

# ANGUS COUNCIL

MINUTE of MEETING of the **INFRASTRUCTURE SERVICES COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 26 August 2008 at 4.00 pm.

**Present:** Councillors DAVID MAY, DAVID FAIRWEATHER, FRANK ELLIS, IAIN GAUL, ALEX KING, IAN MACKINTOSH, JIM MILLAR, PETER MURPHY, ROB MURRAY, ROBERT MYLES, HELEN OSWALD, MARK SALMOND, ROBERT SPINK, SANDY WEST and JOHN WHYTE.

Councillor MAY, Convener, in the Chair.

## 1. APOLOGIES/SUBSTITUTES

An apology for absence was intimated on behalf of Councillor Ralph Palmer, with Councillor Rob Murray substituting.

## 2. DECLARATIONS OF INTEREST

Councillor Whyte declared an interest in item 46 as the Council's nominated representative on the Tayside and Central Scotland Transport Partnership (TACTRAN). He indicated that he enjoyed the benefit of the general dispensation issued by the Standards Commission in relation to Council appointments to Outside Bodies and that he would therefore participate in discussion and voting.

Councillor Fairweather declared an interest in item 34 as his co-habitee leased a business in Keptie Street, Arbroath. He indicated that he would not be taking part in any discussion or voting on the matter.

Councillor Myles declared an interest in item 7 as a farmer and feed user and in item 24 as the Chairman of the Brechin Townscape Heritage Initiative Project Support Group. He indicated that he would be taking part in discussion and voting.

Councillor Mackintosh declared an interest in item 7 as a farmer and feed user. He indicated that he would be taking part in discussion and voting.

## 3. MINUTES

### (a) Previous Meeting

The [minute of meeting of this Committee of 3 June 2008](#) was approved as a correct record and signed by the Convener.

### (b) Executive Sub-Committee

The [minutes of meetings of the Executive Sub-Committees of 26 June and 5 August 2008](#), copies of which are appended hereto, were submitted and noted (APPENDICES I AND II).

### (c) Appeals (Smoking in Public Places) Sub-Committee

The [minute of meeting of the Appeals \(Smoking in Public Places\) Sub-Committee of 29 May 2008](#), a copy of which is appended hereto, was submitted and noted (APPENDIX III).

## 4. NOTICE OF MOTION IN TERMS OF STANDING ORDER 24(1)

HAVING GIVEN NOTICE IN TERMS OF STANDING ORDER 24(1), COUNCILLOR MAY, SECONDED BY COUNCILLOR FAIRWEATHER, MOVED THAT, FURTHER TO THE DECISION OF THE INFRASTRUCTURE SERVICES EXECUTIVE SUB-COMMITTEE OF 5 AUGUST 2008, THIS COMMITTEE INSTRUCTS THE DIRECTOR OF INFRASTRUCTURE SERVICES TO WRITE TO THE CABINET SECRETARY, FINANCE AND SUSTAINABLE

GROWTH AND THE MINISTER FOR TRANSPORT, INFRASTRUCTURE AND CLIMATE CHANGE ON BEHALF OF THE COUNCIL URGING THEM THAT A SOLUTION TO THE ACCIDENT PROBLEM AT THE A90 LOCHLANDS JUNCTION BE EXPEDITED IN A MANNER WHICH MAINTAINS EFFECTIVE ACCESS TO FORFAR FROM THE A90 VIA THE A932, AND THAT THE SCOTTISH GOVERNMENT SHOULD NOT USE THE REASON OF LACK OF AVAILABLE FUNDING TO IMPOSE A SUB-STANDARD SOLUTION ON THE PEOPLE OF FORFAR.

Councillor Gaul, seconded by Councillor Murray, moved as an amendment, that the Committee defer consideration for a further more detailed motion to come back to the next meeting of this Committee.

On a vote being taken, the members voted:

For the motion:-

Councillors May, Fairweather, Mackintosh, Millar, Murphy, Myles, Salmond and Whyte (8).

For the amendment:-

Councillors Ellis, Gaul, King, Oswald, Murray, Spink and West (7).

The motion was declared carried and became the finding of the meeting.

## **5. ANNUAL INFRASTRUCTURE SERVICES DEPARTMENT REPORT 2007/2008**

With reference to Article 5 of the minute of meeting of this Committee of 4 March 2008, there was submitted [Report No 781/08](#) by the Director of Infrastructure Services advising the Committee of the production of the 2007/2008 Annual Report for the Infrastructure Services Department, a copy of which was appended to the Report.

The Report indicated that, previously, Service Plans had reviewed progress against the previous year's Plan but this information, together with other general and performance information about the Department, would now be included in an Annual Report by each Director which would be submitted to the relevant Committee after the financial year end. A standard format had been adopted for these Annual Reports to ensure consistency of approach across the Council.

The Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to note the terms of the Infrastructure Services Department Annual Report 2007/2008.

## **6. TRADING STANDARDS ACTION ON TOBACCO CONTROL**

There was submitted [Report No 782/08](#) by the Director of Infrastructure Services detailing possible enforcement action by the Council's Trading Standards Service in relation to the protection of young persons from tobacco.

The Report indicated that, under the Children and Young Persons (Protection from Tobacco) Act 1991, each local authority in Scotland had a statutory duty to consider, at least once a year, the extent to which it was appropriate for them to carry out a programme of enforcement action, and a limited programme had been carried out each year by the Trading Standards Service of the Council, since the introduction of the 1991 Act.

The Report concluded that implementation of the proposed programme of action, set out in Section 3 of the Report, would make a positive and much more effective contribution to current Scottish Government initiatives to reduce tobacco availability and consumption by young people.

The Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to approve the programme of action appropriate for Angus, as detailed in the Report;
- (iii) to approve the appointment of a Trading Standards Technician for a temporary period of three years to carry out the enforcement programme; and
- (iv) to note that the additional costs associated with the programme of action would be contained within the additional revenue grant support provided by the Scottish Government.

## **7. AUTHORISATION FOR ENFORCEMENT OF FOOD AND FEED LEGISLATION**

There was submitted [Report No 783/08](#) by the Director of Infrastructure Services seeking Committee approval to authorise officers to enforce replacement legislation in relation to food and feedstuffs controls.

The Committee agreed:-

- (i) to authorise Environmental Health Officers and Food Safety Officers to enforce the provisions of the Official Feed and Food Controls (Scotland) Regulations 2007 in respect of food; and
- (ii) to authorise Trading Standards Officers, Trading Standards Advisers, and Trading Standards Technicians to enforce the provisions of the Official Feed and Food Controls (Scotland) Regulations 2007 in respect of animal feeds.

## **8. CHANGES TO PETROLEUM LICENCE CONDITIONS**

There was submitted [Report No 784/08](#) by the Director of Infrastructure Services recommending that the current licence conditions for retail petrol filling stations be updated by adopting new model licence conditions from the Health and Safety Executive.

The Report indicated that the current licence conditions for petrol retail filling stations required to be updated. The Council had previously utilised the model licence conditions recommended by the Health and Safety Executive and it was desirable to adopt the new model conditions for consistency with other licensing authorities.

The Committee agreed to approve the adoption of the licence conditions for retail petrol filling stations for use in Angus from 1 January 2009, as detailed in the Appendix to the Report.

## **9. CONSULTATION ON THE UK-WIDE "SCORES ON THE DOORS" SCHEME ON HYGIENE STANDARDS**

There was submitted [Report No 785/08](#) by the Director of Infrastructure Services setting out a proposed response to the consultation exercise undertaken by the Food Standards Agency on a "Scores on the Doors" Scheme on hygiene standards in food businesses.

The Report indicated that the "Scores on the Doors" Schemes were designed to provide consumers with information on the standard of hygiene within a particular food premises and the score achieved reflected the Inspector's findings at the time of inspection in terms of the potential hazard, the level of compliance with hygiene laws and the confidence in the management and control systems within the businesses.

The Committee agreed to approve the response to the consultation document, as detailed in the Appendix to the Report, for submission to the Food Standards Agency.

## 10. SCOTTISH TRADING STANDARDS SCAMBUSTERS PROJECT

There was submitted [Report No 786/08](#) by the Director of Infrastructure Services advising the Committee of the establishment of a Trading Standards Scambusters Team in Scotland and seeking approval to participate in the work of the team.

The Report indicated that the project would considerably strengthen consumer protection in Scotland and help address current operational difficulties faced by all Trading Standards services in relation to cross-boundary investigations. It would also compliment and enhance the work done in Angus at present to investigate consumer crime.

The Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to approve the participation of the Council's Trading Standards Service in the work of the Scottish Scambusters Team.

## 11. REVIEW OF PUBLIC HEALTH LEGISLATION - DESIGNATION OF COMPETENT PERSONS

With reference to Article 22 of the minute of meeting of this Committee of 22 January 2008, there was submitted [Report No 787/08](#) by the Director of Infrastructure Services advising the Committee of a consultation document issued by the Scottish Government on draft Regulations which set out qualifications required of Health Board and Local Authority competent persons to carry out the functions assigned to them in the forthcoming Public Health etc (Scotland) Act.

The Report indicated that draft Regulations to be made under the proposed Act would place a duty on each local authority to maintain a current list of competent persons whom they had designated as being authorised to carry out the functions conferred on the local authority by the proposed Public Health etc (Scotland) Act and associated enactments and such competent persons must be employed by a local authority and be an Environmental Health Officer with a minimum of two years' experience.

The Committee agreed:-

- (i) to note the background to the proposed Regulations;
- (ii) to note the content of the consultation document issued by the Scottish Government regarding the draft Regulations; and
- (iii) to approve the response, as detailed in the Report, for submission to the Scottish Government in relation to their consultation paper.

## 12. ANGUS GRANT SCHEME – ADDITIONAL FUNDING

With reference to Article 25 of the minute of meeting of this Committee of 9 March 2006, there was submitted [Report No 788/08](#) by the Director of Infrastructure Services advising the Committee of the past success of the Angus Grant Scheme and seeking authority to continue the support by granting approval for a further contribution of £50,000.

The Report indicated that the Scheme had made a considerable contribution to the development of small businesses in Angus over recent years and it was believed that the continuation of the scheme through the injection of £50,000 would further stimulate economic growth in Angus, and assist in achieving one of the Council's key objectives in terms of maximising the economic potential in Angus.

The Committee agreed:-

- (i) to note the past success of the Angus Grant Scheme;

- (ii) to approve the contribution of a further £50,000 from Angus Council to the Angus Grant Scheme;
- (iii) to authorise the Head of Economic Development to review the eligibility criteria and the delivery of the Angus Grant Scheme and to implement the changes as detailed in the Report;
- (iv) to note the recent changes in the operation of the Angus Loan Fund Ltd, arising from the resignation of Scottish Enterprise Tayside as a member of the company, and the decision taken to cease operation of the company; and
- (v) to authorise the Head of Economic Development to enter into discussions with Scottish Enterprise in order to reach agreement on the future of their remaining financial interests in the Angus Loan Fund.

**13. CONFERENCE OF PERIPHERAL MARITIME REGIONS (CPMR) GENERAL ASSEMBLY – BAYONNE, FRANCE 1 – 3 OCTOBER 2008**

There was submitted [Report No 789/08](#) by the Director of Infrastructure Services seeking approval for member and officer representation at the CPMR General Assembly to be held in Bayonne, France from 1 – 3 October 2008.

