

ANGUS COUNCIL

MINUTE of MEETING of **ANGUS COUNCIL** held in the Town and County Hall, Forfar on Thursday 25 March 2010 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, JEAN LEE, DAVID LUMGAIR, IAN MACKINTOSH, DAVID MAY, BILL MIDDLETON, GLENNIS MIDDLETON, JIM MILLAR, DONALD MORRISON, ROB MURRAY, BOB MYLES, PETER NIELD, HELEN OSWALD, JOHN RYMER, MARK SALMOND, BOB SPINK, MARGARET THOMSON, PAUL VALENTINE, SHEENA WELSH, SANDY WEST and JOHN WHYTE.

Provost RUTH LESLIE MELVILLE, in the Chair.

1. APOLOGIES

An apology for absence was intimated on behalf of Councillor Ralph Palmer.

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

3. MINUTES OF COUNCIL AND COMMITTEES

(a) Angus Council

The [minute of meeting of Angus Council of 11 February 2010](#) was submitted and approved as a correct record.

(b) Special Angus Council

The [minute of the special meeting of Angus Council of 17 February 2010](#) was submitted and approved as a correct record.

(c) Special Angus Council

The [minute of the special meeting of Angus Council of 22 February 2010](#) was submitted and approved as a correct record.

(d) Special Neighbourhood Services Committee

The [minute of the special meeting of Neighbourhood Services Committee of 15 February 2010](#) was submitted and noted.

(e) Development Standards Committee

The [minute of meeting of the Development Standards Committee of 16 February 2010](#) was submitted and noted.

(f) Development Management Review Committee

The [minute of meeting of the Development Management Review Committee of 16 February 2010](#) was submitted and noted.

(g) Social Work and Health Committee

The [minute of meeting of the Social Work and Health Committee of 18 February 2010](#) was submitted and noted.

(h) Civic Licensing Committee

The [minute of meeting of the Civic Licensing Committee of 23 February 2010](#) was submitted and noted.

(i) Neighbourhood Services Committee

The [minute of meeting of the Neighbourhood Services Committee of 25 February 2010](#) was submitted and noted.

(j) Infrastructure Services Committee

The [minute of meeting of the Infrastructure Services Committee of 2 March 2010](#) was submitted and noted.

Authorisation for the Enforcement of the Provisions of the Working Time Regulations 1998 (as amended)

With reference to Article 4 of the minute, the Council resolved to approve the Committee's recommendation that the Scheme of Delegation to Officers be amended to give authority to the Head of Law and Administration, in conjunction with the Head of Economic Development and Environmental and Consumer Protection, to appoint and authorise suitably qualified and experienced officers to enforce the provisions of the Working Time Regulations 1998 (as amended).

(k) Education Committee

The [minute of meeting of the Education Committee of 4 March 2010](#) was submitted and noted.

Establishment of a Special Appeal Sub Committee

With reference to Article 4 of the minute, members were advised that in connection with the terms of Circular SNCT/18 as amended by Circular AJNCT/11, advice had been received which indicated that the AJNCT had specifically wished to preclude the inclusion of teacher or other non-elected members of the Education Committee from being members of the Sub-Committee. In light of this advice, members were asked to review the membership, given that Mr David Adams, a Church Representative had been appointed to the Sub-Committee.

Having heard from Councillor Nield, and from a number of other members, and having also heard from the Head of Law and Administration, the Council resolved:-

- (i) that in light of the advice received both from the AJNCT and from the Head of Law and Administration, the membership of the Sub-Committee be amended to consist solely of Councillors who were members of the Education Committee; and
- (ii) that discussions take place at an early stage with the AJNCT to explore the possibility of amending the terms of Circular AJNCT/11 to allow non-elected members of the Education Committee to serve on the Special Appeal Sub-Committee.

In light of the decision at (i) above, Councillor Nield intimated his resignation from the Special Appeal Sub-Committee.

Thereafter, the Council resolved to appoint Councillors May and Myles to the Sub-Committee.

(l) Development Standards Committee

The [minute of meeting of the Development Standards Committee of 9 March 2010](#) was submitted and noted.

(m) Development Management Review Committee

The [minute of meeting of the Development Management Review Committee of 9 March 2010](#) was submitted and noted.

(n) Corporate Services Committee

The [minute of meeting of the Corporate Services Committee of 11 March 2010](#) was submitted and, except as detailed hereunder, noted:-

Changes to Delivery of Revenues and Benefits Services at Brechin Access Office on a Pilot Basis

With reference to Article 20, Councillors Evans and Oswald had referred the Committee's decision for the determination by the Council in accordance with Standing Order 39(3).

