

ANGUS COUNCIL

MINUTE of MEETING of **ANGUS COUNCIL** held in the Town and County Hall, Forfar on Thursday 14 May 2009 at 4.00pm.

Present: Provost RUTH LESLIE MELVILLE MBE, Depute Provost PETER MURPHY, Councillors ALISON ANDREWS, COLIN BROWN, MAIRI EVANS, DAVID FAIRWEATHER, IAIN GAUL, ALEX KING, DAVID LUMGAIR, IAN MACKINTOSH, DAVID MAY, BILL MIDDLETON, JIM MILLAR, DONALD MORRISON, ROB MURRAY, ROBERT MYLES, PETER NIELD, HELEN OSWALD, RALPH PALMER, JOHN RYMER, MARK SALMOND, ROBERT SPINK, MARGARET THOMSON, PAUL VALENTINE and JOHN WHYTE.

Provost RUTH LESLIE MELVILLE, in the Chair.

Prior to the start of the meeting, the Provost referred to the recent death of Councillor Frank Ellis. Although a member of the opposition, she regarded him as a special friend and a member of the Council who would be sadly missed.

Councillor Oswald, on behalf of the SNP Group, spoke highly of Councillor Ellis referring to his many attributes and achievements and wished to be associated with the Provost's remarks.

Mrs Ellis then replied and thanked the Council for the many good wishes she had received and which had given her and her family great comfort.

Thereafter, the Council stood in silence for a minute as a mark of respect to the late Councillor Ellis.

1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Glennis Middleton, Sheena Welsh and Sandy West.

2. DECLARATIONS OF INTEREST

Councillor Oswald declared an interest in item 15 as her husband was employed by Carnoustie Golf Links Management Committee. She indicated that she would not take part in any discussion and voting on the matter.

3. MINUTES OF COUNCIL AND COMMITTEES

(a) Angus Council

The [minute of meeting of Angus Council of 26 March 2009](#) was submitted and approved as a correct record.

(b) Development Standards Committee

The [minute of meeting of the Development Standards Committee of 7 April 2009](#) was submitted and noted.

(c) Social Work and Health Committee

The [minute of meeting of the Social Work and Health Committee of 9 April 2009](#) was submitted and, except as detailed hereunder, noted:

With reference to Article 4(x), the Head of Law and Administration explained that the setting of fees and charges would continue to be undertaken at the annual statutory budget setting meeting as indicated in Report No 152/09. Accordingly, the decision on the setting of fees and charges would be made by elected members and the implementation of the agreed fees would be delegated to the Director of Social Work and Health.

The Council noted the position.

(d) Civic Licensing Committee

The [minute of meeting of the Civic Licensing Committee of 14 April 2009](#) was submitted and noted.

(e) Neighbourhood Services Committee

The [minute of meeting of the Neighbourhood Services Committee of 16 April 2009](#) was submitted and noted.

(f) Infrastructure Services Committee

The [minute of meeting of the Infrastructure Services Committee of 21 April 2009](#) was submitted and noted.

(g) Education Committee

The [minute of meeting of the Education Committee of 23 April 2009](#) was submitted and noted.

(h) Development Standards Committee

The [minute of meeting of the Development Standards Committee of 28 April 2009](#) was submitted and noted.

(i) Corporate Services Committee

The [minute of meeting of the Corporate Services Committee of 30 April 2009](#) was submitted and, except as detailed hereunder, noted.

With reference to Article 5, Councillors King and Palmer had referred the Committee's decision for determination by the Council in terms of Standing Order 39(3).

The Head of Law and Administration reported that, since the Committee's meeting, missives had been concluded and the purchase was now complete. Accordingly, the Council now owned the land on which the school was to be built and the way was therefore open for the contract with Robertson Construction Tayside Limited, Dundee to be accepted.

The Council unanimously resolved to approve the recommendations by the Director of Corporate Services set out in Report No 365/09.

(j) Strategic Policy Committee

The [minute of meeting of the Strategic Policy Committee of 5 May 2009](#) was submitted and, except as detailed hereunder, noted.

