

ANGUS COUNCIL

MINUTE of MEETING of **ANGUS COUNCIL** held in the Town and County Hall, Forfar on Thursday 26 June 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.

1. APOLOGIES

No apologies were intimated.

2. DECLARATIONS OF INTEREST

Declarations of interest were made by:-

- Councillors Ellis, Millar and Welsh in item 4(e) (Report No 449/08) intimated that they had received two letters from Starter Packs, to which they had not responded. They indicated that they would participate in any discussion and voting on the matter.
- Councillor Glennis Middleton in item 4(e) (Report No 449/08) as chair of Forfar Resource Centre. She indicated that she had a non-financial interest and would take part in discussion and voting on the matter.
- Councillor Rymer in item 3 (Stagecoach Strathtay Operations in Angus) as he had attended a dinner provided by the owner of the Company. He indicated that he had not discussed the subject of the report and he would participate in discussion and voting on the matter.
- Councillor Whyte in item 13 (Report No 653/08 – Post Office Network Change Programme) as he knew the owner of Wellbank Shop/Post Office. However, he indicated that he would participate in any discussion and voting on the matter.

3. DEPUTATION

The Council resolved, in accordance with Standing Order 12, to hear a deputation from Furniture Recycling Project, Angus in connection with the proposed voucher system for furniture recycling projects to enable vulnerable homeless households to access essential items.

Having answered members' questions, the deputation withdrew to the public benches.

4. STAGECOACH IN ANGUS

(a) Presentation by Stagecoach Strathtay Representatives

With reference to Article 12 of the minute of meeting of the Infrastructure Services Committee of 3 June 2008, Mr Doug Fleming, Managing Director of Stagecoach Strathtay Ltd, addressed the meeting on:

- Stagecoach's General Strategy for Angus;
- The closure of Forfar Bus Depot;
- Planned Local Bus Service Revisions in Angus.

At the conclusion of his presentation, Mr Fleming answered questions from members, following which he withdrew to the public benches.

(b) Stagecoach Strathtay Operations in Angus

There was submitted Report No 629/08 by the Director of Infrastructure Services informing members of the background to the foregoing presentation. The Director also circulated a summary of the main local bus service changes in Angus detailed on an area by area basis, with a more detailed service by service overview. It was clear that Stagecoach intended to make major revisions to bus services in Angus from 18 August 2008 and, in accordance with the Transport Act 1985 (as amended) operators had to register all bus services with the Traffic Commissioner 56 days prior to the proposed implementation date. Accordingly, revised timetables had been submitted on 23 June 2008.

COUNCILLOR MAY, SECONDED BY COUNCILLOR FAIRWEATHER, MOVED THAT THE COUNCIL RESOLVES:

- (I) TO NOTE THE CONTENTS OF REPORT NO 628/08;
- (II) SUBJECT TO THE ANALYSIS OF STAGECOACH'S PLANNED SERVICE REVISIONS TO COME INTO EFFECT ON 18 AUGUST 2008, TO DELEGATE TO THE HEAD OF PLANNING AND TRANSPORT, IN CONSULTATION WITH THE CHIEF EXECUTIVE, HEAD OF FINANCE AND CONVENER OF THE INFRASTRUCTURE SERVICES COMMITTEE, TO SECURE REPLACEMENT LOCAL BUS SERVICE PROVISION IN ORDER TO MAINTAIN SERVICES FOR THE PUBLIC IN ACCORDANCE WITH FINANCIAL REGULATION 16.15.4(B); AND
- (III) TO NOTE THAT ANY SUCH AWARDS WOULD BE REPORTED BACK TO THE NEXT MEETING OF THE INFRASTRUCTURE SERVICES COMMITTEE ON 26 AUGUST 2008.

Councillor Murray, seconded by Councillor Oswald, moved as an amendment, that:

- (i) (ii) be amended to replace "Convener of Infrastructure Services Committee" with "a Special Committee of four Administration and three Opposition councillors"; and
- (ii) there be added "(iv) to "contact the appropriate Scottish Minister with a request that rural bus services be protected".

On a vote being taken, the members voted:

For the motion:

Provost Leslie Melville, Councillors Murphy, 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, Spink, Valentine, Welsh and West (14).

The motion was declared carried and became the substantive motion.

Councillor Murray, seconded by Councillor Oswald, moved, as a further amendment, that the delegation in (ii) be amended to be to the Executive Sub-Committee of the Infrastructure Services Committee.