Councillor Salmond, seconded by Councillor Whyte, moved that the Council approves the decision of the Committee as recorded in the minute of meeting.

Councillor Evans, seconded by Councillor Oswald, moved as an amendment, that the Council resolves:-

- (i) to note the contents of the Report;
- (ii) to not approve recommendation (ii); and
- (iii) to instruct the Director of Corporate Services to commence the arrangements for the recruitment of this post.

On a vote being taken, members voted:-

For the motion:-

Provost Leslie Melville, Depute Provost Murphy, Councillors Andrews, Brown, Lumgair, Mackintosh, May, Millar, Myles, Rymer, Salmond, Thomson and Whyte (13).

For the amendment:-

Councillors Evans, Gaul, King, Lee, Bill Middleton, Glennis Middleton, Morrison, Murray, Oswald, Spink, Valentine, Welsh and West (13).

No vote:-

Councillors Fairweather and Nield (2).

There being an equality of votes, the Provost exercised her casting vote in favour of the motion.

AS A FURTHER AMENDMENT, COUNCILLOR NIELD, SECONDED BY COUNCILLOR FAIRWEATHER MOVED THAT THIS COUNCIL RESOLVES:-

- (I) TO APPROVE THE INTRODUCTION OF ALTERNATIVE ARRANGEMENTS FOR THE DELIVERY OF COUNCIL TAX AND BENEFITS ENQUIRY SERVICES FOR THE BRECHIN AREA; AND
- (II) THAT THE PILOT PERIOD FOR THESE ARRANGEMENTS BE FOR UP TO 12 MONTHS AND THAT A REPORT BE BROUGHT BACK TO THE CORPORATE SERVICES COMMITTEE NO LATER THAN JANUARY 2011 (OR EARLIER), IN ORDER THAT THE MATTER CAN BE CONSIDERED AS PART OF THE 2011/2012 REVENUE BUDGET DISCUSSIONS.

On a vote being taken, members voted:-

For the motion:-

Provost Leslie Melville, Depute Provost Murphy, Councillors Andrews, Brown, Lumgair, Mackintosh, Millar, Myles, Salmond and Whyte (10).

For the further amendment:-

Councillors Evans, Fairweather, Gaul, King, Lee, May, Bill Middleton, Glennis Middleton, Morrison, Murray, Nield, Oswald, Rymer, Spink, Thomson, Valentine, Welsh and West (18).

The further amendment was declared carried and the Council resolved accordingly.

(o) Strategic Policy Committee

The [minute of meeting of the Strategic Policy Committee of 16 March 2010](#) was submitted and noted.

4. MINUTES OF BOARDS AND PARTNERSHIPS

(a) Tayside Joint Police Board

The minute of meeting of the Tayside Joint Policy Board of 16 November 2009 was submitted and noted.

The Head of Law and Administration confirmed that the minute would be amended to include Councillor Paul Valentine as present on the sederunt.

(b) Tayside Fire and Rescue Board

The minute of meeting of the Tayside Fire and Rescue Board of 16 November 2009 was submitted and noted.

(c) Tayside Valuation Joint Board

The minute of meeting of the Tayside Valuation Joint Board of 16 November 2009 was submitted and noted.

(d) Tay Road Bridge Joint Board

The minute of meeting of the Tay Road Bridge Joint Board of 14 December 2009 was submitted and noted.

(e) Tayside Contracts Joint Committee

The minute of meeting of Tayside Contracts Joint Committee of 16 November 2009 was submitted and noted.

(f) Dundee, Perth, Angus and North Fife Strategic Development Planning Authority Joint Committee

The minute of meeting of the Dundee, Perth, Angus and North Fife Strategic Development Planning Authority Joint Committee of 24 November 2009 was submitted and noted.

5. MEMBERS' ALLOWANCES SCHEME

There was submitted [Report No 243/10](#) by the Director of Corporate Services advising members of the submission date of their claims at the end of the financial year and indicating that it was necessary to apply an appropriate cut-off date for the receipt of claims relating to the 2009/10 financial year.