With reference to Article 17, the Council noted that the legal basis for the Council's actions (i.e. to promote a Compulsory Purchase Order in respect of 11 Mayfield Terrace, Arbroath) was contained within Section 71 of the Local Government (Scotland) Act 1973.

(k) Civic Licensing Committee

The [minute of meeting of the Civic Licensing Committee of 5 May 2009](#) was submitted and noted.

4. MINUTES OF JOINT BOARDS AND PARTNERSHIPS**(a) Tay Road Bridge Joint Board**

The minute of meeting of the Tay Road Bridge Joint Board of 15 December 2008 was submitted and noted.

(b) Tayside and Central Scotland Transport Partnership

The minute of meeting of the Tayside and Central Scotland Transport Partnership of 3 February 2009 was submitted and noted.

(c) Angus Licensing Board

The minutes of meetings of the Angus Licensing Board of 18 March and 15 April 2009 were submitted and noted.

5. MOTIONS**(a) Supporting Local Producers and Farmers**

Councillor Gaul had given notice of the following motion in terms of Standing Order 24(1):-

"That this Council looks at promoting the excellent local produce available throughout Angus by bringing forward a report which includes the option similar to the Irish "Shamrock" scheme which encourages the purchase of local produce."

After a full discussion, the Council resolved to approve the motion, subject to deletion of the reference to the Irish "Shamrock" scheme as Councillor Myles gave an assurance that all options would feature in the proposed Report. Accordingly, the Council resolved as follows:-

"That this Council look at promoting the excellent local produce available throughout Angus by bringing forward a report which includes all options which encourage the purchase of local produce."

(b) Recognition of 45 Commando Unit, RM Condor

Councillor Morrison had given notice of the following motion in terms of Standing Order 24(1):-

"That this Council recognises the bravery and professionalism of the service personnel from 45 Commando who have just returned from Afghanistan and to allow the people of Angus an opportunity to show their appreciation with the production, for sale, of special wristbands and/ or badges."

Councillor Morrison, seconded by Councillor King, moved approval of the motion.

COUNCILLOR NIELD, SECONDED BY COUNCILLOR FAIRWEATHER, MOVED AS AN AMENDMENT:-

"THAT THIS COUNCIL:-

- (I) RECOGNISES THE BRAVERY AND PROFESSIONALISM OF THE SERVICE PERSONNEL FROM ANGUS WHO HAVE AND ARE SERVING IN THEATRES OF ACTIVE OPERATION; AND
- (II) ENCOURAGES THE PEOPLE OF ANGUS TO SHOW THEIR APPRECIATION BY EITHER PURCHASING WRISTBANDS AND OTHER ITEMS OR BY DONATING DIRECT TO ONE OF THE FOLLOWING SERVICE CHARITIES:
 - HELP FOR HERO'S (H4H)
 - COMBAT STRESS
 - THE ARMY BENEVOLENT FUND
 - THE ROYAL NAVY BENEVOLENT FUND
 - THE RAF BENEVOLENT FUND
 - SOLDIERS, SAILORS, AIRMEN AND FAMILIES ASSOCIATION (SSAFA)
 - THE BRITISH FORCES FOUNDATION
 - BRITISH LIMBLESS EX SERVICE MEN'S ASSOCIATION

- THE FORCES PENSION SOCIETY
- QUEEN ALEXANDERS HOSPITAL HOME
- THE RAF ASSOCIATION
- SKILL FORCE
- ST DUNSTANS
- ERSKINE HOSPITAL
- WAR WIDOWS ASSOCIATION
- BRITISH LEGION.”

On a vote being taken, the members voted:-

For the motion:

Councillors Evans, Gaul, King, Bill Middleton, Morrison, Murray, Oswald, Palmer, Spink and Valentine (10).

For the amendment:

Provost Leslie Melville, Councillors Murphy, Andrews, Brown, Fairweather, Lumgair, Mackintosh, May, Millar, Myles, Nield, Rymer, Salmond, Thomson and Whyte (15).

The amendment was declared carried and the Council resolved accordingly.

