

# ANGUS COUNCIL

MINUTE of MEETING of **ANGUS COUNCIL** held in the Town and County Hall, Forfar on Thursday 14 February 2008 at 4.00 pm.

**Present:** Provost RUTH LESLIE MELVILLE MBE, Depute Provost PETER MURPHY, Councillors ALISON ANDREWS, COLIN BROWN, FRANK ELLIS, MAIRI EVANS, DAVID FAIRWEATHER, IAIN GAUL, ALEX KING, IAN MACKINTOSH, DAVID MAY, GLENNIS MIDDLETON, BILL MIDDLETON, JIM MILLAR, DONALD MORRISON, ROB MURRAY, ROBERT MYLES, PETER NIELD, HELEN OSWALD, RALPH PALMER, JOHN RYMER, MARK SALMOND, ROBERT SPINK, MARGARET THOMSON, PAUL VALENTINE, SHEENA WELSH, SANDY WEST and JOHN WHYTE.

Provost RUTH LESLIE MELVILLE, in the Chair.

## 1. APOLOGIES

Apologies for absence were intimated on behalf of Councillor David Lumgair.

## 2. DECLARATIONS OF INTEREST

Councillor Whyte declared an interest in item 3(f) (Report No 91/08 – Conchie's Corner) as Vice-Chairman of Monifieth and Landward Area Partnership and as a signatory of the Conchie's Corner petition. He indicated that he had a non-financial interest and would take part in discussion and voting.

## 3. MINUTES OF COUNCIL AND COMMITTEES

### (a) Angus Council

The [minute of meeting of Angus Council of 20 December 2007](#) was submitted, approved as a correct record, and signed by the Provost.

### (b) Development Standards Committee

The [minute of meeting of the Development Standards Committee of 8 January 2008](#) was submitted and approved.

### (c) Social Work and Health Committee

The [minute of meeting of the Social Work and Health Committee of 10 January 2008](#) was submitted and approved.

### (d) Angus Council (Special Meeting)

The [minute of the special meeting of Angus Council of 10 January 2008](#) was submitted, approved as a correct record and signed by the Provost.

### (e) Neighbourhood Services Committee

The [minute of meeting of the Neighbourhood Services Committee of 17 January 2008](#) was submitted and, except as noted hereunder, approved.

#### **Swimming Pool Provision Throughout Angus**

With reference to Article 18, Councillors King and Palmer had referred the Committee's decision for determination by the Council in accordance with Standing Order 39(3).

COUNCILLOR SALMOND, SECONDED BY COUNCILLOR MAY, MOVED THAT THE COUNCIL APPROVES THE DECISION OF THE COMMITTEE AS RECORDED IN THE MINUTE OF THE MEETING.

Councillor Murray, seconded by Councillor King, moved as an amendment that this Council:

- notes the contents of Report No 72/08;
- calls for a report on the replacement of Montrose Pool, detailing the various design options available together with associated costs;
- calls for a report on the effects on the Council's Financial Plan of incorporating the replacement of Montrose Pool together with details of those projects which would require to be delayed; and
- calls for a report on the effects on the Council's Financial Plan of incorporating either a major refurbishment or replacement programme of all Council pools together with details of those projects which will require to be delayed to accommodate either programme.

On a vote being taken, the members voted:-

For the motion:

Provost Leslie Melville, Depute Provost Murphy, Councillors Andrews, Brown, Fairweather, Mackintosh, May, Millar, Myles, Nield, Rymer, Salmond, Thomson, Valentine, West and Whyte (16)

For the amendment:

Councillors Ellis, Evans, Gaul, King, Bill Middleton, Glennis Middleton, Morrison, Murray, Oswald, Palmer, Spink and Welsh (12)

The motion was declared carried.

Councillor Palmer, seconded by Councillor Valentine, moved as a further amendment that an additional item (iv) be added to the motion, namely "that details of the proposed design and cost of a new swimming pool in Montrose be submitted to the Neighbourhood Services Committee for approval as soon as possible."

After hearing Councillors Fairweather, Glennis Middleton, Oswald, Ellis and West, Councillor Nield, seconded by the Provost, moved in accordance with Standing Order 17 that "the question be now put".

On a vote being taken, members voted:-

For the motion:

Provost Leslie Melville, Depute Provost Murphy, Councillors Andrews, Brown, Fairweather, Mackintosh, May, Millar, Myles, Nield, Rymer, Salmond, Thomson and Whyte (14)

Against the motion:

Councillors Ellis, Evans, Gaul, King, Bill Middleton, Glennis Middleton, Morrison, Murray, Oswald, Palmer, Spink, Valentine, Welsh and West (14)

There being an equality of votes, the Provost exercised her casting vote in favour of the motion and thereupon invited Councillor Salmond to sum up.

