



REPORT TO INFRASTRUCTURE SERVICES COMMITTEE - 6 OCTOBER 2016

USE OF THE AMENDED POWER GRANTED TO OFFICERS (THE LIST OF POWERS DELEGATED TO OFFICERS) RELATING TO THE REMOVAL OF THE RESTRICTION ON THE DELEGATION TO OFFICERS OF DETERMINING APPLICATIONS FOR LOCAL DEVELOPMENT WHERE THE PLANNING AUTHORITY HAS AN INTEREST

1 Recommendation

The Committee is recommended to:

- 1.1 **Agree that the amended power of delegation, to the removal of the restriction on the delegation to Officers of determining applications for local development where the Planning Authority has an interest, is being used effectively.**

2 Background / Discussion

- 2.1 Standing Order 21(2) requires that no alteration to the Scheme of Delegation (and List of Powers Delegated to Officers) shall be made without notice being given at one meeting of the Council to be discussed at the following one. The Council on 25 September, 2014 (Item 10, Page 586), noted a proposed amendment to the List of Powers Delegated to Officers and agreed the amendment at the meeting of the Council on 20 November 2015 (Item 9, Page 873).
- 2.2 The Report proposed an amendment to the List of Powers Delegated to Officers relating to the removal of the restriction on the delegation to Officers of determining applications for local development where the Planning Authority has an interest.

This requirement was removed as from 30 June 2013 in terms of The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 (the Local Review Regulations 2013). (Refer to the Full Council Report at **Appendix 1**)
- 2.3 The Council agreed to remove the restriction on the delegation to Officers of determining applications for local development where the planning authority has an interest, such that the exception at B1 (f) would be deleted within the Scheme of Delegation (List of Powers Delegated to Officers. In addition, that a detailed Report on the use of this delegation be submitted to the Infrastructure Services Committee in January 2016. (Refer to the Minute of Full Council at **Appendix 2**)
- 2.4 Although later than intended, this Report considers the use of this new power. The later reporting date has given the opportunity to gather more data to analyse the use of the new power.

2.5 Following ratification of the Full Council Minute in January 2015, the new power was implemented for applications determined from 2015 onwards. The attached table at **Appendix 3** shows the route of determination of all applications for local development where the Planning Authority has an interest since January 2015. In summary, since January 2015, 82 such applications have been determined. Of those, 75 were determined under the powers delegated to Officers, 4 were determined by an Area Committee, 1 was determined through local Member delegation and 2 applications were called in and determined by the Cairngorms National Park. Of the 4 determined by an Area Committee, three required referral due to Community Council objections and one on the basis of it being a major application which triggers an automatic referral to Committee.

2.6 The pattern of determination of these applications, since the new power was introduced, would suggest that the use of the power has been effective in the decision making process. The majority of applications are for relatively minor works and these, in the absence of any public or consultee objections, have been able to be determined by Officers. This has meant 75 applications not having to go through the Committee process with the associated time and resource this would have taken.

The performance of Local applications are also monitored by the Scottish Government on an average week basis, so any removal of process that will allow quicker decision making contributes to the continuous improvement in planning performance.

2.7 Those applications which have been determined by Committee have tended to be related to larger scale developments where the public and Community Councils have expressed interest and concern. Those developments range from a primary school (major development), a recycling facility, business units and a bus shelter where community concerns were recorded. This would suggest that where the applications are of a scale where public interest is apparent, the terms of the Council's List of Powers Delegated to Officers continue to have effect and further scrutiny by committee appropriately forms part of the decision making process.

2.8 It is considered that the power is being used effectively, whereby the majority of applications, generally of a minor scale, can be determined by Officers. This contributes to positive continuous improvement in planning performance. The terms of the List of Powers Delegated to Officers give scope for Committee referral and this effectively allows those applications that attract public and community interest to be determined by committee and to date these have been applications dealing with developments of a more significant nature.

2.8 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this Report and their comments have been incorporated into the Report.

3 Equalities, Staffing and Financial Implications

- 3.1 An Equality Impact Assessment is not required because the change proposed is a procedural matter which does not have a differential impact on any of the protected characteristics.
- 3.2 There are no staffing or financial implications arising from this Report.

Stephen Archer

Director of Infrastructure Services

Report Prepared By: Mairi Stewart, Planning Service Manager.

Date: 1 September 2016

**REPORT TO ABERDEENSHIRE COUNCIL – 20 NOVEMBER, 2014****PROPOSED AMENDMENT TO LIST OF POWERS DELEGATED TO OFFICERS
IN RELATION TO A FUNCTION CARRIED OUT BY THE DEVELOPMENT
MANAGEMENT FUNCTION OF THE PLANNING & BUILDING STANDARDS
SERVICE****1 Recommendation**

The Council is recommended to consider and agree (or otherwise) a proposed amendment to the List of Powers Delegated to Officers relating to the removal of the restriction on the delegation to officers of determining applications for local development where the planning authority has an interest.

