

## ANGUS COUNCIL

MINUTE of MEETING of **ANGUS COUNCIL** held in the Town and County Hall, Forfar on Thursday 18 December 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, DAVID LUMGAIR, 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.

Prior to the start of the meeting, the Provost referred to the deaths of Sergeant John Manual, Lance Corporal Steven Fellows, and Corporal Marc Birch, members of Arbroath's 45 Commando, who had been killed while on active duty in Helmand Province, Afghanistan on 12 December 2008.

The Council members and officers present observed a minute's silence as a mark of respect for these marines from RM Condor, Arbroath.

Also, Councillor Myles referred to the award won by Tayside Contracts (Vision in Business for the Environment in Scotland (VIBES)) in the product category for large businesses. The award had been for "Tayset", which had been won in conjunction with Nynas and the University of Dundee, for the recycling of construction materials in road resurfacing work.

The Council offered its congratulations to Tayside Contracts.

### 1. **APOLOGIES**

No apologies for absence were intimated.

### 2. **DECLARATIONS OF INTEREST**

No declarations of interest were made.

### 3. **MINUTES OF COUNCIL AND COMMITTEES**

#### **(a) Angus Council**

The [minute of meeting of Angus Council of 6 November 2008](#) was submitted and, except as detailed hereunder, approved as a correct record.

In accordance with Standing Order 15(10), Councillor Oswald had given the Head of Law and Administration two working days notice of three amendments she proposed to the draft minute as submitted in Volume 89.

#### **(i) Request for Secret Ballot**

Councillor Oswald proposed that, on page 577 of Volume 89, immediately following the paragraph starting "In response, the Head of Law and Administration explained....." there be inserted:-

"Councillor King requested a secret ballot be held and was advised that this was contrary to Standing Orders."

Having heard the Head of Law and Administration, the Council unanimously agreed to approve the above amendment.

**(ii) Development Standards Committee – Ward 4 (Monifieth and Sidlaw) Members**

Councillor Oswald indicated that her proposed amendment was in line with the wording at Ward 7 further down page 579.

COUNCILLOR MYLES, SECONDED BY COUNCILLOR MACKINTOSH, MOVED THAT THE DRAFT MINUTE AS SUBMITTED BY THE HEAD OF LAW AND ADMINISTRATION IN VOLUME 89 (PAGE 579) BE APPROVED AS A CORRECT RECORD.

Councillor Oswald, seconded by Councillor Murray, moved that the second sentence should read:

“There being no nominations from the Angus Alliance and no further nominations from the SNP Group, the second place was left vacant.”

On a vote being taken, the members voted:

For the motion:

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

For the amendment:

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

No vote:

Councillor Spink (1).

The motion was declared carried and the Council resolved accordingly.

**(iii) Proposal by Director of Corporate Services**

Councillor Oswald indicated that there was no mention in the draft minute of the request by the SNP Group, through Councillor Murray, to consider a proposal put forward by the Director of Corporate Services and the refusal of the Administration, through Councillor Nield, to suspend Standing Orders to allow this to be done. Accordingly, she proposed that wording should be inserted immediately after “Ward 8 (Montrose and District) (2 members from 4)” on page 579 of Volume 89.

COUNCILLOR MYLES SECONDED, BY COUNCILLOR MACKINTOSH, MOVED THAT THE DRAFT MINUTE, AS SUBMITTED BY THE HEAD OF LAW AND ADMINISTRATION IN VOLUME 89 (PAGE 579), BE APPROVED AS A CORRECT RECORD.

Councillor Oswald, seconded by Councillor Murray, moved as an amendment, that the following words be inserted prior to the heading “Conveners and Vice-Conveners” on page 579 of Volume 86:

“The SNP Group, through Councillor Murray, requested the Council to consider a suggestion submitted by the Director of Corporate Services which would address both the geographical and political balance. The Administration, through Councillor Nield, refused to suspend Standing Orders to allow the proposal to be debated.”

On a vote being taken, the members voted:

For the motion:

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

For the amendment:

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

No vote:

Councillor Spink (1).

The motion was declared carried and the Council resolved accordingly.

**(b) Angus Council (Special)**

The [minute of the special meeting of Angus Council of 26 November 2008](#) was submitted and approved as a correct record.

**(c) Development Standards Committee**

The [minute of meeting of the Development Standards Committee of 11 November 2008](#) was submitted and noted.

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

The [minute of meeting of the Social Work and Health Committee of 13 November 2008](#) was submitted and noted.

**(e) Neighbourhood Services Committee**

The [minute of meeting of the Neighbourhood Services Committee of 20 November 2008](#) was submitted and noted.