The Report indicated that the benefit for the Council would be dependent upon forming new contacts with the wider CPMR, building on successful links with North Sea Commission members, developing effective links and identifying opportunities for the Council to influence the work of both the CPMR and the North Sea Commission.

The Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) that the Council be represented by the Convener of the Corporate Services Committee as the Council's nominated representative on European Union matters and by the Head of Economic Development at the CPMR General Assembly to be held in Bayonne, France from 1 – 3 October 2008.

**14. OUTDOOR ANGUS**

With reference to Article 20 of the minute of meeting of this Committee of 24 November 2005, there was submitted [Report No 790/08](#) by the Director of Infrastructure Services advising the Committee that Angus was considered to be well placed to capitalise on the growth in outdoor activity holidays. The Council had previously invested in an audit of this potential and the Report sought to update the Committee, as well as identify the Council's role in developing this lucrative market in conjunction with the newly formed Outdoor Angus Group in keeping with the Council's corporate priority for tourism.

The Report indicated that Angus was well placed to capitalise on the growth in outdoor activity holidays, with work already being undertaken to develop the golf and angling markets. Separately, work had been carried out to develop the infrastructure to accommodate walking and other pursuits.

The Committee agreed:-

- (i) to note the development of a private sector led organisation "Outdoor Angus";
- (ii) to acknowledge the continued involvement of the Council in order to pump prime activities; and
- (iii) to approve financial support for specific campaigns, as detailed in Section 5 of the Report.

## 15. WORKING FOR FAMILIES FUND EVALUATION AND FUTURE DEVELOPMENT

With reference to Article 14 of the minute of meeting of this Committee of 27 November 2007, there was submitted [Report No 791/08](#) by the Director of Infrastructure Services informing the Committee of the key findings from the Final Evaluation Report commissioned for the Working for Families Fund and seeking recognition regarding the invaluable contribution it had made to many families in Angus and requesting approval to seek further funding through the Fairer Scotland Funding from March 2009.

The Report indicated that the Working for Families in Angus was an innovative and exciting project aimed at assisting parents of targeted families back into employment and the project had made a real difference for those parents and children living within Angus on low incomes. Robust systems were in place to ensure the funds reached those who were in most need and the programme was not only well established in the area to make a difference, but had the capacity to broaden its services should funding be secured.

The Committee agreed:-

- (i) to note the contents of the Report and the accompanying Final Evaluation Report, a copy of which had been placed in the Members' Lounge;
- (ii) to note that the Working for Families Fund had become a valuable resource in supporting families back into the workplace in Angus and had a role to play within the larger employability agenda;
- (iii) to acknowledge that, set against a broader policy context, Working for Families straddled a range of specific areas including social inclusion, community planning, employment, life-long learning, economic development, health and well-being and childcare; and
- (iv) to authorise the Head of Economic Development to negotiate an allocation from the Fairer Scotland Fund, in consultation with the Community Planning Partnership, to resource the development of the Programme in which it would broaden its client group and form an employability team to support the introduction of an Employability Framework across Angus.

## 16. ANGUS TOURISM ACCOMMODATION AUDIT

There was submitted [Report No 792/08](#) by the Director of Infrastructure Services seeking Committee approval to proceed with a proposed tourism accommodation audit for Angus.

The Report indicated that the final audit report would provide the Council with the necessary information to develop the range and scope necessary to grow economic value through tourism. It would also determine the quality levels of the current accommodation and identify where there were gaps in provision, and this, in turn, would help to inform and support inward investment decisions so that the Council's Economic Development Division was attracting the most appropriate accommodation stock to the County. The baseline information provided by this exercise would form the basis on which statistical information could be prepared and added to on an annual basis, thus providing a true picture of what stock was available, its range and scope, the gaps, the potential, as well as the issues felt within the sector.

The Committee agreed:-

- (i) to authorise the Head of Economic Development to proceed with the Angus Tourism Accommodation Audit, as detailed in the Report;
- (ii) to authorise the Head of Economic Development to seek tenders for and award a contract (the Audit brief) to the consultant providing the most economically advantageous tender, provided that total cost was contained within the budget, as detailed within the Report; and
- (iii) to note that an interim and final report would be brought forward to future meetings of this Committee.

## 17. FINALISED ANGUS LOCAL PLAN REVIEW – REPORT OF SECOND PUBLIC LOCAL INQUIRY

With reference to Article 13 of the minute of meeting of this Committee of 3 June 2008, there was submitted [Report No 793/08](#) by the Director of Infrastructure Services setting out the Inquiry Reporter's recommendations from the second Public Local Inquiry contained in the Report on Objections to the post inquiry modifications of the Finalised Angus Local Plan Review and providing the basis for preparing the Council's Statement of Response as required by Planning Regulations. The Report also outlined the procedures associated with the preparation and publication of proposed modifications as part of the process towards adopting the Angus Local Plan Review.

The Report indicated that there had been a significant measure of support from the Reporter for the Council's position with only a few changes being recommended and for those items where modification was now being proposed, that the relevant procedures be implemented.

The Committee agreed:-

- (i) to note the findings and recommendations contained in the Report on Objections to the Post Inquiry Modifications of the Finalised Angus Local Plan Review;
- (ii) to approve the contents of the Report, including the detailed assessment as set out in Schedule 1 to the Report, as the basis for preparing, publishing and advertising the Council's Statement of Response as required under the Town and Country Planning (Structure and Local Plans) (Scotland) Regulations 1983;
- (iii) to authorise the Head of Planning and Transport to prepare and publish proposed modifications to the Local Plan Review arising from (ii) above;
- (iv) to note that a further Report would be prepared for consideration by this Committee on any objections received to the relevant published modifications as part of the process towards adopting the Angus Local Plan Review; and
- (v) that the policies and proposals of the Angus Local Plan Review, as proposed to be modified, be considered as a material consideration to be taken into account when dealing with development enquiries and planning applications.