On a vote being taken, the members voted:

For the motion:

Provost Leslie Melville, Councillors Murphy, 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, Spink, Valentine, Welsh and West (14).

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

4. MINUTES OF COUNCIL AND COMMITTEES

(a) Angus Council

The [minute of meeting of Angus Council of 15 May 2008](#) 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 20 May 2008](#) was submitted and, after hearing from Councillor Ellis on the accuracy of one item of the minute, was noted.

(c) Social Work and Health Committee

The [minute of meeting of the Social Work and Health Committee of 22 May 2008](#) was submitted and noted.

(d) Civic Licensing Committee

The [minute of meeting of the Civic Licensing Committee of 27 May 2008](#) was submitted and noted.

(e) Neighbourhood Services Committee

The [minute of meeting of the Neighbourhood Services Committee of 29 May 2008](#) was submitted and, except as detailed hereunder, noted:

(i) Homelessness – Towards 2012

With reference to Article 11, Councillors Oswald and Ellis had referred the Committee's decision for determination by the Council in accordance with Standing Order 39(3).

COUNCILLOR MILLAR, SECONDED BY COUNCILLOR BROWN, MOVED THAT THE COUNCIL APPROVES THE RECOMMENDATIONS IN REPORT NO 499/08 AND ALSO APPROVES THE FOLLOWING:

- (III) AGREES THAT THE FUNDING OF THE FURNITURE PROJECTS DETAILED IN 4.8 OF REPORT NO 499/08 BE ENHANCED TO ALLOW INTRODUCTION OF THE VOUCHER SCHEME FROM 1 APRIL 2009 AND NOT 30 SEPTEMBER 2008, SUBJECT TO AGREEMENT BEING REACHED WITH THE PROJECTS, AND THAT ANY INCREASED COSTS BE CONTAINED IN THE RELEVANT BUDGETS.

Councillor Ellis, seconded by Councillor Oswald, moved as an amendment, that the Council consider Report No 499/08 page by page to allow questions to be asked and the answers debated.

On a vote being taken, the members voted:

For the motion:

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

For the amendment:

Councillors Ellis, Evans, Gaul, King, Bill Middleton, Morrison, Murray, Oswald, Palmer, Valentine, Welsh and West (12).

No vote:

Councillors Glennis Middleton and Spink (2)

The motion was declared carried and became the substantive motion.

Councillor Welsh, seconded by Councillor Glennis Middleton, moved, as a further amendment, that the recommendations in Report No 499/08 be approved, except that Section 4.7 (the proposed voucher system for homeless people to access essential household and furniture items) be deleted.

On a vote being taken, the members voted:

For the motion:

Provost Leslie Melville, Councillors Murphy, 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, Spink, Valentine, Welsh and West (14).

The substantive motion was declared carried.

Councillor Ellis, seconded by Councillor Murray, moved as a further amendment that, because of the significance of the issue, an all party sub-committee be established with delegated power to give further detailed consideration to Report No 499/08.

On a vote being taken, the members voted:

For the motion:

Provost Leslie Melville, Councillors Murphy, 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, Spink, Valentine, Welsh and West (14).

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

(ii) Tenant and Community Participation Strategy 2008/2011

With reference to Article 13, Councillors Ellis and Welsh had referred the Committee's decision for determination by the Council in accordance with Standing Order 39(3).

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

Councillor Ellis, seconded by Councillor Welsh, moved as an amendment, that the Council approves, in principle, the co-option of two tenants as non-voting members of the Neighbourhood Services Committee.

On a vote being taken, the members voted:

For the motion:

Provost Leslie Melville, Councillors Murphy, Andrews, Brown, Fairweather, Lumgair, Mackintosh, May, Millar, Myles, Nield, Rymer, Salmond, Spink, Thomson and Whyte (16).

For the amendment:

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

The motion was declared carried and the Council resolved accordingly.

(f) Infrastructure Services Committee

The minute of meeting of the Infrastructure Services Committee of 3 June 2008 was submitted and, except as noted hereunder, approved.

(i) Railway Level Crossing at Station Road, Carnoustie

With reference to Article 4, Councillors Palmer and Gaul had referred the Committee's decision for determination by the Council in accordance with Standing Order 39(3).