(c) Contribution to Black Watch Heritage Appeal

Councillor Mackintosh had given notice of the following motion in terms of Standing Order 24(1):-

“That this Council:-

- (i) considers supporting the Heritage Appeal Fund: and
- (ii) instructs the Chief Executive to bring forward a Report to the next Strategic Policy Committee proposing a contribution and detailing appropriate sources of funding.”

After a full discussion, the Council unanimously resolved to approve the motion, subject to the replacement of the words “Strategic Policy” with the word “appropriate”.

6. COUNCILLOR FRANK ELLIS

The Council noted formally the death of Councillor Ellis on Tuesday 7 April 2009 and the subsequent vacancies on the Neighbourhood Services, Infrastructure Services and Strategic Policy Committees, and the Tayside Joint Police Board.

With regard to the Tayside Joint Police Board, the Council agreed to appoint Councillor Valentine to fill the vacancy.

With regard to the vacancies on the three Committees, the Council noted that the by-election for Ward 4 (Monifieth and Sidlaw) would take place on Thursday 25 June 2009. The Provost indicated that she intended to call a special meeting of the Council on Monday 29 June at 5.00 pm to welcome the new member and appoint him/her to the appropriate committees.

7. ANGUS COMMUNITY HEALTH PARTNERSHIP

There was submitted [Report No 402/09](#) by the Chief Executive seeking the approval of the Council for the nomination of Councillor Andrews to be forwarded to NHS Tayside for membership of the Angus Community Health Partnership.

The Report advised that the Angus Community Health Partnership (CHP) had been in existence since 1 April 2006. Since that time, the membership of the CHP had included three officers of Angus Council, namely the Chief Executive, the Director of Social Work and Health and the Community Planning Manager.

However, following the recent decision of the Council that elected members should be increasingly involved with community planning, and in particular the eight thematic groups in Angus, it was suggested that an elected member should become a member of the Angus CHP. This member would replace the Chief Executive.

The Council resolved to approve the nomination of Councillor Andrews for membership of the Angus Community Health Partnership.

8. MEMBERS' REMUNERATION, ALLOWANCES AND EXPENSES 2008/2009

There was submitted [Report No 403/09](#) by the Director of Corporate Services bringing to the Council's attention the amount of remuneration, allowances and expenses paid to Councillors for the period 1 April 2008 to 31 March 2009. The Report also provided an update on members' training.

The Council was required by legislation to publish, in a standard format, details of the amount of remuneration (salaries), allowances and expenses paid to Councillors in respect of the previous financial year, by 1 June each year. The Council was also required to make information on Councillors' remuneration and expenses available for inspection at Council offices when requested to do so in writing by a member of the public. For the financial year 2008/2009, the payments to Councillors represented the first full year in which publication was required under the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007 and the Local Government (Allowances and Expenses) (Scotland) Regulations 2007.

With regard to elected member training, one-to-one interviews had been held in 2007 and personal development plans drawn up for those who had undergone interview and where needs had been identified. 26 of the 29 members currently had a personal development plan. Follow-up interviews to assess progress and / or any new issues were planned for autumn 2009. The Council planned to deliver media training to members before the recess in July 2009. Training in relation to the corporate planning process had been delayed following the introduction of the SOA but was also being planned. Training for members of the Audit Sub-Committee had taken place in April 2009. In excess of 360 hours training had been undertaken during year 2 of the strategy. This included various forms of training, including formal training, conferences, seminars, distance learning, briefings, workshops and e-learning packages.

The Council resolved:-

- (i) to note the contents of the Report for its interest; and
- (ii) to note that the information in Appendix 1 would be published on the Council's website in accordance with legislative requirements.

9. AUDIT SCOTLAND CONSULTATION PAPER ON BEST VALUE 2

It was reported that, following the seminar on 5 May 2009, members would be aware that Angus Council, as a pathfinder Council, was required to prepare a response to Audit Scotland's consultation paper on Best Value. As the deadline for such a response was 31 May 2009, it was proposed that the Executive Sub-Committee of the Strategic Policy Committee meet on Tuesday 26 May 2009 to consider a response and have delegated authority to approve it.

