

ABERDEENSHIRE COUNCIL

BANFF AND BUCHAN AREA COMMITTEE, COUNCIL CHAMBER, COUNTY HALL, LOW STREET, BANFF 27 MARCH 2018

- Present:** Councillors A Kille (Chair) C C Buchan, R A Cassie, J B Cox, M A Findlater, D Mair, M J Roy and B A Topping
- Apologies:** Councillors H Partridge and G Reynolds
- Officers:** Mrs K F Wiles, Interim Area Manager; Miss F M Stewart, Senior Solicitor; Mr J Martin, Senior Planner; Mr J D Naismith, Principal Engineer; Mr P McKay, Head of Service (Roads and Landscape); Mr W Hekelaar, Strategic Transport Officer; Mr L Watson, Principal Engineer; Mr K Regan, Principal Landscape Services Officer; Mr G Lee, Principal Engineer, Bridge Maintenance; Mr R Jasinski, Engineer, Bridge Maintenance; Mr D Murray, Roads Manager; Mr J Stronach, Principal Roads Engineer; Ms C McCall, Principal Engineer (Harbours), Mr L Dougall, Affordable Housing Officer; Mr M Mitchell, Programme Delivery Officer and Mrs E M Farquhar, Area Committee Officer
- Attending:** Mr C Shand, Station Manager, Scottish Fire and Rescue Service
Ms D Sim, Audit Scotland (External Audit)

1. DECLARATION OF MEMBERS' INTERESTS

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

No Councillors' interests were stated.

2. RESOLUTION

A. STATEMENT OF EQUALITIES

In making decisions on the following items of business, the Committee **agreed**, in terms of Section 149 of the Equality Act, 2010:-

1. to have due regard to the need to:-
 - (a) eliminate discrimination, harassment and victimisation;
 - (b) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
 - (c) foster good relations between those who share a protected characteristic and persons who do not share it.
2. where an Equality Impact Assessment was provided, to consider its contents and take those into account when reaching their decision.

B. EXEMPT INFORMATION

The Committee **agreed**:

1. under Section 50A (4) and (5) of the local Government (Scotland) Act 1973, as amended, that the public and media representatives be excluded from the meeting for Items 20, 21,

22, 23, 24 13 of the business on the grounds that these items involved the likely disclosure of exempt information of the class described in Paragraphs 4 and 8 of Part 1 of Schedule 7A of the Act.

3. MINUTE OF MEETING OF 06 MARCH 2018

The minute of meeting of 06 March 2018 had been circulated.

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

4. LIST OF OUTSTANDING BUSINESS AT 27 MARCH 2018

A list of outstanding business at 27 March 2018 had been circulated.

The Committee **noted** the Outstanding Business List.

5. SCOTTISH FIRE AND RESCUE SERVICE – PERFORMANCE REPORT – 01 OCTOBER TO 31 DECEMBER 2017

A joint report from the Director of Business Services and the Local Senior Officer had been circulated to inform Members on how the Scottish Fire and Rescue Service is performing in Banff and Buchan against key Scottish Fire and Rescue Service priorities and the Multi-Member Ward plan.

The Committee **noted** the terms of the report and thanked the Station Master and his officers for their ongoing work, especially in relation to the recent home safety visits in Gardenstown.

6. COMMUNITY ASSET TRANSFER: 51 MID STREET, FRASERBURGH – FRIENDS OF PEOPLE FIRST FRASERBURGH SCIO (SC047261)

A report dated 19 March 2018 from the Director of Education and Children's Services had been circulated to ask the Committee to approve an application for an asset transfer at a nominal value.

The Committee **agreed:**

1. to approve the application from Friends of People First, Fraserburgh for the Community Asset Transfer of 51 Mid Street, Fraserburgh, and
2. that the asset be transferred at less than commercial value, at a nominal value of £1.

7. BANFF AND BUCHAN AREA COMMITTEE BUDGET 2018-2019

A report dated 21 February 2018 from the Director of Education and Children's Services had been circulated to ask the Committee to approve the process for the allocation of the Area Committee Budget 2018-2019.

