

ABERDEENSHIRE COUNCIL

BANFF AND BUCHAN AREA COMMITTEE - 14 DECEMBER 2021 ALL ATTENDANCE BY SKYPE

Present: Councillors D Mair (Chair), C Buchan, R A Cassie, J B Cox , M A Findlater, A Kille (absent for items 7-10), G Reynolds, M J Roy and B A Topping

Apologies: Councillor H Partridge

Officers: Mrs A Keith, Area Manager; Miss F Stewart, Senior Solicitor; Mr J Martin, Senior Planner; Mr P Macari, Head of Planning and Environment; Mr J Wheeler, Senior Planner; Mr J Bruce, Roads Policy Officer; Mr J Gahagan, Estates Manager; Ms S Pottinger, Accountant; Mrs J Burnett, Business Development Executive; Miss J E Emery, Area Project Officer, and Mrs E M Farquhar, Area Committee Officer

In attendance: Sergeant G Flett and PC I Duthie, Police Scotland (for Item 13)

1. DECLARATION OF MEMBERS' INTERESTS

The Chair 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 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.

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 Item 12 of the business on the grounds that this item involved the likely disclosure of exempt information of the class described in Paragraph 4 of Part 1 of Schedule 7A of the Act.

3. MINUTE OF MEETING OF 23 NOVEMBER 2021

The draft minute of meeting of 23 November 2021 had been circulated.

The Committee **agreed to approve** the minute as a correct record of the meeting in accordance with Standing Order 7.1.1.

4. LIST OF OUTSTANDING BUSINESS AT 14 DECEMBER 2021

The list of outstanding business at 14 December 2021 had been circulated.

The Committee:

1. **noted** the Outstanding Business List, and
2. **agreed** that an update giving the current status of the Minor Injuries Unit in Chalmers Hospital, Banff be requested from the Health and Social Care Partnership.

5. PLANNING APPLICATION FOR CONSIDERATION

The following planning application was considered by the Committee and dealt with as recorded in Appendix A to this minute.

A	Reference No APP/2021/1263	Erection of Dwellinghouse and Formation of Vehicular Access at Site to South-East of Castlehill, Gardenstown
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6. PLANNING APPEAL REFERENCE NO APP/2021/0404 (LRB 529) THE MARKET ARMS, 5 HIGH SHORE, BANFF

A report from the Director of Environment and Infrastructure Services had been circulated to advise the Committee of the Local Review Body decision in relation to the above planning appeal.

The Committee **noted** the decision of the Appointed Officer to uphold the Committee decision and refuse full planning permission.

7. REVIEW OF PLANNING DELEGATIONS

A report dated 02 December 2021 from the Director of Environment and Infrastructure Services had been circulated to ask the Committee to consider specific aspects of the wider Review of Planning Delegations and to provide comment to the Infrastructure Service Committee.

The Committee considered the terms of the report and **agreed** to make the following comments to the Infrastructure Services Committee:

1. In relation to the proposed changes to the Local Member Notification Criteria:
 - The delegation of local planning applications being referred to the LRB removes the local democratic input in the process.
 - This would also cause an increase in workload for the LRB and there is no evidence of cost savings.
 - The Committee does not agree with the removal of criterion 3.1i of the Planning Delegations.
 - The Committee disagrees with the suggestion that this reduces the workload for planners.
 - Councillors must also take cognisance of other national policies.
 - Banff and Buchan is a regeneration area which has different priorities from other areas so one policy does not fit all of Aberdeenshire.
 - Efficiencies in savings should not lead to cuts in the democratic process.
2. In relation to the operation of the Local Member Notification procedure:
 - 50% of those who participate in the process should be sufficient to trigger a referral to Committee.
3. In relation to whether multiple representations of the same type and from the same household should be counted individually or collectively for the purposes of triggering a direct referral to Area Committee:
 - Multiple representations of the same type and from the same household should be counted individually.

8. ROADS POLICY REVIEW UPDATE

A report dated 18 November 2021 from the Director of Environment and Infrastructure Services had been circulated to present initial proposals for four new policies (Street Naming and Numbering, Signing of Tourist Facilities and Attractions, Traffic Authority Powers, and Electric Vehicle Charging) and inviting the Committee to contribute to their development by commenting on the draft documents

The Committee considered the draft documents and **agreed** to make the following comments to the Infrastructure Services Committee:

1. Street Naming and Numbering Policy
 - Street naming suggestions should be requested from Ward Members and Community Councils first, before officers put forward names.
 - Consideration should be given to the possibility of streets having more than one name to enhance the sense of place e.g. an Official name and a Doric name.
2. Signing of Tourist Facilities and Attractions Policy

- Consideration should be given to using brown tourist signs for tourist attractions such as ancient kirkyards, etc.
3. Enforcement of Roads and Traffic Authority Powers Policy
- No comments.
4. Electric Vehicle Charging Policy
- All new car parks should have electric charging points as part of the planning process, but electric charging points should not be restricted to new private car parks and direction should be given on potential grants available for this purpose.
 - Consideration should be given to allowing charging to take place from private homes if suitable cable protectors are used to cover cables on pavements.

9. ABERDEENSHIRE LICENSING BOARD REVIEW OF STATEMENT OF LICENSING PRINCIPLES 2022-2025

A report dated 22 November 2021 from the Director of Business Services had been circulated to make the Committee aware of the Aberdeenshire Licensing Board's review of the Statement of Licensing Principles under the Gambling Act 2005 which requires to be reviewed every three years and for the Committee to provide comments.

The Committee **agreed**:

1. to acknowledge that a review of the Aberdeenshire Licensing Board's Statement of Licensing Principles ("Statement") under the Gambling Act 2005 requires to be completed every three years and that a public consultation is taking place between 24 November 2021 and 19 January 2022, and
2. that no comments were necessary on the proposed changes to the Statement or the Area Profile.