2 Background

- 2.1 Standing Order 21(2) requires that no alteration to the Scheme of Delegation (and List of Powers Delegated to Officers) shall be made without notice being given at one meeting of the Council to be discussed at the following one. The Council on 25 September, 2014 (Item 10), noted a proposed amendment to the List of Powers Delegated to Officers with a view to the amendment being considered and agreed (or otherwise) at this meeting of the Council.
- 2.2 The current List of Powers Delegated to Officers provides that applications which have been submitted by the Local Authority or its appointed agents, or relate to land in the ownership of the local authority or land in which the local authority has a financial interest require to be determined by the relevant Area Committee. This was a statutory requirement.
- 2.3. This requirement was removed as from 30 June 2013 in terms of The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 (the Local Review Regulations 2013). This followed a consultation in 2012 by the Scottish Government. Aberdeenshire Council's response to the consultation which included approval of this proposal was agreed by Infrastructure Services Committee at their meeting of 31 May 2012 (Item 18, Page 356).
- 2.4 The current exception has led to many applications, for relatively minor developments, being referred to Committee for decisions. This has resulted in some instances of delay for decisions and additional impacts on the Planning Authority resources and performance. The number of applications submitted by the Council is not significant, in the last two years 20 Council applications have been determined. The removal of the restriction however would mean that such applications, if they meet all other criteria set out in the Council's List of Powers Delegated to Officers, can be determined by officers of the Planning Authority. Other than this the terms of the Council's List of Powers Delegated to Officers will continue to have effect.

- 2.6 An amendment is required to be made to the List of Powers Delegated to Officers in relation to this function in that the exception at B1 f) should be deleted.
- 2.7 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments have been incorporated into the report.

3 Equalities, Staffing and Financial Implications

- 3.1 An equality impact assessment is not required because the change proposed is a procedural matter which does not have a differential impact on any of the protected characteristics.
- 3.2 There are no staffing or financial implications arising from this report.

Christine Gore

Director of Business Services

Report prepared by:- Alastair Nicol, Principal Committee Officer
23 October, 2014

ABERDEENSHIRE COUNCIL

WOODHILL HOUSE, ABERDEEN, 20 NOVEMBER, 2014

Present: Councillors D R Aitchison, Amanda J Allan, Anne M Allan, P J Argyle, P W Bellarby, A A Bews, G Blackett, A S Buchan, C C Buchan, G W Carr, E H Chapman, R J Christie, G J Clark, K L Clark, L Clark, R Cowling, J B Cox, A J C Cullinane, I Davidson, J B Dick, A C Duncan, A Evison, K A Farquhar, M A Findlater, M A Ford, A Gardiner, J N Gifford, A Hendry, F C P Hood, W Howatson, M F Ingleby, J Ingram, P K Johnston, M C Kitts-Hayes, J J Latham, S M Lonchay, C R McKail, F McRae, T Malone, R J Merson, I J Mollison, C H Nelson, A K Norrie, G L Owen, L Pirie, S W Pratt, E A Robertson, D A Ross, M J Roy, W A C Shand, N J Smith, S W Smith, D Stewart, B H Stuart, I S Tait, R G Thomson, B A Topping, H W Vernal, I M Walker, M Watt and J Webster.

Apologies: Councillors W A Agnew, A S Grant, I W Gray, P Oddie, H Partridge and J J Strathdee.

Officers: Chief Executive, Director of Business Services, Director of Communities, Director of Education and Children's Services, Director of Infrastructure Services, Chief Social Work Officer, Head of Finance, Head of Legal and Governance, Head of Planning and Building Standards.

CHAIR

Councillor J Webster, Provost of the Council, presided.

CHIEF EXECUTIVE

The Leader of the Council advised members of the outcome of the Appointments Committee which had met the previous day to interview candidates for the role of Chief Executive. He confirmed that Jim Savege, currently Corporate Director for Environment and Community Services at Cumbria County Council, had been appointed and would be taking up the post in February 2015.

ANNOUNCEMENTS

The Provost (a) recognised the activities around Armistice Day which had been marked in many ways across Aberdeenshire, (b) referred to the Council's innovative cultural learning project 'Hard Vrocht Grun', which explored the struggle in the trenches alongside the stark life on the rural home front, (c) advised that the Braemar community had been shortlisted in the Scottish Rural Parliament's Rural Innovator Awards in the Communities Leading with Confidence category, for a range of initiatives including running Braemar Castle as a visitor attraction, alongside raising money for its restoration, and (d) commented that the BBC had been filming in Macduff for an adaptation of the novel Stonemouth by Iain Banks.

DECLARATION OF MEMBERS' INTERESTS

The Provost asked members if they had any interests to declare in terms of the Councillors' Code of Conduct. Interests were expressed in Item 3 as follows:-

Provost Webster as she knew the agent for the applicant and Councillor Ford as he knew an objector to the application. They considered the interest to be clear and substantial and would leave the Chamber during discussion of the item.

1. 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 Equality Impact Assessment was provided, to consider its contents and take those into account when reaching their decision.

2. MINUTES

The following Minutes of Meetings were considered and, in regard to delegated matters, were **approved** as correct records, and in relation to non-delegated matters the recommendations were **approved**.