The Committee **agreed:**

1. to approve the eligibility criteria detailed in the report,
2. that applications for funding from the Area Initiatives Fund be requested by 25 May 2018 and reported to the Banff and Buchan Area Committee on 12 June 2018 and that any remaining funds be subject to a second call in the autumn, and

3. that the budget contribute up to 80% towards the total cost of community projects, to a maximum of £10,000 where the work has been identified and prioritised by the community through the Making It Real process (or equivalent) and will help communities to deliver targets identified within their actions plans, otherwise, a maximum of £5,000 will apply.

8. COMMUNITY COUNCIL FUNDING 2018-2019

A report dated 22 February 2018 from the Director of Education and Children's Services had been circulated to ask the Committee to approve the process for the allocation of the Community Council funding for 2018-2019.

The Committee **agreed**:

1. to approve the allocation of an administration grant to be distributed according to the table detailed in the report,
2. that the remaining £3,288 be made available for Project Grant applications, and
3. that the fund contribute up to 80% towards the total cost of projects a maximum of £1,000.

9. GARDENSTOWN LANDSLIP

A report dated 15 March 2018 from the Director of Infrastructure Services had been circulated to advise the Committee of the latest developments in relation to the landslip at Gardenstown.

The Committee thanked officers and staff for their ongoing work, especially in relation to the extended planned opening of the road over the Easter weekend, and:

1. **noted** the development of the landslip at Gardenstown and the approach going forward,
2. **noted** that, during a routine inspection of the path from Fernie Brae to Gardenstown, a potential landslip had been identified and **agreed** that a report be submitted to the next meeting of the Committee giving details of the potential landslip issues.

10. A96 ABERDEEN TO INVERNESS DUALLING POSITION STATEMENT

A report dated 21 February 2018 from the Director of Infrastructure Services had been circulated to provide the Committee with information on the above project.

The Committee:

1. **noted** the progress made to date on the A96 Aberdeen to Inverness dualling project, and
2. **agreed** to make the following comments to be considered by full Council and, thereafter, communicated to Transport Scotland:
 - a) Option Q should be supported because of the many advantages, detailed in the report, which would be gained if this option were to be selected:
 - b) In addition to general points, it is important that evidence is provided by the Council, ONE and City Deal to support Option Q as there appears to be a lack of awareness of the traffic movements and the locations of where people live and work. More work needs to be done to obtain further evidence to support the requirement for Option Q.

11. FLOOD RISK AND COAST PROTECTION PROGRAMME OF MEASURES 2018/2019

A report dated 16 March 2018 from the Director of Infrastructure Services had been circulated to advise the Committee of the above programme of measures for 2018/2019.

The Committee:

1. **agreed** to approve the Flood Management and Coast Protection Programme of Measures, relating to the Banff and Buchan Area for 2018/2019 as detailed in the report,
2. **agreed** to approve the schemes on the Reserve List of Measures within the Banff and Buchan Area as detailed in the report,
3. **agreed** that schemes could be brought forward from the Reserve List in the order of priority given in the event of slippage, provided that their inclusion did not result in the overall expenditure exceeding the allocated budget sum, and
4. **noted** that approval for any Banff and Buchan Area based procurements over £50,000 would be sought within the Infrastructure Service 2018/2019 Procurement Plan.

12. LANDSCAPE SERVICES REVENUE AND CAPITAL WORKS PROGRAMME 2018-2019

A report dated 15 March 2018 from the Director of Infrastructure Services had been circulated to advise the Committee of the above programme of works for 2018/2019.

The Committee **agreed** to approve the Area Landscape Maintenance and Capital Programme as detailed in the report.

13. BANFF AND BUCHAN AREA 2018-2019 BRIDGEWORKS PROGRAMME (ROAD NETWORK)

A report dated 15 March 2018 from the Director of Infrastructure Services had been circulated to advise the Committee of the above programme of works for 2018/2019.

