Community Centre	Garioch Indoor Bowling Club
Banchory and Mid Deeside	WW1605 (Birse)	Ballogie Nursery	Finzean Public Hall
North Kincardine	SW1703 (Hillside)	The Porty Cabin	The Jubilee Hall
North Kincardine	SW1704 (Portlethen North)	The Jubilee Hall	Portlethen Parish Church Hall

- (2) to approve contingency arrangements for the identification of polling places in any case where a venue became unavailable at short notice and noted that the Returning Officer had delegated authority to agree any further changes that might be required in the preparation for the Scottish Local Government Elections 2022 or any intervening election event;

- (3) to note that Officers would consider opportunities to further promote postal voting as an option for rural communities; and
- (4) to note that Officers would continue to investigate options to improve accessibility in respect of all venues.

## **12. REVIEW OF PART 4 OF SCHEME OF GOVERNANCE**

There had been circulated a report dated 5 November, 2021 by the Director of Business Services seeking approval of revisions to the Policy Development and Review Framework and the Scrutiny at Aberdeenshire Guidance, both of which were contained within the guidance documents which formed Part 4 of the Scheme of Governance. The report explained that (1) the content of both documents had been reviewed as a result of actions contained in the Council's Corporate Improvement Plan, the Annual Governance Statement Plan and the Best Value Action Plan, (2) the proposed changes to the Scrutiny at Aberdeenshire Guidance, to promote links between scrutiny and continuous improvement and ensure a consistent approach to the programming of scrutiny activity across Committees, and to the Policy Development and Review Framework, to reflect the role of Councillors, the Council Priorities and make the process easier to understand, had been considered and supported by the Procedures Committee at its meeting on 5 November, 2021, and (3) any changes to Part 4 of the Scheme of Governance could be implemented immediately following Council approval.

The Council **agreed** to:

- (1) approve the revisions to the Scrutiny at Aberdeenshire Guidance, now renamed Scrutiny and Improvement at Aberdeenshire, in Part 4A of the Scheme of Governance as outlined in Appendix 1 to the report; and
- (2) approve the revisions to the Policy Development and Review Framework in Part 4B of the Scheme of Governance as outlined in Appendix 2 to the report.

## **13. USE OF SPECIAL URGENCY POWERS**

There had been circulated and was **noted** a report dated 13 October, 2021 by the Director of Business Services on three occasions when officers had used delegated powers between April, 2021 and September, 2021, to take decisions by reason of special urgency.

## **14. OUTSTANDING BUSINESS**

There had been circulated and was **noted** a report dated 15 October, 2021 by the Director of Business Services advising that the one remaining item of business on a Review of Polling Places, which had previously been scheduled to be reported back to Council and delayed as a result of restrictions on travel and other activities implemented in respect of the COVID-19 pandemic, had now been concluded as detailed at Item 11 above.

## 15. FRASERBURGH AND STONEHAVEN PRIMARY SCHOOL PROVISION

With reference to the Minute of Meeting of Council of 17 March 2021 (Item 6) there had been circulated a report dated 1 September, 2021 by the Director of Education and Children's Services outlining work carried out by Officers to estimate both the capital and revenue expenditure required in relation to the new proposals for primary school provision in Fraserburgh and Stonehaven and seeking consideration and approval of the preferred option for project delivery and inclusion in the Capital Plan.

The Council heard from the Director of Education and Children's Services and, following discussion, **agreed**:

- (1) to acknowledge the financial implications of delivery options outlined in the report; and
- (2) the preferred option for project delivery being option 2, delivery of new build provision for completion in 2025 to replace St Andrew's School and Fraserburgh North in Fraserburgh, and Dunnottar School and Carronhill School in Stonehaven.