## 18. UTILISATION OF PUBLIC TRANSPORT FUND 2008/2009

There was submitted [Report No 794/08](#) by the Director of Infrastructure Services detailing proposals for utilising the Public Transport Fund capital allocation 2008/2009.

The Report indicated that the proposed capital expenditure of £334,000 would deliver significant improvements to bus users with improved bus shelters, 'at stop' public transport information and easier access to/from buses, would meet targets within the Council's Public Transport Information Strategy, Disability Equality Scheme and would also contribute towards the Council's Single Outcome Agreement.

The Committee agreed to approve the proposed schemes to benefit from the Public Transport Fund capital allocation, as detailed in Appendix 1 to the Report.

## 19. PUBLIC TRANSPORT UPDATE

With reference to Article 12 of the minute of meeting of this Committee of 3 June 2008, there was submitted [Report No 795/08](#) by the Director of Infrastructure Services advising the Committee of contracted local bus services secured by the Council in order to maintain essential services for the public following the withdrawal of journeys by Stagecoach Strathtay as part of their network revisions introduced on 18 August 2008.

The Report indicated that the local bus service changes proposed by Stagecoach Strathtay had been assessed and, where necessary, contracted journeys had been put in place in order to maintain essential services for the public. The new contracts would be monitored together with feedback from the public in respect of the service changes introduced on 18 August 2008, and any further contracted service provision required would be reported to this Committee.

The Committee agreed to note the award of contracts by the Director of Infrastructure Services, in consultation with the Chief Executive, Head of Finance and the Convener of the Infrastructure Services Committee, in accordance with Section 16.15.4b of the Council's Financial Regulations.

## **20. LOCAL BUS SERVICES – REVIEW OF CONTRACT PRICES**

With reference to Article 6 of the minute of meeting of this Committee of 28 August 2007, there was submitted [Report No 796/08](#) by the Director of Infrastructure Services advising the Committee of the inflationary increase applied from 1 July 2008 to local bus service contracts and the arrangements that had been put in place for a quarterly review of contract prices in respect of increased fuel costs.

The Committee agreed:-

- (i) to note the revised index to be used to calculate inflationary increases to local bus service contracts;
- (ii) to note the inflationary increase applied to local bus service contracts from 1 July 2008 of 4.56%;
- (iii) to note the interim arrangements put in place for a quarterly review of contract prices in respect of increased fuel costs; and
- (iv) to note that quarterly reports detailing all delegated decisions would be presented to future meetings of this Committee.

## **21. CAIRNGORMS LOCAL BIODIVERSITY ACTION PLAN, PROJECT OFFICER AND BIODIVERSITY GRANT SCHEME**

With reference to Article 8 of the minute of meeting of this Committee of 8 March 2007, there was submitted [Report No 797/08](#) by the Director of Infrastructure Services recommending that the Council make a financial contribution towards both the Project Officer post and the Cairngorms Biodiversity Grant Scheme.

The Committee agreed:-

- (i) to approve a contribution of £2,350 towards the cost of the Project Officer post up to the end of March 2009 and £1,000 towards the Cairngorms Biodiversity Grant Scheme; and
- (ii) to note that this expenditure would be met from the Planning and Transport 2008/2009 Revenue Budget.

## **22. RURAL SHOP AND COMMUNITY POST OFFICE CONVERSION GRANT SCHEME – REQUEST FOR FINANCIAL ASSISTANCE – MONIKIE VILLAGE SHOP**

With reference to Article 10 of the minute of meeting of this Committee of 24 August 2006, there was submitted [Report No 798/08](#) by the Director of Infrastructure Services advising the Committee that the proprietor of the Monikie Village Shop had applied for grant assistance to undertake further improvements to his premises.

The Report indicated that the proprietor of the Monikie Village Shop was endeavouring to maximise the facilities and range of goods available within the shop to serve the growing community of Monikie as well as the wider rural area.

The Committee agreed to offer a grant of £3,000 or 90% of the costs of the improvements, whichever was the lower, to the village shop at Monikie under the Rural Shops and Community Post Office Conversion Grant Scheme, subject to the Chief Quantity Surveyor confirming that the costs were fair and reasonable.

### **23. ABERDEEN CITY AND SHIRE DRAFT STRUCTURE PLAN**

There was submitted [Report No 799/08](#) by the Director of Infrastructure Services commenting on and providing the suggested basis for the Council's response to the Aberdeen City and Shire Draft Structure Plan.

The Report indicated that the publication of the Aberdeen City and Shire Draft Structure Plan was an important step in the maintenance of an up to date development plan base for the northeast of Scotland and the vision, strategy and targets established by the plan sought to maintain and expand the economic well being of Aberdeen and its hinterland and address a number of key issues and challenges affecting the area.

Whilst clarification was sought in relation to the improvement of the A90(T) and A937 road junction and the level of employment land that might be expected in the Laurencekirk area, there were no adverse comments on the draft plan recommended. The draft Structure Plan was to be generally welcomed and, when finalised, would form an important consideration in the preparation of the new Strategic Development Plan for the Dundee City Region which was due to commence in the near future.

Having heard from a number of members, the Committee agreed:-

- (i) to note the publication of the Aberdeen City and Shire Draft Structure Plan;
- (ii) to approve the Report as the basis of the Council's response to the Aberdeen City and Shire Strategic Development Plan Authority; and
- (iii) to instruct the Director of Infrastructure Services to bring back a further Report setting out the implications for both infrastructure and services in North Angus arising from the proposed draft development strategy in the Laurencekirk area.