The Committee:

1. **agreed** to approve the Banff and Buchan Area 2018-2019 Bridgeworks Programme (Road Network), as detailed in Appendix A to this report, and
2. **noted** that approval for any Banff and Buchan Area based procurements over £50,000 would be sought within the Infrastructure Service

14. ROAD MAINTENANCE PROGRAMME 2018-2019

A report dated 28 February 2018 from the Director of Infrastructure Services had been circulated to advise the Committee of the above programme of works for 2018-2019.

The Committee **agreed** to approve the Area Road Maintenance Programme as detailed in the report.

15. 2018-2019 REVENUE AND CAPITAL WORKS PROGRAMMES FOR BANFF AND BUCHAN HARBOURS

A report dated 08 March 2018 from the Director of Infrastructure Services had been circulated to advise the Committee of the above programmes of works for 2018-2019.

The Committee:

1. **agreed** to approve the 2018-2019 Annual Revenue Works Programmes for Banff and Buchan Harbours as detailed in the report,
2. **agreed** to approve the 2018-2019 Capital Works Programme for Banff and Buchan Harbours as detailed in the report,
3. **noted** the 2018-2019 Regeneration Reserve allocation for Banff Harbour Marina and Macduff Harbour as detailed in the report, and
4. **noted** the Reserve List for Banff Harbour Marina, Portsoy and Rosehearty Harbours as detailed in the report.

16. INFRASTRUCTURE SERVICES QUARTER 3 2017-2018 PERFORMANCE REPORT AND SERVICE PLAN UPDATE (ABERDEENSHIRE PERFORMS)

A report dated 28 February 2018 from the Director of Infrastructure Services had been circulated to provide the Committee with a summary of performance for Quarter 3 (October–December 2017) and a summary of progress with actions set out in the Infrastructure Service’s Service Plan 2017-2020.

The Committee **agreed** to request information on the following:

- Performance Measure 1.4 – The number of Trading Standards customer complaints and the percentage dealt with within 14 days – Why was the target set as low as 70%?
- Performance Measure 1.5 – Environmental Health percentage of the number of premises that are “broadly compliant” in terms of food safety as set against the number of premises subject to intervention in the 6 or 12 months category – Why was target set as low as 65%?
- Performance Measure 5.3 – Percentage of the total number of planning applications dealt with within two months – Why was the performance so low (54.2%) in Quarter 3?

Thereafter, the Committee:

1. **noted** the good performance achieved,
2. **noted** those measures where performance was below expectations,
3. **noted** the progress of actions set out in the Infrastructure Services Service Plan 2017-2020,
4. **noted** the publication of the complete October-December 2017 Performance Report and Service Plan update on ward pages and on the Council’s website, and
5. **agreed** that the Director continue to report, by exception, to Committee quarterly on performance measures against service objectives and six-monthly on progress in delivering all aspects of the service plan.

17. EDUCATION AND CHILDREN’S SERVICES QUARTERLY PERFORMANCE EXCEPTION REPORTING OCTOBER-DECEMBER 2017 (ABERDEENSHIRE PERFORMS)

A report dated 21 February 2018 from the Director of Education and Children’s Services had been circulated to advise the Committee of how the Service is performing against key performance measures and associated targets as set out in the Education and Children’s Services (ECS) Service Plan.

The Committee **agreed** to request information on the following:

- **Indicator 4.3** – Percentage of Service Completed Complaints that were completed within stage one deadline – The reason given for the poor performance of 68.4% in Q3 of 2017/18 was that Q3 included the December holiday period but the performance was not as poor in Q3 of 2016/17 so this would not appear to have been a valid reason for the poor performance in 2017/18.

Thereafter, the Committee:

1. **noted** the performance achieved,
2. **noted** those measures where performance was below expectations,
3. **noted** the publication of the complete October-December 2017 Performance Report on ward pages, and
4. **agreed** that the Director of Education and Children’s Services continue to report, by exception, quarterly performance measures against Service objectives.

18. PLANNING APPLICATION FOR DETERMINATION FOLLOWING VISIT TO THE SITE

The following planning application was considered, following a site visit by Members of the Committee on 20 March 2018 and dealt with as recorded in Appendix A to this minute.