- (1) Aberdeenshire Council on 25 September, 2014.
- (2) Buchan Area Committee on 26 August, 2014.
- (3) Garioch Area Committee on 26 August, 2014.
- (4) Local Review Body on 29 August, 2014.
- (5) Formartine Area Committee on 2 September, 2014.
- (6) Kincardine and Mearns Area Committee on 2 September, 2014.
- (7) Social Work and Housing Committee on 4 September, 2014.
- (8) Banff and Buchan Area Committee on 9 September, 2014.
- (9) Marr Area Committee on 9 September, 2014.
- (10) Policy and Resources Committee on 11 September, 2014.
- (11) Buchan Area Committee on 16 September, 2014.
- (12) Garioch Area Committee on 16 September, 2014.
- (13) Formartine Area Committee on 23 September, 2014.
- (14) Kincardine and Mearns Area Committee on 23 September, 2014.
- (15) Scrutiny and Audit Committee on 24 September, 2014.
- (16) Local Review Body on 26 September, 2014.
- (17) Banff and Buchan Area Committee on 30 September, 2014.

- (18) Marr Area Committee on 30 September, 2014.
- (19) Infrastructure Services Committee on 2 October, 2014.
- (20) Education, Learning and Leisure Committee on 9 October, 2014
- (21) Appeals Committee on 27 October, 2014.

3. PLANNING PERMISSION IN PRINCIPLE FOR MIXED DEVELOPMENT INCLUDING RESIDENTIAL, EMPLOYMENT AND RETAIL USES WITH LANDSCAPING, FORMATION OF BRIDGES, ROADS, CYCLEWAYS AND PATHS AND ALL OTHER ASSOCIATED ENGINEERING WORKS AT LAND TO SOUTH OF MANSFIELD COTTAGE, KIRKTOWN, FETTERESSO, STONEHAVEN (REFERENCE NO. APP/2010/3646)

With reference to the Minute of Meeting of the Kincardine and Mearns Area Committee of 28 October, 2014 (Item 13b), a report dated 31 October, 2014, by the Director of Infrastructure Services had been circulated requesting consideration of an application for Planning Permission in Principle for a mixed development including residential, employment and retail uses with landscaping, formation of bridges, roads, cycleways and paths and all other associated engineering works at land to the south of Mansfield Cottage, Kirktown, Fetteresso, Stonehaven.

The report explained that this was a planning application for a Major Development which was significantly contrary to the development plan under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, and was referred to Council under the provisions of Section A16 of the Scheme of Delegation which reserved authority to the Full Council to determine planning applications in such circumstances.

The Head of Planning and Building Standards introduced the application and stated that a mandatory pre-determination hearing had been held in Stonehaven on 2 October, 2014, prior to the application being reported to the Kincardine and Mearns Area Committee to allow members to express their preliminary views. The Area Committee had agreed to refer the application to Full Council for consideration stating that they agreed with the recommendation of the Head of Planning and Building Standards to refuse Planning Permission in Principle for the reasons set out in the report.

He advised that the site was not allocated in the Local Development Plan (LDP) and was in the countryside within the Aberdeen Housing Market Area. The current LDP allocated land at Carron Den and Ury Estate for housing, which was part of the strategy for the Aberdeen Housing Market Area and A90 south corridor. Approval of this proposal would not only be significantly contrary to the LDP, it would prejudice the ability of those allocated sites in Stonehaven, as well as those elsewhere in the Aberdeen Housing Market Area and A90 south corridor, to be delivered. The site had been initially proposed for inclusion in the current LDP, but it had been taken out in favour of Chapelton of Elsick. Approval of this proposal would prejudice the process for the next LDP.

The Provost advised that a request to address the Council had been received from the applicants' agent, and the Council agreed to hear the deputation prior to the determination of the application.

Mr Ian Fraser on behalf of the applicants addressed the Council in support of the application. He pointed out that there had been previous support for the site from the Planning service. He stated that the application had been refused on seven grounds. Four were technical grounds as it was not an allocated site and against policy. The other three related to the detrimental effect on Stonehaven. He disagreed with the statement that the provision of retail development on the site would have a detrimental effect on Stonehaven and drew a

comparison with Inverurie. He commented that the proposal would provide a new gateway to Stonehaven and that the logical expansion of the town was along the valleys of the rivers Carron and Cowie. There would be a considerable number of affordable housing units and the layout promoted a high quality of design and included landscaping.

Following questions from members, the deputation withdrew to the public benches.

During discussion, members commented and asked questions on a number of topics including the current build rate in Stonehaven, whether there was sufficient employment land in Stonehaven and the distance of the site from the town centre.

Thereafter, Councillor Nelson, seconded by Councillor Bellarby, moved that the Council agree to refuse planning permission in principle for the following reasons:-

