

ANGUS COUNCIL

MINUTE of MEETING of **ANGUS COUNCIL** held in the Town and County Hall, Forfar on Thursday 19 September 2002 at 4.00 pm.

Present: Provost Mrs FRANCES E DUNCAN OBE, Councillors IAN ANGUS, BILL CROWE, FRANK ELLIS, ALISTAIR GRAY, JOHN HENDERSON, ALEX KING, The Hon R J LESLIE MELVILLE, DAVID LUMGAIR, STEWART McGLYNN, IAN MACKINTOSH, BILL MIDDLETON, BRIAN MILNE, JOY MOWATT, PETER MURPHY, ROB MURRAY, ROBERT MYLES, PETER NIELD, GEORGE NORRIE MBE, HELEN OSWALD, KITTY RITCHIE, RON SCRIMGEOUR, DAVID SELFRIDGE, RICHARD SPEIRS, SHEENA WELSH and SANDY WEST.

Apologies: Apologies for absence were intimated on behalf of Councillors JACK GIBB, GLENNIS MIDDLETON and BILL ROBERTON

Provost Mrs FRANCES E DUNCAN OBE, in the Chair.

1. COUNCIL MINUTES

(a) Angus Council

The [minute of meeting of Angus Council of 4 July 2002](#) was submitted, approved as a correct record and signed by the Provost.

(b) Development Control Committee

The [minute of meeting of the Development Control Committee of 11 July 2002](#) was submitted and approved.

(c) Environmental and Consumer Protection Committee

The [minute of meeting of the Environmental and Consumer Protection Committee of 13 August 2002](#) was submitted and approved.

(d) Housing Committee

The [minute of meeting of the Housing Committee of 13 August 2002](#) was submitted and approved.

(e) Civic Licensing Committee

The [minute of meeting of the Civic Licensing Committee of 13 August 2002](#) was submitted and approved.

(f) Development Control Committee

The [minute of meeting of the Development Control Committee of 15 August 2002](#) was submitted and approved.

(g) Contract Services Committee

The [minute of meeting of the Contract Services Committee of 20 August 2002](#) was submitted and approved.

(h) Social Work Committee

Councillor Gray declared an interest in Article 6 of the minute.

The [minute of meeting of the Social Work Committee of 20 August 2002](#) was submitted and approved.

(i) Recreation and Cultural Services Committee

The [minute of meeting of the Recreation and Cultural Services Committee of 22 August 2002](#) was submitted and approved.

(j) Economic Development Committee

The [minute of meeting of the Economic Development Committee of 22 August 2002](#) was submitted and approved.

(k) Education Committee

The [minute of meeting of the Education Committee of 27 August 2002](#) was submitted and approved.

(l) Planning and Transport Policy Committee

The [minute of meeting of the Planning and Transport Policy Committee of 29 August 2002](#) was submitted and approved.

(m) Roads Committee

The [minute of meeting of the Roads Committee of 29 August 2002](#) was submitted and approved.

With reference to Article 4(iii), the Council resolved to promote a Coast Protection Scheme in terms of the Coast Protection Act 1949 together with the required NID procedure.

(n) Personnel and Property Services Committee

The [minute of meeting of the Personnel and Property Services Committee of 3 September 2002](#) was submitted and approved.

(o) Finance and Information Technology Committee

The [minute of meeting of the Finance and Information Technology Committee of 3 September 2002](#) was submitted and approved.

(p) Civic Licensing Committee

The [minute of meeting of the Civic Licensing Committee of 3 September 2002](#) was submitted and approved.

(q) Development Control Committee

The [minute of meeting of the Development Control Committee of 5 September 2002](#) was submitted and approved.

(r) Policy and Resources Committee

Councillor Mowatt declared an interest in Article 10 of the minute.

The [minute of meeting of the Policy and Resources Committee of 10 September 2002](#) was submitted and approved.

2. NOTICE OF MOTIONS IN TERMS OF STANDING ORDER 24(1)**(a) COSLA**

Following notice given by Councillor Speirs in terms of Standing Order 24, Councillor Speirs, seconded by Councillor Nield, moved that:

"This Council

- (i) regrets the decision by COSLA to adopt a partisan view on the question of electoral reform for local government; and
- (ii) instructs the Chief Executive to prepare a discussion paper on the consequences of this Council's resignation from COSLA".

