

# ANGUS COUNCIL

MINUTE of MEETING of **ANGUS COUNCIL** held in the Town and County Hall, Forfar on Thursday 27 March 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, JIM MILLAR, DONALD MORRISON, ROB MURRAY, ROBERT MYLES, PETER NIELD, RALPH PALMER, JOHN RYMER, MARK SALMOND, ROBERT SPINK, MARGARET THOMSON, PAUL VALENTINE, SANDY WEST and JOHN WHYTE.

Provost RUTH LESLIE MELVILLE, in the Chair.

## 1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Glennis Middleton, Bill Middleton, Helen Oswald and Sheena Welsh.

## 2. DECLARATIONS OF INTEREST

Declarations of interest were made by:-

- Provost Leslie Melville and Councillor Myles in item 18 (Report No 350/08) as Directors of Angus Digital Media Centre Limited. They indicated that they enjoyed the benefit of the general dispensation issued by the Standards Commission in relation to Council appointments to Outside Bodies and that they would therefore participate in discussion and voting.
- Councillors Gaul and Whyte in item 4(r) (article 16 of the minute of meeting of the Strategic Policy Committee of 18 March 2008) as members of TACTRAN. They indicated that they enjoyed the benefit of the general dispensation issued by the Standards Commission in relation to Council appointments to Outside Bodies and that they would therefore participate in discussion and voting.
- Councillor Valentine in item 4(m) (Article 5 of the minute of meeting of the Neighbourhood Services Committee of 28 February 2008). He indicated that he had been invited to and had attended a meeting with the Montrose Skate Park Committee, but he had not expressed any opinion and would take part in discussion and voting.
- Councillor Murray, on behalf of the SNP Group, in item 4(m). He indicated that all members of his Group had received an email from Pete Cowan of the Montrose Skate Park Committee but they proposed to take part in discussion and voting.
- All Alliance members and Councillor Spink indicated that they had also received the email but intended to participate and vote.

## 3. DEPUTATIONS

The Council resolved, in accordance with Standing Order 12, to hear deputations from:

- Pete Cowan and Kitty Ritchie of the Montrose Skatepark Committee; and
- Mr Stan Wardle and Mrs Williamson, residents of William Roger Court, Montrose on behalf of 31 residents who objected to the development of a skatepark at the Marine Avenue site.

The deputation answered questions from members, following which they withdrew to the public benches.

#### 4. MINUTES OF COUNCIL AND COMMITTEES

**(a) Neighbourhood Services Committee (Special)**

The [minute of meeting of the Neighbourhood Services Committee of 12 February 2008](#) was submitted and approved.

**(b) Angus Council**

The [minute of meeting of Angus Council of 14 February 2008](#) was submitted, approved as a correct record, subject to Councillor Valentine replacing Councillor Palmer and Councillor West replacing Councillor Valentine as the mover and seconder of the further amendment on page 77, and signed by the Provost.

**(c) Development Standards Committee**

The [minute of meeting of the Development Standards Committee of 19 February 2008](#) was submitted and approved.

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

The [minute of meeting of the Social Work and Health Committee of 21 February 2008](#) was submitted and approved.

**(e) Civic Licensing Committee**

The [minute of meeting of the Civic Licensing Committee of 26 February 2008](#) was submitted and approved.

**(f) Corporate Services Committee (Special)**

The [minute of special meeting of the Corporate Services Committee of 27 February 2008](#) was submitted and approved.

**(g) Education Committee (Special)**

The [minute of special meeting of the Education Committee of 27 February 2008](#) was submitted and approved.

**(h) Neighbourhood Services Committee (Special)**

The [minute of special meeting of the Neighbourhood Services Committee of 27 February 2008](#) was submitted and approved.

**(i) Social Work and Health Committee (Special)**

The [minute of special meeting of the Social Work and Health Committee of 27 February 2008](#) was submitted and approved.

**(j) Infrastructure Services Committee (Special)**

The [minute of special meeting of the Infrastructure Services Committee of 27 February 2008](#) was submitted and approved.

