

## ANGUS COUNCIL

MINUTE of MEETING of **ANGUS COUNCIL** held in the Town and County Hall, Forfar on Thursday 7 November 2002 at 4.00 pm.

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

**Apologies:** Apologies for absence were intimated on behalf of Councillors JOHN HENDERSON, BILL MIDDLETON and ROBERT MYLES.

Provost Mrs FRANCES E DUNCAN OBE, in the Chair.

### 1. COUNCIL MINUTES

#### (a) Angus Council

The minute of meeting of [Angus Council of 19 September 2002](#) was submitted, approved as a correct record and signed by the Provost.

#### (b) Environmental and Consumer Protection Committee

The minute of meeting of the [Environmental and Consumer Protection Committee of 1 October 2002](#) was submitted and approved.

#### (c) Housing Committee

The minute of meeting of the [Housing Committee of 1 October 2002](#) was submitted and approved.

#### (d) Civic Licensing Committee

The minute of meeting of the [Civic Licensing Committee of 1 October 2002](#) was submitted and approved.

#### (e) Development Control Committee

The minute of meeting of the [Development Control Committee of 3 October 2002](#) was submitted and approved.

#### Major Planning Applications – Arbroath (Article 3)

Councillor Murray referred members to the three planning applications for major retail developments in Arbroath and the request by the owners of the former Safeway Store to have the restrictions on the sale of goods removed. He indicated that, in light of advice of Senior Counsel, a Retail Impact Assessment had been requested in respect of the former Safeway Store. Information was also awaited from consultees in respect of flood risk issues associated with the Wardmill Road Site and the agent for Westway had intimated that further information would be submitted.

In these circumstances, it would not be possible to consider all of the proposals at the meeting of the Development Control Committee on 27 November and the new proposed date for considering the three planning applications was now 15 January 2003.

Councillor Murray also referred members to a more detailed briefing note that had been circulated.

The Council resolved to approve the revised date for the meeting of the Development Control Committee of Wednesday 15 January 2003.

**(f) Contract Services Committee**

The minute of meeting of the [Contract Services Committee of 8 October 2002](#) was submitted and approved.

**(g) Social Work Committee**

The minute of meeting of the [Social Work Committee of 8 October 2002](#) was submitted and approved.

**(h) Recreation and Cultural Services Committee**

The minute of meeting of the [Recreation and Cultural Services Committee of 10 October 2002](#) was submitted and approved.

**(i) Economic Development Committee**

The minute of meeting of the [Economic Development Committee of 10 October 2002](#) was submitted and approved.

**(j) Education Committee**

The minute of meeting of the [Education Committee of 15 October 2002](#) was submitted and approved.

**(k) Planning and Transport Policy Committee**

The minute of meeting of the [Planning and Transport Policy Committee of 17 October 2002](#) was submitted and approved.

**(l) Roads Committee**

The minute of meeting of the [Roads Committee of 17 October 2002](#) was submitted and approved.

**(m) Personnel and Property Services Committee**

The minute of meeting of the [Personnel and Property Services Committee of 22 October 2002](#) was submitted and approved.

**(n) Finance and Information Technology Committee**

The minute of meeting of the [Finance and Information Technology Committee of 22 October 2002](#) was submitted and approved.

**(o) Civic Licensing Committee**

The minute of meeting of the [Civic Licensing Committee of 22 October 2002](#) was submitted and approved.

**(p) Development Control Committee**

The minute of meeting of the [Development Control Committee of 24 October 2002](#) was submitted and approved.

**(q) Policy and Resources Committee**

The minute of meeting of the [Policy and Resources Committee of 29 October 2002](#) was submitted and approved.

## 2. NOTICE OF MOTIONS IN TERMS OF STANDING ORDER 24(1)

### (a) Retailers of Fireworks

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

"This Council

- (i) supports the proposal by Shona Robison, MSP for a bill to amend the Civic Government (Scotland) Act 1982 to extend the licensing provisions of the Act to include the retailers of fireworks; and
- (ii) instructs the Chief Executive to write to advise Ms Robison of the Council's support."

The Council resolved unanimously to approve the motion.

### (b) The Scottish Fishing Industry

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

"This Council

- (i) notes with extreme concern the proposals to close Scotland's mixed fishery as part of a cod recovery plan given the devastating and unjustifiable impact that such a measure would have on Scottish fishing communities and associated sectors;
- (ii) calls on Ross Finnie, Minister for Environmental and Rural Development to resist all attempts to impose these proposals; and
- (iii) further calls on the Scottish Executive to work in partnership with the Scottish fishing industry with the view to drawing up proposals for all fish stocks that will allow stocks to recover and the industry to survive."