**(f) Infrastructure Services Committee**

The [minute of meeting of the Infrastructure Services Committee of 25 November 2008](#) was submitted and noted.

**(g) Education Committee**

The [minute of meeting of the Education Committee of 27 November 2008](#) was submitted and noted.

**(h) Development Standards Committee**

The [minute of meeting of the Development Standards Committee of 2 December 2008](#) was submitted and noted.

**(i) Corporate Services Committee**

The [minute of meeting of the Corporate Services Committee of 4 December 2008](#) was submitted and noted:

**(j) Strategic Policy Committee**

The [minute of meeting of the Strategic Policy Committee of 9 December 2008](#) was submitted and noted.

**(k) Civic Licensing Committee**

The [minute of meeting of the Civic Licensing Committee of 9 December 2008](#) was submitted and noted.

**4. MINUTES OF JOINT BOARDS AND PARTNERSHIPS****(a) Tayside Joint Police Board**

The minute of meeting of the Tayside Joint Police Board of 25 August 2008 was submitted and noted.

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

The minute of meeting of the Tayside Fire and Rescue Board of 25 August 2008 was submitted and noted.

**(c) Tayside Fire and Rescue Board (Special)**

The minute of special meeting of the Tayside Fire and Rescue Board of 24 October 2008 was submitted and noted.

**(d) Tayside Valuation Joint Board**

The minute of meeting of the Tayside Valuation Joint Board of 25 August 2008 was submitted and noted.

**(e) Tayside Contracts Joint Committee**

The minute of meeting of the Tayside Contracts Joint Committee of 25 August 2008 was submitted and noted.

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

The minute of meeting of the Tay Road Bridge Joint Board of 8 September 2008 was submitted and noted.

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

The minute of meeting of the Tayside and Central Scotland Transport Partnership of 28 October 2008 was submitted and noted.

**(h) Angus Licensing Board**

The [minute of meeting of the Angus Licensing Board of 29 October 2008](#) was submitted and noted.

**5. TIMETABLE OF MEETINGS FOR 2009/2010**

With reference to Article 10 of the minute of meeting of the Council of 28 June 2007, there was submitted [Report No 1240/08](#) by the Director of Corporate Services setting out a proposed timetable of Council and Committee meetings from April 2009 to the end of March 2010.

In common with previous years, members were asked to note that special meetings would be needed for consideration of the Budget for 2010/2011 in February 2010. Otherwise, special meetings could be called by the Provost or appropriate Conveners as and when necessary in accordance with the provisions of Standing Orders.

The Angus Licensing Board had approved a timetable of meetings for the same period at its meeting on 10 December 2008 and these had been included in the proposed timetable for information.

The Council resolved to approve the Timetable of Meetings for 2009/2010 as set out in the **Appendix** to this minute.

## 6. DEVELOPMENT STANDARDS SERVICE – BEST VALUE MANAGEMENT REVIEW

There was submitted [Report No 1241/08](#) by the Director of Corporate Services advising members of the outcome of the Best Value Management Review of the Development Standards Service undertaken by the Head of Law and Administration.

The Head of Law and Administration had been instructed to commence a review of the Development Standards Service in November 2007. The terms of reference had been established and a Review Team had been set up. The Chair of the Review team had met with a wide range of members of staff in the Development Standards section, both individually and in groups, during the period January to March 2008. During that period, information regarding processes, statistical information and workload issues had been gathered together and information regarding benchmarking had been sought from the Council's sister authorities.

The draft Report had been finalised and presented to the Monitoring Group on 20 November 2008. A number of copies of the Report had been placed in the Members' Lounge and the Improvement Action Plan was attached as Appendix 1 to Report No 1241/08.

Councillor May, as Convener of Infrastructure Services Committee, welcomed the Report and said that the review had been instigated as a result of concerns which had been raised by members with the Chief Executive. The review had covered all areas of operation of the Development Standards service, including procedures and quality of service. The Review team had found very professional and committed staff and that the service performed well in benchmarking with other councils.

The conclusion of the review supported the findings of the Development Standards Short Life Working Group and recommended that the findings of that group should be implemented without delay. This referred particularly to amending the level of delegation in order that the Committee could focus on the more significant applications. It would also help speed up the planning process in Angus and help benefit economic development especially in view of the present economic down-turn.

After a full discussion during which some members expressed concern about the timescales available to Community Councils to make representations or object to a particular application, the Council unanimously resolved:-

- (i) to approve the recommendations contained in the Improvement Action Plan;
- (ii) to note that the Director of Infrastructure Services would be responsible for implementing them as soon as possible; and
- (iii) to approve the amended Scheme of Delegation to Officers (6(c) Head of Planning and Transport) as detailed in Appendix 2 to the Report.