**(k) Strategic Policy Committee (Special)**

The [minute of special meeting of the Strategic Policy Committee of 27 February 2008](#) was submitted and approved.

**(l) Angus Council (Special)**

The minute of the special meeting of Angus Council of 27 February 2008 was submitted, approved as a correct record and signed by the Provost.

**(m) Neighbourhood Services Committee**

The [minute of meeting of the Neighbourhood Services Committee of 28 February 2008](#) was submitted and, except as noted hereunder, approved.

**Montrose Wheeled Sports Facility, Marine Avenue, Montrose**

With reference to Article 5, Councillors Ellis and Morrison had referred the Committee's decision for determination by the Council in accordance with Standing Order 39(3).

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

Councillor West, seconded by Councillor Valentine moved as an amendment, that the Council agrees that tenders be sought from suitable contractors as detailed in Report No 190/08 and that a further Report on tenders received be submitted to the April meeting of the Neighbourhood Services Committee.

On a vote being taken, 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, Morrison, Murray, Palmer, Spink, Valentine and West (10).

The motion was declared carried.

As a further amendment, Councillor Valentine, seconded by Councillor West, moved that this Council confirms that, if there is any loss in funding from the Youth Lottery Fund, any funding shortfall and any increase in costs will be met in full by Angus Council, to ensure that a skatepark is built in Montrose; the funding to include any planning costs, any remedial ground works and any other costs which may exceed the existing "Skatepark Fund".

After discussion, Councillor Millar agreed to accept the amendment as an addendum to his substantive motion, and the Council unanimously resolved accordingly.

**Caravan Park and Outdoor Recreation Seasonal Opening Hours 2008**

With reference to Article 8, Councillors King and Gaul had referred the Committee's decision for determination by the Council in accordance with Standing Order 39(3).

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

Councillor Murray, seconded by Councillor Ellis, moved as an amendment that the Council agrees to the proposed seasonal opening hours set out in Appendices B, C and D of Report No 193/08, but that the toilets at the Blue Seaway, Monifieth, remain open during weekends for another year with a view to further measuring actual usage.

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, Morrison, Murray, Palmer, Spink, Valentine and West (10).

The motion was declared carried and the Council resolved accordingly.

**(n) Infrastructure Services Committee**

The [minute of meeting of the Infrastructure Services Committee of 4 March 2008](#) was submitted and, except as noted hereunder, approved.

**Cross Boundary Contracted Local Bus Services**

With reference to Article 12, Councillors Ellis and Murray had referred the Committee's decision for determination by the Council in accordance with Standing Order 39(3).

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

Councillor Ellis, seconded by Councillor Murray, moved as an amendment that recommendations (v) and (vi) of Report No 258/08 be amended as follows:-

- (v) to retain the Monday to Saturday evening journey at 21.30 from Dundee to Liff and Fowlis until a full review of passenger requirements had been undertaken; and
- (vi) to retain the Sunday journey at 11.30 from Dundee to Liff and Fowlis and return until a full review of passenger requirements had been undertaken.

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, Morrison, Murray, Palmer, Spink, Valentine and West (10).

The motion was declared carried and the Council resolved accordingly.

**Proposed Pedestrian Crossing At Keptie Street, Arbroath**

With reference to Article 22, Councillors Gaul and King 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 King, seconded by Councillor Spink, moved as follows:

That, in view of the fact that the Director of Infrastructure Services has now submitted Report No 267/08, giving details of the public consultations regarding the proposed installation of a "Puffin" style pedestrian crossing at Keptie Street, Arbroath between Helen Street and Garden Street, as detailed in Report No 1128/07, the Council resolves:-

- (i) to note the comments received during the consultation process regarding the possible installation of a pedestrian crossing on Keptie Street in Arbroath, to be located between Helen Street and Garden Street;