- (1) The proposed mixed use development does not meet any of the policy requirements, and significantly exceeds the definition of small scale development as set out in Policy 3 Development in the Countryside and SG Rural Development1: Housing and business development in the countryside of the Aberdeenshire Local Development Plan (2012). No exceptional circumstances exist to permit development of this scale, in this location.
- (2) The proposed development is contrary to the strategic aims of the Aberdeen City and Shire Strategic Development Plan (2014) and approval would prejudice the ability of sites allocated within the Aberdeenshire Local Development Plan to be delivered. As such the proposal is contrary to the aims of Policy 5 Housing land supply and the associated SG Housing1: Housing land allocations 2007-2016 of the Aberdeenshire Local Development Plan (2012).
- (3) The proposed retail development, due to its size, out of town location and significant adverse impact on the vitality and viability of Stonehaven Town Centre, fails to comply with the criteria relating to scale, and sequential approach to site selection set out within Policy 2 Town centres and retailing and the associated SG Retail1: Town centres and retailing. Whilst located as part of an urban expansion of Stonehaven, which would potentially create a sustainable catchment, the proposed 1500 dwellinghouses are not considered to be acceptable in terms of Aberdeenshire Local Development Plan policy. The proposal is therefore contrary to Policy 2 Town centres and retailing and the associated SG Retail1: Town centres and retailing of the Aberdeenshire Local Development Plan (2012).
- (4) The proposed retail development is located outwith the settlement of Stonehaven within the countryside. The proposal is not designed alongside or ancillary to a new or existing tourist attraction or recreation facility, nor is it the expansion or intensification of an existing retail use in the countryside. The proposal will result in significant adverse retail impacts on both shops in Stonehaven town centre, and the existing Co-op supermarket, and the scale of adverse retail impact will undermine the vitality and viability of the town centre. The proposal is therefore contrary to Policy 2 Town centres and retailing and the associated SG Retail2: Retail development in the countryside of the Aberdeenshire Local Development Plan (2012).
- (5) This site is not allocated for business development, and constitutes agricultural land and therefore cannot be considered to be derelict, unused or underused. The proposed business/commercial part of this proposal is therefore contrary to Policy 1 Business development and the associated SG Bus2: Office development of the Aberdeenshire Local Development Plan (2012).

- (6) Due to its scale and prominent location on an elevated site adjacent to the existing town of Stonehaven and since it is on unallocated land, the proposal will have a detrimental impact on the existing landscape character and setting of Stonehaven. The proposal is therefore contrary to Policy 12 Landscape conservation and SG Landscape1: Landscape character of the Aberdeenshire Local Development Plan (2012).
- (7) The development will result in the permanent loss of some Prime Agricultural Land. The proposed site is not allocated land in the Aberdeenshire Local Development Plan (2012) and while there may be some social and economic benefits, other alternative sites have been identified for residential growth, retail development and business land in Stonehaven and the wider Strategic Growth Area. As such the proposal is considered contrary to Policy 14 Safeguarding of resources and areas of search, and its associated SG Safeguarding2: Protection and conservation of agricultural land, of the Aberdeenshire Local Development Plan (2012).

As an amendment, Councillor Topping, seconded by Councillor Watt, moved that authority to grant planning permission in principle be delegated to the Head of Planning and Building Standards, subject to conditions.

The members of the Council voted:-

for the motion	(52)	Councillors Aitchison, A J Allan, A M Allan, Argyle, Bellarby, Bews, Blackett, A S Buchan, C C Buchan, Carr, Chapman, Christie, G J Clark, K L Clark, L Clark, Cowling, Cullinane, Davidson, Dick, A S Duncan, Evison, Farquhar, Findlater, Gardiner, Gifford, Hood, Howatson, Ingleby, Johnston, Kitts-Hayes, Latham, Lonchay, McKail, McRae, Malone, Merson, Mollison, Nelson, Norrie, Owen, Pirie, Pratt, Robertson, Ross, Roy, Shand, N J Smith, S W Smith, B H Stuart, Thomson, Vernal and Walker.
for the amendment	(7)	Councillors Cox, Hendry, Ingram, D Stewart, Tait, Topping and Watt.
absent from the vote	(2)	Councillors Ford and Webster.

The **motion was carried** and the Council **agreed** to REFUSE Planning Permission in Principle for the reasons detailed in the motion.

4. PLANNING PERMISSION IN PRINCIPLE FOR COMMERCIAL DEVELOPMENT COMPRISING OF 3,750 SQM SUPERMARKET, PETROL FILLING STATION, 50 BEDROOM HOTEL AND RESTAURANT WITH ASSOCIATED ACCESS ROADS, CAR PARKING AND LANDSCAPING AT LAND AT URY ESTATE, URY, STONEHAVEN (REFERENCE NO. APP/2013/2942)

With reference to the Minute of Meeting of the Kincardine and Mearns Area Committee of 28 October, 2014 (Item 13d), a report dated 31 October, 2014, by the Director of Infrastructure Services had been circulated requesting consideration of an application for Planning Permission in Principle for a commercial development comprising of a 3,750 sqm supermarket, petrol filling station, 50 bedroom hotel and restaurant with associated access roads, car parking and landscaping at land at Ury Estate, Ury, Stonehaven.

The report explained that this was a planning application for a Major Development which was significantly contrary to the development plan under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, and was referred to Council under the provisions of Section A16 of the Scheme of Delegation which reserved authority to the Full Council to determine planning applications in such circumstances.

The Head of Planning and Building Standards introduced the application and stated that a mandatory pre-determination hearing had been held in Stonehaven on 11 September, 2014, prior to the application being reported to the Kincardine and Mearns Area Committee to allow members to express their preliminary views. The Area Committee had agreed to refer the application to Full Council for consideration stating that they agreed with the recommendation of the Head of Planning and Building Standards to refuse Planning Permission in Principle for the reasons set out in the report, and for the additional reason that the proposal was considered to have an unacceptable impact on the setting of the listed building, Ury House, and was therefore contrary to Policy 13 Protecting, improving and conserving the historic environment.

