

## ANGUS COUNCIL

MINUTE of MEETING of the **INFRASTRUCTURE SERVICES COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 20 April 2010 at 4.00 pm.

**Present:** Councillors DAVID MAY, DAVID FAIRWEATHER, ALEX KING, JEAN LEE, IAN MACKINTOSH, JIM MILLAR, PETER MURPHY, ROBERT MYLES, HELEN OSWALD, RALPH PALMER, JOHN RYMER, ROBERT SPINK, SANDY WEST and JOHN WHYTE.

Councillor MAY, Convener, in the Chair.

### 1. APOLOGIES/SUBSTITUTES

Apologies for absence were intimated on behalf of Councillors Iain Gaul and Mark Salmond with Councillor John Rymer, substituting for Councillor Salmond.

### 2. DECLARATIONS OF INTEREST

Councillor May declared an interest in item 7 as he had been involved in discussions with the solicitor and his client and indicated that he would not take part in any discussion and voting.

### 3. MINUTES

#### (a) Previous Meetings

The [minutes of meetings of this Committee of \(i\) 17 February](#) and (ii) [2 March 2010](#) were approved as correct records and signed by the Convener.

#### (b) Executive Sub-Committee

The [minute of meeting of the Executive Sub-Committee of 25 March 2010](#), a copy of which is appended hereto, was submitted and noted (**APPENDIX I**).

### \*4. ATTENDANCE AT CONFERENCE OF PERIPHERAL MARITIME REGIONS AND NORTH SEA COMMISSION EVENTS 2010-2011

With reference to Article 6 of the minute of meeting of this Committee of 21 April 2009, there was submitted [Report No 299/10](#) by the Director of Infrastructure Services seeking approval for member nominations and representation at the Conference of Peripheral Maritime Regions and North Sea Commission events in 2010-2011 and seeking approval of a financial contribution towards the cost of the CPMR General Assembly.

The Report indicated that active participation in the events and meetings could bring added value to the Council in terms of raising profile, collaborative project development and representation of the Council's views of best practice but was wholly dependent on the active participation of elected members and officers.

COUNCILLOR MAY, SECONDED BY COUNCILLOR FAIRWEATHER, MOVED THAT THE COMMITTEE AGREES:-

- (i) TO APPROVE THE ATTENDANCE OF ONE NOMINATED ELECTED MEMBER AT THE NORTH SEA COMMISSION GENERAL ASSEMBLY TO BE HELD IN NORWAY FROM 16-18 JUNE 2010;
- (ii) TO APPROVE THE ATTENDANCE OF ONE NOMINATED ELECTED MEMBER AT THE CONFERENCE OF PERIPHERAL MARITIME REGIONS TO BE HELD IN ABERDEEN FROM 29 SEPTEMBER TO 1 OCTOBER 2010 AND AT OTHER CPMR AND NSC EVENTS AS THEY AROSE DURING 2010/2011;

- (iii) TO DELEGATE AUTHORITY TO THE CHIEF EXECUTIVE, IN CONSULTATION WITH THE LEADER OF THE COUNCIL, TO AGREE THE ELECTED MEMBER REPRESENTATION;
- (iv) TO APPROVE THE COSTS OF TRAVEL, ACCOMMODATION AND SUBSISTENCE AT THESE EVENTS DURING 2010/2011 AND THAT THESE COSTS BE LIMITED TO A MAXIMUM OF £3,000; AND
- (v) TO AUTHORISE A CONTRIBUTION OF £5,000 TO BE MADE TO ABERDEEN CITY COUNCIL TOWARDS THE COST OF ORGANISING THE CPMR GENERAL ASSEMBLY IN ABERDEEN DURING SEPTEMBER/OCTOBER 2010.

Councillor Palmer, seconded by Councillor Oswald moved as an amendment, that the recommendations contained in Report No 299/10 be approved with the exception of recommendation (iii) and that in this connection, the responsibility for nomination of the elected member representation remain with this Committee.

On a vote being taken, the members voted:-

For the motion:-

Councillor May, Fairweather, Mackintosh, Millar, Murphy, Myles, Rymer and Whyte (8)

For the amendment:-

Councillors King, Lee, Oswald, Palmer, Spink and West (6)

The motion was declared carried and became the finding of the meeting.

## **5. TRADING STANDARDS ACTION ON TOBACCO CONTROL**

With reference to Article 10 of the minute of meeting of this Committee of 2 June 2009, there was submitted [Report No 300/10](#) by the Director of Infrastructure Services detailing the annual enforcement action by the Council's Trading Standards Service in relation to the protection of young persons from tobacco.

The Report indicated that in terms of the Children and Young Persons (Protection from Tobacco) Act 1991, each local authority in Scotland had a statutory duty to consider, at least once a year, the extent to which it was appropriate for them to carry out a programme of enforcement action relating to the Act.

