

PETITIONS COMMITTEE

ABERDEEN, 20 April 2016. Minute of Meeting of the PETITIONS COMMITTEE.
Present:- Councillor Donnelly, Convener; Councillor Carle, Vice-Convener; Councillor George Adam, the Lord Provost and Councillors Cooney (as substitute for Councillor Nathan Morrison), Cormie, Finlayson (as substitute for Councillor Reynolds), Flynn (as substitute for Councillor Samarai), Graham, Hutchison, Jaffrey, MacGregor, Malik, Sandy Stuart, Taylor and Yuill (as substitute for Councillor Delaney).

The agenda and reports associated with this minute can be found at:-
<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=484&MId=3828&Ver=4>

Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.

OPENING REMARKS

1. The Convener proposed to take item 2 on the agenda first.

The Committee resolved:-
to take item 2 first.

FISHING BOATS AT COVE HARBOUR

2. The Committee had before it the following petition which had been submitted by Mr Jim Adam –

‘We the undersigned petition the Council to note the situation faced by the Cove Bay fisherman and the recent petition of over 11,000 signatures in respect of allowing the fishing boats to remain at Cove Bay Harbour.’

The Convener explained the process and invited the lead petitioner, Mr Adam to present his case to the Committee.

Mr Adam advised the Committee that the situation they were currently facing had started in April 2014 when letters warning of their presence on the harbour were received from the landowner. In December 2015 they received a writ from the landowners solicitors. Mr Adam continued by explaining the fishing history of Cove and presented to the Committee pictures of fisherman from the 1920's right up to the present day site, showing the boulders and barriers which had been erected to restrict their access to the harbour. Mr Adam highlighted that restricting the access to the harbour was not only having an impact on fisherman's livelihood but also on the accessibility for emergency vehicles.

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Councillor Cooney spoke as a local member for Cove and highlighted the long standing fishing tradition in Cove the heritage which was at stake.

Councillor Finlayson spoke as a local member for Cove and echoed Councillor Cooney's concern on the situation and added that it was a conservation area and important to protect.

Councillor Flynn spoke as a local member for Cove and echoed comments from both Councillor Cooney and Finlayson and advised he had been contacted by many people in the community about the current situation and wanted to do everything to support them.

Members then asked the Petitioner a number of questions which highlighted that the fishing community had a lot of support from the local community and worldwide. Mr Adam advised the Committee no mediation with the landowner had taken place so far.

Members then asked officers present a number of questions. Officer clarified the land ownership and current work to establish a vehicle right of way. Officers advised they had spoken with the Coastguard and other emergency services and whilst they can currently access the pier they were awaiting further clarification on other requirements for access.

The Committee resolved:-

- (i) to note the situation faced by the Cove Bay Fisherman and the recent petition of over 11,000 signatures, notes the current work being undertaken by ACC legal officers and refers this petition to the landowner involved and recommends that both parties work together to find an amicable solution;
- (ii) request a report to the Communities, Housing and Infrastructure Committee August meeting to investigate the viability of the Community using the Community Empowerment Bill to pursue the purchase of the land at the Harbour; and
- (iii) that the viability of adverse possession is included in the report.

AGENT OF CHANGE PRINCIPLE

3. The Committee had before it the following petition which had been submitted by Mr Craig Adams –

'We the undersigned petition the Council to make representation to the Scottish Government, asking that they strengthen Scottish Planning Policy, by adopting the Agent of Change Principle, whereby the person who causes the change should be responsible for ameliorating any consequences of that change.'

The Convener explained the process and invited the lead petitioner, Mr Adams to present his case to the Committee.

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Mr Adams advised the Committee on the definition of a 'grassroots' music venue and the contribution to the UK economy annually. He advised the Committee of the work he had undertaken on his own live music venue to ensure he complied with legislation but explained that currently any level of noise can be complained about. He highlighted that even when music venues invest money to ensure noise is reduced there was no guarantee that they wouldn't be faced with closure if they could not further invest money into their venue soundproofing following a complaint by a new residential development in the area.

Members then asked the Petitioner a number of questions which highlighted that there were currently 7 grassroots music venues in Aberdeen, two of which had recently had noise complaints lodged against them. Mr Adam explained the financial implications venues face with a complaint and the difficulties in resolving them.

Members then asked officers present a number of questions. The Environmental Officer present advised the Committee that the Council have a statutory duty to investigate noise complaints but that most complaints can be solved amicably and officers are trained to look at the situations objectively. The Planning Officer present advised the Committee that mitigation of impact is looked at as part of the planning process and environmental health carry out noise impact assessments. If a potential noise nuisance is identified soundproofing would be put in as part of the planning conditions, or applications might even be refused if the noise could not be mitigated sufficiently.

The Committee resolved:-

- (i) to write to the Scottish Government and get clarity on the term 'Agent of Change' and how we could safeguard established music and cultural venues in the future;
- (ii) request that a report goes to the Communities, Housing and Infrastructure Committee August meeting to investigate the impact of adopting the Agent of Change principle as a Council; and
- (iii) instruct that officers report back to Councillor Yuill if it would be competent for Council to withdraw delegated powers from officers in relation to the Environmental Protection Act 1990 with respect to noise control at music venues so that noise complaints would be looked at by Council rather than officers.

MINUTE OF THE PREVIOUS MEETING OF 21 JANUARY 2016

4. The Committee had before it the minute of the previous meeting of 21 January 2016 for approval.

The Committee resolved:-

to approve the minute as a correct record.

- COUNCILLOR ALAN DONNELLY, Convener

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