On a vote being taken, the members voted:-

For the substantive motion:

Provost Leslie Melville, Depute Provost Murphy, Councillors Andrews, Brown, Fairweather, Mackintosh, May, Millar, Myles, Nield, Rymer, Salmond, Thomson and Whyte (14)

For the amendment:

Councillors Ellis, Evans, King, Bill Middleton, Glennis Middleton, Morrison, Valentine, Welsh and West (9)

No vote:

Councillors Gaul, Murray, Oswald, Palmer and Spink (5)

The motion was declared carried.

Councillor West, seconded by Councillor Valentine, moved as a further amendment, that the Council resolves to carry out public consultation with the people of Montrose on the type of new swimming pool.

On a vote being taken, the members voted:-

For the substantive motion:

Provost Leslie Melville, Depute Provost Murphy, Councillors Andrews, Brown, Fairweather, Mackintosh, May, Millar, Myles, Nield, Rymer, Salmond, Thomson and Whyte (14)

For the amendment:

Councillors Ellis, Evans, Gaul, King, Bill Middleton, Glennis Middleton, Morrison, Murray, Oswald, Palmer, Spink, Valentine, Welsh and West (14)

There being an equality of votes, the Provost exercised her casting vote in favour of the substantive motion by Councillor Salmond and the Council resolved accordingly.

**(f) Infrastructure Services Committee**

The [minute of meeting of the Infrastructure Services Committee of 22 January 2008](#) was submitted and, except as noted hereunder, approved.

**A930 “Conchie’s Corner”**

With reference to Article 15, Councillors King and Palmer, had referred the Committee’s decision for determination by the Council, in accordance with Standing Order 39(3).

COUNCILLOR MAY, SECONDED BY COUNCILLOR THOMSON, MOVED THAT THE COUNCIL APPROVES THE DECISION OF THE COMMITTEE AS RECORDED IN THE MINUTE OF THE MEETING.

Councillor Palmer, seconded by Councillor Oswald, moved, as an amendment, that (iv) be amended to read “that option (4) in Report No 91/08 be adopted at an estimated cost of £334,000.”

On a vote being taken, the members voted:-

Provost Leslie Melville, Depute Provost Murphy, Councillors Andrews, Brown, Fairweather, Mackintosh, May, Millar, Myles, Nield, Rymer, Salmond, Spink, Thomson and Whyte (15)

For the amendment:

Councillors Ellis, Evans, Gaul, King, Bill Middleton, Glennis Middleton, Morrison, Murray, Oswald, Palmer, Welsh and West (13)

The motion was declared carried.

As a further amendment, Councillor Palmer, seconded by Councillor Oswald, moved that (iv) be amended to read “that option 6 (of Report No 91/08) be adopted at an estimated cost of £120,000.”

On a vote being taken, the members voted:-

For the substantive motion:

Provost Leslie Melville, Depute Provost Murphy, Councillors Andrews, Brown, Fairweather, Mackintosh, May, Millar, Myles, Nield, Rymer, Salmond, Thomson and Whyte (14)

For the amendment:

Councillors Ellis, Evans, Gaul, King, Bill Middleton, Glennis Middleton, Morrison, Murray, Oswald, Palmer, Spink, Valentine, Welsh and West (14)

There being an equality of votes, the Provost exercised her casting vote in favour of the substantive motion by Councillor May and the Council resolved accordingly.

#### **Traffic Regulation Orders – Proposed Revisions to the Scheme of Delegation**

With reference to Article 17, the Council unanimously approved the amendment to the Scheme of Delegation as detailed in the appendix to Report No 94/08.

#### **(g) Education Committee**

The [minute of meeting of the Education Committee of 24 January 2008](#) was submitted and approved.

#### **(h) Development Standards Committee**

The [minute of meeting of the Development Standards Committee of 29 January 2008](#) was submitted and approved.

#### **(i) Corporate Services Committee**

The [minute of meeting of the Corporate Services Committee of 31 January 2008](#) was submitted and approved.

#### **(j) Strategic Policy Committee**

The [minute of meeting of the Strategic Policy Committee of 5 February 2008](#) was submitted and, except as noted hereunder, approved.