Councillor Murray, seconded by Councillor Bill Middleton, moved as an amendment, that:

THIS COUNCIL

- (I) REGRETS THE DECISION BY THE MAJORITY OF LABOUR CONTROLLED COUNCILS REPRESENTED ON COSLA TO ADOPT A PARTISAN VIEW ON THE QUESTION OF ELECTORAL REFORM FOR LOCAL GOVERNMENT; BUT
- (II) NOTES THAT IN ACCORDANCE WITH THE COSLA CONSTITUTION THE MINORITY VIEW, IN SUPPORT OF THE INTRODUCTION OF PR FOR LOCAL GOVERNMENT ELECTIONS, WAS INCLUDED IN THE COSLA RESPONSE TO THE SCOTTISH EXECUTIVE WHITE PAPER "RENEWING LOCAL DEMOCRACY - THE NEXT STEPS"; AND
- (III) INSTRUCTS THE CHIEF EXECUTIVE TO BRING FORWARD A REPORT ON THE BENEFITS TO THIS COUNCIL OF MEMBERSHIP OF COSLA AND THE CONSEQUENCES OF ANY DECISION TO WITHDRAW.

On a vote being taken, the members voted:

For the motion:

Councillors Leslie Melville, Nield and Speirs (3).

For the amendment:

Provost Duncan, Councillors Angus, Crowe, Ellis, Gray, Henderson, King, Lumgair, McGlynn, Mackintosh, Bill Middleton, Milne, Mowatt, Murphy, Murray, Norrie, Oswald, Ritchie, Scrimgeour, Selfridge, Welsh and West (22).

No vote:

Councillor Myles.

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

(b) Health Service

Following notice given by Councillor Angus in terms of Standing Order 24 Councillor Mowatt, seconded by Councillor Angus, moved that:-

"THIS COUNCIL

- (I) CONDEMNS THE SCOTTISH EXECUTIVE FOR THE UNACCEPTABLE LEVEL OF WAITING LISTS AND IN ADDITION WAITING TIMES AT SCOTLAND'S ACCIDENT AND EMERGENCY UNITS FOR MANY OF THE HIGHEST PRIORITY PATIENTS;
- (II) CALLS ON THE SCOTTISH EXECUTIVE TO:
 - (A) ENHANCE THE RECOMMENDATIONS OF THE UK PAY REVIEW BODY AND INCREASE PAY FOR NURSES BY 11% TO RECRUIT AND RETAIN STAFF IN SCOTLAND; AND

- (B) END THE ECONOMIC MADNESS OF PFI AND FINANCE NEW INVESTMENT IN THE NHS THROUGH THE NOT FOR PROFIT TRUST MODEL WHICH WOULD ALLOW MORE REVENUE TO BE INVESTED IN THE NHS".

Councillor Nield, seconded by Councillor Murphy, moved as an amendment, that:

This Council

- (i) condemns the Scottish Executive for the unacceptable level of waiting lists and in addition waiting times at Scotland's accident and emergency units for many of the highest priority patients;
- (ii) calls on the Scottish Executive to:
 - (a) support the recommendations of the UK Pay Review Body and increase pay for nurses; and
 - (b) finance new investment in the NHS through the most economic means which would allow more revenue to be invested in the NHS.

On a vote being taken, the members voted:

For the motion:

Provost Duncan, Councillors Angus, Crowe, Ellis, Gray, Henderson, King, McGlynn, Bill Middleton, Milne, Mowatt, Murray, Oswald, Ritchie, Scrimgeour, Selfridge, Welsh and West (18).

For the amendment:

Councillors Leslie Melville, Lumgair, Mackintosh, Murphy, Myles, Nield, Norrie and Speirs (8).

The motion was thereupon declared carried and the Council resolved accordingly.

(c) Criminal Justice System

Following notice given by Councillor Scrimgeour in terms of Standing Order 24, Councillor Scrimgeour, seconded by Councillor Ritchie, moved that:

"THIS COUNCIL

- (I) HAS NO CONFIDENCE IN THE ABILITY OF THE SCOTTISH EXECUTIVE TO MANAGE THE SCOTTISH CRIMINAL JUSTICE SYSTEM; AND
- (II) CONDEMNS THE JUSTICE MINISTER FOR PRESIDING OVER CHAOS AND CONFUSION WITHIN THE CRIMINAL JUSTICE SYSTEM AND CAUSING RESIDENTS OF ANGUS TO LOSE CONFIDENCE IN THAT SYSTEM".