The Council had received £35,371 from the Scottish Government for the purpose of tobacco enforcement in 2008/2009 and the same amount had been allocated in subsequent years until 2011.

Having heard Councillor Mackintosh, the Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to note the programme of action for 2010/2011, as detailed in the Report.

## **6. ANGUS COUNCIL COMMUNITY GRANT SCHEME – NEW APPLICATIONS**

With reference to Article 6 of the minute of meeting of this Committee of 2 March 2010, there was submitted [Report No 301/10](#) by the Director of Infrastructure Services detailing applications for grants of over £1,000, advising members of applicants for grants of £1,000 or less which had been approved under delegated authority since 2 March 2010 and advising of applications which had been submitted and approved in 2009/2010.

Having heard from a number of members, the Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to approve the following awards in respect of applications for grants over £1,000:-
  - Girl Guiding Angus – Centenary Committee - £5,000
  - Angus Mounting Bike Trail Association - £2,500
  - Kirriemuir District Agricultural Association - £4,896.11
  - Angus Childminding Celebration Day - £1,052
  - Brechin Youth Project (The Attic) - £2,961
  - Brechin Bridge Club - 1,637.01
  - Carnoustie Allotments Association - £2,885
  - DD8 Music - £4,141
  - Forfar and Area Partnership - £3,140
- (iii) to note the following decisions in respect of applications for grants of £1,000 or less:-
  - Communication and Performance Examinations (Scotland) Ltd - £1,000
  - Forfar and Area Partnership - £335
  - CAFÉ Project - £944.45
  - Grange Pre-School Playgroup - £403.64
  - Newbigging and District Horticultural Society - £508;
- (iv) to note the summary of applications which had been submitted and approved in respect of community grants during 2009/2010; and
- (v) to note that where possible, knowledge of best practice might be shared between voluntary groups.

**\*7. PROPOSED DISPOSAL OF FORMER RAILWAY SIDING, BROOMFIELD INDUSTRIAL ESTATE, MONTROSE**

*Having declared an interest at item 2 above Councillor May left the meeting during consideration of this item and Councillor Fairweather took the Chair.*

With reference to Article 13 of the minute of meeting of the Development Standards Committee of 19 February 2008, there was submitted [Joint Report No 312/10](#) by the Director of Infrastructure Services and the Director of Corporate Services outlining a previous proposal to advertise for sale, subject to receipt of planning consent at offers of over £32,500, the former railway cutting measuring 0.458 ha or thereby at Broomfield Industrial Estate, Montrose. The Report also sought approval to withdraw the land from the open market and to retain it within Council ownership.

The Report indicated that two offers had been received in the amounts of £42,500 (offer A) and £75,000 (offer B) with offer B having been provisionally accepted but subsequently, the proposal in offer B to build three houses had been refused planning permission.

The Report also included some cautionary advice from the Head of Economic Development and Environmental and Consumer Protection, that experience had shown that where houses lie north of industrial areas there was the potential for conflict. Development of this area would also be contrary to the finalised Angus Local Plan Review.

COUNCILLOR FAIRWEATHER, SECONDED BY COUNCILLOR MYLES, MOVED THAT THE COMMITTEE AGREES:-

- (I) TO NOTE THE BACKGROUND REGARDING THE PROPOSAL TO SELL THE FORMER RAILWAY SIDING AT BROOMFIELD INDUSTRIAL ESTATE, MONTROSE;

- (II) TO NOTE THE CAUTIONARY ADVICE GIVEN IN REPORT NO 312/10 BY THE HEAD OF ECONOMIC DEVELOPMENT AND ENVIRONMENTAL AND CONSUMER PROTECTION; AND
- (III) TO INSTRUCT THAT THE SITE BE RE-ADVERTISED FOR SALE ON THE OPEN MARKET.

Councillor Oswald, seconded by Councillor Palmer, moved as an amendment, that the Committee agrees:-

- (i) to note the background regarding the proposal to sell the former railway siding at Broomfield Industrial Estate, Montrose;
- (ii) to note the cautionary advice given by the Head of Economic Development and Environmental and Consumer Protection as contained in the Report; and
- (iii) that the sale of this ground be not proceeded with and that it should be withdrawn from the market and retained within Council ownership.

On a vote being taken, the members voted:-

For the motion:-

Councillor Fairweather, Mackintosh, Millar, Murphy, Myles, Rymer and Whyte (7)

For the amendment:-

Councillors King, Lee, Oswald, Palmer, Spink and West (6)

(Councillor May, having declared an interest was absent when the vote was taken.)

The motion was declared carried.

Councillor King, seconded by Councillor Palmer, moved as a further amendment, that consideration of Report No 312/10 be deferred and that a further Report be submitted by the Director of Infrastructure Services on the implications of selling the site, incorporating the probable costs of advertising and detailing any restriction which would require to be placed on its use as a result of the Local Plan.