The Council resolved unanimously to approve the motion.

## 3. REPORT TO MEMBERS ON THE 2001/2002 AUDIT OF ANGUS COUNCIL

With reference to Article 5 of the minute of meeting of Angus Council of 1 November 2001, there was submitted [Report No 1290/02](#) by the Director of Finance covering Audit Scotland's Report to members on the 2001/2002 Audit of Angus Council.

The Report noted that the Council had met the deadline of submitting its Accounts by the due date of 30 June 2002 and Audit Scotland had completed the Audit and issued the Report. The issue of the Audit Certificate with no qualifications effectively meant that the Auditor was satisfied that the Council had operated a high standard of financial stewardship during 2001/2002.

The Council resolved:-

- (i) to note the contents of Audit Scotland's Report to Members on the 2001/2002 Audit of Angus Council;
- (ii) to note the action taken in response to the issues raised by the Auditor;
- (iii) to refer Audit Scotland's Report to Members to the Audit Sub-Committee and the Monitoring Group, for their interest;
- (iv) to note the 2001/2002 Audited Accounting Statements for Angus Council included in the Annual Report and Accounts and as enclosed with Report No 1291/02; and

- (v) to note the 2001/2002 Direct Services Organisation's Report and Accounts, as enclosed with Report No 1290/02.

#### 4. ANNUAL REPORT AND ACCOUNTS 2001/2002

With reference to Article 6 of the minute of meeting of Angus Council of 1 November 2001, and Article 3 above, there was submitted [Report No 1291/02](#) by the Chief Executive introducing the Angus Council Annual Report and Accounts for 2001/2002.

The Report indicated that Audit Scotland had introduced new requirements for Public Performance Reporting through their Performance Management and Planning regime and the Annual Report and Accounts went some way to addressing these requirements. A new Statement of Assurance of Corporate Governance had been incorporated in the Accounts this year, which demonstrated the Council's commitment to ensuring that business was conducted in accordance with the law and proper standards were met.

The performance supplement for 2001/2002 set out the Statutory Performance Indicators and reported on progress in comparison with neighbouring Councils and the Scottish average, where this information was available. It also detailed some local performance information which represented significant progress towards achieving the requirement in relation to Public Performance Reporting. The Report and Performance Supplement would also be available on the Council's Internet site and, additionally, feed-back forms had been included in the main Report, Performance Supplement and web-site.

The Council resolved:-

- (i) to welcome the contents of Angus Council's Annual Report and Accounts for 2001/2002;
- (ii) to note the action taken to comply with Public Performance Reporting arrangements; and
- (iii) to note that the design element of the Report and Accounts had been undertaken on an in-house basis.

#### 5. MEMBERSHIP OF COSLA

With reference to Article 2(a) of the minute of meeting of Angus Council of 19 September 2002, there was submitted [Report No 1289/02](#) by the Chief Executive setting out the benefits to Angus Council of membership of COSLA and the consequences of any decision to withdraw.

The Report indicated, by way of background, the main objectives of COSLA, its role for the future and a range of recent achievements. The Report suggested that the 2002/2003 financial contribution from Angus Council to COSLA of £62,000 represented good value for money, particularly in the context of the recent fundamental review of COSLA. The Report also set out the main areas in which Angus Council would be disadvantaged, should it withdraw from COSLA.

The Report concluded that withdrawal from COSLA, on the face of it, would save an annual payment of £62,000 but, in reality, Angus Council would be the real loser in terms of both finance and influence. It was essential that Angus Council continued to participate fully in a local government organisation which represented its interests, particularly in respect of pay bargaining, financial allocations and influencing Scottish Executive policy.

COUNCILLOR MURRAY, SECONDED BY COUNCILLOR ELLIS MOVED THAT THIS COUNCIL NOTE THE CONTENTS OF REPORT 1289/02 AND RECOGNISE THE VALUE OF HAVING AN ORGANISATION WHICH WAS THE REPRESENTATIVE VOICE OF LOCAL GOVERNMENT IN SCOTLAND.

Councillor Speirs, seconded by Councillor Nield, moved as an amendment, that:-

This Council:

- (i) thanks the Chief Executive for his informative report;

- (ii) acknowledges COSLA's role in representing the interests of all local authorities, particularly in respect of pay bargaining, financial allocations and influencing Scottish Executive policy; and
- (iii) instructs the Chief Executive to write to Pat Watters, President of COSLA, informing him of this Council's concern that COSLA's credibility as a cross-party organisation was called into question by the one sided press release of 30 August on electoral reform, and that Mr Watters should be invited to accept that political opinion on electoral reform in Scotland is evenly divided.