He advised that the principal planning issue in consideration of the application related to the retail element of the proposal. The site was not allocated, and was an out of town site (as defined by the sequential test set out in SG Retail1) which was not considered sustainable or easily accessible. Furthermore, the proposal did not meet any of the criteria for retail development in the countryside specified in SG Retail2. The principle of retail development on the site therefore failed to meet the requirements of Policy 2 and the associated SG Retail1 and SG Retail2 of the Aberdeenshire Local Development Plan. Furthermore, there was an allocated site in the Local Development Plan for retail use in Stonehaven, and the ability of that site to be delivered could be prejudiced by this proposal were it to be granted. It would result in significant adverse retail impacts on the town centre, the site was not easily accessible by a choice of modes of transport, and the proposal would undermine the vitality and viability of the town centre.

During discussion, members commented and asked questions on a number of topics including the impact of the development on the listed building at Ury House and other sites, the definition of walking distance and how to assess the viability of the town centre.

Thereafter, Councillor Johnston, seconded by Councillor G J Clark, moved that the Council agree to refuse planning permission in principle for the following reasons:-

- (1) The proposed retail development has not followed the sequential test set out in SG Retail1 in that it proposes an out of town location that is not considered to be conveniently accessible by means other than the private car. Furthermore, due to its location, the proposal will result in significant adverse retail impacts on both shops in Stonehaven town centre, and the existing Co-op supermarket, and the scale of adverse retail impact will undermine the vitality and viability of the town centre. The proposal is therefore contrary to Policy 2 Town centres and retailing and the associated SG Retail1: Town centres and retailing of the Aberdeenshire Local Development Plan (2012)
- (2) The proposal is not designed alongside or ancillary to a new or existing tourist attraction or recreation facility, nor is it the expansion or intensification of an existing retail use in the countryside. The proposal will result in significant adverse retail impacts on both shops in Stonehaven town centre, and the existing Co-op supermarket, and the scale of adverse retail impact will undermine the vitality and viability of the town centre. The proposal is therefore contrary to Policy 2 Town centres and retailing and the associated SG Retail2: Retail development in the countryside of the Aberdeenshire Local Development Plan (2012).

- (3) The proposal is considered to have an unacceptable impact on the setting of the listed building, Ury House, and other sites and is therefore contrary to Policy 13 Protecting, improving and conserving the historic environment.

As an amendment, Councillor Watt, seconded by Councillor Cox, moved that authority to grant planning permission in principle be delegated to the Head of Planning and Building Standards, subject to conditions.

The members of the Council voted:-

for the motion	(52)	Councillors Aitchison, A J Allan, A M Allan, Bellarby, Bews, Blackett, A S Buchan, C C Buchan, Carr, Chapman, Christie, G J Clark, K L Clark, L Clark, Cowling, Cullinane, Davidson, Dick, A S Duncan, Evison, Farquhar, Ford, Gardiner, Gifford, Hendry, Hood, Howatson, Ingleby, Johnston, Kitts-Hayes, Latham, Lonchay, McKail, McRae, Malone, Merson, Mollison, Nelson, Norrie, Owen, Pirie, Pratt, Robertson, Roy, Shand, N J Smith, S W Smith, B H Stuart, Thomson, Vernal, Walker and Webster.
for the amendment	(2)	Councillors Cox and Watt.
declined to vote	(7)	Councillors Argyle, Findlater, Ingram, Ross, D Stewart, Tait and Topping.

The **motion was carried** and the Council **agreed** to REFUSE Planning Permission in Principle for the reasons detailed in the motion.

5. CHIEF SOCIAL WORK OFFICER ANNUAL REPORT 2013/14

With reference to the Minute of Meeting of the Social Work and Housing Committee of 4 September, 2014 (Item 2, Page 691), a report dated 8 October, 2014, by the Director of Communities had been circulated, introducing the Chief Social Work Officer (CSWO) Annual Report 2013/14. The report stated that the production of the CSWO Annual Report was recommended in Scottish Government guidance and was concerned with key areas of decision making which require CSWO input, complex areas of service delivery, and risk to the proper discharge of social work functions. The report showed a service which was performing well in most of the key areas and advised that there were no specific areas which required additional scrutiny and planning beyond the routine Service and Council performance management processes. However, the report did identify ongoing challenges in Mental Health Officer Services and also recruitment issues within the care sector for which actions had been agreed. The Chief Social Work Officer then spoke to his report.

Thereafter, the Council **agreed**:-

- (1) to note the Chief Social Work Officer Annual Report 2013/14,
- (2) to acknowledge the commitment of Aberdeenshire's Social Work employees in discharging the Council's statutory social work duties,
- (3) to acknowledge the need for continued investment and modernisation of the Social Work Service in order to meet emerging national and local challenges, and

- (4) to receive specific reports on emerging challenges in due course.

6. ABERDEENSHIRE COUNCIL POLICY FRAMEWORK (ABERDEENSHIRE PERFORMS)

A report dated 29 September, 2014, by the Director of Business Services had been circulated advising that the requirement for an Aberdeenshire Council Policy Framework had been identified as part of the Council's self-assessment and evaluation "How Good is Our Council?" and that a straightforward policy framework covering all main areas of activity and responsibility was essential to set clear expectations for effective service delivery. The report set out a proposed policy framework which was designed as a tool for officers and provided a recognised process for ensuring that Council corporate policies were developed, implemented and reviewed.