COUNCILLOR MAY, SECONDED BY COUNCILLOR FAIRWEATHER, 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 the Committee's decision be approved, and that a further Report detailing the works necessary to deal with the glare from the road surface at the level crossing be brought forward to the Infrastructure Services Committee as soon as practicable, including indicative costings and proposals for funding.

On a vote being taken, the members voted:

For the motion:

Provost Leslie Melville, Councillors Murphy, Andrews, Brown, Fairweather, Lumgair, Mackintosh, May, Millar, Myles, Nield, Rymer, Salmond, Spink, Thomson and Whyte (16).

For the amendment:

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

The motion was declared carried and the Council resolved accordingly.

(ii) Carnoustie Seafront Development

With reference to Article 9, Councillors Palmer and Gaul had referred the Committee's decision for determination by the Council in accordance with Standing Order 39(3).

COUNCILLOR MAY, SECONDED BY COUNCILLOR FAIRWEATHER, 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 a further report detailing the works necessary to provide new public toilets, appropriate lighting, in particular in regard to the youth shelter, and a café/kiosk facility at Carnoustie seafront be brought forward as soon as practicable, including indicative costings and proposals for funding.

On a vote being taken, the members voted:

For the motion:

Provost Leslie Melville, Councillors Murphy, 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, Spink, Valentine, Welsh and West (14).

The motion was declared carried and became the substantive motion.

Councillor Palmer, seconded by Councillor Oswald, moved as a further amendment that there be added to the substantive motion "include an approach to local businesses on providing services at the seafront".

On a vote being taken, the members voted:

For the motion:

Provost Leslie Melville, Councillors Murphy, 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, Spink, Valentine, Welsh and West (14).

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

IT BEING 6.55PM, THE PROVOST, SECONDED BY COUNCILLOR MYLES, MOVED THAT THE MEETING BE ADJOURNED FOR 10 MINUTES AND, ON RESUMPTION, BE CONTINUED UNTIL THE BUSINESS WAS CONCLUDED.

Councillor Murray, seconded by Councillor Oswald, moved as an amendment that the meeting be adjourned for 1 hour and then, on resumption, be continued until the business was concluded.

On a vote being taken, the members voted:

For the motion:

Provost Leslie Melville, Councillors Murphy, Andrews, Brown, Fairweather, Lumgair, Mackintosh, May, Millar, Myles, Nield, Rymer, Salmond, Spink, Thomson and Whyte (16).

For the amendment:

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

The motion was declared carried and the meeting was adjourned for 10 minutes.

(g) Education Committee

The [minute of meeting of the Education Committee of 5 June 2008](#) was submitted and noted.

(h) Angus Council (Special)

The [minute of special meeting of Angus Council of 5 June 2008](#) was submitted and approved as a correct record, and signed by the Provost.

(i) Development Standards Committee

The [minute of meeting of the Development Standards Committee of 10 June 2008](#) was submitted and noted.

(j) Corporate Services Committee

The [minute of meeting of the Corporate Services Committee of 12 June 2008](#) was submitted and noted.

(k) Strategic Policy Committee

The [minute of meeting of the Strategic Policy Committee of 17 June 2008](#) was submitted and, after hearing from Councillor Oswald on the accuracy of one of the items, noted.

(l) Civic Licensing Committee

The [minute of the meeting of the Civic Licensing Committee of 17 June 2008](#) was submitted and noted.

5. MINUTES OF JOINT BOARDS AND PARTNERSHIPS

(a) Tayside Joint Police Board

The minute of meeting of the Tayside Joint Police Board of 21 April 2008 was submitted and noted.

(b) Angus Licensing Board

The minute of meeting of the Angus Licensing Board of 7 May 2008 was submitted and noted.

6. QUESTIONS IN TERMS OF STANDING ORDER 23(1)

(a) Seagulls

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 the Convener of the Infrastructure Services Committee to define the differences between the motion, put to his Committee last November, on tackling urban seagulls and the recommendations now agreed, and that he will be attending the forthcoming Seagull Summit in Dumfries as previously asked?”

In reply, Councillor May indicated that the main difference was that the Committee's decision involved a free nest removal service, whereas the motion by Councillor Gaul to the Committee's meeting on 27 November 2007, asked for a report which would include a means tested grants scheme for such removal. He also indicated that the Vice-Convener of the Infrastructure Services Committee had attended the “Summit” in Dumfries the previous week.