10. BANFF AND BUCHAN AREA PERFORMANCE CALENDAR

A report dated 22 November 2021 from the Director of Education and Children's Services had been circulated to update the Committee on the planned Area Performance reporting schedule and information on the scope of performance reporting that Committee can expect to see in the coming year.

The Committee **agreed**:

1. to acknowledge the reporting schedule and scope of performance reporting,
2. that the Area Manager present a mid-year update (April 2021-September 2021) on progress made in relation to projects/actions within the Banff and Buchan Area Plan 2020-2022 on 25 January 2022, and

3. to receive mid-year performance report (April 2021-September 2021) relevant to the Banff and Buchan Area between January and March 2022.

11. FORMER FIFE STREET SCHOOL, MACDUFF ASSET TRANSFER APPLICATION

A report dated 06 December 2021 from the Director of Education and Children's Services had been circulated to make the Committee aware of an Asset Transfer application which had been submitted by Banff, Macduff and District Men's Shed and had been deemed valid by the Banff and Buchan Asset Transfer Group.

The Committee heard Ms Lynn Rae, representing Banff, Macduff and District Men's Shed.

Following considerable discussion on all aspects of the application, Councillor Findlater, seconded by Councillor Cassie **moved** that the Committee support the asset transfer of the Former Fife Street School to the Banff, Macduff and District Men's Shed.

As an amendment, Councillor Topping, seconded by Councillor Roy **moved** that the application be refused as per the officer's recommendations.

Members of the Committee voted:

For the motion	6	Councillors Buchan Cassie, Cox, Findlater, Kille and Reynolds
For the amendment	3	Councillors Mair, Roy and Topping

The Chair **declared the motion carried** in the following terms:

that the Committee support the asset transfer of the Former Fife Street School to the Banff, Macduff and District Men's Shed.

Thereafter, the Committee noted that, because the Area Committee had gone against the officer recommendations, the application would be referred automatically to the Business Services Committee for determination.

Although the Area Committee was generally in support of the application, some members were not convinced that they had been given all the information required to make an informed decision and it was agreed that consideration be made as to how this information should be supplied to the Business Services Committee to allow it to make its final determination.

12. ABERDEENSHIRE CHARITIES TRUST (ACT2) APPLICATION

A report dated 09 December 2021 from the Director of Education and Children's Services had been circulated to ask the Committee to consider an application for funding from the ACT2 Fund (Ward 3 - Any Purpose).

The Committee **agreed** to award £500 to the applicant for the activities stated in the report.

13. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 APPLICATION FOR GRANT OF SECOND-HAND DEALER'S LICENCE

A report dated 16 November 2021 from the Director of Business Services had been circulated to make the Committee aware of an application for the grant of a second-hand car dealer's licence which had attracted an objection and so required to be determined by the Area Committee.

The Committee noted the absence of the applicant but **agreed** to hear the application in her absence.

As a preliminary matter, the Committee heard Sergeant Flett in relation to the protected spent convictions referred to in the objection to the application.

The Committee agreed unanimously that justice could not be done without taking the protected spent convictions into account when considering the application. The protected spent convictions were then circulated to the Committee and time was allowed for Members to peruse same.

The Committee then heard Sergeant Flett speaking in objection to the application, afforded an opportunity to Members to ask questions and invited Sergeant Flett to make concluding remarks.

The Committee considered the information contained in the documents referred to in the letters of objection and **agreed**:

1. that it had enough evidence to allow it to make a determination, and
2. that the application be refused in compliance with paragraph b of the Legal Test set in the report on the basis that the applicant was a company, one of the directors of the company had a long history of dishonesty, as evidenced by the Police objection, to the extent that he could not be considered to be a fit and proper person to hold a licence and that therefore, as a result, the applicant's company was deemed not to be a fit and proper person to hold the licence.

Councillor Presiding over meeting

Print Name

Signature

Date

Appendix 1

PLANNING APPLICATION FOR CONSIDERATION

5 REFERENCE NO APP/2021/1263

PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF DWELLINGHOUSE AND FORMATION OF VEHICULAR ACCESS AT SITE TO SOUTH-EAST OF CASTLEHILL, GARDENSTOWN

Applicant: Ms Fiona West
Agent: Mantell Ritchie

A report dated 25 November 2021 from the Director of Environment and Infrastructure Services had been circulated seeking determination of the above planning application by the Area Committee.

The Committee heard Mr Michael Ritchie, applicant's agent in support of the application.

Thereafter, Councillor Findlater, seconded by Councillor Cassie **moved** that the application be delegated to the Head of Planning and Environment to approve on appropriate conditions.

As an amendment, Councillor Mair, seconded by Councillor Buchan **moved** that the application be refused for the following reason:

1. The Planning Authority considers that the application is for a development which is not in accordance with the Aberdeenshire Local Development Plan 2017. While the site can be adequately accessed and serviced, with no adverse impact on the surrounding neighbouring properties, and all technical consultees are satisfied with the proposal, it would not comply in principle with Policy R1: Special rural areas of the Aberdeenshire Local Development Plan 2017 as there is no evidence or justification that the proposal meets any of the criteria mentioned in this policy to allow the Planning Service to support the proposal.

Members of the Committee voted:

For the motion	5	Councillors Cassie, Cox, Findlater, Kille and Reynolds,
For the amendment	4	Councillors Buchan, Mair, Roy and Topping

The Committee's reasons for approval of the application were that there is an agricultural need to carry out animal husbandry on the site which can be adequately accessed and serviced, there would be no adverse impact on the surrounding neighbourhood properties, all technical consultees are satisfied with the proposal, and it does comply with Policy R1 because the farm building requires to be on the coastal area.