The Council **agreed** to approve the Aberdeenshire Council Policy Framework and associated Policy Statements.

7. TIMETABLE OF MEETINGS 2015/16

A report dated 30 October, 2014, by the Director of Business Services had been circulated requesting the Council to approve a timetable of meetings of the Council, Policy Committees and Area Committees for the period from May, 2015 to April, 2016.

The Council **agreed** to approve the timetable of meetings of the Council, Policy Committees and Area Committees for 2015/16 as detailed in Appendix A to this minute.

8. ABERDEENSHIRE NORTH DIVISIONAL LICENSING BOARD

With reference to the Minute of Meeting of 17 May, 2012 (Item 8, Page 21), a report dated 13 October, 2014, by the Director of Business Services had been circulated advising that a vacancy had arisen on the North Divisional Licensing Board and requesting the Council to consider reducing the number of elected members on the Board from 9 to 8 members. The report explained that the rationale behind the proposal was to promote consistency with the Central and South Licensing Boards.

The Council **agreed**, for the purposes of the Licensing (Scotland) Act 2005, to reduce the number of elected members on the North Divisional Licensing Board from 9 to 8 members.

9. PROPOSED AMENDMENT TO LIST OF POWERS DELEGATED TO OFFICERS IN RELATION TO A FUNCTION CARRIED OUT BY THE DEVELOPMENT MANAGEMENT FUNCTION OF THE PLANNING AND BUILDING STANDARDS SERVICE

With reference to the Minute of Meeting of 25 September, 2014 (Item 10, Page 585), a report dated 23 October, 2014, by the Director of Business Services had been circulated requesting the Council to consider and agree (or otherwise) a proposed amendment to the List of Powers Delegated to Officers relating to the removal of the restriction on the delegation to officers of determining applications for local development where the planning authority has an interest.

The report stated that the current List of Powers Delegated to Officers provided that applications submitted by the Local Authority or its appointed agents, or which related to land in the ownership of the local authority or land in which the local authority had a financial interest required to be determined by the relevant Area Committee. This was a statutory requirement which was removed as from 30 June 2013 in terms of The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations

2013, and the removal of the restriction would allow such applications to be determined by officers of the Planning Authority.

Councillor Argyle, seconded by Councillor A S Buchan, moved that the Council agree to remove the restriction on the delegation to officers of determining applications for local development where the planning authority has an interest, such that the exception at B1 (f) would be deleted, and that a detailed report on the use of this delegation be submitted to the Infrastructure Services Committee in January 2016.

As an amendment, Councillor Johnston, seconded by Councillor Ford, moved that the Council do not agree to remove the restriction on the delegation to officers of determining applications for local development where the planning authority has an interest.

The members of the Council voted:-

for the motion	(57)	Councillors Aitchison, A J Allan, A M Allan, Argyle, Bellarby, Bews, Blackett, A S Buchan, C C Buchan, Carr, Chapman, Christie, G J Clark, K L Clark, L Clark, Cowling, Cox, Cullinane, Davidson, Dick, A S Duncan, Evison, Farquhar, Findlater, Gardiner, Gifford, Hendry, Hood, Howatson, Ingleby, Ingram, Kitts-Hayes, Latham, Lonchay, McKail, McRae, Malone, Merson, Mollison, Nelson, Norrie, Owen, Pirie, Pratt, Robertson, Ross, Roy, Shand, N J Smith, S W Smith, B H Stuart, Thomson, Topping, Vernal, Walker, Watt and Webster.
for the amendment	(2)	Councillors Ford and Johnston.
declined to vote	(2)	Councillors D Stewart and Tait.

The **motion was carried** and the Council **agreed** to remove the restriction on the delegation to officers of determining applications for local development where the planning authority has an interest, such that the exception at B1 (f) would be deleted, and that a detailed report on the use of this delegation be submitted to the Infrastructure Services Committee in January 2016.

10. PROPOSED AMENDMENT TO LIST OF POWERS DELEGATED TO OFFICERS - AUTHORISATION TO TRADING STANDARDS SCOTLAND

A report dated 21 October, 2014, by the Director of Business Services had been circulated requesting the Council to note proposed amendments to the List of Powers Delegated to Officers relating to the granting of authorisations to officers of Trading Standards Scotland (TSS) for the performance of statutory duties.

The report stated that trading standards and consumer protection functions were currently performed by individual local authorities as local weights and measures authorities, supported in their role by three national teams set up to target major scams and trading malpractices which individual authorities would not have the resources to deal with. Since 1 July 2014, a fully amalgamated national team had been set up to replace the three separate teams, and it was necessary for TSS staff to be appointed as officers of the local authority.

The Council **agreed** to note the proposed amendments to the List of Powers Delegated to Officers relating to the granting of authorisations to officers of Trading Standards Scotland

(TSS) for the performance of statutory duties, with a view to the amendments being considered and agreed (or otherwise) at the next meeting of the Council.