Councillor Nield, seconded by Councillor Murphy, moved as an amendment, that this Council has confidence in the ability of the Scottish Executive to manage the Scottish Criminal Justice System.

On a vote being taken, the members voted:

For the motion:

Provost Duncan, Councillors Angus, Crowe, Ellis, Gray, Henderson, King, Leslie Melville, Lumgair, McGlynn, Mackintosh, Bill Middleton, Milne, Mowatt, Murray, Myles, Norrie, Oswald, Ritchie, Scrimgeour, Selfridge, Welsh and West (23).

For the amendment:

Councillors Murphy, Nield and Speirs (3).

The motion was thereupon declared carried and the Council resolved accordingly.

(d) Opposition to any Military Action Against Iraq

Following notice given by Councillor Henderson in terms of Standing Order 24, Councillor Henderson, seconded by Councillor Angus, moved that:

"This Council

- (i) opposes any military action against Iraq, unless that action is approved by the UK Parliament and sanctioned by the United Nations; and
- (ii) further resolves, that any evidence that Iraq possesses weapons of mass destruction, whether nuclear, biological or chemical, and delivery systems to threaten others, be placed immediately in the public domain".

Councillor Gray, seconded by Councillor Selfridge, moved as an amendment, that:

This Council

- (i) would support the British armed forces in military action against Iraq - as long as that action was approved by the UK Parliament and in accordance with United Nations resolutions; and
- (ii) instructs the Chief Executive to make Angus Council's views known to our Westminster MPs so that they may represent this in terms of Parliament's considerations.

On a vote being taken, the members voted:

For the motion:

Councillors Angus, Henderson, Mowatt, Norrie, Scrimgeour, Speirs and West (7).

For the amendment:

Provost Duncan, Councillors Ellis, Gray, King, McGlynn, Bill Middleton, Milne, Myles, Nield, Selfridge and Welsh (11).

No vote:

Councillors Crowe, Leslie Melville, Lumgair, Mackintosh, Murphy, Murray, Oswald and Ritchie (8).

On the amendment being declared carried (and thereby becoming the substantive motion), Councillor King, seconded by Councillor Ritchie, moved as a further amendment, that:

THIS COUNCIL

- (I) WOULD SUPPORT THE BRITISH ARMED FORCES IN MILITARY ACTION AGAINST IRAQ - PROVIDING THAT ACTION WAS APPROVED BY THE UK PARLIAMENT AND IN ACCORDANCE WITH UNITED NATIONS RESOLUTIONS;
- (II) CALLS FOR EVIDENCE TO BE PLACED BEFORE THE INTERNATIONAL COURTS TO ALLOW SADDAM HUSSEIN TO BE TRIED FOR CRIMES AGAINST HUMANITY; AND

- (III) INSTRUCTS THE CHIEF EXECUTIVE TO MAKE ANGUS COUNCIL'S VIEWS KNOWN TO OUR WESTMINSTER MPs SO THAT THEY MAY REPRESENT THIS IN TERMS OF PARLIAMENT'S CONSIDERATIONS.

On a vote being taken, the members voted:

For the substantive motion:

Provost Duncan, Councillors Bill Middleton, Milne, Myles and Welsh (5).

For the amendment:

Councillors Ellis, Gray, King, McGlynn, Nield, Ritchie, Selfridge and West (8).

No vote:

Councillors Angus, Crowe, Henderson, Leslie Melville, Lumgair, Mackintosh, Mowatt, Murphy, Murray, Norrie, Oswald, Scrimgeour and Speirs (14).

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

3. ORDERS AND RESOLUTIONS

(a) Housing – Revocation of Closing Orders

With reference to Article 25 of the [minute of meeting of the Housing Committee of 13 August 2002](#), the Council resolved to revoke the Closing Orders placed on the properties detailed in the minute.