Having heard the Chief Executive confirm that members' claim forms, when submitted, would be dealt with as expeditiously as possible, the Council resolved to approve the following procedure, which was in line with the approach agreed in previous years:-

- (i) all claims for travel, subsistence and other expenses for the year ending 31 March 2010, must be submitted to the Head of Finance on or before 7 April 2010;
- (ii) claims for travel, subsistence and other expenses for the year ending 31 March 2010, which were not submitted to the Head of Finance by 7 April 2010 would lapse;
- (iii) for the avoidance of doubt, members' claims submitted by 7 April 2010 should not include any item in respect of a day after 31 March 2010; and
- (iv) members' claim forms were to be returned in the first instance to the Chief Executive's Department for checking and countersigning in order to meet the deadline for submission to the Head of Finance.

6. TREASURY MANAGEMENT STRATEGY 2010/2011 AND ADOPTION OF NEW TREASURY MANAGEMENT CODE OF PRACTICE

There was submitted [Joint Report No 244/10](#) by the Director of Corporate Services and the Head of Finance advising members of some significant changes affecting the Council's Treasury Management Arrangements from 2010/2011 onwards, requesting that the Council formally adopt a new Code of Practice and approve the proposed Treasury Management Strategy Statement for 2010/2011.

The Report indicated that the Code of Practice on Treasury Management had recently been revised and updated with its adoption effectively a legal requirement. The Code also required the Council to adopt a Treasury Management Policy Statement (as detailed in Annex B). As a consequence of the new Code it would be necessary to undertake a full review of the Council's Treasury Management Practices and related policies and procedures. Although robust/policies and procedures for Treasury Management already existed within the Council, it would be necessary to review these to ensure compliance with the new Code.

In addition, the Local Government Investments (Scotland) Regulations 2010, which would come into force on 1 April 2010 meant that Councils could now only invest money with the consent of Scottish Ministers and Councils were required to have regard to both the CIPFA Prudential Code and the CIPFA Treasury Management Code in making investments. Although the Regulations brought additional freedoms for Councils on investment activity, they also required such activity to take place within a very tightly controlled framework. This required the Council to formally agree at the start of each year the type of investment activity which might be undertaken.

The Council resolved:-

- (i) to note the introduction of new Codes of Practice for capital finance and treasury management and new Regulations governing the Council's investment activity;
- (ii) to note that these new Codes/Regulations would require adjustment to some of the Council's treasury management arrangements which would be the subject of further Reports to the appropriate Committee as soon as practicable;
- (iii) to formally adopt CIPFA's new Prudential Code which would be implemented as required during 2010/2011 and for the 2011/12 budget setting process;
- (iv) to formally adopt CIPFA's 2009 Treasury Management in the Public Services – Code of Practice and Cross Sectoral Guidance Notes as the basis for treasury management by Angus Council;
- (v) to formally and immediately adopt the 4 specific clauses within the CIPFA Treasury Management Code (Annex E of Appendix 4 refers) and agree that these 4 specific clauses be reflected in the Treasury Management Section of the Council's Financial Regulations at the next available opportunity;
- (vi) to formally adopt the Treasury Management Policy Statement in Annex B of Appendix A;
- (vii) to approve the proposed Treasury Management Strategy Statement for 2010/2011 attached as Appendix A to the Report, which incorporated details of the proposed

Investment Strategy for the year in compliance with the Local Government Investment (Scotland) Regulations 2010;

- (viii) to approve the provision of detailed training for all elected members on Treasury Management as set out in Section 7 and that arrangements for this training be progressed as soon as possible; and
- (ix) to note that the existing contract with the Council's external treasury advisers would be extended for a period of up to 12 months to allow time for the Head of Finance to consider the Council's needs for advisory services in light of the freedoms now available under the 2010 Investment Regulations.

7. SUPPORT FOR HOUSEBUILDING IN ANGUS AND THE DELIVERY OF AFFORDABLE HOUSING

With reference to Article 6 of the minute of meeting of Angus Council of 17 December 2009, there was submitted [Report No 245/10](#) by the Chief Executive (in consultation with the Director of Infrastructure Services and the Director of Neighbourhood Services) which outlined the delivery of affordable housing through the application of adopted Angus Local Plan Review Policy SC9: Affordable Housing as a means of supporting the housebuilding industry in Angus and reaffirming the approach to securing affordable housing from new development as set out in Angus Council's Affordable Housing Policy Implementation Guide.

The Report indicated that over the last 12 to 18 months the housebuilding industry had been significantly affected by exceptional market conditions. The key constraint on the market had been the availability of finance, particularly a significant reduction in finance for mortgages and also commercial finance for developers to bring forward sites and meet infrastructure costs and planning obligations. Registered Social Landlords had been similarly affected by the limited availability of Public Sector funding/subsidy. This had all impacted on the ability of sites to come forward and the deliverability of affordable housing.