- (ii) to note, in particular, the comments of the Chief Constable of Tayside Police regarding the greater need for a pedestrian crossing in Keptie Street/West Port, Arbroath, near to the junction with Catherine Street;
- (iii) to agree not to install a pedestrian crossing on Keptie Street, Arbroath, located between Helen Street and Garden Street as was proposed in Report No 1128/07;
- (iv) to agree to now ratify the previous unanimous decision of the meeting of the Infrastructure Services Committee of 26 August 2006, at item 22, to implement the recommendations of Report No 1014/06 and install a pedestrian crossing on Keptie Street, Arbroath, located between Catherine Street and the Station;
- (v) to note that a significant amount of the physical works necessary for the installation of a pedestrian crossing at this location have already been completed;
- (vi) to instruct the Director of Infrastructure Services to now take prompt action to complete the installation and early commissioning of the partially completed "Puffin" style pedestrian crossing at Keptie Street, Arbroath, between Catherine Street and the Station, as detailed in Report No 1014/06; and
- (vii) to instruct the Director of Infrastructure Services to bring an early report to a future meeting of the Committee considering additional options for Traffic Management and/of Traffic Calming measures aimed at reducing both traffic speeds and the conflicts between traffic and pedestrians in Keptie Street.

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, Morrison, Murray, Palmer, Spink, Valentine and West (10).

The motion was declared carried and the Council resolved accordingly.

**(o) Education Committee**

The [minute of meeting of the Education Committee of 6 March 2008](#) was submitted and approved.

**(p) Development Standards Committee**

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

**(q) Corporate Services Committee**

The [minute of meeting of the Corporate Services Committee of 13 March 2008](#) was submitted and approved.

**(r) Strategic Policy Committee**

The [minute of meeting of the Strategic Policy Committee of 18 March 2008](#) was, subject as noted hereunder, approved.

**Regional Transport Funds 2008/2009**

With reference to Article 16, Councillors Gaul and King had referred the Committee's decision for determination by the Council in accordance with Standing Order 39(3).

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

Councillor Gaul, seconded by Councillor Murray, moved, as an amendment, that the monies allocated to Angus Council be transferred to the Regional Transport Partnership to develop its delivery plan based on regional priorities.

On a vote being taken, members voted:-

For the motion:-

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

For the amendment:

Councillors Ellis, Evans, Gaul, King, Morrison, Murray, Palmer, Valentine and West (9).

No vote:

Councillor Nield

The motion was declared carried and the Council resolved accordingly.

**(s) Civic Licensing Committee**

The [minute of meeting of the Civic Licensing Committee of 18 March 2008](#) was submitted and approved.

**5. QUESTIONS 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 the Convener of the Infrastructure Services to offer assurances that representatives from the Environmental & Consumer Protection Service would attend the proposed summit on the seagull menace jointly sponsored by the Scottish Government and Dumfries & Galloway Council, once a venue and date has been confirmed”.

In reply, Councillor May indicated that he fully expected Angus Council to be represented at the event once the venue and date were known. In response to a supplementary question, Councillor May undertook to ensure that a Report would be submitted to the Infrastructure Services Committee on the outcome of the event.

**Press Reporting of Planning Decision**

Councillor Palmer had given notice, in terms of Standing Order 23(1), of the following question to the Convener of the Development Standards Committee:-

“To ask the Convener of the Development Standards Committee what concerns he has about recent newspaper articles, which have had the effect of placing the integrity of Angus Council’s Development Standards Committee members and the Planning Division’s officials in question?”

In reply, Councillor Lumgair indicated that he had issued a press release refuting the comments which had been made in the press. In response to a supplementary question, Councillor Lumgair indicated that a Report would be submitted to the Development Standards Committee on the events leading up to the relevant decision and the subsequent press articles.

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

### China in Tibet

Councillor Nield had given notice of the following motion:-

“That the Council:

- (i) condemns the recent actions of the Chinese Government against the Tibetan people and the blocking of the BBC news services to its people;
- (ii) instructs the Chief Executive to write in such terms to the Consul General in Edinburgh Mrs Guo Guifang.”