## 7. 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 of business, so as to avoid the disclosure of information which was exempt in terms of Paragraphs 6, 8 and 9 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

## 8. GUTHRIE PARK, FORFAR

There was submitted [Report No 1242/08](#) by the Director of Corporate Services advising members of recent interest expressed in the site owned by the Council (on Forfar Common Good Account) at Guthrie Park, Forfar and asking members to consider options for the possible future sale or lease of the site.

After a full discussion, the Council resolved:-

- (i) to note the approaches made by two developers in relation to the site owned by the Council at Guthrie Park, Forfar; and

- (ii) to approve Option 2 (as contained in Report No 1242/08) and instruct the Head of Property (in consultation with the Chief Executive, Directors of Corporate Services, Education and Neighbourhood Services) to negotiate provisional terms and conditions for the sale of the site at Guthrie Park, Forfar (on the basis of a supermarket) and to bring back a further report to members in due course.

## **9. BRECHIN BUSINESS PARK – SALE OF LAND**

With reference to Article 31 of the minute of meeting of the Infrastructure Services Committee of 4 March 2008, there was submitted [Report No 1243/08](#) by the Director of Infrastructure Services seeking approval to reduce the sale price of a site on Brechin Business Park owing to adverse ground conditions.

The Council resolved:

- (i) to authorise the Head of Economic Development (in consultation with the Head of Property) to reduce the sale price of Plots 12-15 at Brechin Business Park by up to £112,041 to meet the costs of addressing abnormal ground conditions; and
- (ii) to authorise the Head of Law and Administration, if considered appropriate, to instigate proceedings against the original Brechin Business Park contractors and/or supervising engineers to seek financial restitution for the losses incurred in accepting the reduced sale price.

The meeting closed at 5.20pm.

## ANGUS COUNCIL – TIMETABLE OF MEETINGS – 2009/2010

	DEVELOPMENT STANDARDS	SOCIAL WORK AND HEALTH	CIVIC LICENSING	NEIGHBOURHOOD SERVICES	INFRASTRUCTURE SERVICES	EDUCATION	CORPORATE SERVICES	STRATEGIC POLICY	ANGUS LICENSING BOARD	ANGUS COUNCIL	
	Tues 10.00am & 2.00pm	Thur 4.00pm	Tues 6.00pm	Thur 4.00pm	Tues 4.00pm	Thurs 4.00pm	Thurs 4.00pm	Tues 4.00pm	Wed 10.00am	Thurs 4.00pm	
<b>CYCLE</b>	1	7 April 09 28 April 09	9 April 09	14 April 09 5 May 09	16 April 09	21 April 09	23 April 09	30 April 09	5 May 09	6 May 09	14 May 09
	2	19 May 09 9 June 09	21 May 09	26 May 09 16 June 09	28 May 09	2 June 09	(Wed) 3 June 09	11 June 09	16 June 09	17 June 09	25 June 09
	3	11 Aug 09 1 Sept 09	13 Aug 09	18 Aug 09 8 Sept 09	20 Aug 09	25 Aug 09	27 Aug 09	3 Sept 09	8 Sept 09	19 Aug 09 9 Sept 09	17 Sept 09
	4	22 Sept 09 20 Oct 09	24 Sept 09	29 Sept 09 27 Oct 09	8 Oct 09	13 Oct 09	(Wed) 21 Oct 09	22 Oct 09	27 Oct 09	28 Oct 09	5 Nov 09
	5	10 Nov 09 1 Dec 09	13 Nov 09	17 Nov 09 8 Dec 09	19 Nov 09	24 Nov 09	26 Nov 09	3 Dec 09	8 Dec 09	9 Dec 09	17 Dec 09
	6	(Thur) 7 Jan 10 26 Jan 10	7 Jan 10	12 Jan 10 2 Feb 10	14 Jan 10	19 Jan 10	21 Jan 10	28 Jan 10	2 Feb 10	3 Feb 10	11 Feb 10
	7	16 Feb 10 9 March 10	18 Feb 10	23 Feb 10 16 March 10	25 Feb 10	2 March 10	4 March 10	11 March 10	16 March 10	17 March 10	25 March 10

**NOTE 1:** Education Committee meeting in cycle 2 has been moved to a Wednesday as 4 June is the date for the European Parliamentary Elections.

**NOTE 2:** Education Committee meeting in cycle 4 has been moved to a Wednesday to avoid it meeting within the Autumn school holidays.

**NOTE 3:** Development Standards Committee meeting in cycle 6 has been moved to a Thursday to give adequate time for Planning Officers to undertake site visits etc.

**NOTE 4:** Angus Licensing Board approved these dates at their meeting held on 10 December 2008.