### **24. CITY OF BRECHIN TOWNSCAPE HERITAGE INITIATIVE - UPDATE**

With reference to Article 4 of the minute of meeting of this Committee of 16 October 2007, there was submitted [Report No 800/08](#) by the Director of Infrastructure Services updating the Committee on the progress of the City of Brechin Townscape Heritage Initiative (THI).

The Report indicated that the THI was at an early stage although considerable progress had been made in entering into negotiations with owners of Priority Projects and making owners of buildings within the THI area aware that there was a scheme of small grants. The key to the success of the THI would be persuading owners of Priority Projects to participate in the scheme and tackling buildings at risk using statutory powers where necessary and it was hoped that the availability of significant grant funding would provide an incentive.

The Committee agreed to note the contents of the Report.

### **25. CARNOUSTIE TO EAST HAVEN FOOTWAY/CYCLEWAY**

With reference to Article 24 of the minute of meeting of this Committee of 8 June 2004, there was submitted [Report No 801/08](#) by the Director of Infrastructure Services seeking Committee approval to proceed with the establishment of a combined footway/cycleway between Carnoustie and East Haven.

The Report indicated that the establishment of the Angus Coastal Path would provide a valuable tourism and recreational asset and the Carnoustie to East Haven section was a significant link. It would also provide an important community asset, allowing the residents of East Haven to walk and cycle to Carnoustie in safety.

Having heard from a number of members, the Committee agreed:-

- (i) to approve the establishment of the combined footway/cycleway between Carnoustie and East Haven, subject to the acquisition of the relevant plots of land and planning permission being granted;
- (ii) to note that an application for planning permission had yet to be submitted;
- (iii) to authorise the Head of Property and the Head of Law and Administration to conclude the acquisition of the relevant plots of land;
- (iv) to instruct the Director of Infrastructure Services to bring back a further Report to this Committee detailing a select list of tenderers responding to public advertisement for the proposed works;
- (v) to note that the revised capital expenditure could be met from the allocations within the Infrastructure Services 2007/2011 Financial Plan;
- (vi) to note that the 2007/2011 Financial Plan would be amended at the next opportunity to reflect the revised expenditure profile and funding arrangements as detailed in the Report; and
- (v) to instruct the Director of Infrastructure Services to bring back a further Report to a future meeting of this Committee detailing the works required on the remaining link between East Haven and Arbroath.

## **26. FOOTWAY/CYCLEWAY – DRONLEY, BIRKHILL - REINSTATEMENT**

There was submitted [Report No 802/08](#) by the Director of Infrastructure Services seeking Committee approval to undertake works to reinstate the shared use footway/cycleway along the disused railway between Birkhill and Dronley.

The Report indicated that the disused railway formed an important link between the evolving path network around Birkhill/Muirhead and a path system within Dronley Wood, and the existing path and small car park were in poor condition and were in need of reinstatement.

The Committee agreed:-

- (i) to proceed with the reinstatement of the footway/cycleway, as detailed in the Report, at an estimated cost of £110,700;
- (ii) to authorise the Head of Roads to proceed with the procurement of the works; and
- (iii) to note that the 2007/2011 Financial Plan would be amended at the next opportunity to reflect the funding arrangements, as detailed within the Report.

## **27. SEAVIEW PRIMARY SCHOOL: STOPPING UP OF A SECTION OF FOOTPATH AND SURPLUS LAND/PROPERTY**

There was submitted [Joint Report No 776/08](#) by the Director of Education, the Director of Infrastructure Services and the Director of Corporate Services seeking approval to promote a Footpath Diversion Order to divert a length of footpath at Seaview Primary School and to declare surplus to the requirements of the Council the Nursery building and associated ground.

The Committee, for its interest, agreed to approve the promotion of a Footpath Diversion Order in terms of Section 208 of the Town and Country Planning (Scotland) Act 1997 to divert the public right of passage over a section of footpath through Seaview Primary School and to create a new footpath, as detailed in the Appendix to the Report.

## 28. GAIRIE BURN FLOOD PREVENTION SCHEME, KIRRIEMUIR – REMEDIAL WORKS

There was submitted [Report No 803/08](#) by the Director of Infrastructure Services detailing proposals for remedial works at the Gairie Burn Flood Prevention Scheme in Kirriemuir and seeking approval to commence with the works.

The Report indicated that, following a history of flooding in the Gairie Burn at Kirriemuir, a Flood Prevention Scheme had been promoted under the Flood Prevention (Scotland) Act 1961 by Tayside Regional Council's Water Services Department. In 2005, JBA Consulting had prepared a Report on the Gairie Burn Flood Prevention Scheme which highlighted areas of concern where the defences were no longer capable of fulfilling their original function. The Report detailed the proposed works to be carried out estimated to be in the region of £50,000.

The Committee agreed:-

- (i) to approve the works as detailed in the Report; and
- (ii) to instruct the Head of Roads to proceed to award the works to Tayside Contracts for early implementation at an estimated capital cost of £50,000.

## 29. WIDENED PARKING BAY FOR OFFICIAL CEREMONIES AT THE OLD AND ST ANDREWS CHURCH, HIGH STREET, MONTROSE

With reference to Article 5 of the minute of meeting of this Committee of 22 January 2008, there was submitted [Report No 804/08](#) by the Director of Infrastructure Services providing additional information and costings in order that consideration could be given to a request to widen the recently provided parking bay at the Old and St Andrews Church, High Street, Montrose, in order to better facilitate parking of principal funeral and wedding vehicles.

The Report indicated that in spring/summer 2007, the bespoke parking area had been constructed adjacent to the Old and St Andrews Church in order to facilitate principal vehicles attending wedding and funeral services. However, since the installation, some users of the facility had complained that the facility was not sufficiently wide to allow passengers using the offside doors of the vehicles to alight the vehicle without encroaching into the adjacent carriageway. Further, there was no dropped kerb to allow trolleys carrying coffins at funeral services to access the adjacent paving readily.