On a vote being taken, the members voted:

For the motion:

Provost Duncan, Councillors Angus, Crowe, Ellis, Gibb, Gray, King, Leslie-Melville, Lumgair, McGlynn, Mackintosh, Glennis Middleton, Milne, Mowatt, Murphy, Murray, Norrie, Oswald, Ritchie, Robertson, Scrimgeour, Selfridge, Welsh and West (24)

For the amendment:

Councillors Nield and Speirs (2).

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

## **6. SCOTTISH PUBLIC SERVICES OMBUDSMAN ACT 2002**

With reference to Article 15 of the minute of meeting of the Policy and Resources Committee of 5 December 2001, there was submitted [Report No 1292/02](#) by the Director of Law and Administration advising the Council of the implementation of the Scottish Public Services Ombudsman Act 2002 which repealed and replaced legislation under which the existing public sector ombudsmen in Scotland were established. The Report also set out the new requirements which the 2002 Act placed on all authorities within the jurisdiction of the new Ombudsman.

The key effect of the 2002 Act was to establish a one-stop shop Ombudsman service, headed by the Scottish Public Services Ombudsman to deal with complaints formerly dealt with by the Scottish Parliamentary Ombudsman, the Scottish Health Service Ombudsman, the Scottish Local Government Ombudsman and the Housing Association Ombudsman for Scotland. The 2002 Act aimed to establish Ombudsman arrangements for the Scottish Public Sector which were open, accountable and accessible to the public. This was to be achieved through new provisions which provided a simpler and more effective means for members of the public to make complaints; reinforced the Ombudsman's independence from the authorities within his/her jurisdiction; and improved publicity and transparency of the Ombudsman's functions.

The Council resolved to note the terms of the Report.

## **7. COST OF VANDALISM TO LOCAL AUTHORITIES**

With reference to Article 10 of the minute of meeting of the Policy and Resources Committee of 5 February 2002, there was submitted [Report No 1293/02](#) by the Director of Property Services advising members of the estimated costs incurred as a result of vandalism to local authority properties in Scotland in the three year period 1999 to 2002.

The Report indicated that, as evidenced in the Report, it was clear that the costs incurred by local authorities in Scotland as a result of vandalism were immense and measures needed to be taken in hand urgently to establish an accurate assessment of the problem and develop an action plan at national level to eradicate this unnecessary and shameful waste of public resources. At local level, it was proposed that Angus Council seek the support of the communities in Angus to join with the Council in the campaign to combat vandalism through active citizenship. Communities needed to be encouraged to engender a culture where vandalism was unacceptable and, where it did occur, every effort was made to support investigation by the authorities to ensure those responsible were held to account.

The Council resolved:-

- (i) to note the contents of the Report;
- (ii) to note the current estimated cost of vandalism to Scottish local authorities;
- (iii) to instruct the Chief Executive to seek the support of COSLA in carrying out a full detailed survey of all local authorities in Scotland in order that accurate data on the cost of vandalism across Scotland could be raised with the appropriate Ministers;
- (iv) through COSLA, to establish a Working Group to examine measures to eradicate vandalism;
- (v) through COSLA, to establish a partnership with the Scottish Executive to adopt a policy of zero tolerance of vandalism; and
- (vi) at the same time, to seek the support of communities in Angus to join with Angus Council to campaign to combat vandalism through active citizenship.

#### **8. IMPROVEMENTS FOR THE DISABLED AND REPAIR OF THE TRAIL PAVILION - MONTROSE SEAFRONT**

With reference to Article 2 of the minute of meeting of the Recreation and Cultural Services Committee of 16 August 2002, there was submitted [Report No 1239/02](#) by the Director of Leisure Services seeking approval for the development of a disabled toilet facility, improved disabled access and repairs to the structure of the Trail Pavilion, Montrose Seafront at an estimated cost of £101,500.

Having heard Councillors Crowe and Norrie welcome the Report, the Council resolved:-

- (i) to approve the proposed works and associated funding package, as set out in the Report; and
- (ii) to remit to the Director of Property Services to procure the required improvement works and repairs to the Trail Pavilion, as soon as practicable.

#### **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 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, paragraphs 8, 9 and 10.

#### **10. CORPORATE GOVERNANCE - EMBEDDED RISK MANAGEMENT**

With reference to Article 8 of the minute of meeting of Angus Council of 23 May 2002, there was submitted [Joint Report No 1313/02](#) by the Chief Executive and the Director of Finance recommending the commissioning of the consultants, Zurich Municipal Management Services, and their Strategic and Tactical Organisational Risk Management (STORM) process, to support the development of a strategy for embedded risk management and the production of a corporate risk register for the Council.

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