It was noted that the Consul General in Edinburgh was now Madam Xiutian Tan.

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

AT THIS POINT IN THE MEETING (6.55 PM), COUNCILLOR MYLES, SECONDED BY COUNCILLOR MACKINTOSH, MOVED THAT THE MEETING BE CONTINUED UNTIL THE BUSINESS HAD BEEN COMPLETED, BUT THAT IT BE ADJOURNED FOR 15 MINUTES.

Councillor Murray, seconded by Councillor King, moved that the meeting be adjourned in terms of Standing Order 20 and be resumed at 10.00 am the following day.

On a vote being taken, 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, Morrison, Murray, Palmer, Valentine and West (9).

The motion was declared carried and the Council resolved accordingly.

*The meeting was resumed at 7.15 pm.*

### Gurkha Servicemen

Councillor Ellis had given notice of the following motion:

“That the Council requests that the Chief Executive write to the Prime Minister, Gordon Brown, to request that his Government urgently reviews the unfair discriminatory pension policy used against Gurkha servicemen who have retired before 1997.”

After discussion, and with Councillor Ellis' approval, the Council unanimously resolved to amend the motion to instruct the Chief Executive to write to Prime Minister, Gordon Brown, to request that his Government urgently reviews the unfair discriminatory policies against Gurkha Servicemen who served before and after 1997 so that they are allowed to stay in Britain as of right and are given equal pay and pension rights enjoyed by other UK servicemen and women.

### Monymusk Reliquary

Councillor Millar had given notice of the following motion:

“That the Council:-

- (i) recognises the cultural and historical importance of the Monymusk Reliquary and its strong connection to Arbroath Abbey;
- (ii) instructs the Director of Neighbourhood Services:-

- (a) to begin dialogue between the Council, the National Museum of Scotland and Historic Scotland in order to explore the possibility of securing the Reliquary on loan from the National Museum to Arbroath Abbey; and
- (b) to bring forward a report on the feasibility of such a loan and any implications for the Council to a future Neighbourhood Services Committee meeting.

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

## **7. MEMBERSHIP OF COMMITTEES**

With reference to Article 9(c) of the minute of the statutory meeting of the Council of 22 May 2007, the SNP Group had intimated that it wished to appoint Councillor Palmer in place of Councillor Morrison as one of its members on the Corporate Services Committee.

The Council approved the appointment of Councillor Palmer in place of Councillor Morrison as a member of the Corporate Services Committee.

## **8. CORPORATE PROCUREMENT STRATEGY - SCOTLAND EXCEL MEMBERSHIP**

There was submitted [Report No 348/08](#) by the Director of Corporate Services setting out a proposal for the Council to take up membership of Scotland Excel, including the proposed funding arrangements and benefit opportunities for the Council.

The Report indicated that the Tayside Procurement Consortium programme was working towards delivering savings of circa £2 million per annum by 2011. Delivery of this efficiency saving would be via a number of avenues and involvement in the national models offered by Scotland Excel and Scottish Government would complement the delivery of the savings. However, it had to be clearly understood that the savings projections were not guaranteed although it was considered that there was a reasonable chance of savings in the order of £650,000 over the first three years. Participation in Scotland Excel was something of a "leap of faith", but the concept and its validity were well supported by the outcome of the McClelland Review, along with relevant Scottish Government Policy and Council procurement strategy.

The Report concluded that there was a strong strategic case for the Council to join Scotland Excel to support management of the strategic and political imperatives for improved national and local procurement performance, while also fostering a good model for shared services in Tayside.

The Council resolved:-

- (i) to approve membership by the Council of Scotland Excel for three years from 1 April 2008;
- (ii) to appoint Councillor Salmond to be the Council's representative on the Scotland Excel Joint Committee (subject to Dundee City Council and Perth & Kinross Councils resolving to join also on a reciprocal basis as partners of Angus Council in the Tayside Procurement Consortium);
- (iii) to propose that the Tayside Procurement Consortium be represented on the Scotland Excel Chief Executive Officers Management Group by its Head of Procurement; and
- (iv) to authorise the Head of Law and Administration to execute the Scotland Excel terms and conditions and any other necessary joining documents for the Council to give effect to this decision.