The Report detailed Angus Council's approach to securing the delivery of affordable housing on appropriate sites across Angus and concluded that, notwithstanding the current market/financial conditions, the delivery of affordable housing through the planning process was best served by the continued implementation of Policy SC9: Affordable Housing from the Adopted Angus Local Plan Review and the Council's Affordable Housing Policy Implementation Guide. Angus Council intended to review the Affordable Housing Policy (including the site size threshold and variable percentages supplied to the four housing market areas across Angus) in the context of the recently completed Angus Housing Need and Demand Assessment (AHNDA) during preparation of the next Local Housing Strategy and Local Development Plan for Angus.

In addition, the terms of the Local Plan Policy and the Implementation Guide allowed it to be applied flexibly on a case by case basis, taking local or site specific circumstances into account. On receipt of appropriate evidence from the developer/applicant, Angus Council could vary the scale and type of contribution and where circumstances merited, even set aside any requirement for a contribution for affordable housing.

The Council resolved:-

- (i) to note the considerable level of flexibility built into Angus Council's existing approach to securing the delivery of affordable housing set out in Angus Local Plan Review Policy SC9: Affordable Housing Policy Implementation Guide;
- (ii) to note that Angus Council would consider proposals on a case by case basis and where appropriate continue to be flexible in applying and implementing Policy SC9;
- (iii) to instruct the Director of Infrastructure Services to undertake a review of the Affordable Housing Policy as part of the preparation of the future Local Development Plan for Angus and Local Housing Strategy in the context of the affordable housing need identified by the recently completed Angus Housing Need and Demand Assessment;
- (iv) to note that the Director of Infrastructure Services would provide elected members with details of the timescales for such a review;

- (v) to remit the Director of Infrastructure Services and Director of Neighbourhood Services to investigate the potential of privately funded shared equity schemes and direct investment in new housing by Angus Council as a contribution to meeting affordable housing needs;
- (vi) to note that following approval of Report No 145/10 at the Neighbourhood Services Committee meeting on 25 February 2010, the Director of Neighbourhood Services had been remitted to investigate the potential use of National Housing Trust funding to stimulate new housebuilding activity through the development of mid-market rent housing in partnership with private sector developments;
- (vii) to continue to lobby the Scottish Government for increased public sector investment in new affordable housing in Angus; and
- (viii) to note that the Director of Infrastructure Services would provide elected members with details of the officer decisions taken in relation to Policy SC9, including the level of flexibility applied.

8. DEVELOPMENT OF NEW CARE CENTRE AND SUPPORTED HOUSING IN CARNOUSTIE

With reference to Article 3 of the minute of meeting of Angus Council of 17 December 2009, there was submitted [Joint Report No 246/10](#) by the Director of Social Work and Health and the Director of Corporate Services advising members of the final outline design and project cost estimates for the proposed development of a new care centre and supported housing complex in Carnoustie. The Report also sought approval to proceed to the tender stage and to issue a Stopping-Up Order in respect of Mayfield Lane, which ran through the development site.

The Report indicated that the proposed development would deliver high quality accommodation supported housing, high dependency residential respite care and specialist dementia day care to replace the services provided at Camus House and to meet the future needs of the older people of Carnoustie. The final design and the budget costing process had enabled the original design to be enhanced at marginal additional cost which would deliver significant benefits in terms of energy efficiency and reduction in carbon emissions.

Having heard Councillors Andrews, Murphy and Oswald welcome the Report, the Council resolved:-

- (i) to approve the project brief described in the Report and Appendices;
- (ii) to note the intended funding package, as detailed in the Report;
- (iii) to approve the development of the project to the tender stage;
- (iv) to confirm that the Council was satisfied that it would be necessary to stop up Mayfield Lane if planning permission was issued for the development as proposed and consequently to authorise the Stopping-Up procedures under Section 207 of the Town and Country Planning (Scotland) Act 1997 to commence, in anticipation of such permission being granted; and
- (v) to note that further Reports would be brought to the relevant committees as part of the tender process.

9. BEST VALUE AUDIT OF TAYSIDE POLICE AND JOINT BOARD

There was submitted [Joint Report No 247/10](#) by the Director of Corporate Services and the Director of Neighbourhood Services providing an overview of the recent Best Value Audit Report on Tayside Police and the Tayside Police Joint Board and setting out the Board's Improvement Plan for Council approval.