The Committee agreed:-

- (i) to widen the existing parking facility at an estimated cost of £26,000, including design and administration costs in order to enhance the parking of principal vehicles attending wedding and funeral services at the Old and St Andrews Church, High Street, Montrose;
- (ii) to instruct the Head of Roads to award the works to Tayside Contracts in accordance with guidelines set out within the Council's Financial Regulations; and
- (iii) to instruct the Director of Infrastructure Services to bring back a further Report to a future meeting of this Committee outlining the works that would require re-prioritising as a result of this project.

## 30. VARIATION OF WAITING RESTRICTIONS

There was submitted [Report No 805/08](#) by the Director of Infrastructure Services detailing proposed amendments to current waiting restrictions to take account of changing circumstances.

The Report indicated that, in the interest of pedestrian and traffic safety and free traffic flow, alterations to waiting restrictions were considered appropriate. The variation of existing Traffic Regulation Orders and promotion of a new Traffic Regulation Order to implement these alterations were therefore proposed, as detailed in the Report.

The Committee agreed:-

- (i) to approve the promotion of the necessary Traffic Regulation Variation Orders to effect changes to current waiting restrictions in Arbroath, Brechin, Carnoustie, Kirriemuir, Monifieth and Montrose; and
- (ii) to approve the promotion of the necessary Traffic Regulation Order to effect changes to current waiting restrictions in Duntrune.

### **31. DELETION OF SECTION OF CYCLE TRACK AT DUNDEE ROAD, ARBROATH**

There was submitted [Report No 806/08](#) by the Director of Infrastructure Services seeking approval to promote a Traffic Regulation Variation Order to delete a length of existing cycle track at Dundee Road, Arbroath from the statutory list, in the interest of pedestrian safety.

The Committee agreed to the promotion of an Order to delete an existing short length of shared pedestrian/cycle track at Dundee Road, Arbroath from the statutory list of roads.

### **32. SECTION OF FORMER B951 KIRRIEMUIR – GLENISLA ROAD – BREWLANDS BRIDGE, GLENISLA - ADOPTION**

With reference to Article 17(a) of the minute of meeting of this Committee of 27 April 2006, there was submitted [Report No 807/08](#) by the Director of Infrastructure Services detailing the proposed “re-adoption” of a section of the former B951 Road at Glenisla, which was the subject of a Stopping Up Order in 2006.

The Report indicated that the Council had acted in good faith in promoting “The Former B951 Kirriemuir – Glenisla Road at Brewlands Bridge, Glen Isla (Stopping Up) Order 2006”, but as this had been based on a misunderstanding as to the ownership position, it was now considered appropriate for the Council to re-adopt this section of road by including the relevant section of road on the List of Public Roads.

The Committee agreed:-

- (i) to place the previously stopped-up section of road on the Council’s list of Public Roads, thereby effectively re-adopting the section of road as a public road; and
- (ii) to authorise the Head of Law and Administration to commence the procedure.

### **33. BRECHIN FLOOD PREVENTION SCHEME - UPDATE**

With reference to Article 14 of the minute of meeting of this Committee of 16 October 2007, there was submitted [Report No 808/08](#) by the Director of Infrastructure Services providing an update on the progress achieved in developing a flood prevention scheme for the River South Esk at Brechin.

The Report indicated that the preferred option of defences along the north bank of the River South Esk for the Brechin Flood Prevention Scheme was nearing the end of the initial design stage ahead of applying for statutory approvals between August 2008 and March 2009. Issues highlighted through stakeholders workshops, public consultations, discussions with landowners and the associated Environmental Impact Assessment and the Investment Appraisal had influenced the development of the scheme in terms of alignment, form and specification, and a revised programme was detailed in the Report.

The Committee agreed:-

- (i) to note and approve the revised programme for the scheme which envisaged a completion date in the autumn of 2011, assuming that there were no delays to statutory approval and/or funding processes;

- (ii) to note that the Scottish Government was still considering the question of whether the “flood-proofing” of the sewer system could be constructed to be part of the Flood Prevention Scheme and therefore could be properly installed under the provision of the relevant legislation;
- (iii) to note that design work on measures to deal with flows in the various drainage systems and watercourses affected by the flood defences had encountered difficulties in collating survey information and calibrating existing computer models and had not progressed as quickly as planned and that further surveys and modelling, working in conjunction with Scottish Water, were nearing completion to allow the completion of the design;
- (iv) to note that a marginally positive benefit to cost ratio existed in relation to the type of the design solutions proposed;
- (v) to note that the overall cost of the flood prevention scheme had been uplifted in respect of the inflationary increases and was now estimated to be £9.105m, at out-turn prices, which included allowances for the major risks identified by a risk evaluation exercise;
- (vi) to note that the scheme had accordingly been delayed and a revised programme had been prepared with a start on site now programmed for autumn 2009; and
- (vii) to remit to the Head of Roads, in conjunction with the Head of Finance, to let such further commissions or extensions to existing commissions as might be required to maintain the progress of the scheme up to a maximum value of £50,000.

#### **34. TRAFFIC CALMING – KEPTIE STREET, ARBROATH**

*Councillor Fairweather, having declared an interest at Article 2 above, left the meeting during consideration of this item.*

With reference to Article 4(n) of the minute of meeting of Angus Council of 27 March 2008, there was submitted [Report No 809/08](#) by the Director of Infrastructure Services detailing investigations carried out in respect of possible traffic calming on Keptie Street, Arbroath.

The Report indicated that traffic calming would lead to a substantial loss of parking and therefore signing as described in the Report should be provided to highlight the presence of elderly and/or frail pedestrians.