(b) Scottish Government's Consultation on the Misuse of Alcohol

Councillor Morrison had given notice, in terms of Standing Order 23(1), of the following question to the Convener of the Social Work and Health Committee:

"To ask if the Convener of the Social Work and Health Committee could meet with her Director to discuss what representations Angus Council can make to the Scottish Government's consultation on the misuse of alcohol and that a report be brought forward to the next Social Work and Health Committee ahead of the consultation's 9 September closing date?"

In reply, Councillor Andrews indicated that the Director of Social Work and Health would indeed be coordinating a Council response and be submitting it to the Strategic Policy Committee meeting on 9 September 2008.

7. MOTIONS IN TERMS OF STANDING ORDER 24(1)**(a) Scottish Independence Convention**

Councillor Murray had given notice of the following motion:

"That the Council supports the position that the people of Angus be allowed to vote in a referendum to determine the political future of Scotland and this Council recommends that they sign the petition "Let Scotland Decide".

Councillor Murray, seconded by Councillor Oswald, moved approval of the motion.

COUNCILLOR MYLES, SECONDED BY COUNCILLOR MACKINTOSH, MOVED AS AN AMENDMENT THAT THE COUNCIL DOES NOT SUPPORT A REFERENDUM TO DETERMINE THE POLITICAL FUTURE OF SCOTLAND AND BELIEVES THAT IT IS NOT APPROPRIATE FOR THE ELECTED MEMBERS OF THIS LOCAL AUTHORITY TO ADVISE RESIDENTS IN ANGUS WHETHER OR NOT THEY SHOULD SIGN ANY PETITION.

On a vote being taken, the members voted:

For the motion:

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

For the amendment:

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

No vote:

Councillor Spink (1)

The amendment was declared carried and the Council resolved accordingly.

(b) Scrutiny Arrangements

Councillor Murray had given notice of the following motion:

"That the Council:

- (i) acknowledges the recommendation of the Accounts Commission that the scrutiny arrangements of Aberdeen City Council be chaired by a member of the Opposition;
- (ii) agrees that the Angus Council equivalents, the Audit Sub Committee and the Monitoring Group be chaired by a member of the Opposition;

- (iii) agrees therefore that the Convener and Vice Convener of both the Audit Sub Committee and the Monitoring Group be members of the Opposition; and
- (iv) agrees that the Audit Sub Committee and the Monitoring Group be seven members, four Administration and three Opposition to better reflect the political balance of the Council.”

Councillor Murray, seconded by Councillor Oswald, moved approval of the motion.

COUNCILLOR MYLES, SECONDED BY COUNCILLOR MACKINTOSH, MOVED AS AN AMENDMENT THAT THE COUNCIL TAKES NO ACTION ON THE MOTION AS IT BELIEVES THAT THE EXISTING SCRUTINY ARRANGEMENTS, WHICH INVOLVE OPPOSITION COUNCILLORS BEING MEMBERS OF THE AUDIT SUB-COMMITTEE AND THE MONITORING GROUP, ARE SATISFACTORY AT THIS TIME, AND ARE CONSISTENT WITH THE PRINCIPLES OF SOUND GOVERNANCE, SCRUTINY, AND ACCOUNTABILITY.

On a vote being taken, the members voted:

For the motion:

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

For the amendment:

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

The amendment was declared carried and the Council resolved accordingly.

(c) Fuel Prices

Councillor Palmer had given notice of the following motion:

“That the Council:

- (i) instructs the Chief Executive to write to the Chancellor of the Exchequer expressing this Council’s concern at the rising cost of fuel and demands that he removes the fuel duty accelerator; and
- (ii) further instructs the Chief Executive to write to the Prime Minister in the same terms.”

Councillor Palmer, seconded by Councillor West, moved approval of the motion.

COUNCILLOR MYLES, SECONDED BY COUNCILLOR MILLAR, MOVED AS AN AMENDMENT THAT THE WORDS “DEMANDS THAT HE REMOVES” BE AMENDED TO READ “CALLS ON HIM TO REMOVE” IN (I) OF THE MOTION.

On a vote being taken, the members voted:

For the motion:

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

For the amendment:

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

The amendment was declared carried and the Council resolved accordingly.

(d) Waterson Collection

Councillor Evans had given notice of the following motion:

“That the Council instructs the Chief Executive to bring forward a full report detailing the Council’s responsibilities and involvement with the Waterson collection to the next full Council meeting.”

