

## ANGUS COUNCIL

MINUTE of MEETING of **ANGUS COUNCIL** held in the Town and County Hall, Forfar on Thursday 25 March 2004 at 4.00 pm.

**Present:** Provost BILL MIDDLETON, Councillors IAN ANGUS, FRANK ELLIS, IAN GAUL, JACK GIBB, JOHN HENDERSON, ALEX KING, STEWART McGLYNN, The Hon R J LESLIE MELVILLE MBE, DAVID LUMGAIR, IAN MACKINTOSH, GLENNIS MIDDLETON, JOY MOWATT, PETER MURPHY, ROB MURRAY, ROBERT MYLES, PETER NIELD, GEORGE NORRIE MBE, HELEN OSWALD, BILL ROBERTON, MARK SALMOND, RON SCRIMGEOUR, DAVID SELFRIDGE, JENNIFER SPEIRS, RICHARD SPEIRS, ROBERT SPINK, SHEENA WELSH and TERRY WOOD.

**Apology:** An apology for absence was intimated on behalf of Councillor KITTY RITCHIE.

Provost BILL MIDDLETON, in the Chair.

### CHIEF SUPERINTENDENT CLIVE MURRAY

Prior to the commencement of business, Councillor Scrimgeour, Vice-Convener of Tayside Joint Police Board, referred to Chief Superintendent Clive Murray who was attending his last meeting of Angus Council in his capacity as Eastern Divisional Commander, prior to him taking up a new role in Dundee Central Division, and paid tribute to his contribution across the community over the past four years.

The Council extended best wishes to Chief Superintendent Murray and also welcomed Chief Superintendent Bill Harkins, who was attending his first meeting of Angus Council.

### 1. DECLARATIONS OF INTEREST

Declarations of interest were made by:

- Councillor Selfridge in item 31 of the minute of meeting of the Environmental and Leisure Services Committee of 4 March 2004, as a Director of Carnoustie Sport and Leisure Arena Project.
- Councillor Gibb in item 31 of the minute of meeting of the Environmental and Leisure Services Committee of 4 March 2004, as a Director of Carnoustie Sport and Leisure Arena Project.

### 2. REQUEST FOR A DEPUTATION

The Council resolved, in accordance with Standing Order 12, to hear a deputation of nursery nurses employed by Angus Council.

Barbara Hendry addressed the meeting and outlined the case put forward by the nursery nurses. In answer to questions, she indicated that they were willing to negotiate a pay settlement at local level, although their preference was for a national settlement.

Following a number of questions, Ms Hendry was thanked for her attendance.

### 3. MINUTES OF COUNCIL AND COMMITTEES

#### (a) Housing Committee (Special)

The [minute of the special meeting of the Housing Committee of 9 February 2004](#) was submitted and approved.

#### (b) Angus Council (Special)

The [minute of the special meeting of Angus Council of 12 February 2004](#) was submitted, approved as a correct record and signed by the Provost.

**(c) Angus Council**

The [minute of meeting of Angus Council of 12 February 2004](#) was submitted, approved as a correct record and signed by the Provost.

**(d) Education Committee**

The [minute of meeting of the Education Committee of 19 February 2004](#) was submitted and approved.

**(e) Development Control Committee**

The [minute of meeting of the Development Control Committee of 19 February 2004](#) was submitted and approved.

**(f) Social Work and Health Committee**

The [minute of meeting of the Social Work and Health Committee of 26 February 2004](#) was submitted and approved.

With reference to the above, the Provost referred members to the decision of Angus Council at its statutory meeting on 8 May 2003 to name this Committee the Social Work and Health Committee, to emphasise the important role which the Council, as social work authority, fulfilled with regard to interfacing with the Health Service, with particular regard to matters such as joint futures and health improvement. In that context, therefore, it was proposed to use the same phraseology for the Department and the Director - i.e. Department of Social Work and Health and Director of Social Work and Health.

The Council resolved accordingly.

**(g) Housing Committee**

The [minute of meeting of the Housing Committee of 26 February 2004](#) was submitted and approved.

**(h) Infrastructure Services Committee**

The [minute of meeting of the Infrastructure Services Committee of 4 March 2004](#) was submitted and approved.