The Committee agreed:-

- (i) to note the investigations carried out for the provision of traffic calming on Keptie Street, Arbroath; and
- (ii) to approve the installation of signage to indicate frail or disabled pedestrians likely to be crossing the road ahead.

#### **35. ROADS INFRASTRUCTURE CONDITION**

With reference to Article 13 of the minute of meeting of the Roads Committee of 14 June 2001, there was submitted [Report No 810/08](#) by the Director of Infrastructure Services summarising the current state of the public road infrastructure in the Council area and evaluating the backlog of that infrastructure maintenance.

The Report indicated that, despite continued investment by the Council, the backlog of roads maintenance in Angus continued to grow and was now estimated at £82m. Whilst the Council was one of the top performing Councils with regard to the condition of the carriageways from the Scottish Roads Maintenance Condition Survey, and there was ongoing work nationally to develop asset management, the funding requirements of the network remained in excess of the budget allocation.

The Committee agreed:-

- (i) to note the assessed backlog of roads infrastructure maintenance since the previous Committee reports on this matter in 2001;
- (ii) to note the ongoing challenges to maintain the road network to acceptable conditions within available funding;
- (iii) to note the ongoing work to take forward Audit Scotland's recommendations in "Maintaining Scotland's Roads"; and
- (iv) to note the level of resources required if further deterioration of the network was to be avoided.

### **36. WINTER SERVICE POLICY AND PROVISION FOR 2008/09**

With reference to Article 24 of the minute of meeting of this Committee of 3 June 2008, there was submitted [Report No 811/08](#) by the Director of Infrastructure Services setting out the Council's proposed Winter Service Policy. The Report also detailed the proposed service provision for preventative salting and snow clearing during the winter period 2008/2009, in conjunction with the operational issues detailed in the supplement which had been placed in the Members' Lounge.

The Report indicated that the Council had a statutory duty to take such steps as they considered reasonable to keep public roads safe during adverse winter weather and, notwithstanding the difficulty in predicting the severity of winter, it was necessary to have a clear policy and an agreed level of service to allow the planning and preparation necessary for the delivery of a Winter Service to proceed. The proposed Winter Service arrangements for 2008/2009 would continue to provide value for money and a targeted level of service. However, there were emerging unforeseen budgetary pressures particularly from the cost of salt and the advice received regarding red diesel used by tractors involved in salting operations.

The Committee agreed:-

- (i) to adopt the policy for the Winter Service during the forthcoming winter as detailed in Appendix 1 to the Report;
- (ii) to approve the proposed arrangements for the coming winter 2008/2009 which were the same as the arrangements for 2007/2008, together with the changes as detailed in Appendices 2 and 3 to the Report;
- (iii) to approve the award of the ice station maintenance and data processing contract to Vaisala for the next four years and to exempt this from tendering requirements under the terms of Financial Regulations 16.3.2 (b);
- (iv) to note the trial of the effectiveness and efficiency of rock salt through the forthcoming winter;
- (v) to note that the use of "red" diesel for agricultural tractors for gritting had been clarified and the Head of Roads was examining ways of accommodating the issues which this raised as detailed in the Report; and
- (vi) to note that winter service operations could not easily be managed within the normal constraints of a cash limited budget due to the unpredictable and variable effects of weather noting that the winter maintenance budget had been increased for the coming winter in comparison to previous years, and accordingly winter service expenditure would be closely monitored and any over or under-spend projected outturn would be reported to this Committee as necessary along with any recommended corrective budget adjustment options.

**37. UTILISATION OF ROADS AND TRANSPORT RENEWAL AND REPAIRS FUND FOR 2008/2009**

With reference to Article 15 of the minute of meeting of this Committee of 3 June 2008, there was submitted [Report No 812/08](#) by the Director of Infrastructure Services seeking to update the Committee on the expenditure of part of the Roads and Transport Renewal and Repairs Fund in the current financial year to date.

The Committee agreed to note the expenditure to date and likely slippage of the carriageway and footway surfacing works, originally detailed in Report No 569/08 Utilisation of Roads and Transport Renewal and Repairs Fund for 2008/2009, to the value of £1,118,000.

**38. ARBROATH HARBOUR STRUCTURAL REPAIRS 2008/2009**

With reference to Article 16 of the minute of meeting of this Committee of 22 April 2008, there was submitted [Report No 813/08](#) by the Director of Infrastructure Services recommending that structural works be progressed at Arbroath Harbour and that they be funded from in year adjustments in the Infrastructure Services Capital Plan.

The Report indicated that various structural repairs in and around Arbroath Harbour were recommended to utilise the potential slippage in the Roads supplementary capital allocation 2008/2009 arising from the inability to acquire a plot of land required for the B9128 Hillend junction works.

The Committee agreed:-

- (i) that repairs to the West Breakwater and other masonry repair works be carried out around the harbour using contractors from the standing list;
- (ii) that specialist contractors in the use of Cathodic Protection be identified and invited to submit quotations for solutions for an initial phase of works to protect against the Accelerated Low Water Corrosion in the sheet piles around the harbour, with the initial phase to act as a trial of the Cathodic Protection system which would be monitored over a one year period;
- (iii) that the submissions be on a design and build basis and a minimum of three quotations be sought if possible;
- (iv) that this arrangement for engaging specialist contractors be exempt from Financial Regulation clause 16.3.1 for the reasons given in the Report, in that the works were of a specialist nature; and
- (v) that the University of Dundee be engaged as an independent authority in the use of Cathodic Protection to evaluate and assess the design submissions being put forward by the contractors and that the appointment of the University of Dundee also be exempt from Financial Regulation clause 16.3.1.

**39. KEPTIE ROAD, ARBROATH – CARRIAGEWAY FOOTWAY AND STREET LIGHTING WORKS – ACCEPTANCE OF TENDER**

There was submitted [Report No 814/08](#) by the Director of Infrastructure Services detailing tenders received for Keptie Road, Arbroath carriageway, footway and street lighting works and recommending acceptance of the lowest tender submitted.