Having heard Councillor Myles, Councillor Evans agreed to amend her motion so that in place of “Chief Executive” there be replaced “Director of Neighbourhood Services” and in place of “full Council” there be inserted “Neighbourhood Services Committee”.

The motion was thereafter unanimously approved.

8. CHARGING FOR “DROPPED KERBS”

Reference was made to the meeting of the Infrastructure Services Committee of 4 March 2008, at which the Leader of the Council had clarified how Angus Council intended to progress the matter of meeting expenditure on the provision of dropped kerbs and parking bays, which formerly had been recovered by the Roads division by recharge to the Social Work and Health department. In summary, the Leader had stated that the proposed process whereby the Roads division would raise a charge to the service user, with the service user being offered the opportunity to submit a reimbursement claim through the Council’s Improvement Grant Scheme administered by the Infrastructure Services department, was on reflection considered to be overly bureaucratic. Accordingly, he had advised that, instead, the Roads division would meet all such costs directly and no charge would be issued to the service user.

This clarification comment from the Leader had been unanimously accepted at the meeting but had not been minuted.

Accordingly, for the avoidance of doubt, and to ensure that full authority was given to the Director of Infrastructure Services, the Council resolved to confirm formally that the Roads division meet such costs directly without recharge to service users and thereby provide the Director of Infrastructure Services with the authority to carry out the necessary works. The estimated cost to the Council of £5,000 could be contained in the overall Infrastructure Services revenue budget.

9. APPOINTMENTS**(a) Criteria for Nomination to Health Boards**

With reference to Article 7(a) of the minute of meeting of the Council of 15 May 2008, when the Council had deferred consideration of Councillor Leslie Melville’s continuing membership of Tayside Health Board until a further report was submitted on the Scottish Government’s guidance on such appointments, there was submitted Report No 649/08 by the Director of Corporate Services providing information on such guidance. The Report indicated that guidance had been issued to NHS Chairs and NHS Chief Executives for implementing the recommendations pertaining to appointments to Health Boards contained in the Scottish Executive Report of May 2001 entitled “Rebuilding Our National Health Service – A Plan For Action, A Plan For Change”. The Report concluded that Councillor Leslie Melville’s interest and experience enabled her to meet the relevant criteria for her to continue as the Council’s elected representative on Tayside Health Board.

The Council resolved to confirm that Councillor Leslie Melville should continue as the Council’s member on Tayside Health Board.

(b) Membership of Development Standards Committee

With reference to Article 7(c) of the minute of the statutory meeting of the Council of 22 May 2007, the Angus Alliance Group had intimated that it wished to appoint Councillor Fairweather in place of Councillor Leslie Melville as one of its members on the Development Standards Committee.

The Council approved the appointment of Councillor Fairweather in place of Councillor Leslie Melville as a member of the Development Standards Committee.

10. **UNAUDITED ACCOUNTS 2007/2008**

There was submitted [Joint Report No 650/08](#) by the Director of Corporate Services and the Head of Finance asking members to note the Council's 2007/2008 draft Accounting Statements prior to their submission to the Controller of Audit for audit purposes.

The Report also drew attention to a number of items contained within the Statements and commented on aspects of budget performance.

The Report indicated that the Accounts for 2007/2008 had been concluded on time and provided a snap shot of the Council's financial position at 31 March 2008. They would now be subjected to the public inspection /audit process.

Councillor King indicated that, in light of the fact that two of the Statements had only been tabled at the meeting, he reserved the right on behalf of the SNP Group to requisition a special meeting of the Council if anything untoward came to light on his examination of the papers.

The Council resolved:

- (i) to note the 2007/2008 draft Accounting Statements and to agree that they be submitted to the Controller of Audit;
- (ii) to note the effect of the significant (enforced) change in accounting policy in relation to Common Good Funds (as explained in Appendix A of the Report);
- (iii) to note the budget performance commentary as set out in section 4 of the Report; and
- (iv) to note that a further Report would be submitted during the next cycle of meetings in respect of End of Year Budget Carry Forwards in accordance with the Council's Budget Carry Forward Scheme.

11. **FUEL PRICE INCREASES – POSSIBLE IMPLICATIONS FOR 2008/09 REVENUE BUDGET**

There was submitted [Report No 651/08](#) by the Director of Corporate Services apprising members of the projected budget issues which the Council might face in light of recent and ongoing increases in global fuel prices. The Report also sought delegated authority for officers to agree the implementation of an interim revised index for the calculation of inflationary price increases for local bus, education transport and other comparable contracts.