(b) Roads – Traffic Orders

(i) Angus Council (Osnaburg Street, Forfar) (Variation of Waiting Restrictions) Order 2002

With reference to Article 8(c) of the [minute of meeting of the Roads Committee of 29 August 2002](#), the Council resolved to make the above Order.

(ii) Angus Council (Part-time 30mph Speed Limit) (Adjacent to Monikie School) Order 2002

With reference to Article 8(d) of the minute of meeting of the [Roads Committee of 29 August 2002](#), the Council resolved to make the above Order.

4. APPOINTMENTS TO DOOR STEWARDS APPEAL COMMITTEE

With reference to Article 4 of the minute of meeting of the Civic Licensing Committee of 12 June 2001, there was submitted [Report No 962/02](#) by the Director of Law and Administration proposing the formation of two "pools" of individuals from which the Director would call upon to sit on the Door Stewards Appeal Committee.

The Report indicated that an appeal against any decision of the Door Stewards Sub-Committee to refuse a person's registration would be available to an applicant, with such an appeal being made to an Appeals Committee. The Committee would be made up of 2 Councillors (who were not members of either the Civic Licensing Committee or the Licensing Board) and a lay person who was either a representative of the training providers or an employee of the Licensed Trade Association. It was now also proposed that, to further ensure the independence of the Appeal Committee, members of Tayside Joint Police Board be excluded.

The Council resolved:-

- (i) to approve the proposals as outlined in paragraph 3 of the Report, in relation to the membership of the Door Stewards Appeal Committee; and

- (ii) to delegate authority to the Director of Law and Administration to make the appropriate arrangements for hearing appeals, including the selection of members, as and when appropriate.

5. DIALOGUE YOUTH INITIATIVE

With reference to Article 12 of the minute of meeting of the Policy and Resources Committee of 20 March 2001, there was submitted [Report No 1102/02](#) by the Chief Executive reminding members of the success of Phase 1 of the Dialogue Youth Initiative, reporting on new funding available under the Modernising Government Fund and recommending approval of Phase 2.

The Report indicated that a highly successful Dialogue Youth Initiative had been set up in Angus with £81,000 funding from Angus Council and £244,000 from the Modernising Government Fund. So successful had the initiative proven that under the 2nd tranche of the Modernising Government Fund, all Councils in Scotland had combined in a consortium to start or build on the Dialogue Youth Initiative in their area.

The proposal in Angus was for a total expenditure of £188,344, which would enable Angus Council to develop the Dialogue Youth Initiative in the context of its Community Planning framework and through the existing Project Management Group; develop links with other public services and particularly the health service; promote the national youth information portal and support the Dialogue Youth Unit to develop the local content of the portal.

The Council resolved:-

- (i) to approve Phase 2 of the Dialogue Youth Initiative under the existing Project Management Group; and
- (ii) to approve expenditure of £188,344 (MGF £125,844, Angus Council £62,500).

6. ANGUS COUNCIL: THE SIXTH YEAR

With reference to Article 6 of the minute of meeting of the Policy and Resources Committee of 4 September 2001, there was submitted [Report No 1098/02](#) by the Chief Executive setting out the main achievements of Angus Council over the financial year 2001/2002.

The Report indicated that over the financial year 2001/2002, the Council had continued its commitment to a systematic strategic planning approach and in particular had responded to the demands of the Modernisation Agenda, including Best Value, Community Planning and e-Government against a backdrop of the Corporate Plan, which had been used to guide decision-making and to inform individual Service Plans.

Having heard Councillors Murray and Middleton welcome the Report and endorse the comments of the Chief Executive contained within his Report regarding the contribution of staff and elected members, the Council resolved:-

- (i) to note the contents of the Report; and
- (ii) to note that the Report would be made available to the public at Council offices/libraries and by circulation to Community Councils and Area Forums.

Arising therefrom, Councillor Angus referred to the recent success of Edzell Improvement Society in being awarded second prize in the "Britain in Bloom" competition, in the Large Village Category.

The Council congratulated the Society on achieving this award.

7. ANNUAL ACCOUNTS 2001/2002

With reference to Article 8 of the minute of meeting of Angus Council of 4 July 2002, there was submitted [Report No 1100/02](#) by the Director of Finance informing members that an Audit Certificate had now been issued in respect of the Council's 2001/2002 Accounts.