#### **Consultation on the Independent Examination of Proposals for Major Change in NHS Services**

With reference to Article 13(3), there was submitted Report No 175/08 by the Chief Executive providing further comment on the Scottish Government consultation paper proposing the introduction of independent external scrutiny of proposals for major change in NHS services. These comments expanded on those outlined in Report No 158/08 which had been presented to the Committee on 5 February 2008. A copy of the full consultation paper had been placed in the Members' Lounge.

The Council resolved as follows:-

- (i) to agree the additional comments noted in Appendix 2 to Report No 175/08; and
- (ii) to instruct the Chief Executive to forward these further comments on behalf of the Council to the Scottish Government.

#### **(k) Civic Licensing Committee**

The [minute of meeting of the Civic Licensing Committee of 5 February 2008](#) was submitted and approved.

### **4. MINUTES OF JOINT BOARDS AND PARTNERSHIPS**

#### **(a) Tayside Joint Police Board**

The minute of meeting of the Tayside Joint Police Board of 12 November 2007 was submitted and noted.

**(b) Tayside Fire and Rescue Board**

The minute of meeting of the Tayside Fire and Rescue Board of 12 November 2007 was submitted and noted.

**(c) Tayside Valuation Joint Board**

The minute of meeting of the Tayside Valuation Joint Board of 12 November 2007 was submitted and noted.

**(d) Tayside Contracts Joint Committee**

The minute of meeting of the Tayside Contracts Joint Committee of 12 November 2007 was submitted and noted.

**(e) Tay Road Bridge Joint Board**

The minute of meeting of the Tay Road Bridge Joint Board of 17 December 2007 was submitted and noted.

**(f) Tayside and Central Scotland Transport Partnership**

The minute of meeting of the Tayside Central Scotland Transport Partnership of 18 December 2007 was submitted and noted.

**(g) Tayside Community Justice Authority**

The minute of meeting of the Tayside Community Justice Authority of 19 September 2007 was submitted and noted.

**5. QUESTION IN TERMS OF STANDING ORDER 23(1)****Gulls and Feral Pigeons**

Councillor Morrison had given notice, in terms of Standing Order 23(1), of the following question to the Convener of the Infrastructure Services Committee:-

“To ask for clarification as to the likely timescale for the issue of the Director of Infrastructure Services’ Report on tackling the problem of seagulls?”

In reply, Councillor May indicated that a Report would be submitted to either the Infrastructure Services Committee meeting on 22 April or 3 June 2008. In response to a supplementary question, Councillor May indicated that the Director was taking steps to rectify the problems which had arisen as a result of there being no contract for this type of work.

**6. MOTIONS IN TERMS OF STANDING ORDER 24(1)****Withdrawal of Scottish Banknotes**

Councillor Murray had given notice of the following motion:-

“That the Council:-

- (i) notes with concern that measures proposed by the Chancellor of the Exchequer to protect customers of failing banks could force Scottish banks to stop issuing their own notes;
- (ii) calls on the Chancellor of the Exchequer to ensure that any measures that he may introduce do not place financial burdens on Scottish banks which would lead to the withdrawal of the distinctive Scottish banknotes; and
- (iii) instructs the Chief Executive to write to the Chancellor of the Exchequer in terms of this motion.”

Councillor Murray, seconded by Councillor Myles, moved approval of the motion which the Council resolved to approve unanimously.

### **Post Office Services in Rural Areas**

Councillor Morrison had given notice of the following motion:-

“That the Council asks the Director of Neighbourhood Services to enter into discussions with Post Office Ltd with regards to introducing an outreach post office service within the mobile libraries, which already travel into communities not receiving post office services.”

Councillor Morrison, seconded by Councillor Millar, moved that the motion be amended to read:-

“That the Council asks the Director of Neighbourhood Services to enter into discussions with Post Office Ltd with regard to introducing an outreach post office service into communities either likely to lose or not receiving post office services and report back to the next meeting of the Council on 27 March 2008.”

The Council resolved unanimously to approve the amended motion.