COUNCILLOR MYLES, SECONDED BY COUNCILLOR MACKINTOSH MOVED APPROVAL OF THE PROPOSAL THAT THE EXECUTIVE SUB-COMMITTEE OF THE STRATEGIC POLICY COMMITTEE (COUNCILLOR MYLES, MACKINTOSH AND OSWALD) BE GIVEN DELEGATED AUTHORITY TO CONSIDER AND APPROVE THE COUNCIL'S RESPONSE.

As an amendment, Councillor Oswald, seconded by Councillor Murray, moved that the Council establish a Best Value 2 Sub-Committee of the Strategic Policy Committee comprising four members of the Administration and three members of the Opposition and that the Sub-Committee be given delegated powers to approve the Council's response.

On a vote being taken, the members voted:-

For the motion:

Provost Leslie Melville, Councillors Murphy, Andrews, Brown, Fairweather, Lumgair, Mackintosh, May, Millar, Myles, Nield, Rymer, Salmond, Thomson and Whyte (15).

For the amendment:

Councillors Evans, Gaul, King, Bill Middleton, Morrison, Murray, Oswald, Palmer, Spink and Valentine (10).

The motion was declared carried and the Council resolved accordingly.

10. PART PRIVATISATION OF THE ROYAL MAIL

With reference to Article 6 of the minute of meeting of Angus Council of 19 February 2009, there was submitted response letter dated 2 April 2009 from BERR Ministerial Correspondence Unit.

The letter concluded that mail companies around the world were having to respond to falling volumes. The UK Government's proposals added up to a good deal for the public, for Royal Mail staff and for the company. They would give the public greater certainty that the universal service would be preserved for the future. They would give Royal Mail staff greater pension security for the future and they would give the company a greater chance to make the changes necessary in light of falling mail volumes and greater competition from new technology.

Having heard from Councillors Morrison, King, Nield, May and Palmer, all of whom were critical of the response, the Council resolved to note the terms of the letter.

11. SCHEME OF ESTABLISHMENT OF COMMUNITY COUNCILS

With reference to Article 12 of the minute of meeting of the Strategic Policy Committee of 11 September 2007, there was submitted [Report No 404/09](#) by the Chief Executive proposing a new scheme for the establishment of Community Councils. The Working Group which had been set up had agreed a draft revised Scheme of Establishment of Community Councils for consideration by this meeting and a copy of the draft was appended to the Report.

After discussion, the Council resolved:-

- (i) to approve the revised draft Scheme as prepared by the Joint Working Group of elected members and Community Council representatives as set out in Appendix 1 to Report No 404/09; and
- (ii) to give public notice of the revised scheme and invite the public, within a period of not less than 12 weeks from the date of the notice, to make any representations in respect of the draft revised scheme.

In response to a question by Councillor Valentine regarding Hillside, Dunn and Logie Pert Community Council being included within the new Community Council which largely covered the urban area of Montrose, the Chief Executive gave an assurance that any formal representations on this particular point would be carefully considered.

12. IMPLEMENTING THE PLANNING ETC (SCOTLAND) ACT 2006 - ESTABLISHMENT OF REVIEW BODY

With reference to Article 23(ii) of the minute of meeting of the Infrastructure Services Committee of 3 March 2009, there was submitted [Report No 405/09](#) by the Director of Corporate Services updating members in respect of the implementation timetable for the Planning etc (Scotland) Act 2006. The Report advised of the requirements to establish a Local Review Committee. The Report also provided details on training arrangements for elected members who would be appointed to this Committee.

The Report recommended that the Council:-

- (i) agrees to the establishment of a Local Review Committee, to be known as the Development Management Review Committee;
- (ii) appoint five members to the Development Management Review Committee including the Convener, with membership to be drawn from the Development Standards Committee;
- (iii) notes that the quorum of the Committee would be three members and agrees that members of the Development Management Review Committee would be permitted to appoint substitutes (also to be drawn from the Development Standards Committee) to attend in their absence;
- (iv) agrees to the proposed programme of training for all members of the Development Standards Committee and notes that completion of the training would be a pre-requisite to sitting on the new Committee (the initial training session would take place on the afternoon of 9 June 2009);
- (v) agrees that the Development Management Review Committee would meet on the afternoon of the dates when the Development Standards Committee meets (see Appendix 1 to the Report); and
- (vi) authorises the Director of Corporate Services to make the necessary consequential changes to Standing Orders and the Order of Reference to Committees.