The issue of rising fuel costs and their impact on Council services would be monitored and reviewed over the summer months. A further report on the implications for the Council's 2008/2009 financial position would be reported back to the appropriate Committee following the recess.

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

- (I) TO NOTE THE IMPLICATIONS OF ESCALATING FUEL COSTS FOR COUNCIL DEPARTMENTS, AND FOR LOCAL BUS SERVICE AND EDUCATION BUS CONTRACT OPERATORS AS OUTLINED IN THE REPORT;
- (II) TO GRANT DELEGATED AUTHORITY TO THE DIRECTOR OF CORPORATE SERVICES IN CONSULTATION WITH THE DIRECTORS OF INFRASTRUCTURE SERVICES AND EDUCATION TO AGREE THE IMPLEMENTATION OF AN INTERIM REVISED INDEX FOR THE CALCULATION OF INFLATIONARY PRICE INCREASES IN LOCAL BUS, EDUCATION TRANSPORT AND OTHER COMPARABLE CONTRACTS;
- (III) TO NOTE THAT QUARTERLY REPORTS SUMMARISING ALL SUCH DELEGATED DECISIONS WOULD BE PRESENTED TO MEMBERS THROUGH APPROPRIATE COMMITTEES;

- (IV) TO NOTE THAT A FURTHER REPORT ON THE IMPLICATIONS OF FUEL PRICE INCREASES FOR 2008/09 WOULD BE BROUGHT BEFORE THE APPROPRIATE COMMITTEE FOLLOWING THE RECESS; AND
- (V) TO INSTRUCT THE CHIEF EXECUTIVE TO WRITE TO THE SCOTTISH GOVERNMENT ASKING IT TO PROVIDE EXTRA FINANCIAL SUPPORT IN OUR FORTHCOMING SETTLEMENT TO TAKE INTO ACCOUNT THE IMPLICATIONS OF SPIRALLING FUEL PRICES ON OUR DELIVERY OF SERVICES.

Councillor Murray, seconded by Councillor Oswald, moved as an amendment that the Council resolves to accept the recommendations in the Report, but does not accept part (v) of the motion.

On a vote being taken, the members voted:

For the motion:

Provost Leslie Melville, Councillors Murphy, Andrews, Brown, Fairweather, Lumgair, Mackintosh, May, Millar, Myles, Nield, Rymer, Salmond, Spink, Thomson and Whyte (16).

For the amendment:

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

The motion was declared carried and became the substantive motion.

Councillor Welsh, seconded by Councillor Murray, moved as a further amendment that (v) be amended to read "to instruct the Chief Executive to contact the Westminster Government to demand additional financial support from the unexpected oil tax bonanza to ameliorate the detrimental implication of spiralling fuel prices on the Scottish economy."

On a vote being taken, the members voted:

For the motion:

Provost Leslie Melville, Councillors Murphy, Andrews, Brown, Fairweather, Lumgair, Mackintosh, May, Millar, Myles, Nield, Rymer, Salmond, Spink, Thomson and Whyte (16).

For the amendment:

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

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

12. **CONSULTATION BY THE SCOTTISH GOVERNMENT ON IMPLEMENTING A LOCAL INCOME TAX ("A FAIRER LOCAL TAX FOR SCOTLAND")**

There was submitted [Joint Report No 652/08](#) by the Chief Executive and the Director of Corporate Services advising members of the Scottish Government's consultation on proposals to replace Council Tax with a Local Income Tax and seeking the Council's views on how to respond to the consultation.

Attached to the Report as Appendix C, was a commentary on the key issues arising from the consultation which members would wish to consider in deciding how to formally respond to the consultation. Given the significance of this matter, it was important that the Council considered the basis for its response carefully and thoroughly so that an appropriate reply could be provided to the Scottish Government. The Report recognised that there might be a number of different political views on this matter and the commentary in Appendix C therefore focussed mainly on the practical and administrative issues arising from the Local Income Tax proposals, of which the authors of the Report believed members needed to be made aware. Appendix C also highlighted areas where further work or clarity was thought to be required in relation to the proposals.

It was concluded that many of the Scottish Government's proposals within the consultation document were not sufficiently detailed and did not fully consider the implications of what was being proposed. In light of this, a number of practical issues with regard to the introduction of a Local Income Tax had been outlined in the Report. Until these issues and concerns were addressed, the case for moving to a Local Income Tax as currently envisaged would remain unproven in practical terms.