### **Keptie Hill Water Tower**

Councillor Spink had given notice of the following motion:-

“That the Council:

- (i) notes that the Council has received a comprehensive draft Conservation Report regarding the current condition of the Keptie Hill Water Tower in Arbroath which recommends a number of urgent repairs in the interests of public safety and a further list of necessary repairs;
- (ii) as a consequence and although still a draft, agrees that an urgent report be brought to the appropriate committees in the next cycle detailing both the priority of works needed initially to make the building safe and further, to preserve it into the future;
- (iii) instructs that this report should include a firm timetable for:-
  - (a) making the stonework safe and removing any latent and potential hazards to the public;
  - (b) secure the fabric of the building against further deterioration;
  - (c) undertaking all conservation and preservation works to restore the building to a condition in keeping with its current “B” listed status; and
  - (d) ensuring that the Head of Finance identifies how sufficient capital, or other appropriate funding, is provided in the 2008/2009 budget to meet the likely costs of both the ‘urgent’ and the ‘necessary’ works as detailed in the Conservation Report.
- (iv) further, in light of the fact that the Conservation Report states that “the structure can be viewed as a very competent piece of engineering, significant in terms of its scale and given distinction by its architectural character..... deserving of recognition as a significant piece of industrial archaeology..... perhaps the best and largest example of its type”, agrees that the Council should seek to have the building re-assessed by Historic Scotland with a view to achieving a Grade ‘A’ listing.

Councillor Spink, seconded by Councillor King, moved that, in light of the fact that Report No 172/08 had been submitted as an item of business on the agenda for this meeting, the motion be amended as follows:-

“That the Council:

- (i) notes that the Council has received a comprehensive Draft Conservation Report regarding the current condition of the Keptie Hill Water Tower in Arbroath and agreed that any report brought forward as a consequence of this Draft Conservation Report should contain a clause which ensures that the Head of finance identifies how sufficient capital, or other appropriate funding, is provided in the 2008/2009 budget to

meet the likely costs of both the 'urgent' and the 'necessary' works as detailed in the Conservation Report; and

- (ii) further, in light of the fact that the Draft Conservation Report states that "the structure can be viewed as a very competent piece of engineering, significant in terms of its scale and given distinction by its architectural character..... deserving of recognition as a significant piece of industrial archaeology..... perhaps the best and largest example of its type", agrees that the Council should seek to have the building re-assessed by Historic Scotland.

COUNCILLOR MILLAR, SECONDED BY COUNCILLOR NIELD, MOVED AS AN AMENDMENT, THAT NO ACTION BE TAKEN ON THE MOTION.

On a vote being taken, the members voted:-

Provost Leslie Melville, Depute Provost Murphy, Councillors Andrews, Brown, Fairweather, Mackintosh, May, Millar, Myles, Nield, Rymer, Salmond, Thomson and Whyte (14)

For the amendment:

Councillors Ellis, Evans, Gaul, King, Bill Middleton, Glennis Middleton, Morrison, Murray, Oswald, Palmer, Spink, Valentine, Welsh and West (14)

There being an equality of votes, the Provost exercised her casting vote in favour of the amendment and the Council resolved accordingly.

Thereafter, there was submitted Joint Report No 172/08 by the Director of Corporate Services and the Director of Neighbourhood Services advising members of the receipt of the consultant's draft report relating to the Keptie Hill Water Tower and outlining the proposed next steps.

The Council unanimously resolved:-

- (i) to note the content of the Consultant's Draft Report;
- (ii) to agree that the Directors of Corporate Services and Neighbourhood Services consult further with the Consultant and produce a Final Report;
- (iii) to homologate the Director of Corporate Services actions to ensure that all identified potential health and safety hazards to the public are rectified as a matter of urgency;
- (iv) to agree that the health and safety works are funded from headroom identified within the Property Renewal and Repairs Fund;
- (v) to instruct the Directors of Corporate Services and Neighbourhood Services to bring back a Report to the next Committee cycle outlining recommended further actions in response to the Consultant's Final Report; and
- (vi) to note that this further Committee Report will outline both the cost and funding implications of any identified proposals and how they may be consulted upon

## 7. SINGLE OUTCOME AGREEMENTS

There was submitted [Report No 171/08](#) by the Chief Executive informing members of the new framework of joint accountability between local and national government, which was being developed through the single outcome agreement process.

The Report indicated that every Council would be required to produce an outcome agreement by April 2008. Accordingly, an officer group was working towards submitting a draft agreement to the next Council meeting on 27 March 2008. Also, while there were no financial implications associated with the terms of this Report, the Council's budget strategy for 2008/2009, which would be presented to the special meetings on 27 February 2008, was being framed with the single outcome agreement in mind.

The Council resolved to note and approve the terms of Report No 171/08.

## 8. INTENTION TO PARTICIPATE IN “BUILD WITH CARE” EUROPEAN GRANT FUNDING APPLICATION

There was submitted [Report No 173/08](#) by the Director of Neighbourhood Services seeking formal approval to commit the Council to participate in a trans-national application to the North Sea Programme for grant funding under the interreg 4B Programme.