## **9. PROHIBITION OF CONSUMPTION OF ALCOHOL IN DESIGNATED PUBLIC PLACES (ARBROATH AND KIRRIEMUIR) BYELAWS 2008**

There was submitted [Report No 349/08](#) by the Director of Corporate Services seeking approval for the making of the proposed byelaws to prohibit the consumption of alcohol in specified public areas of Arbroath and Kirriemuir and advising members of the next steps in the process. As there was widespread support, it was appropriate for the Council to approve the making of the byelaws to enable this proposal to be taken forward.

After discussion, and having heard from local members, the Council resolved:-

- (i) to approve the authentication of the proposed Angus Council Prohibition of Consumption of Alcohol in Designated Public Places (Arbroath and Kirriemuir) Byelaws 2008 by the Head of Law and Administration as a Proper Officer of the Council; and
- (ii) to note the further steps required before these Byelaws came into force.

#### **10. ANGUS TRANSPORT FORUM - REQUEST FOR FUNDING**

There was submitted [Report No 346/08](#) by the Director of Infrastructure Services outlining a request from the Angus Transport Forum for grant funding for the financial year 2008/09.

The Report indicated that there was currently insufficient information available to determine the service outcomes and establish that the funding demonstrated value for money. It was therefore recommended that the Angus Transport Forum be asked to draw up a detailed business plan and submit this for consideration. In the interim, it was proposed that they utilise their financial reserves to continue operations. This funding would be augmented by an underwriting commitment up to £5,000 for the period to 26 June 2008 from the Council.

Following receipt of this additional information, a further Report, incorporating any financial implications, would be presented to the Council at its meeting on 26 June 2008 for consideration.

Having heard the Director of Corporate Services, the Council resolved:-

- (i) to approve the request to the Angus Transport Forum to submit a detailed Business Plan by 30 May 2008, which outlined their planned service delivery in Angus during 2008/09 and associated costs;
- (ii) to request that the Angus Transport Forum use their current cash reserves to continue operation of their services while they prepare and submit their detailed Business Plan;
- (iii) to agree that, in the event that these reserves are insufficient to meet necessary operating expenditure, the Council agree to underwrite any additional expenditure up to a maximum value of £5,000 for the period to 26 June 2008;
- (iv) to agree that this funding, if required, would be met from the contingency sum specifically set aside in the 2008/09 Provisional Revenue Budget for unidentified new burdens within the settlement;
- (v) to note that once the Business Plan was available against which this funding application could be fully assessed, a further report would be presented to the Council at its meeting on 26 June 2008;
- (vi) to note that any financial implications arising from the recommendations contained in this further report would be reported to the Council at its meeting on 26 June 2008; and
- (v) to instruct the Directors of Infrastructure Services and Corporate Services to work with the Angus Transport Forum to introduce interim arrangements to ensure the present service to the Forum users was maintained for the period to 26 June 2008.

#### **11. FAIRER SCOTLAND FUND: IMPROVING LIVES, REGENERATING COMMUNITIES**

With reference to Article 10 of the minute of meeting of the Strategic Policy Committee of 5 February 2008, there was submitted [Report No 347/08](#) by the Chief Executive setting out the Angus Community Planning Partnership's outline proposal for utilisation of the Fairer Scotland Fund as required by the Scottish Government. If approved, the proposal would be developed in consultation with the Scottish Government and projects would continue for a further twelve months, subject to review by the end of March 2009, at which time revised proposals would be brought forward for the use of the Fairer Scotland Fund allocation thereafter.

The Council resolved to approve the contents of the proposal attached to Report No 347/08 for the use of the Fairer Scotland Fund resources (£735,000) during 2008/09 and its submission to the Scottish Government.