The Report indicated that the basic elements of the project were kerbing and overlay of the existing carriageway, resurfacing of the existing footways and improvement of the existing street lighting.

The Committee agreed to approve acceptance of the lowest tender submitted for the carriageway, footway and street lighting works at Keptie Road, Arbroath, that of T & N Gilmartin, in the amount of £219,027.08.

**40. TEMPORARY TRAFFIC ORDERS**

There was submitted and noted [Report No 815/08](#) by the Director of Corporate Services advising that, at the request of the Head of Roads, eight temporary Traffic Orders had been made, as detailed in the Report.

**41. EXCLUSION OF PUBLIC AND PRESS**

The Committee resolved, in terms of Standing Order 27(2), that the public and press be excluded from meeting during consideration of the following items, 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, paragraphs 6, 8 and 9.

**42. SALE OF LAND, FORTIES ROAD INDUSTRIAL ESTATE, MONTROSE**

There was submitted [Report No 816/08](#) by the Director of Infrastructure Services seeking Committee approval to sell plot 5/6 Forties Road Industrial Estate, Montrose.

The Committee agreed to authorise the Head of Economic Development, in conjunction with the Head of Law and Administration and the Head of Property, to sell plot 5/6 Forties Road Industrial Estate, Montrose subject to receipt of Ministerial consent, as detailed in the Report.

**43. PROPOSED SPONSORSHIP OF THE INTERNATIONAL PAIRS WORLD FINAL 2009**

There was submitted [Report No 817/08](#) by the Director of Infrastructure Services which detailed a proposition to guarantee a major golf event.

The Report indicated that, as well as being a very significant event, the Competition would bring with it direct tourism and benefits as well as a powerful marketing framework to promote the Carnoustie Country brand and local golf tourism products to a global audience.

The Committee agreed to approve the recommendations as detailed in the Report.

**44. THE ELMS, ARBROATH**

With reference to Article 49 of the minute of meeting of this Committee of 28 August 2007, there was submitted [Report No 818/08](#) by the Director of Infrastructure Services outlining the continued deterioration of the Category A Listed Building known as The Elms, Cairnie Road, Arbroath and proposing further action to try to secure its repair.

The Committee agreed:-

- (i) to note that the company which had expressed interest in acquiring The Elms, following consideration of Report No 792/07, was in liquidation;
- (ii) to authorise the Head of Planning and Transport and the Head of Law and Administration to advertise for potential restoring purchasers who might be interested in acquiring The Elms, Cairnie Road, Arbroath from Angus Council via compulsory purchase;
- (iii) to remit to the Head of Planning and Transport and the Head of Law and Administration to select a restoring purchaser and to report back to this Committee to seek authorisation to initiate compulsory purchase proceedings should ongoing negotiations with the owners who had a financial interest in The Elms fail to secure the building; and
- (iv) to instruct the Director of Infrastructure Services and the Head of Planning and Transport to bring back to this Committee a comprehensive Report detailing the enforcement actions available to the Council in the event that the proposals detailed in the Report were not successful.

#### 45. **A935 MONTROSE – BRECHIN ROUTE ACTION PLAN UPDATE**

With reference to Article 10 of the minute of meeting of this Committee of 28 August 2007, there was submitted [Report No 819/08](#) by the Director of Infrastructure Services outlining the findings of the study carried out, as recommended in the A935 Montrose – Brechin Route Action Plan 2006/2007 Work Report, and future works programmes on five possible bend improvements at Mill of Dun, Balwyllo, West Broomley, Kincaig and Arrat's Mill Rail Bridge, and recommending that the Committee approve prioritisation of three of the locations for inclusion in the next phase of improvements along the route.

The Committee agreed:-

- (i) to note the current status of the project in terms of initial designs for the sections assessed as being the top three priorities and to note that design for the remaining two sections would be the subject of a future Report to this Committee;
- (ii) to approve the further development of the preferred options for each of the three priority sections as detailed in the Report;
- (iii) to instruct the Head of Roads to prepare a final detailed design for each of the three sections based on the findings detailed in order to report back to Committee at a later date with fuller details and costs, prior to procuring the work;
- (iv) to procure the necessary site investigation to be carried out in line with the Council's Financial Regulations as a joint contract with the site investigation required for the A92 Route Action Plan works;
- (v) to instruct the Head of Roads to proceed with negotiations and consultations required to progress the projects on the basis described in the Report; and
- (vi) to approve that the revised financial provision for the projects set out in the Report be included in the next revision of the Council's Financial Plan provision due to be reported to the Corporate Services Committee on 4 September 2008.

#### 46. **A92 ARBROATH TO LOWER NORTH WATER BRIDGE, ROUTE ACTION PLAN**

With reference to Article 12 of the minute of meeting of this Committee of 28 August 2007, there was submitted [Report No 820/08](#) by the Director of Infrastructure Services detailing the findings of the study carried out as recommended in the A92 Arbroath to Lower North Water Bridge Route Action Plan 2006/2007 Work Report, and future works programme on possible bend improvements at Courthill, Hawkhill and Kinnaber Bends.

The Committee agreed to authorise the Head of Roads:-

- (i) to open discussions with landowners adjacent to Hawkhill and Courthill bends in order that the necessary land consultation and negotiations could be progressed on the basis of options 2 and 3 being taken forward in parallel;
- (ii) to procure the necessary site investigation to be carried out in line with the Council's Financial Regulations as a joint contract with the investigation required for the A935 Montrose to Brechin Route Action Plan Works; and
- (iii) to prepare a final detailed design based on the findings as detailed in the Report in order that a further Report be brought back to a future meeting of this Committee.