A	Reference No APP/2017/3158	Full Planning Permission for Formation of Campsite, Siting of 5 Yurts, 1 Portable Toilet, Erection of Reception Building with Camping Facilities and Associated Parking and access at Beech Glen, Silverstripe, Forglen, Turriff
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19. PLANNING APPEAL

A LOCAL REVIEW BODY DECISION REF 403 - REFERENCE NO APP/2017/1875 – PLANNING PERMISSION IN PRINCIPLE FOR THE ERECTION OF DWELLINGHOUSE AT LAND AT ARDMACHRON,, MEMSIE, FRASERBURGH

A report dated 22 February 2018 from the Director of Business Services had been circulated to advise the Committee of the decision of the Local Review Body (LRB) in relation to the above planning application appeal.

The Committee **noted** the decision of the LRB to agree with the determination reviewed by it and to refuse planning permission in principle in accordance with the Appointed Officer’s decision.

20. PROPOSED REDEVELOPMENT OF FORMER SCALLOWAY PARK CHILDREN’S HOME, FRASERBURGH

A report dated 12 March 2018 from the Director of Infrastructure Services had been circulated to update the Committee on the above proposed redevelopment.

Councillor Topping, seconded by Councillor Buchan **moved** that the proposed development for the redevelopment of the former Scalloway Park Children’s Home be rejected and the supplementary work plan refused as there had been a lack of forward planning and there was a greater need for family housing than for one-bedroom flats.

Thereafter, Councillor Kille, seconded by Councillor Mair **moved** that the supplementary Work Plan and the business case for the redevelopment of the former Scalloway Park Children’s Home to provide six flats for social rent through Aberdeenshire Council’s new build affordable housing programme, be approved.

Members of the Committee voted:

For the motion	1	Councillor Topping
For the amendment	7	Councillors Buchan, Cassie, Cox, Findlater, Kille, Mair and Roy

The Chairman **declared the amendment carried** in the following terms:

that the supplementary Work Plan and the business case for the redevelopment of the former Scalloway Park Children’s Home to provide six flats for social rent through Aberdeenshire Council’s new build affordable housing programme, be approved.

21. LICENCE TO OCCUPY COLLIE LODGE, LOW STREET, BANFF

A report dated 06 March 2018 from the Director of Business Services had been circulated to ask the Committee to approve the above licence.

The Committee **agreed** to approve a Licence to Occupy for the occupation of Collie Lodge, Low Street, Banff on the terms reported.

22. INFRASTRUCTURE SERVICES KEY ACTIVITY, PROJECTS AND FORWARD PROCUREMENT PLAN FOR 2018/2019

A report dated 26 February 2018 from the Director of Infrastructure Services had been circulated to ask the Committee to approve the above plan.

The Committee **noted** the Directorate Procurement Work Plan as detailed in the report.

Thereafter:

1. Councillor Cassie, seconded by Councillor Buchan **moved** that approval of the business case be reserved for Fraserburgh 2021 – Kirk Brae Public Realm Improvement Scheme – The Faithlie Centre.

As an amendment, Councillor Buchan, seconded by Councillor Mair **moved** that the business case be approved for Fraserburgh 2021 – Kirk Brae Public Realm Improvement Scheme – the Faithlie Centre.

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

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

that approval of the business case be reserved for Fraserburgh 2021 – Kirk Brae Public Realm Improvement Scheme – The Faithlie Centre.

2. Councillor Buchan, seconded by Councillor Topping **moved** that the approval of the business case be reserved for Crovie Landslip – Procurement of engineering works to stabilise slope.

As an amendment Councillor Cassie, seconded by Councillor Cox **moved** that the business case be approved for Crovie Landslip – Procurement of engineering works to stabilise slope.

For the motion	2	Councillors Buchan and Topping
For the amendment	6	Councillors Cassie, Cox, Findlater, Kille, Mair and Roy

The Chairman **declared the amendment carried** in the following terms:

that the business case be approved for Crovie Landslip – Procurement of engineering works to stabilise slope.