The Report indicated that, if successful, the grant application should fund a Project Manager for the East of Scotland European Consortium area, and a Project Administrator in Angus, to coordinate grant activities at a local level.

The Council resolved:

- (i) to continue to participate in the “Build With Care” grant application as a corporate project, overseen by a cross-departmental steering group; and
- (ii) to submit a formal letter of intent to participate to the lead partner, a Swedish local authority (Vastra Gotland).

## 9. HM PRISON OPEN ESTATE PRISON VISITING COMMITTEE – APPOINTMENT OF MEMBER TO FILL VACANCY

With reference to Article 10(a)(ii) of the minute of the statutory meeting of the Council of 22 May 2007, there was submitted [Report 170/08](#) by the Director of Corporate Services advising the Council of the resignation of Mr Ron Scrimgeour as one of the three non-elected members appointed by Angus Council on the HMP Open Estate Prison Visiting Committee.

The Report sought to fill the existing vacancy by way of an open recruitment process.

The Council resolved to authorise the Head of Law and Administration to undertake an open recruitment process for the vacancy on HMP Open Estate Prison Visiting Committee and report back on the outcome in due course.

## 10. BOUNDARY COMMISSION FOR SCOTLAND – FIRST PERIODIC REVIEW OF SCOTTISH PARLIAMENT CONSTITUENCIES

There was submitted [Joint Report No 227/08](#) by the Chief Executive and the Director of Corporate Services asking members to note that the Boundary Commission for Scotland had published their provisional proposals for revised constituencies for the Scottish Parliament. The Council was asked if it wished to make any comments on, or propose amendments to, the Commission’s initial proposals.

The Commission had calculated the electoral quota for the review, based on the electoral register in force at the start of July 2007, as 54,728 electors. The Commission also proposed that the Angus local authority area be split into two county constituencies, namely East Angus and Mearns and West Angus, with East Angus and Mearns taking in part of the Aberdeenshire Council area.

The Council resolved:

- (i) to note the provisional proposals for the revised constituencies for the Scottish Parliament for the Aberdeen City Council, Aberdeenshire Council, Angus Council and Moray Council areas;
- (ii) to note that all representations, whether to approve or to object to the Commission’s proposals, required to be made in writing by 14 March 2008; and
- (iii) to establish a special Sub-Committee of the Strategic Policy Committee with delegated powers to consider and submit any representations, the membership of which should be four Administration and three non-Administration members.

## 11. EXCLUSION OF PUBLIC AND PRESS

The Council resolved, in terms of Standing Order 27(2), to exclude the public and press during consideration of the following item, so as to avoid the disclosure of information which was exempt in terms of paragraph 3 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973, as amended.

## 12. SALE OF ST JAMES HOUSE

With reference to Article 12 of the minute of meeting of the Resources and Central Services Committee of 20 October 2005, there was submitted [Report 174/08](#) by the Director of Corporate Services advising members of the current position regarding the sale of St James House, Forfar and seeking consideration of a request for further amendment of the missives of sale.

*At this point in the meeting (6.55 pm) the Council resolved in terms of Standing Order 20(8) to continue the meeting until the business on the agenda had been completed.*

*After some discussion and questions to officers, the Council resolved to adjourn for five minutes.*

On reconvening, COUNCILLOR MYLES, SECONDED BY COUNCILLOR MACKINTOSH, MOVED THAT THE COUNCIL RESOLVES:-

- (I) TO NOTE THE CURRENT POSITION REGARDING THE SALE OF ST JAMES HOUSE, FORFAR; AND
- (II) TO APPROVE THE REQUEST FROM THE PROPOSED PURCHASERS TO FURTHER AMEND THE MISSIVES OF SALE TO MAKE IT DEPENDENT ON THE SUCCESSFUL ACQUISITION BY THEM OF THE ADJOINING SITE.

Councillor King, seconded by Councillor Gaul, moved as an amendment that the Council resolves not to approve the purchasers' request and, in addition, notifies the developer that the Council would honour existing commitments in the current missives.

On a vote being taken, the members voted:-

For the motion:

Provost Leslie Melville, Depute Provost Murphy, Councillors Andrews, Brown, Fairweather, Mackintosh, May, Millar, Myles, Nield, Rymer, Salmond, Thomson and Whyte (14).

For the amendment:

Councillors Ellis, Evans, Gaul, King, Glennis Middleton, Bill Middleton, Morrison, Murray, Oswald, Palmer, Spink, Valentine, Welsh and West (14).

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