**(i) Environmental and Leisure Services Committee**

The [minute of meeting of the Environmental and Leisure Services Committee of 4 March 2004](#) was submitted and approved.

**(j) Resources and Central Services Committee**

The [minute of meeting of the Resources and Central Services Committee of 11 March 2004](#) was submitted and approved.

**(k) Development Control Committee**

The [minute of meeting of the Development Control Committee of 11 March 2004](#) was submitted and approved.

**(l) Strategic Policy Committee**

The [minute of meeting of the Strategic Policy Committee of 16 March 2004](#) was submitted and approved.

**(m) Civic Licensing Committee**

The [minute of meeting of the Civic Licensing Committee of 16 March 2004](#) was submitted and approved.

**(n) Special Committee - Company Change Notices A92 Project**

The [minute of meeting of the Special Committee - Company Change Notices A92 Project](#) was submitted and approved.

**4. NOTICE OF MOTIONS IN TERMS OF STANDING ORDER 24(1)****(a) Access to Services for Disabled People**

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

“This Council:

- notes with regret that certain airlines do not take into account the needs of people with particular disabilities;
- recognises the contribution made by people with disabilities to society in general and Angus in particular; and
- believes that while legislation is important, full access to services for disabled people requires a change of attitude which embraces mental as well as physical barriers.”

The Council resolved unanimously to approve the motion.

**(b) Visit of the 14<sup>th</sup> Dalai Lama to Scotland**

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

“This Council:

- welcomes His Holiness the 14<sup>th</sup> Dalai Lama to Scotland for his visit in May and June 2004;
- extends its gratitude to His Holiness the 14<sup>th</sup> Dalai Lama for his efforts to bring peaceful solutions to the world's problems;
- requests that the Prime Minister, Mr Tony Blair makes time in his busy schedule to meet with the 14<sup>th</sup> Dalai Lama; and
- instructs the Chief Executive to write to the 14<sup>th</sup> Dalai Lama and the Prime Minister to convey the terms of this motion.”

The Council resolved unanimously to approve the motion.

**5. APPOINTMENTS****(a) Angus Community Care Charitable Trust**

With reference to Article 3(b) of the minute of meeting of Angus Council of 12 February 2004, the Council resolved to note that Councillor Norrie had been appointed to the Trust.

**(b) Monitoring Group**

With reference to Article 3(m) of the minute of meeting of Angus Council of 12 February 2004, the Council resolved to note that Councillors Mackintosh and Richard Speirs had been appointed to the Monitoring Group

## 6. FORFAR/CARNOUSTIE SCHOOLS PROJECT – BACKGROUND TO NON PROFIT DISTRIBUTION ORGANISATION (NPDO)

With reference to Article 2 of the minute of the special meeting of the Education Committee held earlier today, there was submitted [Report No 410/04](#) by the Director of Finance providing members with background information on the concept of using a non-profit distributing organisation (NPDO) as the contract delivery vehicle for the Forfar/Carnoustie Schools Project and outlining the key issues relevant to this approach for members to consider.

The Report provided a broad summary of the issues associated with the NPDO model. As it was fundamentally important that the Council made an informed choice as to what project delivery vehicle it wished to pursue, it was proposed that a short seminar be held in late April/early May which would give members and officers the opportunity to hear more about some of the issues associated with NPDO and how they impacted on the Council project.

The Council resolved:-

- (i) to note the contents of the Report for its interest at this stage in the project development;
- (ii) to note the intention to provide a seminar for members and relevant officers to allow the contract delivery vehicle options for the Forfar/Carnoustie Schools project to be discussed in more detail; and
- (iii) to note that a further Report following the proposed seminar would be brought before members to allow a final decision to be made on which contract delivery vehicle would be pursued.

*The following matter was, on the determination of the Provost, dealt with as a matter of urgency in order that no delay would occur in progressing the proposals.*

## 7. COUNCIL CHAMBER - FURNITURE AND EQUIPMENT

With reference to Article 8 of the minute of meeting of Angus Council of 18 December 2003, there was submitted [Report No 413/04](#) by the Director of Property Services outlining proposals for the improvement of facilities in the chamber of the Town and County Hall.