11. LAND AT ELLON PARK AND RIDE

With reference to the Minute of Meeting of the Formartine Area Committee of 30 October, 2012 (Item 14J, Page 1128), a report by the Director of Infrastructure Services had been circulated requesting the Council to authorise officers to obtain land adjacent to Ellon Park and Ride by means of a Compulsory Purchase Order. The report explained that, in order to enable continued growth and improve the customer experience at the facility, it was proposed to expand the car park and bus operating area. Phase 2 of the project had been delayed due to issues with obtaining the land required to complete the works and it had been concluded that the most appropriate way to obtain the land required was to proceed with a Compulsory Purchase Order.

The Council **agreed** to authorise officers to obtain land adjacent to Ellon Park and Ride by means of a Compulsory Purchase Order.

12. FIRE DAMAGED BUILDING, HIGHLAND HAVEN HOTEL, SHORE STREET, MACDUFF

A report dated 4 November, 2014, by the Director of Infrastructure Services had been circulated referring to the recent serious fire at the Highland Haven Hotel, Macduff, and detailing the actions taken by the Council to meet the requirements of the Building (Scotland) Act 2003 where it appears to the local authority that a building constitutes a danger to the public. The report stated that an exclusion zone had been set up to the front of the building and that a contractor had been appointed to undertake demolition works.

During discussion, members thanked officers for the efficient way in which they had dealt with the matter and commented that it was now important to consider what could be done about the site.

The Council **agreed**:-

- (1) to acknowledge the measures taken by Council officers in light of the danger to the public to deal with the dangerous building emergency under the powers provided to local authorities under the Building (Scotland) Act 2003,
- (2) to acknowledge that a contractor had been commissioned by the Council for demolition works at an estimated cost of £150,000,
- (3) to delegate authority to the Director of Infrastructure Services and Head of Finance to incur further additional emergency costs on the building to ensure that the Council meets its obligation contained in the Building (Scotland) Act 2003,
- (4) that any costs incurred by the Council in making the building safe should initially be funded from the Council's General Fund Working Balance, and
- (5) to approve that steps be instigated to recover the monies expended in undertaking the demolition works from the building owners or the owners' insurance company.

13. WRITTEN QUESTIONS

Two written questions had been received in terms of Standing Order 10. The questions and answers thereto are listed below.

(A) From Councillor Ford to the Chief Executive:-

Q: What progress has been made on the unanimous decision of the Council on 28 June 2012 to examine the establishment of a public petitions committee, which it was agreed to refer to the Procedures Committee with the outcome to be reported back to the Council by the end of 2012?

A: The Procedures Committee considered the issue of a Petitions Committee at its meetings on 20 September 2012, 18 March 2013 and 7 October 2013, taking into account the existing mechanisms of public interaction with committees, such as Public Question Time and Reception of Deputations. The Committee instructed officers to review these mechanisms as part of the ongoing review of the Council's constitutional documents being undertaken by a Governance Framework Review Group. Proposed new Standing Orders relating to public participation at meetings, which include proposals for submission of petitions, have been drafted by the Review Group and will be submitted to the Procedures Committee for consideration.

(B) From Councillor Ford to the Chief Executive:-

Q: When does the chief executive expect the public petitions committee to be established?

A: It is anticipated that the proposed new Standing Orders will be submitted to the Procedures Committee in the first quarter of 2015.

14. MACKENZIE CRESCENT, PETERHEAD

With reference to the Minute of Meeting of the Policy and Resources Committee of 13 November, 2014 (Item 21), a report by the Head of Legal and Governance had been circulated referring to the public safety issue in relation to a section of Mackenzie Crescent, Peterhead, and advising that the Committee had considered again the financial aspects of the available options, the view of the Buchan Area Committee, and the previous views of the Capital Plan Group and had agreed to reaffirm that the option known as Option 1 be adopted, namely the option to permanently close the road to vehicular traffic at a preliminary estimated cost of £20,000. The report stated that, in order to make the area safe, a new permanent traffic order would require to be promoted. Accordingly, the Committee had agreed to refer the matter to the Full Council for the necessary Road Traffic Order to be progressed.

The Council **agreed**:-

- (1) to note the decision of the Policy and Resources Committee of 13 November, 2014, to continue to refrain from incurring further expenditure nor recommending further expenditure in respect of any slope remediation at Mackenzie Crescent, Peterhead and thereby reaffirming the Council's decision to permanently close the road to vehicular traffic,
- (2) to instruct the Director of Infrastructure Services to promote a permanent Traffic Order so as to implement that decision and address public safety in Mackenzie Crescent, Peterhead, and
- (3) to reserve the power to make a Traffic Order in respect of that location.

APPENDIX A

TIMETABLE OF MEETINGS - 2015/16

MAY 2015

Tuesday 5	Banff and Buchan Area Committee Marr Area Committee
Tuesday 12	Buchan Area Committee Garioch Area Committee
Thursday 14	Infrastructure Services Committee
Tuesday 19	Formartine Area Committee Kincardine and Mearns Area Committee
Thursday 21	Scrutiny and Audit Committee
Tuesday 26	Banff and Buchan Area Committee Marr Area Committee
Thursday 28	Education, Learning and Leisure Committee