The Report indicated that the audit of the Accounts had been completed by the Auditor on 30 August 2002 and a Report by him had been issued on that date indicating that, in his opinion, the Accounts "present fairly the financial position of the Council as at 31 March 2002 and its income and expenditure for the year then ended". As usual, at the conclusion of an audit, the Auditor would be making a fuller Report, which it was expected, would be available for the Council meeting on 7 November 2002, along with the Annual Report and Accounts document.

The Report concluded that the Accounts had been produced to a high standard within a relatively short timescale which demonstrated a committed partnership approach by the Council and the external Auditor to the production of meaningful timely financial information and also indicated a high standard of financial stewardship within the Council. Once again, it was acknowledged that the timely production of the Accounts and completion of the Audit was due to a great deal of committed work from the Finance Department staff and to the Chief Auditor and his staff.

The Council resolved to note that Angus Council had met the deadline of submitting its Accounts by the due date of 30 June 2002 and that the external Auditor had issued his unqualified Audit Certificate on 30 August 2002, a month in advance of the target date of 30 September 2002.

8. RE-LOCATION OF EASTERN DIVISION CONTROL ROOM

There was submitted Report by the Assistant Chief Constable, Tayside Police providing members with a service appraisal following the integration of the Eastern Division Control Room with the Force Control Room facility at Tayside Police Headquarters in June 2001.

The Report indicated that the arrangements were working well and would form a pivotal role in the forthcoming developments in call handling, including in the longer term the single national number and the "Airwave" system.

The Council afforded the opportunity to the Assistant Chief Constable, Mr Bald to present the findings of the Report and to answer questions from members.

Following concerns being expressed by a number of members with regard to the level of provision of the service, including the response times as quoted in the Report, the Council resolved:-

- (i) to note the terms of the Report; and
- (ii) that the Chief Executive write to the Chief Constable, Tayside Police stating the concerns of the Council and requesting that the Chief Constable investigate the matters that had been raised, with a view to either responding to them directly, or being invited to a follow up meeting.

9. 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 items, 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, paragraphs 6, 8, 9 and 10.

Councillor Mowatt declared an interest in the following item.

10. MEMORANDUM OF CO-OPERATION

There was submitted [Report No 1099/02](#) by the Chief Executive bringing forward a "Memorandum of Co-operation" between Angus Council, Angus Digital Media Centre Ltd, University of Abertay and Angus College, to promote collaboration between the partners.

The Council resolved:-

- (i) to note the contents of the "Memorandum of Co-operation", as appended to the Report; and

- (ii) to authorise the Chief Executive to be the signatory to this document on behalf of Angus Council, at a signing ceremony in October 2002.

11. PROPOSED COASTAL DEFENCES - TAYVIEW CARAVAN SITE, MONIFIETH

With reference to Article 17 of the minute of meeting of the Policy and Resources Committee of 10 September 2002, there was submitted Joint [Report No 1091/02](#) by the Director of Roads, the Director of Planning and Transport, the Director of Environmental and Consumer Protection and the Director of Leisure Services bringing forward a proposed coast protection scheme to solve the long-standing problem of landfill being eroded and scattered on the beach from the coastal frontage of Tayview Caravan Site.

The Council resolved:-

- (i) to formally promote a coast protection works scheme in terms of the Coast Protection Act 1949, together with the required NID Procedure;
- (ii) to authorise the Director of Roads to proceed with:-
 - (a) the detailed design for the agreed option; and
 - (b) the procurement of the works subject to confirmation of the necessary land transfer from Tayview Caravan Site to Angus Council.
- (iii) to note that the procurement of the construction of the project would only proceed subject to confirmation that the full funding package for the works was in place; and
- (iv) to note that a further Report would be submitted to the appropriate committees confirming the outcome of the land transfer and funding package issues.

12. MONTROSE BRIDGE REPLACEMENT

With reference to Article 13 of the minute of meeting of the Roads Committee of 17 March 2002, there was submitted Joint [Report No 1097/02](#) by the Director of Roads, the Director of Finance and the Director of Law and Administration on the response received by the Council to the issue of invitations to tender for the A92 Montrose Bridge replacement contract and recommending a course of action for taking the procurement forward.

The Council resolved to approve the recommendations, as detailed in the Report.