The Report outlined proposals to replace the existing seating and tables within the Council Chamber, to reset the sound system and provide a hands free microphone and other ancillary works. The major cost was the replacement of the tables and chairs and the possible replacement of two projectors. These costs, and those associated with the other items detailed in paragraph 3 of the Report, had been included in the estimate for the Forfar ACCESS Office and Town and County Hall proposal.

The Council resolved:-

- (i) to approve the proposals to improve the furniture and audio-visual system within the chamber, as outlined in Section 3 of the Report;
- (ii) to note that further improvement works to the chamber would be undertaken as part of the proposals for the Municipal Buildings and the Town and County Hall and these would be reported separately later in the year; and
- (iii) to approve the integration of the sound-enhancement system and the audio-visual system and that this work be undertaken by Congress Systems and Scotia Ltd and be exempt from competitive tender in accordance with Financial Regulation 16.1.3 b(ii).

*The following matter was, on the determination of the Provost, dealt with as a matter of urgency in order that the Council could be apprised of the current position.*

## 8. CARNEGIE COMMISSION FOR RURAL DEVELOPMENT

The Council was advised that the Chief Executive had been invited to be a member of the Carnegie Commission for Rural Community Development which had been set up under the Chairmanship of Lord Steel of Aikwood and was intended "to champion new thinking on how to strengthen the voice of rural communities to shape and influence change".

Other members of the Commission included Lord Haskins, author of the recent report on delivery of rural policies, Lady Diana Brittan who chaired the Community Fund, Sir Ben Gill, former President of the NFU, Margaret Clark, Director of the Countryside Agency, the Right Reverend Michael Langrish, Bishop of Exeter, Seamus Boland, of Irish Rural Link, Melanie Reid of the Herald and Chris Higgins of Highlands & Islands Enterprise.

The Council resolved to note the position.

## 9. 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 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 and 9.

## 10. COMMON GOOD RENTS WITH EFFECT FROM 1 APRIL 2001

With reference to Article 10 of the minute of meeting of the Strategic Policy Committee of 3 February 2004, there was submitted [Report No 411/04](#) by the Director of Property Services detailing the outcome of the Common Good Rent Review conducted in 2003/2004. The Report gave details of the proposed new rents and indicated that the next review of Common Good rentals would be due on 31 March 2006.

The Council resolved:-

- (ii) to note the revised rents for Common Good properties as at 31 March 2001 and to agree to pay these rentals; and
- (ii) to note that the provision made in the 2003/2004 budget of £150,000 for increased rentals more than covered the net additional sums due in 2001/2002, 2002/2003 and 2003/2004 of £56,076.

## 11. FORFAR/CARNOUSTIE SCHOOLS PROJECT - IDENTIFICATION OF NEW SCHOOL SITES AND DELINEATED AREAS

With reference to Article 4 of the minute of the special meeting of the Education Committee held earlier today, there was submitted [Joint Report No 402/04](#) by the Director of Education, Director of Finance, Director of Law and Administration and Director of Property Services recommending revised delineated areas and sites for future primary school provision within the burghs of Forfar and Carnoustie, together with details, in principle, of the land transactions and consultation arrangements required to deliver the preferred solution.

The Council resolved:-

- (i) to approve the proposals for revised delineated areas and sites for future primary school provision within the burghs of Forfar and Carnoustie, as detailed in Sections 3 and 4 of the Report, and consequently:
  - (a) in Forfar:
    - to approve the relocation of Forfar Albion Junior Football Club to Education Department ground at Forfar Academy, subject to entering into a binding Development Agreement with the Club;