JUNE 2015

Tuesday 2	Buchan Area Committee Garioch Area Committee
Thursday 4	Social Work and Housing Committee
Tuesday 9	Formartine Area Committee Kincardine and Mearns Area Committee
Thursday 11	Policy and Resources Committee
Tuesday 16	Banff and Buchan Area Committee Marr Area Committee
Thursday 18	Aberdeenshire Council
Tuesday 23	Buchan Area Committee Garioch Area Committee
Thursday 25	Infrastructure Services Committee (Development Control)
Tuesday 30	Formartine Area Committee Kincardine and Mearns Area Committee

JULY 2015

Thursday 2	Scrutiny and Audit Committee
Tuesday 21	Banff and Buchan Area Committee (Vacation) Garioch Area Committee (Vacation) Marr Area Committee (Vacation)

Tuesday 28 Buchan Area Committee (Vacation)
Formartine Area Committee (Vacation)
Kincardine and Mearns Area Committee (Vacation)

Thursday 30 **Vacation Committee**

AUGUST 2015

Tuesday 18 Banff and Buchan Area Committee
Marr Area Committee

Thursday 20 Infrastructure Services Committee

Tuesday 25 Buchan Area Committee
Garioch Area Committee

Thursday 27 Education, Learning and Leisure Committee

SEPTEMBER 2015

Tuesday 1 Formartine Area Committee
Kincardine and Mearns Area Committee

Thursday 3 Social Work and Housing Committee

Tuesday 8 Banff and Buchan Area Committee
Marr Area Committee

Tuesday 15 Buchan Area Committee
Garioch Area Committee

Thursday 17 Policy and Resources Committee

Tuesday 22 Formartine Area Committee
Kincardine and Mearns Area Committee

Wednesday 23 Scrutiny and Audit Committee

Thursday 24 **Aberdeenshire Council**

Tuesday 29 Banff and Buchan Area Committee
Marr Area Committee

OCTOBER 2015

Thursday 1 Infrastructure Services Committee

Tuesday 6 Buchan Area Committee
Garioch Area Committee

Thursday 8 Education, Learning and Leisure Committee

Tuesday 27 Formartine Area Committee
Kincardine and Mearns Area Committee

Thursday 29 Scrutiny and Audit Committee

NOVEMBER 2015

Tuesday 3 Banff and Buchan Area Committee
Marr Area Committee

Thursday 5 Social Work and Housing Committee

Tuesday 10 Buchan Area Committee
Garioch Area Committee

Thursday 12 Policy and Resources Committee

Tuesday 17 Formartine Area Committee
Kincardine and Mearns Area Committee

Thursday 19 **Aberdeenshire Council**

Tuesday 24 Banff and Buchan Area Committee
Marr Area Committee

Thursday 26 Infrastructure Services Committee

DECEMBER 2015

Tuesday 1 Buchan Area Committee
Garioch Area Committee

Thursday 3 Education, Learning and Leisure Committee

Tuesday 8 Formartine Area Committee
Kincardine and Mearns Area Committee

Thursday 10 Scrutiny and Audit Committee

Tuesday 15 Banff and Buchan Area Committee
Marr Area Committee

Thursday 17 Social Work and Housing Committee

JANUARY 2016

Tuesday 12 Buchan Area Committee
Garioch Area Committee

Thursday 14 Policy and Resources Committee

Tuesday 19 Formartine Area Committee
Kincardine and Mearns Area Committee

Thursday 21 **Aberdeenshire Council**

Tuesday 26 Banff and Buchan Area Committee
Marr Area Committee

Thursday 28 Infrastructure Services Committee

FEBRUARY 2016

Tuesday 2 Buchan Area Committee
Garioch Area Committee

Thursday 4 Education, Learning and Leisure Committee

Tuesday 9 Formartine Area Committee
Kincardine and Mearns Area Committee

Thursday 11 **Aberdeenshire Council (Revenue Budget)**

Tuesday 16 Banff and Buchan Area Committee
Marr Area Committee

Thursday 18 Scrutiny and Audit Committee

Tuesday 23 Buchan Area Committee
Garioch Area Committee

Thursday 25 Social Work and Housing Committee

MARCH 2016

Tuesday 1 Formartine Area Committee
Kincardine and Mearns Area Committee

Thursday 3 Policy and Resources Committee

Tuesday 8 Banff and Buchan Area Committee
Marr Area Committee

Thursday 10 **Aberdeenshire Council**

Tuesday 15 Buchan Area Committee
Garioch Area Committee

Thursday 17 Infrastructure Services Committee

Tuesday 22 Formartine Area Committee
Kincardine and Mearns Area Committee

Thursday 24 Education, Learning and Leisure Committee

Tuesday 29 Banff and Buchan Area Committee
Marr Area Committee

Wednesday 30 Scrutiny and Audit Committee

Thursday 31 Social Work and Housing Committee

APRIL 2016

Tuesday 19

Buchan Area Committee
Garioch Area Committee

Thursday 21

Policy and Resources Committee

Tuesday 26

Formartine Area Committee
Kincardine and Mearns Area Committee

Thursday 28

Aberdeenshire Council

APPENDIX 3

2015 – 2016 - Local Development where the Planning Authority has an interest.

Route of Determination	2015/16	Reason	
Delegated to Officers	75	Use of amended power	
Committee	4	Community Council objection/public representation/major development (automatic committee)	
Local Member Referral	1	2 x representations	
Call in CNPA	2	CNPA determined	
Total number of Local Authority Applications determined	82		