On a vote being taken, the members voted:-

For the motion:-

Councillors Fairweather, Mackintosh, Millar, Murphy, Myles, Rymer and Whyte (7)

For the further amendment:-

Councillors King, Lee, Oswald, Palmer, Spink and West (6)

(Councillor May was absent when the vote was taken.)

The motion was declared carried and became the finding of the meeting.

*In accordance with the provisions of Standing Order 39(3)(i), Councillors Palmer and Oswald indicated that they wished the matter referred to the Council for a decision.*

## **8. ANGUS ENVIRONMENTAL TRUST – ANNUAL NEWSLETTER AND STATEMENT OF ACCOUNTS**

With reference to Article 26 of the minute of meeting of this Committee of 21 April 2009, there was submitted [Report No 302/10](#) by the Director of Infrastructure Services together with the Annual Newsletter and Statement of Accounts which had been received from Angus Environmental Trust in respect of the year 1 October 2008 to 30 September 2009.

The Report indicated that the main aims of the Trust were to distribute the Landfill Tax funds to help encourage and fund local community groups and organisations to protect and enhance the environment of Angus through projects that met the criteria of both the Trust and the Landfill Communities fund.

The Committee agreed to note the contents of the Angus Environmental Trust Annual Newsletter and Statement of Accounts and to express appreciation to Roy Madden, Regeneration and Countryside Manager and his staff for all their work in this regard.

## **9. CYCLING, WALKING AND SAFER STREETS FUND PROGRAMME OF WORKS**

With reference to Article 17 of the minute of meeting of this Committee of 20 January 2009, there was submitted [Report No 303/10](#) by the Director of Infrastructure Services advising members of the delivery of the programme of projects which were funded in 2009/2010 through the Cycling, Walking and Safer Streets Fund and seeking approval of the programme of projects to be funded during 2010/2011.

The Report indicated that funding of these projects would greatly assist the Council in meeting its aims and objectives contained in various strategies and full use would be made of the available allocation.

Having heard Councillor Oswald, the Committee agreed:-

- (i) to note the amended programme of projects which was undertaken during 2009/2010;
- (ii) to approve the programme of projects to be undertaken during the financial year 2010/2011; and
- (iii) to commend the initiative taken by a number of children from Monikie Primary School in suggesting the pedestrian link between the school and the country park.

## **10. CAIRNGORMS LOCAL BIODIVERSITY ACTION PLAN PROJECT OFFICER AND BIODIVERSITY GRANT SCHEME**

With reference to Article 34 of the minute of meeting of this Committee of 21 April 2009, there was submitted [Report No 304/10](#) by the Director of Infrastructure Services recommending that the Council make a financial contribution towards the cost of the Local Biodiversity Action Plan Project Officer post.

The Report indicated that the Project Officer was necessary for maintaining the Cairngorms Local Biodiversity Action Plan Partnership which, although independent of the National Park, had a key role in the delivery of both the Partnership and the National Park plan.

The Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to approve a contribution of £1,500 towards the cost of the Project Officer post up to 31 March 2011; and
- (iii) to note that this expenditure would be met from the Planning and Transport 2010/2011 Revenue Budget.

## **11. LOCAL BUS SERVICE REVISIONS**

There was submitted [Report No 305/10](#) by the Director of Infrastructure Services advising members of commercial service revisions to be introduced by Strathtay Scottish on a number of journeys across Angus with effect from 31 May 2010.

The Report detailed service withdrawals and revisions which had been notified by the company, the implications of these for passengers and indicated that replacement facilities had been sought where there was a demand for local bus services which had been withdrawn.

The Report also indicated that for most passengers affected by the changes, alternative commercial or contracted services were available albeit at a reduced frequency.

COUNCILLOR MAY, SECONDED BY COUNCILLOR FAIRWEATHER MOVED THAT THE COMMITTEE AGREES:-

- (i) TO NOTE THE CONTENTS OF THE REPORT; AND
- (ii) TO AUTHORISE THE AWARD OF THE CONTRACTS FOR THE SERVICES AS DETAILED IN THE REPORT.

Councillor Mackintosh, seconded by Councillor Rymer, moved as an amendment, that consideration of Report No 305/10 be deferred to enable further consultation to take place between Stagecoach and members whose wards were affected by the revisions.

On a vote being taken, the members voted:-

For the motion:-

Councillors May, Fairweather, King, Lee, Millar, Murphy, Myles, Oswald, Palmer, Spink, West and Whyte (12)

For the amendment:-

Councillors Mackintosh and Rymer (2)

The motion was declared carried and became the finding of the meeting.