## 12. DRAFT SINGLE OUTCOME AGREEMENT BETWEEN ANGUS COUNCIL AND THE SCOTTISH GOVERNMENT

With reference to Article 7 of the minute of meeting of the Council of 14 February 2008, there was submitted [Report No 344/08](#) by the Chief Executive seeking approval of a draft of the Single Outcome Agreement between the Council and the Scottish Government.

Appended to the Report was a draft prepared by officers of the Council based on key outcomes within the agreed Angus Community Plan. The Agreement highlighted actions which had been agreed and were contained in the Council's Corporate Management Action Plan 2008/2009.

The Council resolved:-

- (i) to agree the draft of the Angus Council/Scottish Government Single Outcome Agreement and its onward submission to the Scottish Government by 31 March 2008; and
- (ii) to instruct the Chief Executive to enter into discussions with the Scottish Government, and Community Planning Partners, with a view to bringing back an agreed Single Outcome Agreement between the Council, Community Planning Partners and the Scottish Government to the first meeting of Angus Council after the summer recess.

## 13. CONSULTATION ON LOCAL HEALTHCARE BILL

There was submitted [Report No 351/08](#) by the Chief Executive which advised that the Scottish Government was consulting with a wide range of stakeholders on their intention to introduce legislation in a Local Health Care Bill to provide for direct elections to NHS Boards.

The proposed response to the consultation emphasised that further democratisation of the NHS was required. However, it was necessary to highlight the need to ensure consistency within the Council's response to the consultation on the Scottish Government's Local Health Care Bill with the proposals for independent scrutiny which had recently been consulted on and to which the Council responded.

The Council resolved:-

- (i) to note the contents of Report No 351/08 and the proposed consultation response which had been circulated;
- (ii) to instruct the Chief Executive to forward this response, on behalf of Angus Council, to the Scottish Government, subject to the amendment of the answer to question 12 as follows:-

*If it is agreed that local Councillors should serve on Boards, there is a clear case for excluding stakeholder candidates standing as representatives of local political parties.*

## 14. MODERNISING PLANNING APPEALS

There was submitted [Report No 345/08](#) by the Director of Infrastructure Services seeking the Council's approval for the Development Standards Short Life Working Group to discuss the Government consultation paper entitled "Modernising Planning Appeals" and other consultation papers on secondary legislation proposed by the Scottish Government.

The Report reminded members that the planning system in Scotland was embarking on the period of fundamental change as the Government first consulted, then implemented, the provisions of the Planning etc (Scotland) Act 2006. In order for Angus Council, as planning authority, to respond to the most recent consultation, the Short Life Working Group had requested flexibility in dealing with the matter. Given the importance of the consultation paper and the clear linkage to the work of the Group, the Director considered that the request was reasonable and relevant.

The Council resolved:-

- (i) to approve the Development Standards Short Life Working Group's request to be able to examine and discuss the Scottish Government's consultation paper entitled "Modernising Planning Appeals"; and
- (ii) to agree that the Working Group should conclude its deliberations by the middle of May 2008 to enable the Director of Infrastructure Services to bring a report with the Group's conclusions and his recommendations to the Council meeting on 26 June 2008.

#### **15. AIRLIE PRIMARY SCHOOL - ALTERATIONS AND EXTENSION**

With reference to Article 5 of the minute of meeting of the Corporate Services Committee of 13 March 2008, there was submitted [Report No 310/08](#) by the Director of Corporate Services outlining the further progress reached on the development of the project to alter and extend Airlie Primary School, and detailing the outcome of the partnering negotiations with Mansell Construction Services Ltd, Croydon.

The Report indicated that, following approval as preferred contractor, Mansell Construction Services Ltd, in partnering with the Council, had worked towards the development and progress of this project. Agreement had now been reached on the outstanding issues of project development and associated project costs.