The Report indicated that following the audit and inspection of Tayside Police and Tayside Police Joint Board, which had been conducted jointly by Audit Scotland and Her Majesty's Inspectorate of Constabulary in Scotland, an Improvement Plan had been drawn up. The Plan had been considered by Tayside Joint Police Board on 1 February 2010 and referred to the three constituent councils for their agreement. A key recommendation to the Board's Improvement Plan required an examination of the links made between the Board and local Community Safety arrangements and it was therefore proposed that the Director of Neighbourhood Services be remitted to bring forward options for ensuring that the work of the Board was scrutinised by Angus Council via the Community Planning Partnership.

Having heard Councillor Mackintosh refer to the substantial increase in workload that would fall to the Clerk and Assistant Clerk to the Board in taking forward the recommendations of the Improvement Plan, the Council resolved:-

- (i) to note that the Report on the Joint Inspection of Tayside Police and Tayside Joint Police Board by Audit Scotland and Her Majesty's Inspectorate of Constabulary in Scotland, together with the associated Improvement Plan had been considered by the Board on 1 February 2010 and that the Plan had been referred to the three constituent Councils for approval;
- (ii) to endorse the Improvement Plan as set out in Appendix A to this Report;
- (iii) to remit to the Director of Neighbourhood Services to develop and report back on options for developing the reporting and scrutiny arrangements of both the Tayside Joint Police Board and the Tayside Fire and Rescue Joint Board by Angus Council via the Community Planning Partnership and to note that this Report would be submitted to the appropriate Committee within the next two committee cycles; and
- (iv) to adopt the roles and responsibilities for Board members, the Convener and Vice-Conveners of the Tayside Joint Police Board as detailed in Appendix B to this Report and that these roles and responsibilities be reviewed after a twelve month period.

10. ANGUS COMMUNITY SAFETY SURVEY

With reference to Article 14 of the minute of meeting of the Neighbourhood Services Committee of 25 February 2010, there was submitted [Report No 248/10](#) by the Director of Neighbourhood Services appending a copy of the findings of the Angus Community Safety Partnership Community Safety Survey which highlighted the improvements since the previous survey of 2007 and identified areas for further work.

The Report indicated that in 2007 the Angus Community Safety Partnership had undertaken an Angus-wide survey of residents in an effort to gauge the perceptions of safety within the communities of Angus. The Community Safety Partnership had undertaken to continue with a bi-annual Community Safety survey to assess the general perceptions of safety in Angus, with a view to building on areas of improvement and understanding and addressing areas where communities expressed further work was needed.

The survey had highlighted that Angus was considered to be a good place to live, with 92% rating it as a very good or fairly good place to live. This had been reflected in the wider citizen's survey in 2009 which had highlighted a 93% approval rating.

The Report represented the headline findings of the bi-annual survey and was a snapshot of community perceptions of community safety. It showed that between 2007 and 2009 there had been an improvement in the community perception of Angus as a safe place to live and work. The survey reinforced the Community Safety Partnership's view that despite recorded improvements in the perception of Angus as a safe place to be, there could be no room for complacency and further work and focus was needed to build on the improvements to date.

The Council resolved:-

- (i) to note the contents of the survey, attached as an appendix to the Report;
- (ii) to note the improvements since 2007;
- (iii) to approve the report as forming the basis of public dissemination of the survey results; and
- (iv) to approve the areas for further work.

11. EXCLUSION OF PUBLIC AND PRESS

The Council resolved, in terms of Standing Order 27(2), that the public and press be excluded during consideration of the following item, so as to avoid the possible disclosure of information which was exempt in terms of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973, paragraph 1.

12. DIRECTOR OF EDUCATION AND DIRECTOR OF SOCIAL WORK AND HEALTH – ACTING DIRECTOR ARRANGEMENTS

There was submitted [Report No 249/10](#) by the Chief Executive considering acting Director arrangements to cover the current absences of both the Director of Education and the Director of Social Work and Health.

The Council resolved:-

- (i) to appoint Neil Logue as Acting Director of Education for the duration of the absence of the Director of Education;
- (ii) to appoint Lorraine Young as Acting Director of Social Work and Health for the duration of the absence of the Director of Social Work and Health;
- (iii) to remit the Chief Executive to write to both Lorraine Young and Neil Logue recording the Council's appreciation in this matter; and
- (iv) to note that any implications for other Senior Officers within either departments as a result of the two absences would be considered in conjunction with both acting Directors, with any subsequent recommendation being submitted to the Strategic Policy Committee.