## **12. ANGUS COUNCIL PUBLIC TRANSPORT POLICY STATEMENT**

With reference to Article 11 of the minute of meeting of this Committee of 2 March 2010, there was submitted [Report No 306/10](#) by the Director of Infrastructure Services detailing the outcome of the consultation exercise in respect of the revised Angus Public Transport Policy Statement and seeking formal adoption of the Statement.

The Report reminded members that the Council was required, in terms of the Transport Act 1985, to update its Public Transport Policy Statement having amended its procedures for assessing and awarding contracted public passenger transport services.

The Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to approve the adoption of the revised Angus Council Public Transport Policy Statement, as detailed in the Report.

## **13. CLAIMED PUBLIC RIGHT OF WAY BETWEEN MURRAY STREET AND KINCARDINE STREET, MONTROSE**

There was submitted [Report No 307/10](#) by the Director of Infrastructure Services summarising investigations into the status of a Close between Murray Street and Kincardine Street, Montrose which had been claimed to be a public right of way.

The Report indicated that a complaint had been received that a route through a Close adjacent to 17-19 Murray Street, Montrose had been obstructed by a wooden door at the Murray Street end and by a wooden gate at the Kincardine Street end but following the investigations it had been concluded that there was insufficient evidence to assert the Close as a public right of way.

The Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to confirm that there was insufficient evidence at this time to assert that the Close between Murray Street and Kincardine Street, Montrose was a public right of way; and
- (iii) not to pursue the removal of the obstructions to the route at this time.

**14. THE ANGUS COUNCIL (THE SENIOR OPEN CHAMPIONSHIP, CARNOUSTIE) (EXEMPTION) ORDER 2010**

There was submitted [Report No 308/10](#) by the Director of Corporate Services proposing the introduction of an Order to exempt temporarily four areas of land in the vicinity of Carnoustie Links from access rights which would otherwise be exercisable under the Land Reform (Scotland) Act 2003, in order to accommodate the Senior Open Golf Championship to be held on the Links from 22-25 July 2010.

The Report indicated that approval of the Order would enable the Championship to be held in a safe and organised manner.

The Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to approve the making of the proposed Order, subject to confirmation of the terms of the Order by Scottish Ministers; and
- (iii) to authorise the Head of Law and Administration to make the Order, including any necessary amendments, in the event that the Scottish Ministers might require modifications to the proposed Order and to report the outcome to a subsequent meeting of this Committee.

**15. PARK STREET, ARBROATH – STOPPING UP OF ROAD**

With reference to Article 20 of the minute of meeting of this Committee of 24 November 2009, there was submitted [Report No 309/10](#) by the Director of Infrastructure Services seeking confirmation of the Angus Council (Park Street, Arbroath) (Stopping Up) Order 2010.

The Report indicated that Park Street, Arbroath was considered to be unnecessary as there no longer remained a public need for access and confirmation of the Order would result in the Stopping Up of the road in terms of Section 68 of the Roads (Scotland) Act 1984, as requested by one of the adjoining proprietors.

The Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to confirm the Angus Council (Park Street, Arbroath) (Stopping Up) Order 2010.

**16. TRAFFIC REGULATION ORDERS – UPDATE**

There was submitted and noted [Report No 310/10](#) by the Director of Infrastructure Services detailing the current stage of progress regarding pending Traffic Regulation Orders.

**17. UTILISATION OF ROADS AND TRANSPORT RENEWAL AND REPAIRS FUND FOR 2010/2011**

With reference to Article 16 of the minute of meeting of this Committee of 19 January 2010, there was submitted [Report No 311/10](#) by the Director of Infrastructure Services proposing the allocation of part of the Roads and Transport Renewal and Repairs Fund in the current financial year.

Having heard Councillor King, the Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to approve the utilisation of the Roads and Transport Renewal and Repair Fund 2010/2011 in respect of:-
  - carriageway and footway surfacing works to the value of £1,260,000;
  - street lighting upgrade/replacement works to the value of £350,000;
  - bridgeworks to the value of £250,000;
  - public transport provision to the value of £30,000;
  - traffic works to the value of £90,000;
  - Arbroath Harbour miscellaneous metalwork to the value of £10,000; and
  - flooding/drainage work to the value of £250,000.

**18. ANGUS SCHEME OF ASSISTANCE 2010**

With reference to Article 14 of the minute of meeting of the Neighbourhood Services Committee of 15 April 2010, there was submitted [Joint Report No 272/10](#) by the Director of Neighbourhood Services and the Director of Corporate Services detailing the development of the Angus Scheme of Assistance 2010 and seeking approval of the Scheme, together with agreement to its ongoing development.

The Report indicated that the Scheme had been developed in line with guidance issued by the Scottish Government with consideration given to the specific situation in Angus.

The Committee, for its interest, agreed to note that the Neighbourhood Services Committee at its meeting held on 15 April 2010 had agreed to approve the Angus Scheme of Assistance 2010 and to review the operation of the Scheme after year one of operation.