COUNCILLOR MYLES, SECONDED BY COUNCILLOR MACKINTOSH MOVED THAT THE COUNCIL APPROVE THE RECOMMENDATIONS IN REPORT NO 405/09.

Councillor Gaul, seconded by Councillor Valentine moved as an amendment, that part (iv) of the motion be amended to provide that training be provided for all members of the Council.

On a vote being taken, members voted:-

For the motion:

Provost Leslie Melville, Councillors Murphy, Andrews, Brown, Fairweather, Lumgair, Mackintosh, May, Millar, Myles, Nield, Rymer, Salmond, Thomson and Whyte (15).

For the amendment:

Councillors Evans, Gaul, King, Bill Middleton, Morrison, Murray, Oswald, Palmer, Spink and Valentine (10).

The motion was declared carried and the Council resolved accordingly. It was also agreed that the names of the five members to be appointed as members of the Development Management Review Committee be provided to the Head of Law and Administration as soon as possible.

13. EXCLUSION OF PUBLIC AND PRESS

The Council resolved, in terms of Standing Order 27(2), that the public and press be excluded from the meeting during consideration of the undernoted items, to avoid the disclosure of information which was exempt in terms of Part 1 Schedule 7A to the Local Government (Scotland) Act 1973, paragraphs 1 and 9.

14. MANAGEMENT STRUCTURE – WASTE SERVICES

With reference to Article 8 of the minute of meeting of the Council of 19 February 2009, there was submitted [Joint Report No 395/09](#) by the Chief Executive, the Director of Infrastructure Services and the Director of Neighbourhood Services proposing changes to the management structures of the Infrastructure Services and Neighbourhood Services Departments to accommodate the proposed transfer of responsibilities for waste management from Infrastructure Services to Neighbourhood Services.

Having heard Councillors Nield and Oswald express reservations about the Council's environmental health functions being placed within the Economic Development Division, the Council resolved:-

- (i) to transfer responsibility for waste management from the Infrastructure Services department to the Neighbourhood Services department;
- (ii) to approve revised senior management structures for Infrastructure Services and Neighbourhood Services departments as outlined in appendices 2 and 4 of Report No 395/09 respectively; and
- (iii) to approve the consequential changes to Standing Orders, The Order of Reference of Committees and the Scheme of Delegation to Officers and to note that these changes would be incorporated into Standing Orders at the next review.

15. CARNOUSTIE GOLF LINKS PROPOSALS

Councillor Oswald, having declared an interest at Article 2 above, left the meeting at this point.

With reference to Article 14 of the minute of meeting of the Council of 18 September 2008, there was submitted [Report No 406/09](#) by the Director of Corporate Services seeking the Council's approval to Carnoustie Golf Links Management Committee, within a six month period, taking over the running of the professional's shop at Carnoustie Golf Hotel, by way of a limited liability company to assume responsibility for the operation of facilities. The continuation of this approval would be subject to Carnoustie Golf Links Management Committee, within six months, incorporating a company limited by guarantee taking over the operation and maintenance of the golf courses and becoming the parent company of the limited liability company.

After discussion the Council resolved:-

- (i) to note the outcome of the negotiations with Carnoustie Golf Links Management Committee and the tenant and operator of Carnoustie Hotel.
- (ii) to approve the terms outlined in Report NO 406/09 to allow the professional's shop within Carnoustie Hotel to be transferred to Carnoustie Golf Links Limited (a limited liability Company);
- (iii) to agree the proposed company model for the company limited by guarantee to be set up by Carnoustie Golf Links Management Committee;
- (iv) to note that the Council nominees on the company limited by guarantee in the form of three directors would be the subject of consideration once the company was established; and
- (v) to remit to the Chief Executive and the Director of Corporate Services to complete the negotiation and to authorise the Head of Law and Administration to sign the agreements as outlined in the Report.

The meeting ended at 6.03 pm.