COUNCILLOR MYLES, SECONDED BY COUNCILLOR MACKINTOSH, MOVED THAT THE COUNCIL NOTES (A) AND (B) OF JOINT REPORT NO 652/08 AND THAT IT (INCLUDING APPENDIX C) BE SUBMITTED TO THE SCOTTISH GOVERNMENT AS THE COUNCIL'S RESPONSE.

Councillor Murray, seconded by Councillor Oswald, moved as an amendment that the Council takes time to consider a response to the specific questions highlighted in Appendix A to the Report.

On a vote being taken, the members voted:

For the motion:

Provost Leslie Melville, Councillors Murphy, 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.

13. POST OFFICE NETWORK CHANGE PROGRAMME

There was submitted [Joint Report No 653/08](#) by the Chief Executive and the Director of Neighbourhood Services giving details of the proposals for Angus emanating from the Post Office Network Change Programme and giving recommendations for the ongoing consultation process.

The Report gave the Council's proposed response (as Appendix 1 to the Report) and detailed concerns regarding each individual proposal across Angus. In general, there were concerns about the accuracy and detail of the information upon which Post Office Ltd had based their proposals. These concerns were highlighted throughout the document and further information was used to support arguments for reconsideration of their proposals. The response document concluded with a proposal to approach Post Office Ltd in order to discuss these concerns in more detail. However, the Director of Neighbourhood Services advised the Council that a new situation had arisen in Arbroath since the Report had been written regarding the Abbeygate Post Office within the Co-operative Supermarket. Councillor Spink referred to concerns about the situation in Inverkeilor and Councillor Mackintosh spoke of his concerns about some of the rural post offices in the Angus Glens which were scheduled for closure.

After discussion, the Council resolved as follows:

- (i) to note the detail of the proposals;
- (ii) to agree the proposed response to Post Office Ltd as set out in Appendix 1 to the Report, subject to appropriate amendment in consultation with the Leader of the Council and the Leader of the Opposition; and
- (iii) to remit to the Director of Neighbourhood Services to enter into discussions with Post Office Ltd on Post Office Provision in Angus on the basis of the Report.

14. **CONSULTATION ON NOTICE OF INTENTION TO REMOVE PUBLIC PHONE BOXES BY BT PAYPHONES**

With reference to Article 9 of the minute of the previous meeting of the Council of 15 May 2008, there was submitted [Report No 654/08](#) by the Chief Executive outlining the responses received to the second stage of the consultation process on BT Payphones' proposal to remove public phone boxes and recommending the final decision to be given to BT Payphones.

In accordance with the required consultation process, and in light of the comments received, it was proposed that the final notification, setting out the Council's final decision, contained in Appendix B to the Report, be submitted to BT and the Secretary of State for the Environment, Food and Rural Affairs.

The Council resolved:

- (i) to note the responses received to the second stage of the consultation process on BT Payphones' proposal to remove a number of public phone boxes in Angus;
- (ii) to approve the "final decision" as outlined in Section 5 of the Report; and
- (iii) to agree that the Chief Executive contact the appropriate Ministers at Scottish and national level regarding the financing of phone boxes and report the responses back to the Council at an appropriate meeting.

15. **ANGUS TRANSPORT FORUM - REQUEST FOR FUNDING**

With reference to Article 10 of the minute of meeting of the Council of 27 March 2008, there was submitted [Report No 655/08](#) by the Director of Infrastructure Services informing members of the review undertaken of the Angus Transport Forum's Business Plan for the Period 2008-9 and Beyond and the consideration of the Forum's request for grant funding from the Council.

In view of the availability of alternative transport provision from within the Education department's Transport Fleet, together with the utilisation of existing contracted school transport services, the current level of group hires delivered by the Forum could be accommodated on the basis that an additional vehicle was provided within the Education department fleet. The proposals put forward by the Angus Transport Forum, which sought Council funding ranging from £48,240 to £31,245 per annum were not therefore considered to represent value for money compared with the alternative option of adding an additional vehicle to the Education department Fleet at an estimated cost of £15,000 per annum.