- to approve the notional lease of 2.2 hectares of land at Guthrie Park, Forfar from the Forfar Common Good Account, to the Education Department Account for a 60 year term, subject to vacant possession being achieved and the approval of the Sheriff to alienate the land;
  - to note that the remaining 0.6 hectares (1 ½ acres) of land at Guthrie Park, Forfar, which would be freed by relocating the Football Club, would also be available for an alternative use by the Forfar Common Good;
  - to note that the land currently accommodating the existing Wellbrae and Chapelpark Primary Schools could ultimately be declared surplus to requirements once the schools project had achieved completion around July 2008;
- (b) in Carnoustie:
- to approve the reconfiguration of the existing Carnoustie Caravan Park;
  - to approve the appropriation of the eastern portion of land amounting to 1.2 hectares at the existing Carnoustie Caravan Park from the Leisure Services account to the Education Department account at nil value;
  - to note that the land currently accommodating the existing Kinloch Primary School could ultimately be declared surplus to requirements once the schools project had achieved completion around July 2008;
  - to note that the land currently accommodating the existing Barry Primary School could ultimately be declared surplus to requirements once the schools project had achieved completion around July 2008;
- (ii) to instruct the progression of public consultation exercises and approval procedures in relation to the project, as follows:
- to authorise the Director of Education to carry out a public consultation exercise in terms of the Education (Scotland) Act 1980 on the basis of the proposals for revised delineated areas and sites for future primary school provision detailed in (i) above and thereafter seek the approval of the Scottish Ministers;
  - to authorise the Director of Law and Administration to carry out a public consultation exercise regarding the disposal (via a lease) of 2.2 hectares of Common Good land at Guthrie Park, Forfar and thereafter apply to the Sheriff to seek approval to alienate the land;
- (iii) to note that a Revised Outline Business Case for submission to the Scottish Executive would be produced on the basis of the approvals detailed in (i) above and a further report would be prepared for the appropriate Committee in due course; and
- (iv) to note the detailed costings and the financial implications as outlined in Section 7 of the Report.

## 12. SECTION 56 AGREEMENT WITH DUNDEE CITY COUNCIL RELATING TO INCINERATION OF HOUSEHOLD WASTE

There was submitted [Joint Report No 412/04](#) by the Chief Executive, Director of Environmental and Consumer Protection and Director of Finance seeking the agreement of the Council to vary the terms of the Section 56 Agreement with Dundee City Council in respect of the incineration of household waste at Baldovie Waste to Energy Plant.

COUNCILLOR MURRAY, SECONDED BY COUNCILLOR KING, MOVED THE APPROVAL OF THE RECOMMENDATIONS AS DETAILED IN THE REPORT.

Councillor Nield, seconded by Councillor Richard Speirs, moved as an amendment, the approval of the recommendations on the basis that gate receipts should not be paid in advance.

On a vote being taken, members voted:-

For the motion:

Provost Bill Middleton, Councillors Angus, Ellis, Gaul, Gibb, Henderson, King, Leslie-Melville, Lumgair, Mackintosh, McGlynn, Glennis Middleton, Mowatt, Murphy, Murray, Myles, Norrie, Oswald, Robertson, Salmond, Scrimgeour, Selfridge, Spink, Welsh and Wood (25).

For the amendment:

Councillors Nield, Jennifer Speirs and Richard Speirs (3).

The motion was declared carried and the Council resolved accordingly.

*The following matter was, on the determination of the Provost, dealt with as a matter of urgency in order that the proposals could be implemented without any delay.*

**13. ANGUS MARKETING PILOT AND ANGUS AHEAD CAMPAIGN - NATIONAL TARTAN DAY - PROPOSED FILM COMMISSIONS AND CARRY OVER OF ANGUS PORTAL WEBSITE EXPENDITURE FROM 2003/2004 TO 2204/2005**

With reference to Articles 8 and 9 of the minute of meeting of the Infrastructure Services Committee of 4 March 2004, there was submitted [Report No 414/04](#) by the Chief Executive seeking approval to make adjustments to the Revenue Budget for Economic Development for 2003/2004 and 2004/2005 and to take advantage of an opportunity which had just presented itself to commission two short films from a company linked with Tartan Day in North America.

The Council resolved:

- (i) to approve the carry over of £34,000 already committed to the Angus Marketing Pilot (portal Website) from financial year 2003/2004 to 2004/2005 for the reasons detailed in the Report;
- (ii) to approve expenditure of £2,500 during 2003/2004 and £5,000 during 2004/2005 to enable two film commissions to be undertaken by Tartan TV as detailed in the Report; and
- (iii) with regard to (ii) above, to agree to dispense with normal tendering procedures under Clause 16.3.b (i) of the Financial Regulations to enable the proposed film commissioning to be undertaken specifically by Tartan TV, on an urgent basis and with the prior agreement of the Director of Finance.