3. the Committee **agreed** that a briefing note be provided in relation to the Fraserburgh Links and Leisure Centre Cycle Path – Construction of shared use path as part of ITT works - to provide more details on the project, including whether this was for the north or south links.
4. the Committee **agreed** to approve the items on the Procurement Work Plan identified as falling within the remit of the Committee,
5. the Committee **noted** that the Committee would receive the Business Case for approval for any item on the Procurement Work Plan which is within the Committee’s remit and the value of the matter is over £1,000,000,
6. the Committee **noted** that the Business Case for the item on the Procurement Work Plan - which is within the remit of the Committee and the value is over £1,000,000 – would be reported to the Committee at a later date, and
7. the Committee **agreed** not to reserve the award of the final contract for any matter over £1,000,000 and that the Head of Transportation has the delegated powers to award the final contracts.

The Committee agreed to suspend Standing Order 2.1.3 to enable the final two items to be discussed and determined.

23. ACT2 (ABERDEENSHIRE CHARITIES TRUST) APPLICATION

A report dated 09 October 2018 from the Director of Education and Children’s Services had been circulated to ask the Committee to consider an application for ACT2 Funding.

The Committee considered the application for funding from the individual person named in the report (Ward 2) and **agreed** to approve an award of £250 from the ACT2 fund.

24. SUPPLEMENTARY ANNUAL WORK PLAN FOR EDUCATION AND CHILDREN'S SERVICES DIRECTORATE - PROCUREMENT APPROVAL

A report dated 12 March 2018 from the Director of Education and Children's Services had been circulated seeking the Committee's approval of the above plan.

The Committee:

1. **noted** the Directorate Supplementary Work Plan as detailed in the report,
2. **agreed** to approve the item on the Supplementary Work Plan identified as falling within the remit of the Committee,
3. **agreed** not to reserve approval of the Business Case for any item on the Work Plan where the value of the matter is between £50,000 and £1,000,000, and
4. **noted** that an approval of the item on the Supplementary Work Plan would require the Business Services Directorate Work Plan to be updated with the item and the expenditure from the Planned Maintenance budget.

Councillor Presiding over meeting

Print Name

Signature

Date

APPENDIX A

PLANNING APPLICATIONS FOR CONSIDERATION

18A REFERENCE NO APP/2017/3158

Applicant: Silverstripe Living
Agent: Cooper & MacGregor Ltd

With reference to Branch 7C of the Minute of Meeting of 06 March 2018 and following a visit to the site of the application, the Committee resumed consideration of a report from the Director of Infrastructure Services which had been circulated seeking determination of the above planning application by the Area Committee.

Councillor Roy, seconded by Councillor Findlater moved that the application be refused for the following reasons:

1. The proposal is not considered to be well related to any settlement due to distances of approximately 3.5km and 5km from the closest settlements, the distance from the main road network at the B9121 and the distance from the public transport network. The development does not comply with Policy B3 Tourist facilities of the Aberdeenshire Local Development Plan 2017.
2. The proposal does not represent small scale development due to the site area of approximately 0.7ha which exceeds the 0.5ha generally considered as small scale under this policy. The development does not comply with Policy R2 Housing and business development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017.
3. The proposal has failed to satisfactorily demonstrate that the private access road which serves the development could be brought up to an adoptable standard to meet the requirements of Roads Development. The application does not comply with Policy RD 1 Providing suitable services of the Aberdeenshire Local Development Plan 2017.

As an amendment Councillor Topping, seconded by Councillor Mair **moved** that the application be approved as applied for.

Members of the Committee voted:

For the motion	3	Councillors Findlater, Kille and Roy
For the amendment	5	Councillors Buchan, Cassie, Cox, Mair and Topping

The Chairman **declared the amendment carried** in the following terms:

that the application be approved as applied for.

Councillor Roy **entered his dissent** in terms of Paragraph 5.2.6 of Part 1 of the Scheme of Governance.

Thereafter, in terms of Section 5.5 of Part 1 of the Scheme of Governance, and at the request of more than one third of members present and voting, the application was referred to the Infrastructure Services Committee for final determination.