The Council resolved:

- (i) to note the contents of this Report;
- (ii) to reject the funding application from the Angus Transport Forum on the basis that an alternative improved value for money option was available to the Council;
- (iii) to agree the proposed actions contained in Report No 655/08 which incorporated the provision of an additional vehicle to be added to the Education fleet in order to fulfil current service requirements; and
- (iv) to agree that funding for this additional vehicle be met from the contingency sum specifically set aside in the 2008/09 Provisional Revenue Budget for unidentified new burdens within the settlement, as set out in section 5 of this Report.

16. **KEPTIE WATER TOWER - MAINTENANCE**

With reference to Article 6 of the minute of meeting of the Council of 14 February 2008, there was submitted [Joint Report No 636/08](#) by the Director of Neighbourhood Services and the Director of Corporate Services advising on the outcome of an evaluation of recommendations detailed in the consultant's Conservation Report on Keptie Water Tower, Arbroath which provided two maintenance regime options for consideration.

COUNCILLOR MILLAR, SECONDED BY COUNCILLOR MACKINTOSH, MOVED THAT THE COUNCIL RESOLVES AS FOLLOWS:

- (I) TO NOTE THE CONTENTS OF REPORT NO 636/08;
- (II) TO INSTRUCT THE DIRECTOR OF NEIGHBOURHOOD SERVICES, IN CONSULTATION WITH THE DIRECTOR OF INFRASTRUCTURE SERVICES, TO INVESTIGATE FUTURE USES FOR KEPTIE WATER TOWER INCLUDING THE POSSIBLE SALE OR LEASE OF THE PROPERTY TO A THIRD PARTY AND SUBMIT A FURTHER REPORT BY THE END OF THE 2008 CALENDAR YEAR DETAILING RECOMMENDATIONS FOR CONSIDERATION;
- (III) TO AGREE, IN THE MEANTIME, TO ADOPT THE OPTION 1 MINIMAL MAINTENANCE PROGRAMME INCORPORATING HEALTH AND SAFETY COMPLIANCE; AND
- (IV) TO DEFER CONSIDERATION OF THE OPTION 2 MAINTENANCE REGIME AND THE ASSOCIATED FUNDING REQUIREMENTS UNTIL THE DIRECTOR OF NEIGHBOURHOOD SERVICES' INVESTIGATIONS WERE PRESENTED.

Councillor Spink, seconded by Councillor King, moved as an amendment that the Council resolves in similar terms to the motion, except that:

- (i) that the word "sale" be removed from (ii) of the motion;
- (ii) that the reroofing works in Option 2 (Phase 2) be swapped with the pointing works (Option 2 – Phase 1); and
- (iii) to add as (v) of the motion that the Council consult the public widely on the future use of the building.

On a vote being taken, the members voted:

For the motion:

Provost Leslie Melville, Councillors Murphy, 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, Spink, Valentine, Welsh and West (14).

The motion was declared carried and the Council resolved accordingly.

17. 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 undernoted item, so as to avoid the disclosure of information which was exempt in terms of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973, paragraph 6.

18. LANDFILL TAX ISSUES - UPDATE

There was submitted [Joint Report No 652/08](#) by the Chief Executive, the Director of Infrastructure Services, the Director of Neighbourhood Services and the Director of Corporate Services updating members on the significant issues connected with the assessment levied on the Council by HM Revenues and Customs for ascertained under-declared Landfill Tax. The Report advised members of the history of the issue and where matters currently stood.

The Report emphasised that this matter was clearly of significant concern for the Council given the sums of money involved and there was no certainty of a successful outcome should the Council decide to proceed with a full appeal.

The Council resolved:-

- (i) to note the contents of Report No 656/08 and in particular the possible financial implications if the Council was unsuccessful in taking forward a landfill tax appeal;
- (ii) to agree that work continue with the Council's legal advisers in order to inform a final decision by the Council on whether to progress an appeal through the full process of the VAT & Duties Tribunal;
- (iii) to note that all potential options were being explored and every effort was being made by relevant officers to try to defend the Council from the assessment which had been levied by HM Revenues & Customs;
- (iv) to note that work was ongoing to determine whether an unsuccessful appeal in this case could have wider consequences for the Council in terms of other landfill tax activities;
- (v) to agree that the authors of the Report bring forward further updates on this matter and in particular prior to making a final decision on whether or not to progress an appeal through the full process of the VAT & Duties Tribunal; and
- (vi) to agree that, in the event that any timescales set by the Tribunal prohibited officers from presenting a Report to the appropriate full committee, the matter be dealt with by the Corporate Services Executive Sub-Committee.