The Council resolved:-

- (i) to approve the acceptance of the Agreed Maximum Price negotiated with the Preferred Contractor, Mansell Construction Services Ltd, Croydon, in the amount of £1,449,261.11, to execute the works in a Partnering arrangement with the Council;
- (ii) to approve the estimated total cost of £1,739,261 incorporating £105,000 for installation of a biomass boiler provision via a separate funding mechanism (at out-turn prices);
- (iii) to homologate the actions taken, by the Head of Property in consultation with the Director of Corporate Services and the Director of Education in accordance with Report No 356/07, to provide a biomass heating boiler installation at Airlie Primary School in accordance with the proposed contractual and funding package contained in Section 4 of this report;
- (iv) to note that an allowance of £1,300,000 had been made for this project in the Education Department's 2007/2011 Financial Plan and 2008/09 Capital Budget as noted in Report No 164/08 presented to the Special Education Committee on 27 February 2008; and that funding existed for £105,000 in accordance with the funding package for the biomass heating boiler installation (refer to section 4 of this Report); and that the balance of £334,261 would be funded by amending the Education department section of the 2007/2011 Financial Plan in the amount of £295,261, with £39,000 being contributed from the Education departments revenue budget; and
- (v) to note the revenue implications as contained in Section 6 of Report No 310/08.

#### **16. MEMBERS' ALLOWANCES SCHEME**

With reference to Article 33 of the minute of meeting of the Resources and Central Services Committee of 15 March 2007, there was submitted [Report No 352/08](#) by the Director of Corporate Services reminding members of the submission date for claims at the end of the current financial year.

The Report indicated that, in order for members' allowances to be submitted in the correct financial year and properly reported, it was necessary to apply an appropriate cut-off date for receipt of claims.

The Council resolved :-

- (i) that all claims for travel, subsistence and other expenses for the year ending 31 March 2008 be submitted to the Head of Finance on or before 8 April 2008, failing which they would lapse;
- (ii) that, for the avoidance of doubt, claims to be submitted by 8 April 2008 should not include any item in respect of a day after 31 March 2008; and
- (iii) that members be reminded to allow time for claim forms to be returned in the first instance to the Chief Executive's Department for checking and countersigning in order to meet the deadline for submission to the Head of Finance.

#### 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. ANGUS DIGITAL MEDIA CENTRE LIMITED - UPDATE

With reference to Article 19 of the minute of meeting of the Council of 20 December 2007, there was submitted [Joint Report No 350/08](#) by the Chief Executive, the Director of Corporate Services and the Director of Infrastructure Services updating the Council on progress of the managed wind-up of Angus Digital Media Centre Ltd, which would cease trading on 31 March 2008.

The Report indicated that the managed wind-up of Angus Digital Media Centre Ltd was progressing well in logistic terms and had only been possible by the company's staff putting in considerable effort to complete outstanding contracts. While the company had achieved the highest level of production income in its history, this had been insufficient to meet the out-turn target set for the company. In order to allow the managed wind-up to be progressed, it was recommended that the Council agree to write-off the existing £50,000 loan, if required, and provide finding up to a projected value of £5,000 to allow the company to meet its outstanding financial commitments.

The Council resolved:

- (i) to note progress made in the process of managing the wind-up of the company;
- (ii) to note that numerous steps had been taken to maximise income and minimise expenditure but that the financial impact of winding up the company meant that ADMC Ltd would be unlikely to be able to repay any of the £50,000 loan previously provided by Angus Council;
- (iii) to note the options available to the Council to address ADMC Ltd's current financial position;
- (iv) to agree that, on balance, option 2 was the most appropriate way forward to protect and conclude the Council's interest in ADMC Ltd;
- (v) to agree to write off the £50,000 loan advanced to ADMC Ltd and, in the event that the Company was unable to fulfil all of its net expenditure commitments, to provide additional funding up to a projected maximum value of £5,000, all of which would be met from the Infrastructure Services 2007/08 revenue budget;
- (vi) to delegate authority to the Chief Executive and Director of Corporate Services, in consultation with the Head of Finance, to provide any interim cash flow advances to ADMC Ltd if and when required through the wind-up process; and
- (vii) to note that a further report outlining the final financial position of the Company would be submitted to the Council early in the new financial year.